

## AMERICAN MEDICAL ASSOCIATION HOUSE OF DELEGATES

Resolution: 602  
(A-19)

Introduced by: Susan R. Bailey, MD, Delegate; and Bruce A. Scott, MD, Delegate

Subject: Expectations for Behavior at House of Delegates Meetings

Referred to: Reference Committee F  
(Greg Tarasidis, MD, Chair)

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1 Whereas, Our American Medical Association House of Delegates (HOD) has adopted  
2 Policy H-140.837 declaring that any type of harassment of AMA staff, fellow delegates or  
3 others by members of the House of Delegates or other attendees at or in connection with  
4 HOD meetings and other AMA-sponsored meetings or events is prohibited conduct and is  
5 not tolerated; and  
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7 Whereas, Our AMA HOD has also adopted Policy D-140.954 calling for an external  
8 evaluation of the anti-harassment processes set forth in Policy H-140.837 with a report  
9 back at this meeting; and  
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11 Whereas, Harassment consists of unwelcome conduct whether verbal, physical or visual  
12 that denigrates or shows hostility or aversion toward an individual because of his/her race,  
13 color, religion, sex, sexual orientation, gender identity, national origin, age, disability,  
14 marital status, citizenship or other protected group status, and that: (1) has the purpose or  
15 effect of creating an intimidating, hostile or offensive environment; (2) has the purpose or  
16 effect of unreasonably interfering with an individual's participation in meetings or  
17 proceedings of the HOD or any other AMA-sponsored meeting or event; or (3) otherwise  
18 adversely affects an individual's participation in such meetings or proceedings or, in the  
19 case of AMA staff, such individual's employment opportunities or tangible job benefits;  
20 and  
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22 Whereas, Harassing conduct includes, but is not limited to epithets, slurs or negative  
23 stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written,  
24 electronic, or graphic material that denigrates or shows hostility or aversion toward an  
25 individual or group and that is placed on walls or elsewhere on the AMA's premises or at  
26 the site of any AMA meeting or circulated in connection with any AMA meeting; and  
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28 Whereas, Our Rules and Credentials Committee proposes and our AMA HOD adopts a  
29 rule at every meeting calling for respectful behavior at all times; and  
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31 Whereas, Our AMA HOD has collectively recognized the odious nature of harassing  
32 behaviors in its prior actions; and  
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34 Whereas, Every delegate and alternate delegate should acknowledge their role in  
35 preventing harassment at AMA meetings, but particularly at our own HOD meetings, as  
36 part of the meeting registration process; therefore be it

- 1 RESOLVED, That every AMA HOD delegate and alternate delegate shall, as a condition  
2 to receiving their credentials for any AMA HOD meeting, acknowledge and accept during  
3 the AMA HOD meeting registration process (i) AMA policies concerning conduct at AMA  
4 HOD meetings and (ii) applicable adjudication and disciplinary processes for violations of  
5 such policies (New HOD Policy); and be it further  
6  
7 RESOLVED, That any AMA HOD delegate or alternate delegate who knowingly fails to  
8 acknowledge and accept during the AMA HOD meeting registration process (i) AMA  
9 policies concerning conduct at AMA HOD meetings and (ii) applicable adjudication and  
10 disciplinary processes for violations of such policies shall not be credentialed as a  
11 delegate or alternate delegate at that meeting. (New HOD Policy)

Fiscal Note: Minimal - less than \$1,000.

Received: 04/09/19

## **RELEVANT AMA POLICY**

### **Anti-Harassment Policy H-140.837**

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.

### **Anti-Harassment Policy**

#### **1. Reporting a complaint of harassment**

Any persons who believe they have experienced or witnessed conduct in violation of Anti-Harassment Policy H-140.837 during any AMA House of Delegates meeting or associated functions 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 shall determine 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, (ii) refer the matter to the Council on Ethical and Judicial Affairs (CEJA) for disciplinary and/or corrective action, which may include but is not limited to expulsion from the relevant AMA-associated meetings or activities, and (iii) provide CEJA with appropriate training.

If a Delegate or Alternate Delegate is determined to have violated Anti-Harassment Policy H-140.837, CEJA 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, CEJA 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.

Citation: BOT Rep. 23, A-17; Appended: BOT Rep. 20, A-18

#### **Harassment Issues Within the AMA D-140.954**

Our AMA will immediately engage outside consultants to evaluate current processes and, as needed, implement new processes for the evaluation and adjudication of sexual and non-sexual harassment claims involving staff, members, or attendees with report back regarding said processes and implementation at the 2019 Annual Meeting.

Citation: Emergency Res. 01, I-18