At the 2017 Annual Meeting, the American Medical Association (AMA) House of Delegates
adopted Policy H-140.837, “Anti-Harassment Policy” (see Appendix for full text). The policy was
proffered by Board of Trustees Report 23-A-17, which provided that:

Upon adoption of the Anti-Harassment Policy, the Board will establish a formal process by
which any delegate, AMA Entity member or AMA staff member who feels he/she has
experienced or witnessed conduct in violation of this policy may report such incident.
Additionally, the Board will consider and prepare for future consideration by the HOD,
potential corrective action and/or discipline for conduct in violation of this policy, which may
include, but shall not be limited to, referral of the matter to the applicable delegation, expulsion
from AMA meetings, or expulsion from the HOD.

Board of Trustees Report 23-A-17 also noted that AMA Human Resources policies establish zero
tolerance regarding harassment with respect to AMA personnel, agents, and nonemployees,
including AMA members. This report of the Board of Trustees recommends procedures to fully
implement the anti-harassment policy with respect to conduct during meetings of the House of
Delegates, councils, sections, and all other AMA entities, such as the RVS Update Committee
(RUC) and CPT Editorial Panel.

DISCUSSION

Professional associations’ anti-harassment policies are designed to support the open exchange of
ideas central to their mission and to ensure that those who participate in association activities
“enjoy an environment free from all forms of discrimination, harassment, and retaliation” [1].
Surprisingly few professional associations have published anti-harassment policies. These
associations have established mechanisms to address allegations of harassment that designate the
association officer(s) or other association authority to whom incidents should be reported, provide
for confidential investigation of alleged inappropriate conduct, and define sanctions that may be
imposed if conduct is found to violate association policy [1-5].

The Board notes that the AMA’s existing mandatory recurring anti-harassment training includes
not only staff, but also members of the Board and all AMA councils and section governing
councils. It is the Board’s hope that this training will educate AMA leaders on what is and is not
acceptable behavior, to help ensure the absence of harassing behavior in connection with meetings
of AMA entities. However, given our zero tolerance policy for such behavior, we believe that a
formal process for reporting, investigation and resolution should be established.
AMA Human Resources Policy 015 provides that a complaint of harassment by an AMA staff member be reported immediately to the Senior Vice President of Human Resources or the Executive Vice President for investigation and appropriate action. AMA Human Resources Policy 205 designates an external vendor to confidentially receive concerns regarding failure to comply with law, regulation or policy. The vendor will notify AMA of any concern received so that AMA may investigate. HR Policy 205 does not by its terms extend to the House of Delegates, councils, sections, or all other AMA entities, such as the RUC and CPT Editorial Panel.

The Board believes it is preferable to address allegations of harassment at the time they occur, whenever possible. In some cases, individuals who are the recipients of or who witness what they perceive to be harassing conduct may elect to address the conduct with the accused as a first step, giving the individual an opportunity to apologize and to correct behavior. When the recipient or witness is uncomfortable addressing harassing behavior directly, or is dissatisfied with the accused’s response to a direct address, the Board recommends that harassing conduct be reported in keeping with the policy set out below.

The Board further believes it is the responsibility of those who chair activities associated with the AMA to assist in enforcing Policy H-140.837, “Anti-Harassment.” For meetings of the AMA House of Delegates, the Board deems the Speaker and Vice Speaker of the House to be appropriate authorities to receive complaints of harassment involving AMA House of Delegates. For other activities associated with the AMA, such as meetings of AMA councils, sections, the RVS Update Committee (RUC), or CPT Editorial Panel, the Board deems the presiding officer(s) of such activities to be appropriate authorities to receive complaints. Alternatively, complaints may be lodged with the Chair of the Board or the AMA Office of General Counsel. Absent an emergent situation, the recipient of the complaint must maintain the report in confidence, aside from the further reporting called for by policy. Additionally, and consistent with AMA Human Resources Policy 205, the Board believes that individuals who are not comfortable with in-person reporting to the above-designated authorities should have the option of reporting to an outside vendor.

RECOMMENDATION

Consistent with approaches taken in the professional community and in keeping with existing AMA policy regarding harassment, the Board of Trustees recommends that Policy H-140.837, “Anti-Harassment Policy,” be amended by deleting Section 2 thereof, in its entirety, that the following be adopted, and that the remainder of this report be filed:

1. Reporting a complaint of harassment

Any persons who believe they have experienced or witnessed conduct in the AMA House of Delegates in violation of Anti-Harassment Policy H-140.837 should promptly notify the Speaker or Vice Speaker of the House or the AMA Office of General Counsel.

Any persons who believe they have experienced or witnessed conduct in other activities associated with the AMA (such as meetings of AMA councils, sections, the RVS Update Committee (RUC), or CPT Editorial Panel) in violation of Anti-Harassment Policy H-140.837 should promptly notify the presiding officer(s) of such AMA-associated meeting or activity or either the Chair of the Board or the AMA Office of General Counsel.

Anyone who prefers to register a complaint to an external vendor may do so using an AMA compliance hotline (telephone and online) maintained on behalf of the AMA. The name of the
reporting party will be kept confidential by the vendor and not be released to the AMA. The vendor will advise the AMA of any complaint it receives so that the AMA may investigate.

2. Investigations

Investigations of harassment complaints will be conducted by AMA Human Resources. Each complaint of harassment or retaliation shall be promptly and thoroughly investigated. Generally, AMA Human Resources will (a) use reasonable efforts to minimize contact between the accuser and the accused during the pendency of an investigation and (b) provide the accused an opportunity to respond to allegations. Based on its investigation, AMA Human Resources will make a determination as to whether a violation of Anti-Harassment Policy H-140.837 has occurred.

3. Disciplinary Action

If AMA Human Resources determines that a violation of Anti-Harassment Policy H-140.837 has occurred, AMA Human Resources shall (i) notify the Speaker and Vice Speaker of the House or the presiding officer(s) of such other AMA-associated meeting or activity in which such violation occurred, as applicable, of such determination, and (ii) refer the matter to a three-member disciplinary committee comprised of the Chair of the Board of Trustees, the Immediate Past President of the AMA and the President-Elect of the AMA, for disciplinary and/or corrective action, which may include but is not limited to expulsion from the relevant AMA-associated meetings or activities and/or referral to the Council on Ethical and Judicial Affairs (CEJA) for further review and action.

If a Delegate or Alternate Delegate is determined to have violated Anti-Harassment Policy H-140.837, the disciplinary committee shall determine disciplinary and/or corrective action in consultation with the Speaker and Vice Speaker of the House.

If a member of an AMA council, section, the RVS Update Committee (RUC), or CPT Editorial Panel is determined to have violated Anti-Harassment Policy H-140.837, the disciplinary committee shall determine disciplinary and/or corrective action in consultation with the presiding officer(s) of such activities.

If a nonmember or non-AMA party is the accused, AMA Human Resources shall refer the matter to appropriate AMA management, and when appropriate, may suggest that the complainant contact legal authorities.

4. Confidentiality

To the fullest extent possible, the AMA will keep complaints, investigations and resolutions confidential, consistent with usual business practice. (New HOD Policy)

Fiscal note: Less than $1,000
REFERENCES


APPENDIX

AMA Policy H-140.837, “Anti-Harassment Policy”

1. Our AMA adopts the following policy:

Anti-Harassment Policy Applicable to AMA Entities

It is the policy of the American Medical Association that any type of harassment of AMA staff, fellow delegates or others by members of the House of Delegates or other attendees at or in connection with HOD meetings, or otherwise, including but not limited to dinners, receptions and social gatherings held in conjunction with HOD meetings, is prohibited conduct and is not tolerated. The AMA is committed to a zero tolerance for harassing conduct at all locations where AMA delegates and staff are conducting AMA business. This zero tolerance policy also applies to meetings of all AMA sections, councils, committees, task forces, and other leadership entities (each, an “AMA Entity”), as well as other AMA-sponsored events.

Definition

Harassment consists of unwelcome conduct whether verbal, physical or visual that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, sex, sexual orientation, gender identity, national origin, age, disability, marital status, citizenship or other protected group status, and that: (1) has the purpose or effect of creating an intimidating, hostile or offensive environment; (2) has the purpose or effect of unreasonably interfering with an individual’s participation in meetings or proceedings of the HOD or any AMA Entity; or (3) otherwise adversely affects an individual’s participation in such meetings or proceedings or, in the case of AMA staff, such individual’s employment opportunities or tangible job benefits.

Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written, electronic, or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on the AMA’s premises or at the site of any AMA meeting or circulated in connection with any AMA meeting.
Sexual Harassment

Sexual harassment also constitutes discrimination, and is unlawful and is absolutely prohibited. For the purposes of this policy, sexual harassment includes:

- making unwelcome sexual advances or requests for sexual favors or other verbal, physical, or visual conduct of a sexual nature; and
- creating an intimidating, hostile or offensive environment or otherwise unreasonably interfering with an individual’s participation in meetings or proceedings of the HOD or any AMA Entity or, in the case of AMA staff, such individual’s work performance, by instances of such conduct.

Sexual harassment may include such conduct as explicit sexual propositions, sexual innuendo, suggestive comments or gestures, descriptive comments about an individual’s physical appearance, electronic stalking or lewd messages, displays of foul or obscene printed or visual material, and any unwelcome physical contact.

Retaliation against anyone who has reported harassment, submits a complaint, reports an incident witnessed, or participates in any way in the investigation of a harassment claim is forbidden. Each complaint of harassment or retaliation will be promptly and thoroughly investigated. To the fullest extent possible, the AMA will keep complaints and the terms of their resolution confidential.

2. Our AMA's Board of Trustees will establish a formal process by which any delegate, AMA Entity member or AMA staff member who feels he/she has experienced or witnessed conduct in violation of this policy may report such incident; and consider and prepare for future consideration by the House of Delegates, potential corrective action and/or discipline for conduct in violation of this policy, with report back at the 2017 Interim Meeting.