



AMERICAN COLLEGE OF PROTHODONTISTS



Advancing prosthodontics through education and research

## ANTI-HARASSMENT POLICY & PROCEDURES

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Approved by: ACP Executive Committee, ACP Board of Directors

Effective Date: February 22, 2019

Policy (New or Revised): **New**

Revised Date:

### I. Purpose

The American College of Prosthodontists (ACP) and American College of Prosthodontists Education Foundation (ACPEF) are dedicated to providing safe, harassment-free, and inclusive employment and membership experiences for all individuals. The ACP/ACPEF has a zero tolerance of harassment in any form. Any violations will be taken seriously.

### II. Scope of Policy

This policy applies to and prohibits all forms of illegal harassment, not only sexual harassment. Accordingly, the ACP/ACPEF absolutely prohibits verbal and nonverbal harassment based on sex, age, disability, perceived disability, marital status, personal appearance, sexual orientation, gender, race, color, religion, ethnicity, national origin, veteran status or any other legally protected characteristic.

The ACP/ACPEF is dedicated to providing safe, harassment-free, and inclusive working, volunteer and meeting experiences for all participants. Participants in ACP/ACPEF meetings include members, registrants, guests, staff, speakers, sponsors, exhibitors, and Board members. The ACP/ACPEF does not tolerate harassment of meeting participants in any form.

### III. Definitions

- A. Verbal harassment includes but is not limited to comments that are offensive or unwelcome regarding a person’s national origin, race, color, religion, gender, sexual orientation, age, body, disability or appearance, including epithets, slurs and negative stereotyping.
- B. Nonverbal harassment includes but is not limited to distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation,

pregnancy, appearance, disability, sexual identity, marital status or other protected status.

C. Because confusion often arises concerning the meaning of sexual harassment in particular, it deserves special mention. Sexual harassment may take many forms, including the following:

- Verbal sexual harassment includes but is not limited to innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks and threats; requests for any type of sexual favor (this includes repeated, unwelcome requests for dates); and verbal abuse or “kidding” that is oriented toward a prohibitive form of harassment, including that which is sexual in nature and unwelcome.
- Nonverbal sexual harassment includes but is not limited to the distribution, display or discussion of any written or graphic material, including calendars, posters and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters, notes, facsimiles, e-mails, photos, text messages, tweets and Internet postings; or other forms of communication that are sexual in nature and offensive.
- Physical sexual harassment includes but is not limited to unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling, and forced sexual intercourse or assault.

D. Employees, volunteers, registrants, guests, speakers, sponsors, exhibitors and members are particularly cautioned that the use of e-mail, voice mail, or other electronic messaging systems, or the Internet, may give rise to liability for harassment.

Employees, volunteers, registrants, guests, speakers, sponsors, exhibitors and members may not generate, should not receive, and must not forward, any message or graphic that might be taken as offensive based on sex, gender, or other protected characteristic. This includes, for example, the generation or forwarding of offensive “humor” which contains offensive terms.

Employees receiving offensive messages over the ACP/ACPEF’s computer equipment, or receiving other unlawfully offensive messages or graphics over the ACP/ACPEF’s computer equipment, should report those messages to the Executive Director or ACP/ACPEF President. Employees are reminded that the College’s computers and the data generated on, stored in, or transmitted to or from the College’s computers remain the property of the ACP/ACPEF for all purposes. The ACP/ACPEF retains the right to monitor its computers, computer systems, and networks to ensure compliance with this requirement.

#### **IV. Reporting Procedures**

- A. **Procedures in Cases of Harassment:** Any ACP/ACPEF member, employee, volunteer, registrant, guest, speaker, sponsor, and exhibitor who believe that they have been subjected to unlawful harassment of any kind has the responsibility to report the harassment immediately to the Executive Director or President. If the individual is uncomfortable reporting the harassment to the Executive Director or President or, if the employee prefers, they may report to the Finance & Administration Director.

The ACP/ACPEF is committed to taking all reasonable steps to prevent harassment, and will make every reasonable effort promptly and completely to address and correct any harassment that may occur. However, the College cannot take prompt and effective remedial action unless each individual assumes the responsibility of reporting any incident of harassment immediately to the appropriate person.

Every report of harassment will be investigated promptly and impartially, with every effort to maintain confidentiality. The complainant and the accused will be informed of the results of the investigation. If the College finds that its policy has been violated, it will take appropriate corrective and remedial action, up to and including discharge of offending employees, removal of the individual from an event or meeting, suspension of membership, expulsion from the ACP/ACPEF, barring any individual from attending future ACP/ACPEF meetings and/or similarly appropriate action towards offending vendors, registrants, guests, staff, speakers, sponsors, or exhibitors.

1. Complaints should be submitted as soon as possible after an incident has occurred, preferably in writing. The Executive Director or Finance & Administration Director may assist the complainant in completing a written statement or, in the event an employee refuses to provide information in writing, the Finance & Administration Director will dictate the verbal complaint.
2. Upon receiving a complaint or being advised that violation of this policy may be occurring, the Executive Director, President and President-Elect will notify the Executive Committee; or the HR Director will notify the Executive Director and review the complaint with the College's legal counsel.
3. The Finance & Administration Director will initiate an investigation to determine whether there is a reasonable basis for believing that the alleged violation of this policy occurred.
4. If necessary, the complainant and the respondent will be separated during the course of the investigation.
5. During the investigation, the Executive Director, the Finance & Administration Director, together with legal counsel or other management employees, will interview the complainant, the respondent and any witnesses to determine whether the alleged conduct occurred.

6. Upon conclusion of an investigation, the Finance & Administration Director and/or other persons conducting the investigation will submit a written report of their findings to the Executive Committee. If it is determined that a violation of this policy has occurred, the Executive Director or Executive Committee will recommend appropriate disciplinary action. The appropriate action will depend on the following factors:

- a. the severity, frequency and pervasiveness of the conduct;
- b. prior complaints made by the complainant;
- c. prior complaints made against the respondent; and
- d. the quality of the evidence (e.g., firsthand knowledge, credible corroboration).

If the investigation is inconclusive or if it is determined that there has been no violation of policy, but potentially problematic conduct may have occurred, the Finance & Administration Director may recommend appropriate preventive action.

7. Once a final decision is made by senior management or the Executive Committee, the Finance & Administration Director will meet with the complainant and the respondent separately and notify them of the findings of the investigation. If disciplinary action is to be taken, the respondent will be informed of the nature of the discipline and how it will be executed.

- B. **Retaliation.** No hardship, loss, benefit or penalty may be imposed on an employee in response to:
- Filing or responding to a bona fide complaint of discrimination or harassment.
  - Appearing as a witness in the investigation of a complaint.
  - Serving as an investigator of a complaint.

Lodging a complaint will in no way be used against an ACP/ACPEF member, volunteer, registrant, guest, speaker, sponsor, exhibitor or employee or have an adverse impact on the individual's membership, contract or employment status. However, filing groundless or malicious complaints is an abuse of this policy and will be treated as a violation.

Any person who is found to have violated this aspect of the policy will be subject to discipline up to and including revocation of membership, termination of contract or termination of employment.

- C. **Confidentiality.** All complaints and investigations are treated confidentially to the extent possible, and information is disclosed strictly on a need-to-know basis. The identity of the complainant is usually revealed to the parties involved during the investigation, and the Executive Director and Finance & Administration Director will take adequate steps to ensure that the complainant is protected from retaliation during and after the investigation. All information pertaining to a complaint or investigation under this policy will be maintained in secure files within the HR department.

D. **Alternative Legal Remedies.** Nothing in this policy may prevent the complainant or the respondent from pursuing formal legal remedies or resolution through local, state or federal agencies or the courts.

**V. References**

- [Venable LLP Sample Association Harassment Policy](#)
- [Society for Human Resource Management, Anti-harassment Policy and Complaint Procedure \(includes Dating/Consensual Relation Policy Provision\)](#)
- [ASAE Resource \*How Associations can Help End Sexual Harassment\*](#)

**VI. Related Policies**

- ACP/ACPEF Meetings Code of Conduct Policy, approved by the ACP/ACPEF Executive Committee, December 8, 2015.
- ACP/ACPEF and ACP/ACPEFEF Unlawful Harassment Policy, adopted by the ACP/ACPEF and ACP/ACPEFEF Board of Directors, December 2007

**VII. Review/Revision Dates**

**VIII. Approval Groups**

ACP Executive Committee and ACP & ACPEF Board of Directors