

American College of Veterinary Ophthalmologists

Harassment & Discrimination Policy

(ACVO BOR approved June 27, 2018)

1. **Purpose:** The American College of Veterinary Ophthalmologists (ACVO) is committed to providing a respectful environment free from harassment, discrimination, retaliation, offending conduct, as well as other forms of intimidation and disruptive behavior.
2. **Scope:** This policy is applicable to all ACVO members, staff, contracted staff, American Board of Veterinary Ophthalmology (ABVO) residents, speakers, attendees, exhibitors, guests, and volunteers (collectively, the "ACVO Community"). This policy extends to all ACVO/ABVO related venues, events, programs, communications, and activities including but not limited to:
 - Annual Scientific Meeting, including scientific sessions, pre- and post-meeting workshops, exhibitions, tours and social events
 - Teleconferences and meetings
 - Committee and Task Force teleconferences and meetings
 - Certification Examination
 - Maintenance of Certification
3. **Policy Statement:** The ACVO does not tolerate harassment or discriminatory conduct, in any form. Members of the ACVO and those associated with this organization serve as role models for personal, professional, and ethical standards to the public and the profession. Standards for conduct within the veterinary profession are listed in the Veterinarian's Oath and the American Veterinary Medical Association's Principles of Veterinary Medical Ethics. The ACVO does not discriminate on the basis of an individual's age, race, ethnic or national origin, ancestry, color, disability, marital status, gender identity and expression, genetic status, sexual orientation, personal appearance, attire, pregnancy or parenting, veteran status, religious or political affiliation, source of income, or any other bases under applicable federal and local laws and regulations. This policy is intended to be consistent with the principles of veterinary medical ethics and with local and federal laws and regulations.
4. **Complaint Resolution:** The ACVO will respond promptly and efficiently to reports of harassment or discrimination and will take appropriate action to investigate, prevent, and correct incidences of harassment or discrimination and, if necessary, discipline individuals who violate this policy. Members of the ACVO Community who have relevant information are expected to cooperate with investigations of such misconduct.
5. **Retaliation:** The ACVO prohibits retaliation against a member of the ACVO or ACVO Community who, in good faith, reports discrimination, harassment or any other conduct prohibited by this policy. The ACVO further prohibits retaliation against a witness or other person, who in good faith, assists or participates in the filing of a complaint or in the resolution of a complaint. Retaliation includes, but is not limited to threats, intimidation,

and/or adverse actions related to venues, events, programs, and activities of the ACVO Community.

6. Definitions:

a) **Discrimination** - an action or practice that excludes, disadvantages, or merely differentiates between individuals or groups of individuals on the basis of some ascribed or perceived conduct or characteristic. Discrimination may be positive (in favor of a person or group), as when someone is offered employment because of that person's gender, or negative (in opposition to a person or group) as when someone is not offered employment because of that person's gender.

b) **Discriminatory Harassment** - Unwanted verbal, visual, written or physical conduct that denigrates or shows hostility or aversion against an individual protected by this policy (e.g. race, national origin), when the conditions outlined below in c (1) and/or c (2) are present.

Examples include:

- Unwelcome or insulting gestures, remarks, jokes, innuendoes, propositions, or taunting about a person's body, attire, sexual orientation, religious affiliation, racial or ethnic origin, place of birth, citizenship, ancestry, age, disability, veteran status, political affiliation, or any other reason not related to scientific merit or other valid merit
- Remarks or actions that are suggestive, offensive, derogatory, or that create a hostile environment

c) **Sexual Harassment** - Unwelcome sexual advances, requests for sexual favors or other conduct of a sexual nature, whether verbal, graphic, physical, or otherwise, when the conditions outlined below in c (1) and/or c (2) are present.

1. Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of an individual's status or participation in other ACVO Community programs and/or activities or is used as the basis for decisions affecting the individual ("quid pro quo" harassment); or

2. Such conduct that creates a hostile environment. A "hostile environment" exists when the conduct is sufficiently severe, persistent, or pervasive that it unjustly interferes with, constrains, or deprives an individual from participating in or benefiting from ACVO educational programs and/or activities. Conduct must be deemed severe, persistent, or pervasive from both a subjective and an objective perspective. When evaluating whether a hostile environment exists, the ACVO will consider the totality of known circumstances, including but not limited to:

- i. The frequency, nature and severity of the conduct;
- ii. Whether the conduct was physically threatening;
- iii. The effect of the conduct on the complainant's long term mental or emotional state;
- iv. Whether the conduct was directed at more than one person;
- v. Whether the conduct arose in the context of other discriminatory

conduct;

- vi. Whether the conduct unreasonably interfered with the complainant's educational or work-related performance and/or ACVO programs and activities; and
- vii. Whether the conduct implicates concerns related to scholarly freedom or protected speech. A hostile environment can be created by persistent

or pervasive conduct or by a single or isolated incident, if sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. Note that a single incident of sexual assault, for example, may be sufficiently severe to constitute a hostile environment. In contrast, the perceived offensiveness of a single verbal or written expression, standing alone, is typically not sufficient to constitute a hostile environment.

Examples include:

- An implied or expressed threat of reprisal for refusal to comply with a sexually oriented request;
 - Physical contact such as touching, patting, or pinching, with an underlying sexual connotation;
 - Unwelcome or insulting sexually explicit gestures, remarks, jokes, innuendoes, propositions, or taunting about sex;
 - Remarks or actions which are suggestive, offensive, or derogatory, remarks bragging about sexual prowess, or displaying pornographic, sexist, or sexually derogatory images/videos or other sexually offensive material.
- d) **Sexual Violence** - Sexual violence includes acts such as rape, dating and domestic violence, sexual assault, sexual exploitation, stalking, and other forms of nonconsensual sexual activity; or violence or harassment based on sexual orientation. Consent is defined as words or conduct indicating a freely given agreement to have a sexual encounter or to participate in sexual activities. Sexual contact will be considered “without consent” if no clear consent, verbal or nonverbal, is given; if inflicted through force, threat of force, or coercion; or if inflicted upon a person who is unconscious or who otherwise reasonably appears to be without the mental or physical capacity to provide consent.

7. Policy Process and Reporting: The following roles and responsibilities and complaint resolution process have been established to assist the ACVO in ensuring an environment that is free from sexual harassment, discrimination, and discriminatory harassment.

a) **Duty to Report Complaints.** When discriminatory or sexual harassment (Prohibited Conduct) is witnessed first-hand by a member of the ACVO community, the witness is in a position to intervene to immediately end the misconduct. When an intervention is not possible or cannot be made, the witness has a duty to report Prohibited Conduct to appropriate designated officials. The existence of this policy is not intended to, and does not, supersede any employer, educational institution, or other agency’s policies, standards of conduct, and related reporting requirements applicable to a particular individual. The ACVO encourages individuals to first consider any such policies, standards of conduct, and related reporting requirements before reporting to the ACVO in an attempt to prevent duplicating resolution efforts. Members who are aware of Prohibited Conduct who fail to report such conduct may be subject to discipline or corrective action.

b) **Option to Report Complaints.** Report of complaints of Prohibited Conduct shall be made to the appropriate designated officials. Reporting can be made in person, by telephone, email, or in writing. Designated officials include:

- i. Any ACVO Board of Regents (BOR) member;
- ii. Any ACVO member or ACVO management staff member who will convey the report to the ACVO BOR

iii. Other designees as described in the ACVO Policies and Procedures

c) **Complaint Resolution.** Incidents reported to Designated Officials will be resolved through informal procedures or by formal investigations. Members of the ACVO community are expected to cooperate in the investigation and / or resolution of discrimination complaints.

8. Procedures for Reporting a Complaint: Members of the ACVO community who believe they have been subjected to Prohibited Conduct (“Complainant”) have the right to file a complaint with the ACVO as described herein. A complaint should be filed as soon as possible following the alleged discrimination. Timely reporting of a complaint provides the ACVO the best opportunity to resolve the problem. Delayed reporting of a complaint may substantially limit possible resolutions. The specific procedures for reporting, investigating, and resolving prohibited conduct are based upon the circumstances of the alleged discrimination or harassment, and the Complainant’s and the Respondent’s (the individual accused of violating this Policy) recollection and account/description of the Prohibited Conduct, and any other witness of the prohibited conduct . Due to the nature of the investigation required, anonymous complaints may not be able to be acted upon by the ACVO. The Complaint Procedures provide for a thorough and impartial investigation that affords all parties notice and opportunity to present evidence in determining whether a policy violation has occurred. The ACVO applies the preponderance of evidence standard in determining whether this policy has been violated. Preponderance of evidence means it is more likely than not that a policy violation occurred.

a) Detailed Procedures

i. **Notify a Designated Official.** Notify the appropriate Designated Official (listed above) as quickly as possible of violations of this policy.

ii. **Option to File a Criminal Report.** Simultaneous to pursuing resolution through the ACVO’s internal process, the Complainant may also file a criminal report with the appropriate law enforcement agency for any criminal conduct. The complainant should notify the ACVO if criminal charges have been filed. The ACVO may or may not delay its investigation if criminal charges are filed. At the request of law enforcement authorities, however, the ACVO may postpone the investigation and proceeding while the authorities gather legal evidence.

iii. **Interim Measures.** Once a complaint has been reported and until the complaint is investigated and resolved, the Designated Official may take interim measures to ensure safety and non-retaliation for all parties. Examples of interim measures include separation of the parties, no-contact directives, and alternative academic / resident supervisory or housing arrangements.

iv. **Advisors.** In cases of sex- and gender-based discrimination, sexual harassment, and sexual violence, the Complainant and the Respondent may be advised and accompanied by advisors of their choice during any meeting related to the complaint. In all other cases, advisors are allowed in accordance with the relevant procedures. The advisor may not participate directly in any meeting or contact the Designated Official.

b) **Informal Resolution.** The ACVO encourages, but does not require, informal resolution when possible. The Designated Official may elect to bypass the informal procedures because of the severity of the allegation or complexity of the complaint. The goal of informal resolution is to resolve concerns at the earliest stage possible, with the cooperation of all parties involved. Informal resolution may include inquiry into the facts, but typically does not include a formal investigation. These informal efforts may include addressing the Respondent directly; participating in a facilitated meeting with the

appropriate ACVO official; or participating in mediation. The informal resolution could include by way of example: separating the parties; referring the parties to counseling; conducting targeted educational and training programs; or providing remedies for the individual harmed by the alleged discrimination. If the matter is resolved informally to the satisfaction of all parties, the Designated Official shall maintain a record of the complaint and its resolution. Informal resolution is not appropriate for complaints of sexual violence.

- c) **Formal Resolution.** If informal resolution is unsuccessful or not appropriate as determined by the Designated Official, the Complainant, or the Respondent, a formal investigation and resolution may be required.

i. **Investigation.** Every investigation of harassment or discrimination will be conducted promptly and impartially. Depending on the nature of the allegations, the investigation could include interviews with the Complainant, the Respondent and/or witnesses; review of written documentation and relevant policies; review of evidence; and any other steps necessary to thoroughly investigate the allegations. During the investigation, the Complainant and Respondent will have an equal opportunity to identify witnesses and evidence that the Designated Official (or designee) may consider.

ii. **Resolution.** At the conclusion of the investigation, the Designated Official will issue simultaneous, written notifications of the outcome of the investigation to the concerned parties, including referral to the appropriate disciplinary procedures.

iii. The ACVO will take appropriate action against any individual who violates this policy. The range of sanctions includes, but is not limited to a written private or public censure; a ban from ACVO-sponsored venues, activities or events; disciplinary probation; mandatory training; suspension, dismissal; and disciplinary action up to and including termination of ACVO membership.

9. False or Frivolous Charges: The ACVO encourages good faith reporting of violations of this policy. This policy shall not be used to bring false or frivolous charges against ACVO members, ABVO residents, staff or members of the ACVO Community. Those bringing false or frivolous charges may be subject to disciplinary action. Failure to prove a complaint does not constitute a false or frivolous complaint.

10. Confidentiality and the ACVO's Obligation to Respond to Complaints: The ACVO will maintain the confidentiality of information reviewed throughout the complaint process. However, disclosures may be required for the purpose of due diligence or efforts to resolve the complaint. In those instances where disclosures must be made by the ACVO, disclosures will be limited to those persons necessary to proceed in the fact-finding and due diligence process or to otherwise address the grievance. All persons involved in the grievance will be advised of the importance of confidentiality throughout the process. In some instances, Complainants may request that their names be kept confidential and thus that the ACVO take no action on their discrimination report ("confidential reporting"). The relevant Designated Official will evaluate each request and advise the Complainant that "confidential reporting" will limit the ACVO's ability to respond fully to the complaint, including pursuing disciplinary action against the Respondent. Nevertheless, in most instances, the ACVO will honor such confidentiality requests unless to do so would impede its ability to provide a safe and nondiscriminatory environment for the ACVO or ACVO Community. Confidentiality within the ACVO may not be maintained when the Complainant notifies a Designated Official of a criminal act. In such an instance, the appropriate law enforcement authority will be notified.

11. **Records:** Records of informal and formal complaints will be maintained by the Designated Official who received and managed the complaint and/or the ACVO. Complaints against ACVO members or members of the ACVO Community that result in a personnel or disciplinary action will also be a part of the respondent's personnel or disciplinary record with the ACVO. All records are confidential with access only to individuals with a legitimate need to know. Records of complaints will be kept on file at the ACVO Executive Office.