REPORT OF THE BOARD OF TRUSTEES

B of T Report 10-A-19

Subject: Conduct at AMA Meetings and Events

Presented by: Jack Resneck, Jr., MD, Chair

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

At the 2018 Interim Meeting, the American Medical Association (AMA) House of Delegates adopted Policy D-140.954, “Harassment Issues Within the AMA,” which provided:

That our American Medical Association 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 both with report back regarding said processes and implementation at the 2019 Annual Meeting. (Directive to Take Action)

In furtherance of Policy D-140.954, the AMA immediately engaged two outside consultants, Amy L. Bess, Esq. of Vedder Price PC and Sherry Marts of S*Marts Consulting, to review, evaluate and provide recommendations as to the AMA Policy H-140.837, “Anti-Harassment Policy,” including the investigative and disciplinary processes thereunder, as previously adopted by the House of Delegates (see Appendix A for the consultants’ professional biographies). This report of the Board of Trustees summarizes the evaluation and joint recommendations provided by the consultants and recommends revisions to the procedures implementing the anti-harassment policy with respect to conduct during meetings of the House of Delegates, councils, sections, and all other AMA entities. The Board of Trustees believes that these recommendations will result in significant improvements to help ensure that AMA meetings are safe, welcoming and free of inappropriate conduct.

BACKGROUND

At the 2017 Annual Meeting, the AMA House of Delegates adopted Policy H-140.837, “Anti-Harassment Policy.” The policy communicates the AMA’s commitment to zero tolerance for harassing conduct at or in conjunction with AMA-sponsored meetings and events, and provides a clear definition of what constitutes harassing conduct (see Appendix B 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.
At the 2018 Annual Meeting, the Board of Trustees presented Board of Trustees Report 20-A-18, which recommended 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), CPT Editorial Panel and JAMA Editorial Boards.

Such recommended procedures included:

- Mechanisms by which any persons who believe they have experienced or witnessed conduct in the AMA House of Delegates or in other meetings and activities hosted by the AMA (e.g., meetings of AMA councils, sections, the RVS Update Committee (RUC), CPT Editorial Panel, or JAMA Editorial Boards) in violation of Anti-Harassment Policy H-140.837 could promptly notify the presiding officer(s) of such AMA meeting or activity, the Chair of the Board and/or the AMA Office of General Counsel, or report such violation by means of a telephonic or online hotline (with the option to report anonymously).
- Prompt and thorough investigation of harassment complaints to be conducted by AMA Human Resources, with AMA Human Resources responsible for making determinations as to whether a violation of Anti-Harassment Policy H-140.837 has occurred.
- The establishment of 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, to which violations of Anti-Harassment Policy H-140.837 would be referred for disciplinary and/or corrective action, including but not limited to expulsion from the relevant AMA meetings or activities and/or referral to the Council on Ethical and Judicial Affairs (CEJA) for further review and action.

At the 2018 Annual Meeting, following extensive testimony concerning the recommended procedures set forth in Board of Trustees Report 20-A-18, the AMA House of Delegates adopted with amendment the recommendations of the Board of Trustees as to disciplinary action. In particular, the House of Delegates modified the recommendations of the Board of Trustees whereby all violations of Anti-Harassment Policy H-140.837 would be referred immediately to the Council on Ethical and Judicial Affairs (CEJA) for disciplinary action, rather than to the three-member disciplinary committee recommended by the Board of Trustees, as follows:

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.

At the 2018 Interim Meeting, CEJA presented Council on Ethical and Judicial Affairs Report 4-I-18, “CEJA Role in Implementing H-140.937, ‘Anti-Harassment Policy,’” expressing concerns about the scope of responsibilities delegated to CEJA under Anti-Harassment Policy H-140.837(3),
Disciplinary Action, as modified and adopted by the House of Delegates at the 2018 Annual Meeting, and requesting that Policy H-140.837(3), Disciplinary Action, be reconsidered. The House of Delegates did not accept CEJA’s recommendation, but did adopt Policy D-140.954, as noted above.

DISCUSSION

In furtherance of Policy D-140.954, two external consultants with substantial expertise in this area were immediately engaged. The purpose of engaging two separate consultants was to ensure that legal and operational points of view were both considered, and that any recommendations would reflect a common view of best practice, rather than a single evaluation. The consultants reviewed and evaluated Policy H-140.837, “Anti-Harassment Policy,” and compared it to current best practices as well as policies and procedures currently in use by other membership societies. The consultants’ review considered the policy in two parts – i) the anti-harassment policy itself, and ii) the procedures to implement the policy.

The consultants observed that the AMA’s existing anti-harassment policy includes the critical elements of an effective policy (the first of the two parts mentioned above): a clear definition of unacceptable conduct; a clear statement of when, where, and to whom the policy applies; a statement that retaliation for reporting violations of the policy is itself a violation of the policy; and a statement that reports of violations will be kept confidential to the extent possible. Thus, the consultants were complimentary of this first portion of the policy, and recommended only modest changes (see “Consultants’ recommendations for revision of the policy,” below). However, the consultants noted that the current policy also includes material that more properly belongs in a detailed “enforcement procedures” document, and that the implementation procedures described in the existing policy (the second of the two parts mentioned above) do not entirely reflect current best practices. The consultants therefore recommended more substantive revisions to these procedural aspects of the policy (see “Consultant recommendations for changes to implementation and enforcement of the policy – Operational Guidelines,” below.)

Below are the consultants’ specific observations and joint recommendations.

Consultants’ recommendations for revision of the policy

The consultants recommend that the name of the policy be changed to “Policy on Conduct at AMA Meetings and Events.” The reasons for this recommendation are:

- It more accurately captures a comprehensive objective to promote respectful, professional, and collegial behavior at AMA meetings and events and to effectively address violations of the policy.
- It avoids confusion as to what the policy covers. Most people equate “anti-harassment” policies or trainings with anti-sexual harassment. Although this policy addresses sexual harassment, it is much broader in scope and includes a prohibition of harassment on the basis of characteristics other than sex or gender.

The consultants recommend that the current policy be retained, with the following additions:

- A statement that the purpose of the policy is to protect participants in AMA activities from harm
- A description of desired behavior in interactions, for example:
  - Exhibit professional, collegial behavior at all times
Exercise consideration and respect in your speech and actions, including while making formal presentations to attendees,

- Be mindful of one’s surroundings and of fellow participants,
- Alert meeting Chair or meeting organizer of violations of the anti-harassment policy – even if they seem inconsequential

- A statement about potential consequences for violation of the policy. For example: If a participant engages in unacceptable behavior at an AMA meeting or event, AMA reserves the right to take any action deemed appropriate based on the outcome of the incident investigation(s). This action may include but is not limited to:

  - Removing the violator from the AMA event or activity, without warning or refund;
  - Prohibiting the violator from attending future AMA events or activities;
  - Removing the violator from leadership or other roles in AMA activities;
  - Prohibiting the violator from assuming a future leadership or other role in AMA activities;
  - Revoking the violator’s membership in the AMA, following the CEJA processes for taking such an action;
  - Notifying the violator’s employer of the actions taken by AMA; and/or
  - Notifying law enforcement.

The consultants recommend the implementation of processes and tactics to help ensure that attendees of AMA meetings and events are made aware of the policy and consequences for violations of the policy, and mechanisms by which attendees affirmatively acknowledge and assent to the policy.

The consultants recommend that the sections of the policy beginning with “1. Reporting a complaint of harassment” through “3. Disciplinary Action” be replaced with Operational Guidelines as described below.

**Consultant recommendations for changes to implementation and enforcement of the policy – Operational Guidelines**

The current policy includes detailed procedures for reporting, investigation, and enforcement of the policy. However, the procedures described in the policy do not entirely reflect current best practices in implementation and enforcement of such a policy. In addition, implementation of these procedures would be cumbersome and unlikely to bring about the desired outcome of making AMA meetings and events safer and more welcoming to all participants.

Current best practices for implementation and enforcement include:

1. Ensuring awareness, acknowledgement and acceptance of the policy by meeting/event participants
2. Simple and straightforward ways to report violations of the policy at the time of (or very close in time to) the incident in question.
3. Independence and neutrality in investigation of violations of the policy.
4. Avoidance of even the appearance of conflicts of interest in decisions on consequences for violations of the policy.
5. Assurance that all reports of violation and the outcomes of investigations will be reported to the organization’s counsel.
6. Assurance that reports, investigations, and outcomes will be kept confidential to the fullest extent possible, consistent with usual business practices.
The consultants further recommend that the policy be amended to reflect the need for flexibility in procedures for receiving reports, investigating incidents, and making decisions on consequences. This flexibility is necessary because of the wide range of meetings and activities covered by the policy, including consideration of the purpose, size and duration of meetings and activities.

Specifically, the consultants recommend adoption of the following operational guidelines for reporting, investigation, and enforcement of the policy.

Violation Reporting Procedures

In order to encourage individuals who are targets of harassment to report incidents, it is important to have a simple, straightforward, and easily publicized reporting mechanism. Ideally, reports should be taken and investigated by a single individual who is unlikely to face conflicts of interest in this role.

The consultants recommend that the AMA bring in an independent consultant to act as the Conduct Liaison for larger meetings and events. This should be someone who is trained and experienced in handling incidents of harassment and bullying. The Conduct Liaison should be the primary point of contact for event participants to report violations of the policy, and responsible for any on-site investigations of those violations. The Conduct Liaison should provide recommendations for immediate action to the Event Chair or other senior designated AMA officer or representative involved in the AMA meeting in question, and should provide a formal report with recommendations for any further action to the Committee on Conduct at AMA Meetings and Events (CCAM, see below). All reported violations of the policy, and the outcomes of investigations by the Conduct Liaison, should be provided to the Office of General Counsel.

For smaller meetings, the role of the Conduct Liaison may be assumed by an individual designated by the AMA Office of General Counsel and trained in advance of assuming such role, who may or may not be physically on-site at the meeting. If not on-site, the Conduct Liaison should be on-call.

The consultants recommend retaining the requirement for a reporting hotline in addition to the Conduct Liaison, which will be an alternative source for meeting attendees to lodge complaints regarding conduct at meetings.

Investigation of Incidents

Whenever possible, the Conduct Liaison should conduct incident investigations on-site during the event. This allows for immediate action at the event to protect the safety of event participants. When this is not possible, the Conduct Liaison may continue to investigate incidents following the event in order to provide recommendations for action to the CCAM.

Investigations should consist of structured interviews with the person reporting the incident (the reporter), the person targeted (if they are not the reporter), any witnesses that the reporter or target identify, and the alleged violator.

Committee on Conduct at AMA Meetings and Events (CCAM)

The consultants recommend the establishment of a Committee on Conduct at AMA Meetings and Events (CCAM), to include 5-7 members who are nominated by the Office of General Counsel (or through a nomination process facilitated by the Office of General Counsel) and approved by the Board of Trustees. The consultants recommend that the CCAM should include one member of the
Women Physicians Section (WPS), and one member of the Council on Ethical and Judicial Affairs (CEJA). The remaining members may be appointed from AMA membership generally. Emphasis should be placed on maximizing the diversity of membership.

The consultants recommend that the CCAM receive reports on all violations of the policy arising from any AMA meeting or event. When an incident is significant enough that it requires action beyond those taken on-site at the event, the CCAM reviews the incident reports, performs further investigation if needed, and makes recommendations regarding further commensurate sanctions to the Office of General Counsel and to the appropriate AMA body (e.g., meeting or event organizers, appropriate AMA staff, and/or CEJA).

To prevent possible retaliatory action against CCAM members, all proceedings of the CCAM should be kept as confidential as practicable.

CONCLUSION

As noted above, consultants engaged by the AMA in furtherance of Policy D-140.954 have reviewed and evaluated the AMA’s current Anti-Harassment Policy (Policy H-140.837) and confirmed that this existing policy includes many of the critical elements of an effective anti-harassment policy. However, while the current policy includes detailed procedures for reporting, investigation, and enforcement, several amendments to the policy are necessary to bring it fully in line with current best practices in implementation and enforcement. The consultants suggested that implementation of the existing procedures would be cumbersome and unlikely to bring about the desired outcome of making AMA meetings and events safer and more welcoming.

The consultants have recommended modifications to ensure that the policy itself, and the procedures for reporting, investigation and enforcement of the policy, reflect current best practices. In particular, the consultants’ recommended modifications are intended to ensure 1) simple ways to report violations, 2) prompt investigation and resolution of alleged violations, 3) independence and neutrality in investigation of violations, and the avoidance of conflicts of interest, and 4) flexibility in procedures for receiving reports, investigating incidents, and making decisions on consequences of the policy (recognizing the nature, number and varying size of AMA meetings conducted each year).

The Board of Trustees has carefully considered the recommendations of the consultants, and believes that these recommendations are consistent with the goals and objectives of the AMA’s current Anti-Harassment Policy and will result in significant improvements to help ensure that AMA meetings and events are safe and welcoming to all participants. The Board of Trustees also believes that these recommendations are responsive to comments and concerns expressed at the 2018 Interim Meeting. Therefore, the Board of Trustees is recommending corresponding modifications to Policy H-140.837, “Anti-Harassment Policy,” as set forth below.

RECOMMENDATION

The Board of Trustees recommends the following, and that the remainder of this report be filed:

1. That Policy D-140.954, “Harassment Issues Within the AMA,” be rescinded as having been fulfilled by the report. (Rescind HOD Policy)
2. That Policy H-140.837, “Anti-Harassment Policy,” be renamed “Policy on Conduct at AMA Meetings and Events” and further amended by insertion and deletion as follows (Modify Current HOD Policy):

Anti-Harassment Policy Applicable to AMA Entities
Policy on Conduct at AMA Meetings and Events

It is the policy of the American Medical Association that all attendees of AMA hosted meetings, events and other activities are expected to exhibit respectful, professional, and collegial behavior during such meetings, events and activities, including but not limited to dinners, receptions and social gatherings held in conjunction with such AMA hosted meetings, events and other activities. Attendees should exercise consideration and respect in their speech and actions, including while making formal presentations to other attendees, and should be mindful of their surroundings and fellow participants.

Any type of harassment of any attendee of an AMA staff, fellow delegates or others by members of the House of Delegates or hosted meeting, event and other attendees at or in connection with HOD meetings, or otherwise activity, including but not limited to dinners, receptions and social gatherings held in conjunction with HOD meetings, an AMA hosted meeting, event or activity, 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 is conducted. 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. The purpose of the policy is to protect participants in AMA-sponsored events from harm.

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 otherwise 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.

Operational Guidelines

The AMA shall, through the Office of General Counsel, implement and maintain mechanisms for reporting, investigation, and enforcement of the Policy on Conduct at AMA Meetings and Events in accordance with the following:

1. Conduct Liaison and Committee on Conduct at AMA Meetings and Events (CCAM)

   The Office of General Counsel will appoint a “Conduct Liaison” for all AMA House of Delegates meetings and all other AMA hosted meetings or activities (such as meetings of AMA councils, sections, the RVS Update Committee (RUC), CPT Editorial Panel, or JAMA Editorial Boards), with responsibility for receiving reports of alleged policy violations, conducting investigations, and initiating both immediate and longer-term consequences for such violations. The Conduct Liaison appointed for any meeting will have the appropriate training and experience to serve in this capacity, and may be a third party or an in-house AMA resource with assigned responsibility for this role. The Conduct Liaison will be (i) on-site at all House of Delegates meetings and other large, national AMA meetings and (ii) on call for smaller meetings and activities. Appointments of the Conduct Liaison for each meeting shall ensure appropriate independence and neutrality, and avoid even the appearance of conflict of interest, in investigation of alleged policy violations and in decisions on consequences for policy violations.

   The AMA shall establish and maintain a Committee on Conduct at AMA Meetings and Events (CCAM), to be comprised of 5-7 AMA members who are nominated by the Office of General Counsel (or through a nomination process facilitated by the Office of General Counsel) and approved by the Board of Trustees. The CCAM should include one member of the Council on Ethical and Judicial Affairs (CEJA). The remaining members may be appointed from AMA membership generally, with emphasis on maximizing the diversity of membership. Appointments to the CCAM shall ensure appropriate independence and neutrality, and avoid even the appearance of conflict of interest, in investigation of alleged policy violations and in decisions on consequences for policy violations. Appointments to the CCAM should be multi-year, with staggered terms.

2. Reporting Violations of the Policy

   Any persons who believe they have experienced or witnessed conduct in violation of Policy H-140.837, “Policy on Conduct at AMA Meetings and Events,” during any AMA House of Delegates meeting or other activities associated with the AMA (such as meetings
of AMA councils, sections, the RVS Update Committee (RUC), CPT Editorial Panel or JAMA Editorial Boards) should promptly notify the (i) Conduct Liaison appointed for such meeting, and/or (ii) the AMA Office of General Counsel and/or (iii) the presiding officer(s) of such meeting or activity.

Alternatively, violations may be reported using an AMA reporting hotline (telephone and online) maintained by a third party on behalf of the AMA. The AMA reporting hotline will provide an option to report anonymously, in which case 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 Conduct Liaison may investigate.

These reporting mechanisms will be publicized to ensure awareness.

3. Investigations

All reported violations of Policy H-140.837, “Policy on Conduct at AMA Meetings and Events,” pursuant to Section 2 above (irrespective of the reporting mechanism used) will be investigated by the Conduct Liaison. Each reported violation will be promptly and thoroughly investigated. Whenever possible, the Conduct Liaison should conduct incident investigations on-site during the event. This allows for immediate action at the event to protect the safety of event participants. When this is not possible, the Conduct Liaison may continue to investigate incidents following the event to provide recommendations for action to the CCAM. Investigations should consist of structured interviews with the person reporting the incident (the reporter), the person targeted (if they are not the reporter), any witnesses that the reporter or target identify, and the alleged violator.

Based on this investigation, the Conduct Liaison will determine whether a violation of the Policy on Conduct at AMA Meetings and Events has occurred.

All reported violations of the Policy on Conduct at AMA Meetings and Events, and the outcomes of investigations by the Conduct Liaison, will also be promptly transmitted to the AMA’s Office of General Counsel (i.e. irrespective of whether the Conduct Liaison determines that a violation has occurred).

4. Disciplinary Action

If the Conduct Liaison determines that a violation of the Policy on Conduct at AMA Meetings and Events has occurred, the Conduct Liaison may take immediate action to protect the safety of event participants, which may include having the violator removed from the AMA meeting, event or activity, without warning or refund.

Additionally, if the Conduct Liaison determines that a violation of the Policy on Conduct at AMA Meetings and Events has occurred, the Conduct Liaison shall report any such violation to the CCAM, together with recommendations as to whether additional commensurate disciplinary and/or corrective actions (beyond those taken on-site at the meeting, event or activity, if any) are appropriate.

The CCAM will review all incident reports, perform further investigation (if needed) and recommend to the Office of General Counsel any additional commensurate disciplinary and/or corrective action, which may include but is not limited to the following:
1. Prohibiting the violator from attending future AMA events or activities;
2. Removing the violator from leadership or other roles in AMA activities;
3. Prohibiting the violator from assuming a leadership or other role in future AMA activities;
4. Notifying the violator’s employer and/or sponsoring organization of the actions taken by AMA;
5. Referral to the Council on Ethical and Judicial Affairs (CEJA) for further review and action;
6. Referral to law enforcement.

The CCAM may, but is not required to, confer with the presiding officer(s) of applicable events activities in making its recommendations as to disciplinary and/or corrective actions. Consequence for policy violations will be commensurate with the nature of the violation(s).

5. Confidentiality

All proceedings of the CCAM should be kept as confidential as practicable. Reports, investigations, and disciplinary actions under Policy on Conduct at AMA Meetings and Events will be kept confidential to the fullest extent possible, consistent with usual business practices.

6. Assent to Policy

As a condition of attending and participating in any meeting of the House of Delegates, or any council, section, or other AMA entities, such as the RVS Update Committee (RUC), CPT Editorial Panel and JAMA Editorial Boards, or other AMA hosted meeting or activity, each attendee will be required to acknowledge and accept (i) AMA policies concerning conduct at AMA HOD meetings, including the Policy on Conduct at AMA Meetings and Events and (ii) applicable adjudication and disciplinary processes for violations of such policies (including those implemented pursuant to these Operational Guidelines), and all attendees are expected to conduct themselves in accordance with these policies.

Additionally, individuals elected or appointed to a leadership role in the AMA or its affiliates will be required to acknowledge and accept the Policy on Conduct at AMA Meetings and Events and these Operational Guidelines.

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.

Fiscal note: $75,000-$100,000 for Conduct Liaison fees and travel expenses, as well as potential meeting costs for the Committee on Conduct at AMA Meetings and Events.
APPENDIX A

Biographies

AMY L. BESS, J.D. has practiced in the area of employment defense for more than thirty years and currently serves as Chair of the global Labor and Employment practice group for Vedder Price and is a member of firm’s Board of Directors.

Her employment litigation experience includes the representation of employers before U.S. state and federal courts and administrative agencies, defending against claims of race, sex, disability and age discrimination; sexual harassment; whistleblower retaliation; restrictive-covenant disputes; wrongful termination; and wage and hour violations. She regularly counsels clients in all of these areas, drafts and negotiates employment and severance agreements, conducts on-site workplace investigations, presents training seminars and speaks to employer groups on avoiding workplace problems. Ms. Bess is an author and frequent speaker on a variety of employment topics, most notably on the impact of the #MeToo movement and anti-harassment laws and best practices organizations should undertake to prevent and resolve harassment concerns. She is regularly quoted in the media on these and related topics.

Select Publications


“Oops, He (or She) Did It Again! Implementing a Best-In-Class Harassment-Free Workplace Program to Help Your Company Stay Out of the Headlines” Employee Relations Law Journal, Winter 2017


Select Speaking Engagements

Conference Co-Chair/Moderator, “Employment Law Lessons Learned from Recent Scandals” PLI Employment Law Institute 2018, October 2018, New York, NY

"Vedder Talk: Lessons Learned from the #MeToo Movement" 2018 Vedder Works Employment Law Series, October 2018, Washington, D.C.

“Advising Clients on Sexual Harassment Law in the #MeToo Era” DC Bar, July 12, 2018


“Employee Relations in the #MeToo Era: Creating a Culture of Respect” 2018 Vedder Works Employment Law Series: April 24, Chicago, IL and June 1, Chicago–O’Hare, IL, June 14, New York, NY

“Sexual Harassment: Lessons Learned from Recent Scandals” PLI Sexual Harassment Webcast, November 2017

“Conducting and Documenting Investigations and Termination Actions” 2014 Vedder Price Employment Law Update: Rosemont, IL
SHERRY A. MARTS, PH.D., CEO of S*Marts Consulting LLC, is a former association CEO with a wide-ranging background in biomedical research, nonprofit management, public education, and research advocacy. Sherry provides expert consulting services to nonprofits and academic institutions on diversity and inclusion, harassment and bullying, and interpersonal communication. Her work includes a particular focus on harassment and bullying at professional society meetings and conferences. She provides training for society and association staff on how to implement and enforce meeting codes of conduct. She also leads workshops on active bystander intervention, harassment resistance, and ally skills. Her interest in the issue of harassment and bullying lies at the intersection of her professional life as a woman in science, and her previous experience as a women’s self-defense instructor.

Sherry is the recipient of the 2018 MIT Media Lab Disobedience Award.

Select Publications


“Include is a Verb: Moving from Talk to Action on Diversity and Inclusion,” available at http://bit.ly/2peWwP0

“The Book of How: Answers to Life’s Most Important Question.”

Dr. Marts received her B.Sc. (Hons.) in Applied Biology from the University of Hertfordshire, and her Ph.D. in Physiology from Duke University.
APPENDIX B

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.