

# ARNOVA Anti-Harassment and Discrimination Policy

Reflective of the [Code of Ethics](#), it is the policy of the Association for Research on Nonprofit Organizations and Voluntary Action (ARNOVA) that all participants in ARNOVA activities enjoy an environment free from all forms of harassment, discrimination, bullying, retaliation, and violence (hereafter referred to simply as harassment). As a professional society, ARNOVA is committed to providing an atmosphere that encourages the free expression and exchange of scholarly ideas. In pursuit of that ideal, ARNOVA is dedicated to ensuring equality of opportunity and treatment for all members, staff and participants. Harassment of colleagues undermines the principle of equality at the heart of our professional fora and is inconsistent with the principles of free inquiry and free expression.

Harassment, sexual or otherwise, is a form of misconduct that undermines the integrity of ARNOVA meetings and events and is considered by ARNOVA to be a serious form of professional misconduct. Participants who violate this Policy will be subject to appropriate disciplinary measures. It is always the right of individuals who experience or witness harassment to report such behavior.

The following Anti-Harassment Policy outlines expectations for all members and staff of ARNOVA, including those who serve in elected or appointed positions, as well as participants of any ARNOVA events, whether online or in-person, in the U.S. or elsewhere. It reminds all members and participants that professional academic ethics and norms apply as standards of behavior and interaction in the course of all ARNOVA-related activities.

## Expected Behavior

ARNOVA members, staff and event participants are expected to follow the norms of professional respect that are necessary to promote the conditions for free academic interchange.

- Exercise consideration and respect in speech and actions and respect for personal space.

- Refrain from demeaning, discriminatory, or harassing behavior and speech.

Alert the executive director, an ombudsperson, or anti-harassment committee member if you notice a dangerous situation, someone in distress, or violations of this policy, even if they seem inconsequential. See below for more information about whom to contact.

As a bystander or witness to harassment, anyone can play a role in supporting the person being targeted. [The Five Ds](#), developed by Hollaback! provide bystanders with options to respond to witnessing harassment regardless of where it takes place.

### Unacceptable Behavior

The following are examples of unacceptable behaviors. These examples are illustrative, not exhaustive.

#### Discriminatory Harassment

- Prejudicial actions or comments based on age, race, ethnicity, national origin, religion, language, sexual orientation, gender identity or gender expression, disability, health condition, socioeconomic status, marital status, domestic status, parental status, academic rank or professional position, or research or disciplinary area or approach.
- Epithets, slurs, or negative stereotyping based on group identity.
- Circulation of written or graphic material that denigrates or shows hostility toward an individual or group.

#### Personal or Psychological Harassment

- Unwelcome teasing, jokes, comments, or questions.
- The purposeful exclusion of a person who is a member of a committee or group, including, but not limited to, the board of directors, sections, awards committee, conference planning, etc. through misinformation, isolation, and lack of communication about matters in which that person should be included based on their official or designated role may also constitute harassment.
- Deliberate intimidation, bullying, stalking, or following.
- A single intense and severe act or multiple persistent or pervasive acts, which are demeaning, abusive, offensive, or create a hostile environment.

#### Physical Harassment

- Sustained disruption of presentations or other events, including yelling at or threatening (verbally or physically).
- Physical assault, including unwelcome touching or groping.

- Real or implied threat of physical harm.

#### Power or Retaliation Harassment

- Comments or behavior unfairly and inappropriately taking advantage of a person's official position, authority, or relationship(s).
- Retaliation for reporting or filing a complaint of harassment.

#### Sexual Harassment

- Behavior (speech or actions) in formal or informal settings that demeans, humiliates, or threatens an individual on the basis of their sex, gender, gender expression, or sexual orientation. Sexual harassment can also include discriminatory remarks or actions based on an individual's sex, gender, gender expression or sexual orientation. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal comment or physical conduct of a sexual nature, including situations in which the request or conduct involves any implied or expressed promise of professional reward for complying; or the request or conduct involves any implied or expressed threat of reprisal or denial of opportunity for refusing to comply; or the request or conduct results in what reasonably may be perceived as a hostile or intimidating environment. Such examples are illustrative, not exhaustive.
- Sexual harassment does not refer to occasional compliments of a socially acceptable nature or consensual personal and social relationships without discriminatory effect. It refers to behavior that reasonably situated persons would regard as not welcome and as personally intimidating, hostile, or offensive.

#### Reporting Unacceptable Behavior

Reporting unacceptable behavior that appears to violate the Anti-Harassment and Discrimination Policy can be done by anyone, including the person(s) experiencing harassment, affected members or participants, and/or witnesses and bystanders. Reporting unacceptable behavior should follow the procedures outlined below.

ARNOVA's procedures for addressing alleged violations of the Anti-Harassment and Discrimination Policy apply to all ARNOVA members, staff and participants of any ARNOVA events, whether online or in-person, in the U.S. or elsewhere.

#### Whom to Contact

There are three options for pursuing information about reporting unacceptable behavior.

## **1. Pursuit of Information through an Ombudsperson**

Ombudspersons are available to provide guidance, explain options for reporting harassment, and outline the avenues for pursuing a complaint. They cannot provide legal advice but can offer support and guidance. This consultation is confidential and the details of such a conversation will not be reported to any administrator, office, or committee of ARNOVA, except as required by law. At all times, the role of the Ombudsperson is entirely independent of any reporting one may decide to pursue. They also act independent of the Executive Director or Anti-Harassment Committee (see below).

A team of three, diverse, appropriately trained ARNOVA volunteer Ombudspersons will be appointed by the President, from among qualified members of ARNOVA, for two-year terms. One of the Ombudspersons will identify as a woman, one as a man, and one as a member of the LGBTQIA community. Ombudspersons' appointments are subject to approval by two-thirds of the Board.

## **2. Pursuit of Information or Reporting through the Executive Director or Chair of the Anti-Harassment Committee**

The ARNOVA Executive Director can provide information about the options for reporting and initiate the procedures within ARNOVA (see more details about the procedures below). If a person is not comfortable with going to the Executive Director for whatever reason, they may go to the Chair of the Anti-Harassment Committee instead. The Executive Director or Chair will keep a record of the event.

The Anti-Harassment Committee is appointed by the ARNOVA President to oversee the reporting and complaint process. It is made up of 3-5 members who typically serve three-year, staggered, terms. The Chair of the Committee should ideally have expertise in the area of gender violence, diversity and inclusion, or related areas and preferably be a member of the Board and full professor or person working outside of academia. There should be diverse representation on the committee. All members of the Committee will be trained in the ARNOVA Anti-Harassment and Discrimination Policy and in dealing with harassment grievances. Members will also be fully insured against all legal liability under the ARNOVA Directors and Officers insurance. Legal counsel will also be consulted as needed. The ARNOVA Executive Director is a non-voting member of the Anti-Harassment Committee. Ombudspersons are NOT members of the committee. Committee member appointments are subject to approval by two-thirds of the ARNOVA Board.

### **3. Pursuit of Reporting Through Online Form**

Reporting can also be submitted online, with the option to submit anonymously. The Executive Director and Anti-Harassment Committee Chair will follow up with impacted parties as appropriate and possible. The Executive Director will keep a record of the event.

#### **Options for Reporting Harassment and Procedures**

There are four options through which reporting harassment can be pursued. These can be taken as alternative routes (any one can be pursued) or as options that can be pursued in sequence (starting with options 1 or 2, Notice of Concern or Formal Complaint). The person(s) experiencing harassment can decide which option(s) to pursue.

#### **1. Notice of Concern**

If a person is unsure if a behavior violates the Anti-Harassment and Discrimination Policy or wants to remain anonymous, they may submit a notice of concern, which is meant to alert the Anti-Harassment Committee to a possible violation of the Policy. This concern may be reported by the person(s) experiencing harassment and/or a bystander and may be reported anonymously.

If the Committee agrees that the conduct alleged appears to be a violation of the Policy, the Executive Director or Committee Chair will share the notice of concern with the person who allegedly engaged in the conduct, and who may submit a response. The behavior alleged to have occurred will be summarized or described so as to protect identities. The Executive Director will keep a record of the event.

In consultation with the person(s) filing the concern, if known, the Anti-Harassment Committee may move forward with further processes (see items 2, 3 and 4 below) if the Committee concludes that it would be appropriate to do so.

#### **2. Formal Complaint**

A Formal Complaint may be reported by the person(s) experiencing harassment and/or a bystander. It may not be reported anonymously.

If the Anti-Harassment Committee agrees that the conduct alleged appears to be a violation of the Policy, and in consultation with the person being harassed, the Executive Director or Anti-Harassment Committee Chair will share the complaint with the person who allegedly engaged in the conduct, and who may submit a response. Typically, the information shared will not identify the person filing the complaint, but rather will describe the behavior alleged to have

occurred. The behavior alleged to have occurred will be summarized or described to protect identities to the extent possible. The Executive Director will keep a record of the event.

In consultation with the person(s) filing the complaint, the Anti-Harassment Committee may move forward with further Mediation or Formal Investigation processes (see items 3 and 4 below) if the Committee concludes that it would be appropriate to do so.

### **3. Mediation Process**

If a person experiencing harassment and filing a formal complaint pursues this option as they deem appropriate, and if the Anti-Harassment Committee agrees that the conduct alleged appears to be a violation of the Policy, the Anti-Harassment Committee will examine the case and search for a solution agreeable to both parties. The identity of the person experiencing harassment and filing the complaint may be disclosed in this process. Mediation procedures include:

1. Filing a complaint and request for mediation made to the Executive Director or Chair of the Anti-Harassment Committee.
2. The Executive Director and a member of the Anti-Harassment Committee will contact both parties to facilitate a suitable solution that will bring satisfaction to both parties.
3. In consultation with the person filing a complaint, an outside mediator may be brought in.

In consultation with the person(s) filing the complaint, the Anti-Harassment Committee may move forward with further Formal Investigation (see item 4 below) if the Committee concludes that it would be appropriate to do so.

### **4. Formal Investigation**

A person experiencing harassment and filing a complaint may request a Formal Investigation. If the Anti-Harassment Committee agrees that the conduct alleged appears to be a violation of the Policy, the following steps will be pursued:

1. Fact-finding will be conducted by the Anti-Harassment Committee. In consultation with the person filing the complaint, the Committee may bring in a third party to conduct an independent investigation.
2. The person filing the complaint will be asked to provide information, including the approximate time/date of the behavior, the location and circumstances surrounding the incident, and any other people that may have been involved in or witnessed the incident.

3. The Executive Director or Anti-Harassment Committee Chair will inform the individual whose conduct is in question. A written statement of the complaint shall be made available to both parties.
4. The individual whose conduct is in question will also be asked to provide a statement providing their account of the activities in the complaint.
5. The Anti-Harassment Committee may ask to meet with the person filing the complaint or individual in question, solicit evidence and statements from identified witnesses, or consult with others with direct knowledge of the event in question.
6. The Anti-Harassment Committee Chair and Executive Director will prepare a detailed report summarizing the investigation for the Anti-Harassment Committee.
7. The Anti-Harassment Committee will decide on the case per the following:
  - a. **Negative/Inconclusive Finding:** In the event that the Anti-Harassment Committee finding is inconclusive or negative, or if the Committee's vote is not unanimous in its determination that the policy has been violated, the Chair of the Committee will convey this to the President of ARNOVA and Executive Director, who will inform both parties in writing.
  - b. **Finding of Harassment:** In the event the Anti-Harassment Committee finds that harassment has occurred and has determined the appropriate sanctions, the President of ARNOVA, Chair of the Anti-Harassment Committee, and the Executive Director shall meet to consider what steps can be taken, given the particulars of the case, to protect the person filing the complaint from retaliatory action by those named in the complaint. A written summary of the decision and recommended action(s) will be provided to the ARNOVA Board for approval by a two-thirds majority. The findings and sanctions will be conveyed in writing to all parties upon completion of the process.

### Potential Sanctions

The following sanctions may be applied individually or in combination, with the length of time to be determined by the Anti-Harassment Committee as part of the sanction itself:

1. Warning the harasser to cease their behavior (written letter).
2. Terminating the harasser's employment with ARNOVA.
3. Suspending the harasser from ongoing ARNOVA activities or events as well as any ongoing ARNOVA responsibilities and appointments.
4. Barring the harasser from assuming any future governance positions within ARNOVA.
5. Barring the harasser from future ARNOVA activities or events.



6. Revoking the harasser's ARNOVA membership.

Persons who violate this policy may also be subject to civil damages or criminal penalties.

The Anti-Harassment Committee will determine the sanction(s) based on the severity of the violation. All determinations to issue sanctions by the Committee must be unanimous.

### Appeal

Should either party wish to appeal a decision, they can do so within 30 days after a decision is made. They may make an appeal to the ARNOVA Board. Grounds for appeal include a claim of procedural error, substantive new evidence, evidence of the use of impermissible criteria, or evidence of bias in the treatment of the fact-finding and decision process. The appeal must be made in writing. If approved by two-thirds of the Board, a final un-appealable decision will be issued at that time.

### Additional Information

#### Scope and Deadline

These procedures apply to all ARNOVA members, staff and participants at ARNOVA events, whether online or in-person, in the U.S. or elsewhere.

A complaint of harassment may be pursued within two years of the incident. A complaint of harassment may be pursued within two years of the incident. ARNOVA reserves the right to postpone consideration of a complaint if the conduct at issue is currently under investigation in another forum, such as EEOC, civil litigation, or an internal investigation at an academic institution.

If an allegation includes actions that involve criminal activity and/or sexual assault, individuals are strongly encouraged to also file a report with law enforcement. An investigation through ARNOVA may continue regardless of the status of civil or criminal charges involving the same incident.

#### Retaliation

As a general principle, ARNOVA will make every effort to protect persons filing complaints from retaliation. The Anti-Harassment Committee Chair and Executive Director will discuss with the person being targeted to consider ways to protect against retaliation. Retaliation for reporting a concern or filing a complaint is a form of harassment.



### **Confidentiality**

At all stages, ARNOVA will maintain confidentiality to the extent possible.

### **Conflict of Interest**

If any member of the Anti-Harassment Committee identifies a conflict of interest, defined as current or past intimate relationship or family relations, current or past shared university affiliation, current or past relationship of co-authorship or collaboration, or prior Ph.D. supervision of either the person filing a complaint or the individual whose conduct is in question, the person will be replaced during the case's proceedings by another member who has completed training.

### **Unacceptable Behavior Outside of ARNOVA-Sponsored Activities**

In some cases, unacceptable behavior by a member of ARNOVA takes place outside of ARNOVA-sponsored activities, leading to criminal and civil sanctions, finally adjudicated findings of misconduct by employers, courts, and other entities such as a municipal government and its agencies, a state government and its agencies, the federal government and its agencies (EEOC etc.). These external decisions can be the basis for the ARNOVA Board to permanently exclude a member from ARNOVA. In such cases, this decision will be taken by a vote of the ARNOVA Board (two-thirds majority). The Anti-Harassment Committee may recommend the suspension of membership during a criminal investigation.

### **Reporting Procedures for ARNOVA Board and Staff**

ARNOVA board or staff members who become aware of any form of harassment during the course of ARNOVA-related events should proceed as follows:

1. If harassment is observed or reported by or to any ARNOVA staff or board member and there is a question of immediate physical danger, report immediately to the Executive Director. Steps should be taken by the Executive Director to ensure immediate safety of all attendees and staff.
2. Any staff or board member other than the Executive Director who receives information about harassment must immediately refer it to the Executive Director. The Executive Director will approach the individual identified as being harassed to discuss resources and options for reporting or pursuing a complaint.
3. Regardless of the action taken, a report of concern should be filed with the Executive Director and kept for aggregate reporting purposes.
4. In the case of egregious behavior, the ARNOVA President and Board may sanction a member and possibly ask them to leave the conference or event venue.

### **ARNOVA Board's Ability to Institute Complaints**

The Board can institute a complaint on its own when the circumstances indicate that it is appropriate to do so. For example, if someone exhibits unacceptable behavior at an event and multiple people witness it, the organization's interest in addressing the behavior may be greater than any one individual. In this case, the Board will work with the Anti-Harassment Committee to follow the complaint process noted above.