

**FINAL PROCEDURES FOR VIOLATIONS OF THE SEXUAL HARASSMENT PROVISIONS OF
THE APSA ANTI-HARASSMENT POLICY**

Approved by APSA Council

April 8, 2017

Chicago, Illinois

Updated by APSA Council

March 3, 2018

Created by

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I. PREFACE ON ROLE OF OMBUDS: There are two possible places to start if you believe that you have experienced sexual harassment, or have concerns about violations of the sexual harassment provisions of the APSA anti-harassment policy. The first is the Ombuds of the APSA, who is available for confidential consultation about a wide range of concerns, including but not limited to sexual harassment. The second is the Sexual Harassment Intake Advisor (IA, see IV below), the point of first contact if you are considering pursuing the options the APSA offers for reporting and responding to incidents of sexual harassment.

The Ombuds plays no role in APSA's sexual harassment procedures, but can provide you with invaluable guidance about what constitutes sexual harassment; help explain APSA options for reporting sexual harassment; and outline other avenues for pursuing such a complaint, such as state or local government, human rights or law enforcement agencies, the federal Equal Employment Opportunity Commission, or the Office for Civil Rights of the U.S. (along with the deadlines for filing complaints with these agencies). The Ombuds cannot provide legal advice, but the Ombuds can offer support and guidance even if you elect to pursue no procedures whatsoever.

It is strongly recommended that you first consult with the Ombuds for clarification about the entire range of your options. This consultation is confidential and the details of such a conversation will not be reported to any administrator, officer, or committee of the APSA, except as required by law. **At all times, the role of the Ombuds is entirely independent of any sexual harassment complaint you may decide to pursue through the following APSA procedures.**

II. SEXUAL HARASSMENT PROCEDURES: SCOPE, ELIGIBILITY AND DEADLINE: These Sexual Harassment Procedures currently apply to all attendees at the APSA Annual Meeting & Exhibition and APSA workshops and conferences, for the duration of the annual meeting and the particular workshop or conference.

(Normally, the annual meeting runs from a Wednesday morning to Sunday afternoon in late August or September, with specific dates posted on the APSA website.) Any attendee of the APSA Annual Meeting & Exhibition or an APSA workshops or conferences may pursue a complaint of sexual harassment regarding an incident that has occurred within the last two years. The Sexual Harassment Committee (see sec. V below) may, upon request, consider a complaint regarding an incident that occurred more than two years prior to initiating a report. If a complaint is currently being pursued through another venue, such as a Title IX inquiry or an EEOC complaint, the APSA will not concurrently review a formal complaint.

The APSA Council may choose to expand these procedures to all APSA events and fellowship programs.

III. INTAKE: If you are an attendee of the APSA Annual Meeting and Exhibition or of an APSA workshop or conference; if you believe you have experienced sexual harassment or have concerns about violations of the sexual harassment provisions of the APSA anti-harassment policy; and you want advice about whether to pursue one of APSA's options for reporting and responding to the incident, please contact the Sexual Harassment Intake Advisor (hereafter IA). The IA is a staff member trained in support and advising in relation to experiences of sexual harassment, and can provide detailed information about the options for pursuing a sexual harassment complaint within the procedures of APSA. The IA cannot provide legal advice, but can outline alternative venues for pursuing such a complaint, as needed. Should you decide to pursue one of APSA's two options, the IA can also guide and support you throughout the process, but contacting and meeting with the IA does not obligate you to report a sexual harassment incident through these APSA procedures.

IV. CONSTITUTION OF THE SEXUAL HARASSMENT COMMITTEE: In the case of a complaint, the Executive Director, in consultation with the President, shall appoint an ad hoc Sexual Harassment Committee (hereafter HC) consisting of three to five members with no conflicts of interest in the case at hand. Members will be chosen in part on the basis of their expertise and experience in investigating claims of sexual harassment. Additional training will be provided if appropriate for particular cases. Members of the ad hoc committee, like all APSA committees members, are fully insured against all legal liability. The ad hoc committee's work will be accompanied by an APSA staff member with extensive training who will provide institutional memory, continuity, and expertise. The committee will exercise its best professional judgement and work in close consultation with APSA legal counsel, who will provide ongoing guidance on all issues relating to the gathering and scrutiny of evidence. The Executive Director shall seek to appoint a committee within one month.

V. OPTIONS FOR PURSUING A COMPLAINT OF SEXUAL HARASSMENT THROUGH APSA: The APSA has two options through which you can pursue a complaint of sexual harassment, both outlined in what follows. **These can be taken as two alternative routes to pursue a complaint, or as options that can be pursued in sequence.** This means that, if you initially pursue option 1, you are not barred from eventually pursuing option 2, provided that the process connected with option 1 has concluded, and that the formal complaint of sexual harassment you file (option 2) is still regarding an incident that took place within the last two years.

As a general principle, the APSA will make every effort to protect complainants from retaliation.

A. Option 1. Advisory: If you and the chair of the Sexual Harassment Committee (or you and the HC as a whole) decide that it makes sense for you, the HC can issue an advisory that does not include a fact finding stage. In this event, the Executive Director (or designated member of APSA staff) will inform the person whose behavior is in question that a complaint has been made, remind them of the anti-harassment policy, and/or point the individual toward existing resources for recognizing what constitutes sexual harassment as needed. With this advisory, no further action will be taken. Persons who receive an advisory will have the opportunity to

respond to the APSA in writing. The HC may consult with APSA legal counsel for advice as needed.

Every effort will be made to preserve the confidentiality of both parties. If it becomes evident to the HC that confidentiality is difficult to maintain, the HC will defer to the preferences of the complainant on the next steps.

B. Option 2. Formal Complaint: You can pursue a formal complaint with the Sexual Harassment Committee, either by contacting the Chair of the HC directly, or via the designated Sexual Harassment Intake Advisor (IA).

C. On-Site Complaint: In the event that there's a report of sexual harassment occurring while the APSA Annual Meeting & Exhibition or an APSA workshop or conference is ongoing, the following will be applied to the foregoing procedures and, when necessary, supersede them:

1. If sexual harassment is observed or reported to any APSA staff member, Council member, meeting, conference or workshop attendee, or venue employee, and there is a question of immediate physical danger, steps should be taken to ensure immediate safety of all attendees and staff, regardless of any complaint procedure that may follow.
2. Afterwards or otherwise: any report received by a staff member must immediately refer it to the designated IAs on-site. The IA then approaches the individual identified in the report as sexually harassed to discuss resources and options for pursuing a complaint, and determine if the person wishes report the incident. The avenues for reporting a complaint include the two options (see A & B above) specified by these APSA procedures, state or local government, human rights or law enforcement agencies, the federal Equal Employment Opportunity Commission, or the Office for Civil Rights of the U.S. The IA cannot provide legal advice, but can discuss the various options that are available to you.
3. In the case of egregious behavior, in consultation with the IA and the President of APSA, the Executive Director may sanction a member.
4. Regardless of the action taken, a report must be filed with an IA and kept at APSA HQ for aggregate reporting purposes.

VI. COMPLAINT: INVESTIGATION AND DETERMINATION OF FINDINGS: Investigation will be conducted in every case where a complainant wishes to make a formal complaint. The following is the suggested sequence of steps for investigating a formal complaint.

- 1) Following consultation with the IA, the complainant decides to file a formal complaint with the HC. This is done either by the complainant contacting the Chair of the HC directly or via the designated IA.
- 2) All fact finding will be conducted under the auspices of the HC. If a member of the HC identifies a conflict of interest, defined as current or past intimate relationship or family relation; current or past shared university affiliation; current or past relationship of co-authorship or collaboration; or prior PhD supervision of either the complainant or individual whose conduct is in question, the following shall apply:

In the event that any of the *faculty* members on the HC had a prior relationship with either party to the complaint, that faculty member will be replaced by another member of the Committee on Professional Ethics, Rights and Freedoms. In the event that the *staff* member on the HC has had a prior relationship with either party to the complaint, that staff member will be replaced by another staff member who has already completed the full training in sexual harassment.

- 3) The complainant will be asked to provide a written statement to the Chair of the HC. The written statement should include as much identifying information as possible (name/institution/position) of the person accused of the violation; the behavior that was in violation; 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.
- 4) The Chair of the HC or the Executive Director shall inform the individual whose conduct in question of the complaint. A written statement of the complaint shall be made available to both parties.
- 5) The individual whose conduct is in question will also be asked to provide a written statement providing their account of the activities covered in the complaint.
- 6) The HC may ask to meet with either complainant or the individual in question; solicit evidence and statements from identified witnesses at their discretion; and consult others with direct knowledge of the event in question, as indicated by the accused, victim or witnesses. While these are all available routes by which the HC can gather additional information, the committee is not required to pursue any one of them. The HC may work with APSA staff to consult legal counsel for the APSA for advice at any time. At all stages, members of the HC must maintain strict confidentiality to the extent possible.
- 7) Any fact finding or written statements submitted to the HC will be shared with either party upon their request. All proceedings are to remain confidential until the fact-finding process has been completed and the HC has made a decision for action. All parties are also requested to maintain confidentiality until the complaint procedure is complete.
- 8) All determinations by the HC should be unanimous.
- 9) When the HC has reached its determination but before the parties have been notified, the President of the APSA, the Executive Director (or designated member of APSA staff) and Chair of the HC shall meet to consider what steps can be taken given the particulars of the case to protect the complainant from retaliatory action by those named in the complaint.
- 10) A written summary of the decision and/or recommended action will be provided in writing to all parties upon completion of the fact-finding and determination process (See section IX: Notification of Parties).
- 11) **On-site at a meeting:** Investigation or fact-finding for a complaint made on-site at the APSA annual meeting, workshop, or conference will follow the same procedures and guidelines as above. The IA may begin gathering information for a future HC proceeding.

VII. COMPLAINT: SCOPE OF POTENTIAL OUTCOMES: The HC will determine the sanction(s) based on the severity of the violation, and submit the determination in the form of a recommendation to be approved by the President of the APSA and the Executive Director. The range of sanctions includes the following, which may be applied individually or in combination, with the length of time to be determined by the HC as part of the sanction itself.

Sanctions take effect immediately after the President of the APSA and the Executive Director have approved the HC's recommendation and notified all parties in writing of the determination.

1. Warning the harasser to cease their behavior;

2. Termination of any APSA meeting, conference, or workshop participation, as well as any ongoing APSA responsibilities and appointments held by the harasser;
3. Barring the harasser from assuming any future governance positions within APSA;
4. Barring the harasser from future APSA meetings, conferences, and/or workshops;
5. Recommend to Council revoking APSA membership.

VIII. COMPLAINT: NOTIFICATION OF PARTIES:

1) Negative/Inconclusive Finding: In the event that the HC's finding is inconclusive or negative, or if the HC is not unanimous in its determination that policy has been violated, the Chair of the HC will convey this to the Executive Director and the President of the APSA, who will inform both parties of the HC's finding in writing.

2) Finding of Sexual Harassment: In the event that the HC finds that sexual harassment has occurred (and has determined the appropriate sanctions), the Chair of the HC will convey the finding and the sanctions in writing in the form of a recommendation to be approved by the Executive Director (or a staff member designated by the ED) and the President of the APSA, who will inform both parties of the HC's finding and sanctions in writing.

IX. COMPLAINT: APPEAL: Should either party wish to appeal a decision within 30 days after it is made, they may make an appeal to an Ad-hoc Appeals Committee consisting of the APSA President, Past-President, and President-Elect (chaired by the Past President), and Executive Director. Grounds for appeal include a claim of procedural error, substantive or significant new evidence, evidence of the use of impermissible criteria, or evidence of bias in the treatment of the fact-finding and decision process.