**AAHHE Policy Against Discrimination and Harassment**

**1. STATEMENT OF POLICY**

The AAHHE Board of Directors is steadfastly committed to safeguarding the right of all individuals involved in all its activities and/or events, to enjoy an environment and culture that values the principles of diversity, inclusion, integrity, civility, and respect. Discrimination and harassment in any form based on age, disability, gender, transgender, non-binary, race, color, ancestry, ethnicity, sexual orientation, marital status, citizenship, national origin, results of genetic testing, service in the military, or any other characteristic protected by law is prohibited and will not be tolerated. Retaliation against any individual who reports discrimination or harassment is also prohibited.

1.1. Definition of Discrimination

“Discrimination” is unfair or less favorable treatment of an individual on the basis of one of the protected groups mentioned above.

1.2. Definition of Harassment

“Harassment” is conduct that has the purpose or effect of creating an intimidating, hostile, or offensive work environment; has the purpose or effect of substantially and unreasonably interfering with an individual’s work performance; or otherwise adversely affects an individual’s employment opportunities because of the individual’s membership in a protected class.

Harassment includes, but is not limited to, epithets; slurs; jokes; pranks; innuendo; comments; written or graphic material; stereotyping; or other threatening, hostile, or intimidating acts based on race, color, ancestry, national origin, gender, sex, sexual orientation, marital status, religion, age, disability, veteran status, or other characteristic protected by state or federal law.

1.3. Definition of Sexual Harassment

While all forms of harassment are prohibited, special attention should be paid to sexual harassment. “Sexual harassment” is generally defined under both state and federal law as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where:

* Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of any individual’s employment or as a basis for employment decisions; *or*
* Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive work environment.

Other sexually oriented conduct, whether intended or not, that is unwelcome and has the effect of creating an environment that is hostile, offensive, intimidating, or humiliating to anyone associated with AAHHE may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct that, if unwelcome, may constitute sexual harassment depending on the totality of the circumstances, including the severity of the conduct and its pervasiveness:

1. Unwanted sexual advances, whether they involve physical touching or not;
2. Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one’s sex life, comments about an individual’s body, comments about an individual’s sexual activity, deficiencies, or prowess;
3. Displaying sexually suggestive objects, pictures, or cartoons;
4. Unwelcome leering, whistling, brushing up against the body, sexual gestures, or suggestive or insulting comments;
5. Inquiries into one’s sexual experiences; *and*
6. Discussion of one’s sexual activities.

1.4. Definition of Retaliation

Retaliation means adverse conduct taken because an individual reported an actual or perceived violation of this policy, opposed practices prohibited by this policy, or participated in the reporting and investigation process described below. “Adverse conduct” includes but is not limited to:

1. shunning and avoiding an individual who reports harassment, discrimination or retaliation;
2. express or implied threats or intimidation intended to prevent an individual from reporting
harassment, discrimination, or retaliation; or
3. denying employment benefits because an applicant or employee reported harassment,
discrimination or retaliation or participated in the reporting and investigation process.

Any individual who believes that they have been subjected to discrimination, any unwelcome overtures or aggressive behavior including bullying, threats, intimidation, or coercion, or is witness to same, should report the alleged misconduct immediately so that the appropriate corrective action may be taken. Complaints of discrimination and/or retaliation should be filed according to the procedures described below.

**2. REPORTING AND RESOLUTION**

Any violation of this policy should either be addressed directly with the transgressor, if comfortable doing so, or reported to the Chair of the Board of Directors, or the Immediate Past Chair, as appropriate. Any incident may be reported informally or formally on [the AAHHE Policy Against Discrimination and Harassment Form.](https://aahhe.org/_resources/Word/Complaint%20Form.docx)

All reports of alleged harassment or discrimination are held in confidence to the extent possible. AAHHE will not retaliate, or tolerate retaliation against anyone who makes a good faith report of discrimination, harassment, or bullying.

2.1. Procedure for Anonymous Complaints

2.1.1 Any individual may submit an anonymous complaint to the Board Chair or another member of the board.

2.1.2 Board Chair or Immediate Past Chair will promptly and thoroughly investigate to determine if discrimination or harassment has occurred.

2.1.3 The investigations will be conducted in confidentiality to the extent possible.

2.1.4 Failure to cooperate or deliberately providing false information in an investigation may result in disciplinary action, including removal from the organization.

2.2. Procedure for Informal Complaints

2.2.1. The complainant initiates an informal meeting with the Board Chair, or Immediate Past Chair, to discuss the complaint.

2.2.2. If the complainant agrees that the Board Chair may speak with the transgressor, then the stipulations under 2.3 “Procedures for Formal Written Complaints” will be enacted.

2.2.3. If the complainant does not wish that the Board investigate the matter, the report will be filed and maintained in accordance with the recordkeeping policy.

2.2.4. Although the complainant may not wish that the Board investigate, the Board may do so per its ethical duty.

2.2.5 Per its ethical duty, the Board Chair, or Immediate Past Chair, will promptly discuss the harassment complaint with the person who is alleged to have committed the transgression.

2.2.6 Should the transgressor admit to the allegations, the agreed upon consequences (see Sections 4 and 5) will be documented and signed by all parties involved.

2.2.7 Failure to cooperate or deliberately providing false information in an investigation may result in disciplinary action, including removal from the organization.

2.2.8 The final report will be filed in the AAHHE confidential files (see Section 6).

2.2.9 If during the investigation of the informal complaint, the transgressor admits to the allegations but refuses to accept any of the consequences deemed appropriate, the Board Chair, or Immediate Past Chair, will file a written report with the AAHHE Board of Directors. The report to the Board of Directors must indicate the nature of the complaint, a detailed description of what occurred when the Board Chair, or Immediate Past Chair informed the transgressor of the allegations, and recommendation for immediate removal from the organization.

2.2.10 Should the transgressor deny the allegations, the Board Chair, or Immediate Past Chair, must inform the complainant of the denial and state that a written complaint will be required for further formal action and investigation. The Board Chair or Immediate Past Chair is then required to file a written report with the AAHHE Board of Directors regarding the details transpired to-date. If the complainant submits a formal complaint, a copy of the complaint should accompany the Board Chair’s or Immediate Past Chair’s report with a recommendation for further action.

2.3. Procedure for Formal Written Complaints

2.3.1 Individual submits a completed complaint form documenting the transgression, including the nature of the transgression, the location, date, time, and any witnesses, if possible.

2.3.2 The Board Chair, or Immediate Past Chair, will promptly discuss the harassment complaint with the person who is alleged to have committed the transgression.

2.3.3 If during the investigation of the formal complaint, the transgressor admits the allegations but refuses to accept any of the consequences deemed appropriate, the Board Chair, or Immediate Past Chair, will file a written report with the AAHHE Board of Directors. The report to the Board of Directors must indicate the nature of the complaint, a detailed description of what occurred when the Board Chair, or Immediate Past Chair, informed the transgressor of the allegations, with a recommendation that stronger remedial measures be taken.

2.3.4 Should the transgressor deny the allegations, the Board Chair, or Immediate Past Chair, must inform the complainant of the denial. The Board Chair, or Immediate Past Chair, is then required to file a written report with the AAHHE Board of Directors on what has transpired to-date and request a special called meeting to address the complaint and determine the consequences.

 **3. INVESTIGATION OF A COMPLAINT**

Upon the receipt of an informal or formal complaint, a prompt, thorough and impartial investigation of the allegations must follow and where appropriate, involve the AAHHE Board of Directors. The investigation must be conducted diligently, and the Board Chair, or where appropriate a designee, must make a full report to the AAHHE Board of Directors, in executive session, regarding the investigation. The Complainant must be notified of the outcome of the investigation.

 **4. REMEDIAL/DISCIPLINARY ACTION TAKEN**

If the investigation performed by the Board Chair reveals, to the satisfaction of the AAHHE Board of Directors, that the alleged transgression(s) has occurred, the appropriate disciplinary measures shall be taken against the transgressor. Based upon the severity of the misconduct, the penalties may range from a reprimand to a dismissal from AAHHE, its Board of Directors, or any future participation in AAHHE events. Anyone who retaliates against a complainant/member or witnesses shall also be subjected to disciplinary action.

If the investigation reveals, to the satisfaction of the AAHHE Board of Directors, that no transgression has occurred, or if the complainant is not satisfied with the remedial action taken after a finding that the transgression has occurred, the complainant may appeal to the AAHHE Board of Directors. The appeal must include a copy of the original complaint, all relevant reports, the specific action being appealed and an explanation of why the complainant is appealing. The complainant should utilize [the AAHHE Policy Against Discrimination and Harassment Appeal Form](https://aahhe.org/_resources/Word/Appeal%20Complaint%20Form.docx).

 **5. SUBSEQUENT REMEDIAL MEASURES**

After a finding that the transgression has occurred, communication may occur with a complainant by the Board Chair, or where appropriate a designee, to ensure that the offensive activity has ceased and that no retaliatory action has been taken against them. A report will be made to the Board of Directors.

 **6. RECORDS OF COMPLAINT**

6.1 Complainants will receive a copy of any reports regarding the resolution of allegations made by them.

6.2 The Board Chair will retain copies of all records in accordance with AAHHE’s recordkeeping policy.

6.3 Original copies of all records are confidential and will be addressed to the Board Chair and filed in AAHHE’s national headquarters located at 2598 East Sunrise Boulevard, Suite 2104, Fort Lauderdale, FL 33304.

**Receipt of Harassment Policy**

I have read and I understand AAHHE’S Discrimination and Harassment Policy.

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Member’s Name in Print

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Signature of Member

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Date Signed by Member

**TO BE KEPT IN ACCORDANCE WITH AAHHE THE RECORDKEEPING POLICY.**

**Send this form to Debra Nolan,** **dnolan@amcsource.com**

**(August 25, 2020)**