

AUTM Policy: Anti-Harassment

Initially approved by the AUTM Board of Directors on July 27, 2016, Revised Policy approved by the AUTM Board of Directors on December 6, 2023



*This AUTM Policy was amended by the AUTM Board of Directors on the following date(s):
May 2017*

Prohibited Discrimination and Harassment

AUTM prohibits discrimination or harassment on the basis of race, color, religion, sex (including sexual harassment), sexual orientation, gender identity or expression, pregnancy, national origin, ancestry, age, citizenship status, physical or mental disability, marital status, veteran status, military status, arrest record, or other protected category under local, state, or federal law, such as opposing discrimination or participating in any complaint process at the EEOC or other human rights agencies. AUTM will not tolerate discrimination of any sort, and as described below, will take prompt disciplinary action against those responsible for the discrimination.

1. Harassment

AUTM will not tolerate harassment or derision of any sort directed by or at Members, employees, staff, or at others who may work in or visit our offices or attend off-premises functions, including independent contractors, consultants or clients based upon any of the protected classifications set forth above. This includes but is not limited to:

- Spreading malicious gossip and/or rumors
- Using obscene or abusive language or engaging in disorderly, antagonistic conduct
- Threatening, intimidating, or coercing others in the workplace

AUTM is committed to providing a professional environment free of harassment and expects all Members, employees, staff, consultants and contractors to conduct themselves in accordance with this Policy and to report offensive behavior before it rises to the level of harassment.

Sexual harassment constitutes discrimination and is illegal under federal, state, and local laws. For purposes of this Policy, sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature when, for example:

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

Sexual harassment may encompass a range of subtle and not so subtle behaviors, including, for example,

- Physical and verbal sexual advances or repeated demands for dates
- Sexually derogatory or demeaning remarks or names
- Off-color jokes, vulgar comments, offensive language, and teasing about sexual preferences.
- Unwelcome touching, such as hugging, kissing, pinching or patting.
- Displaying, storing or transmitting pornographic or sexually oriented materials using AUTM's equipment or facilities.
- Additionally, a hostile environment can be created by the use of inflammatory and patently offensive epithets and slurs which may corrode the entire employment relationship. It is important to remember

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that people have differing perceptions of what is offensive and to be sensitive to these differences in our dealings with colleagues and clients. AUTM is prepared to take necessary and appropriate action to prevent or eliminate harassment on the job.

- An offending employee, staff member, consultant, or contractor may be subject to counseling or discipline, up to and including termination.

2. Third Party Sexual Harassment

Third-party sexual harassment is the harassment of an AUTM employee by a third party. Such third-party may include, but is not limited to, members of the association, Board members, vendors or suppliers. Any employee who becomes aware of an incident of third-party sexual harassment, whether by witnessing the incident or being told of it, must report it to the Administrative Director or the Chief Executive Officer (CEO). AUTM's senior management will investigate any complaint of third-party sexual harassment and take appropriate action.

3. Informal Complaint Procedure

AUTM encourages, but does not require, individuals who believe they are being harassed to promptly notify the offender that their behavior is unwelcome. If for any reason an individual does not wish to confront the offender directly, or if such a confrontation does not successfully end the harassment, the individual should notify the Administrative Director or the CEO, who may, if the individual so requests, speak to the alleged harasser on the individual's behalf. An individual reporting sexual or other harassment should be aware, however, that AUTM might decide it is necessary to take action to address the harassment beyond an informal discussion. This decision will be discussed with that individual. The best course of action in any case will depend on many factors and, therefore, the informal procedure will remain flexible. Moreover, the informal procedure is not a required first step for the reporting individual.

4. Formal Complaint Procedure

- *Notification of Appropriate Staff:* As noted above, individuals who believe that they have been the victims of sexual or some other form of harassment or believe that they have witnessed such harassment should discuss their concerns with the Administrative Director or the CEO with whom they feel comfortable. If employees or staff receive information regarding sexual harassment in their capacity as a manager, they are obligated to report it immediately upon becoming aware of it.
- *Timeliness in Reporting Harassment:* AUTM encourages the prompt reporting of any potential violations of this policy, so that it can take appropriate steps to maintain a workplace free of harassment, and to ensure that its procedures are effective in promoting this goal. While no fixed reporting period has been established, early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of sexual and other forms of harassment.
- *Investigatory Process:* Any reported allegations of sexual or other harassment will be investigated promptly and impartially. The investigation may include individual interviews with the parties involved, and where necessary, with individuals who may have observed the alleged conduct or may have relevant knowledge.
- *Confidentiality:* AUTM will make every effort to handle complaints and investigations with sensitivity to the rights of the person who complains and to the rights of the accused and will endeavor to maintain confidentiality throughout the investigatory process, to the extent practicable and appropriate under the circumstances. However, in order to conduct an effective investigation, AUTM may need to discuss the

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- allegations with the alleged harasser or other potential witnesses. Records related to harassment and discrimination complaints and investigations will be maintained in separate, confidential files, and all individuals receiving information about the allegations will be warned of the consequences of retaliation.
- *Protection Against Retaliation:* Retaliation against an individual for reporting sexual or other harassment or assisting in providing information relevant to a claim of sexual or other harassment is a serious violation of this policy and will be treated with the same strict discipline as would the harassment itself. Acts of retaliation should be reported immediately and will be promptly investigated. AUTM is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.
 - *Responsive Action:* AUTM will take prompt remedial or disciplinary action against any employee, staff member, consultant, or contractor who engages in harassing or discriminatory behavior or retaliation. Responsive action may include, for example, mandatory training or referral to counseling, and disciplinary action such as warnings, reprimands, withholding of a promotion or pay increase, reassignment of the offender, temporary suspension without pay, termination of employment, or other measures AUTM believes will be effective in ending the misconduct and correcting the effects of the harassment.
 - *False and Malicious Accusations:* False and malicious accusations of sexual or other harassment, as opposed to complaints which, even if erroneous, are made in good faith, may be the subject of appropriate disciplinary action, up to and including termination.

AUTM expects that all Members, employees, staff members, consultants, and contractors will bear this policy in mind in their daily contact with their colleagues and clients and will treat each other with dignity and respect.