

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)

1 At the 2018 Interim Meeting, the American Medical Association (AMA) House of Delegates
2 adopted Policy D-140.954, “Harassment Issues Within the AMA,” which provided:
3
4 That our American Medical Association immediately engage outside consultants to evaluate
5 current processes and, as needed, implement new processes for the evaluation and adjudication
6 of sexual and non-sexual harassment claims involving staff, members, or both with report back
7 regarding said processes and implementation at the 2019 Annual Meeting. (Directive to Take
8 Action)
9
10 In furtherance of Policy D-140.954, the AMA immediately engaged two outside consultants, Amy
11 L. Bess, Esq. of Vedder Price PC and Sherry Marts of S*Marts Consulting, to review, evaluate and
12 provide recommendations as to the AMA Policy H-140.837, “Anti-Harassment Policy,” including
13 the investigative and disciplinary processes thereunder, as previously adopted by the House of
14 Delegates (see Appendix A for the consultants’ professional biographies). This report of the Board
15 of Trustees summarizes the evaluation and joint recommendations provided by the consultants and
16 recommends revisions to the procedures implementing the anti-harassment policy with respect to
17 conduct during meetings of the House of Delegates, councils, sections, and all other AMA entities.
18 The Board of Trustees believes that these recommendations will result in significant improvements
19 to help ensure that AMA meetings are safe, welcoming and free of inappropriate conduct.
20
21 BACKGROUND
22
23 At the 2017 Annual Meeting, the AMA House of Delegates adopted Policy H-140.837, “Anti-
24 Harassment Policy.” The policy communicates the AMA’s commitment to zero tolerance for
25 harassing conduct at or in conjunction with AMA-sponsored meetings and events, and provides a
26 clear definition of what constitutes harassing conduct (see Appendix B for full text). The policy
27 was proffered by Board of Trustees Report 23-A-17, which provided that:
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29 Upon adoption of the Anti-Harassment Policy, the Board will establish a formal process by
30 which any delegate, AMA Entity member or AMA staff member who feels he/she has
31 experienced or witnessed conduct in violation of this policy may report such incident.
32 Additionally, the Board will consider and prepare for future consideration by the HOD,
33 potential corrective action and/or discipline for conduct in violation of this policy, which may
34 include, but shall not be limited to, referral of the matter to the applicable delegation, expulsion
35 from AMA meetings, or expulsion from the HOD.

1 At the 2018 Annual Meeting, the Board of Trustees presented Board of Trustees Report 20-A-18,
2 which recommended procedures to fully implement the anti-harassment policy with respect to
3 conduct during meetings of the House of Delegates, councils, sections, and all other AMA entities,
4 such as the RVS Update Committee (RUC), CPT Editorial Panel and JAMA Editorial Boards.
5 Such recommended procedures included:

6

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

23

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

31

32 If AMA Human Resources shall determine that a violation of Anti-Harassment Policy
33 H-140.837 has occurred, AMA Human Resources shall (i) notify the Speaker and Vice Speaker
34 of the House or the presiding officer(s) of such other AMA -associated meeting or activity in
35 which such violation occurred, as applicable, of such determination, (ii) refer the matter to the
36 Council on Ethical and Judicial Affairs (CEJA) for disciplinary and/or corrective action, which
37 may include but is not limited to expulsion from the relevant AMA-associated meetings or
38 activities, and (iii) provide CEJA with appropriate training.

39

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

43

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

48

49 At the 2018 Interim Meeting, CEJA presented Council on Ethical and Judicial Affairs Report 4-I-
50 18, "CEJA Role in Implementing H-140.937, 'Anti-Harassment Policy,'" expressing concerns
51 about the scope of responsibilities delegated to CEJA under Anti-Harassment Policy H-140.837(3),

1 Disciplinary Action, as modified and adopted by the House of Delegates at the 2018 Annual
2 Meeting, and requesting that Policy H-140.837(3), Disciplinary Action, be reconsidered. The
3 House of Delegates did not accept CEJA's recommendation, but did adopt Policy D-140.954, as
4 noted above.

5

6 DISCUSSION

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

16

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

30

31 Below are the consultants' specific observations and joint recommendations.

32

33 *Consultants' recommendations for revision of the policy*

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

37

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

45

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

47

- 48 • A statement that the purpose of the policy is to protect participants in AMA activities from
49 harm
- 50 • A description of desired behavior in interactions, for example:
 - 51 o Exhibit professional, collegial behavior at all times

1 o Exercise consideration and respect in your speech and actions, including while making
2 formal presentations to attendees
3 o Be mindful of one's surroundings and of fellow participants
4 o Alert meeting Chair or meeting organizer of violations of the anti-harassment policy – even
5 if they seem inconsequential
6 • A statement about potential consequences for violation of the policy. For example: If a
7 participant engages in unacceptable behavior at an AMA meeting or event, AMA reserves the
8 right to take any action deemed appropriate based on the outcome of the incident
9 investigation(s). This action may include but is not limited to:
10 o Removing the violator from the AMA event or activity, without warning or refund;
11 o Prohibiting the violator from attending future AMA events or activities;
12 o Removing the violator from leadership or other roles in AMA activities;
13 o Prohibiting the violator from assuming a future leadership or other role in AMA activities;
14 o Revoking the violator's membership in the AMA, following the CEJA processes for taking
15 such an action;
16 o Notifying the violator's employer of the actions taken by AMA; and/or
17 o Notifying law enforcement.

18
19 The consultants recommend the implementation of processes and tactics to help ensure that
20 attendees of AMA meetings and events are made aware of the policy and consequences for
21 violations of the policy, and mechanisms by which attendees affirmatively acknowledge and assent
22 to the policy.

23
24 The consultants recommend that the sections of the policy beginning with “1. Reporting a
25 complaint of harassment” through “3. Disciplinary Action” be replaced with Operational
26 Guidelines as described below.

27
28 *Consultant recommendations for changes to implementation and enforcement of the policy –*
29 *Operational Guidelines*

30
31 The current policy includes detailed procedures for reporting, investigation, and enforcement of the
32 policy. However, the procedures described in the policy do not entirely reflect current best
33 practices in implementation and enforcement of such a policy. In addition, implementation of these
34 procedures would be cumbersome and unlikely to bring about the desired outcome of making
35 AMA meetings and events safer and more welcoming to all participants.

36
37 Current best practices for implementation and enforcement include:

38
39 1. Ensuring awareness, acknowledgement and acceptance of the policy by meeting/event
40 participants
41 2. Simple and straightforward ways to report violations of the policy at the time of (or very close
42 in time to) the incident in question.
43 3. Independence and neutrality in investigation of violations of the policy.
44 4. Avoidance of even the appearance of conflicts of interest in decisions on consequences for
45 violations of the policy.
46 5. Assurance that all reports of violation and the outcomes of investigations will be reported to
47 the organization's counsel.
48 6. Assurance that reports, investigations, and outcomes will be kept confidential to the fullest
49 extent possible, consistent with usual business practices.

1 The consultants further recommend that the policy be amended to reflect the need for flexibility in
2 procedures for receiving reports, investigating incidents, and making decisions on consequences.
3 This flexibility is necessary because of the wide range of meetings and activities covered by the
4 policy, including consideration of the purpose, size and duration of meetings and activities.

5
6 Specifically, the consultants recommend adoption of the following operational guidelines for
7 reporting, investigation, and enforcement of the policy.

8
9 *Violation Reporting Procedures*

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

14
15 The consultants recommend that the AMA bring in an independent consultant to act as the Conduct
16 Liaison for larger meetings and events. This should be someone who is trained and experienced in
17 handling incidents of harassment and bullying. The Conduct Liaison should be the primary point of
18 contact for event participants to report violations of the policy, and responsible for any on-site
19 investigations of those violations. The Conduct Liaison should provide recommendations for
20 immediate action to the Event Chair or other senior designated AMA officer or representative
21 involved in the AMA meeting in question, and should provide a formal report with
22 recommendations for any further action to the Committee on Conduct at AMA Meetings and
23 Events (CCAM, see below). All reported violations of the policy, and the outcomes of
24 investigations by the Conduct Liaison, should be provided to the Office of General Counsel.

25
26 For smaller meetings, the role of the Conduct Liaison may be assumed by an individual designated
27 by the AMA Office of General Counsel and trained in advance of assuming such role, who may or
28 may not be physically on-site at the meeting. If not on-site, the Conduct Liaison should be on-call.

29
30 The consultants recommend retaining the requirement for a reporting hotline in addition to the
31 Conduct Liaison, which will be an alternative source for meeting attendees to lodge complaints
32 regarding conduct at meetings.

33
34 *Investigation of Incidents*

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

39
40 Investigations should consist of structured interviews with the person reporting the incident (the
41 reporter), the person targeted (if they are not the reporter), any witnesses that the reporter or target
42 identify, and the alleged violator.

43
44 *Committee on Conduct at AMA Meetings and Events (CCAM)*

45
46 The consultants recommend the establishment of a Committee on Conduct at AMA Meetings and
47 Events (CCAM), to include 5-7 members who are nominated by the Office of General Counsel (or
48 through a nomination process facilitated by the Office of General Counsel) and approved by the
49 Board of Trustees. The consultants recommend that the CCAM should include one member of the

1 Women Physicians Section (WPS), and one member of the Council on Ethical and Judicial Affairs
2 (CEJA). The remaining members may be appointed from AMA membership generally. Emphasis
3 should be placed on maximizing the diversity of membership.

4
5 The consultants recommend that the CCAM receive reports on all violations of the policy arising
6 from any AMA meeting or event. When an incident is significant enough that it requires action
7 beyond those taken on-site at the event, the CCAM reviews the incident reports, performs further
8 investigation if needed, and makes recommendations regarding further commensurate sanctions to
9 the Office of General Counsel and to the appropriate AMA body (e.g., meeting or event organizers,
10 appropriate AMA staff, and/or CEJA).

11
12 To prevent possible retaliatory action against CCAM members, all proceedings of the CCAM
13 should be kept as confidential as practicable.

14
15 CONCLUSION

16
17 As noted above, consultants engaged by the AMA in furtherance of Policy D-140.954 have
18 reviewed and evaluated the AMA's current Anti-Harassment Policy (Policy H-140.837) and
19 confirmed that this existing policy includes many of the critical elements of an effective anti-
20 harassment policy. However, while the current policy includes detailed procedures for reporting,
21 investigation, and enforcement, several amendments to the policy are necessary to bring it fully in
22 line with current best practices in implementation and enforcement. The consultants suggested that
23 implementation of the existing procedures would be cumbersome and unlikely to bring about the
24 desired outcome of making AMA meetings and events safer and more welcoming.

25
26 The consultants have recommended modifications to ensure that the policy itself, and the
27 procedures for reporting, investigation and enforcement of the policy, reflect current best practices.
28 In particular, the consultants' recommended modifications are intended to ensure 1) simple ways to
29 report violations, 2) prompt investigation and resolution of alleged violations, 3) independence and
30 neutrality in investigation of violations, and the avoidance of conflicts of interest, and 4) flexibility
31 in procedures for receiving reports, investigating incidents, and making decisions on consequences
32 of the policy (recognizing the nature, number and varying size of AMA meetings conducted each
33 year).

34
35 The Board of Trustees has carefully considered the recommendations of the consultants, and
36 believes that these recommendations are consistent with the goals and objectives of the AMA's
37 current Anti-Harassment Policy and will result in significant improvements to help ensure that
38 AMA meetings and events are safe and welcoming to all participants. The Board of Trustees also
39 believes that these recommendations are responsive to comments and concerns expressed at the
40 2018 Interim Meeting. Therefore, the Board of Trustees is recommending corresponding
41 modifications to Policy H-140.837, "Anti-Harassment Policy," as set forth below.

42
43 RECOMMENDATION

44
45 The Board of Trustees recommends the following, and that the remainder of this report be filed:
46
47 1. That Policy D-140.954, "Harassment Issues Within the AMA," be rescinded as having been
48 fulfilled by the report. (Rescind HOD Policy)

1 2. That Policy H-140.837, “Anti-Harassment Policy,” be renamed “Policy on Conduct at AMA
2 Meetings and Events” and further amended by insertion and deletion as follows (Modify
3 Current HOD Policy):
4

5 **Anti-Harassment Policy Applicable to AMA Entities**
6 **Policy on Conduct at AMA Meetings and Events**
7

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

15 aAny type of harassment of any attendee of an AMA staff, fellow delegates or others by
16 members of the House of Delegates or hosted meeting, event and other attendees at or in
17 connection with HOD meetings, or otherwise activity, including but not limited to dinners,
18 receptions and social gatherings held in conjunction with HOD meetings, an AMA hosted
19 meeting, event or activity, is prohibited conduct and is not tolerated. The AMA is committed to
20 a zero tolerance for harassing conduct at all locations where AMA delegates and staff are
21 conducting AMA business is conducted. This zero tolerance **policy** also applies to meetings of
22 all AMA sections, councils, committees, task forces, and other leadership entities (each, an
23 “AMA Entity”), as well as other AMA-sponsored events. The purpose of the policy is to
24 protect participants in AMA-sponsored events from harm.

25
26 **Definition**

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

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

41
42 **Sexual Harassment**

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

45 - making unwelcome sexual advances or requests for sexual favors or other verbal, physical, or
46 visual conduct of a sexual nature; and
47 - creating an intimidating, hostile or offensive environment or otherwise unreasonably
48 interfering with an individual’s participation in meetings or proceedings of the HOD or any

1 AMA Entity or, in the case of AMA staff, such individual's work performance, by instances of
2 such conduct.

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

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

12

Operational Guidelines

13

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

17

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

18

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

32

33

34

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

45

2. Reporting Violations of the Policy

46

47

48 Any persons who believe they have experienced or witnessed conduct in violation of
49 Policy H-140.837, "Policy on Conduct at AMA Meetings and Events," during any AMA
50 House of Delegates meeting or other activities associated with the AMA (such as meetings

1 of AMA councils, sections, the RVS Update Committee (RUC), CPT Editorial Panel or
2 JAMA Editorial Boards) should promptly notify the (i) Conduct Liaison appointed for such
3 meeting, and/or (ii) the AMA Office of General Counsel and/or (iii) the presiding officer(s)
4 of such meeting or activity.

5
6 Alternatively, violations may be reported using an AMA reporting hotline (telephone and
7 online) maintained by a third party on behalf of the AMA. The AMA reporting hotline will
8 provide an option to report anonymously, in which case the name of the reporting party
9 will be kept confidential by the vendor and not be released to the AMA. The vendor will
10 advise the AMA of any complaint it receives so that the Conduct Liaison may investigate.

11
12 These reporting mechanisms will be publicized to ensure awareness.

13
14 3. *Investigations*

15
16 All reported violations of Policy H-140.837, “Policy on Conduct at AMA Meetings and
17 Events,” pursuant to Section 2 above (irrespective of the reporting mechanism used) will
18 be investigated by the Conduct Liaison. Each reported violation will be promptly and
19 thoroughly investigated. Whenever possible, the Conduct Liaison should conduct incident
20 investigations on-site during the event. This allows for immediate action at the event to
21 protect the safety of event participants. When this is not possible, the Conduct Liaison may
22 continue to investigate incidents following the event to provide recommendations for
23 action to the CCAM. Investigations should consist of structured interviews with the person
24 reporting the incident (the reporter), the person targeted (if they are not the reporter), any
25 witnesses that the reporter or target identify, and the alleged violator.

26
27 Based on this investigation, the Conduct Liaison will determine whether a violation of the
28 Policy on Conduct at AMA Meetings and Events has occurred.

29
30 All reported violations of the Policy on Conduct at AMA Meetings and Events, and the
31 outcomes of investigations by the Conduct Liaison, will also be promptly transmitted to the
32 AMA’s Office of General Counsel (i.e. irrespective of whether the Conduct Liaison
33 determines that a violation has occurred).

34
35 4. *Disciplinary Action*

36
37 If the Conduct Liaison determines that a violation of the Policy on Conduct at AMA
38 Meetings and Events has occurred, the Conduct Liaison may take immediate action to
39 protect the safety of event participants, which may include having the violator removed
40 from the AMA meeting, event or activity, without warning or refund.

41
42 Additionally, if the Conduct Liaison determines that a violation of the Policy on Conduct at
43 AMA Meetings and Events has occurred, the Conduct Liaison shall report any such
44 violation to the CCAM, together with recommendations as to whether additional
45 commensurate disciplinary and/or corrective actions (beyond those taken on-site at the
46 meeting, event or activity, if any) are appropriate.

47
48 The CCAM will review all incident reports, perform further investigation (if needed) and
49 recommend to the Office of General Counsel any additional commensurate disciplinary
50 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
4 activities;
- 5 ▪ Notifying the violator's employer and/or sponsoring organization of the actions taken
6 by AMA;
- 7 ▪ Referral to the Council on Ethical and Judicial Affairs (CEJA) for further review and
8 action;
- 9 ▪ Referral to law enforcement.

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

14 5. Confidentiality

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

19 6. Assent to Policy

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

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

32 1. Reporting a complaint of harassment

33 Any persons who believe they have experienced or witnessed conduct in violation of Anti-
34 Harassment Policy H-140.837 during any AMA House of Delegates meeting or associated
35 functions should promptly notify the Speaker or Vice Speaker of the House or the AMA
36 Office of General Counsel.

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

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

6

7 2. Investigations

8

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

16

17 3. Disciplinary Action

18

19 If AMA Human Resources shall determine that a violation of Anti Harassment Policy H-
20 140.837 has occurred, AMA Human Resources shall (i) notify the Speaker and Vice
21 Speaker of the House or the presiding officer(s) of such other AMA associated meeting or
22 activity in which such violation occurred, as applicable, of such determination, (ii) refer the
23 matter to the Council on Ethical and Judicial Affairs (CEJA) for disciplinary and/or
24 corrective action, which may include but is not limited to expulsion from the relevant
25 AMA associated meetings or activities, and (iii) provide CEJA with appropriate training.

26

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

30

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

35

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

39

40 4. Confidentiality

41

42 To the fullest extent possible, the AMA will keep complaints, investigations and
43 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

“A Four-Part Series: Addressing Sexual Harassment in the #MeToo Era” (“Best Practices for Investigating Allegations”, “The Rights of the Alleged Harasser”, “The Superstar Harasser–Is Anyone Really Too Big to Lose?” and “The Same Old Workplace Training Won’t Cut It”) *Corporate Compliance Insights*, February 8, March 28, May 4 and June 21, 2018

“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

“Gender Identity Discrimination Claims on the Rise at State and Federal Levels” *The National Law Review*, March 3, 2016

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

“Harassment in the Workplace, Part 2 - Community and Resources: Hearing Voices & Exploring Conversation Strategies” American Institute of Architects Conference on Architecture 2018, June 23, 2018, New York, NY

“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

“Open Secrets and Missing Stairs: Sexual and Gender-Based Harassment at Scientific Meetings,” available at <http://bit.ly/osmspdf>

“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.