



P-15.9  
4/23/09

## **SOCIETY POLICY**

### **POLICY AGAINST DISCRIMINATION (INCLUDING DISCRIMINATORY HARASSMENT) -- MEMBERS**

#### **I. PREFACE**

- A. Discrimination (including discriminatory harassment) by a member of ASME against any other member or ASME employee or job applicant on the basis of race, color, religion, sex, national origin, age, citizenship status, disability, covered veteran or military status, or any other characteristic protected by state or local equal employment opportunity laws, shall not be tolerated.
- B. Discrimination (including discriminatory harassment) by a member of ASME against an individual who is neither a member nor an employee or job applicant of ASME on the basis of race, color, religion, sex, national origin, age, citizenship status, disability, covered veteran or military status, or any other characteristic protected by state or local equal employment opportunity laws, is also of concern to ASME when the conduct occurs on ASME premises or during an ASME activity.
- C. Conduct in violation of this Policy is grounds for discipline by ASME, up to and including expulsion from membership.

#### **II. PURPOSE**

- A. To state the ASME policy against discrimination (including discriminatory harassment) by members.
- B. To describe the types of conduct prohibited by this Policy.
- C. To establish a procedure for dealing with violations of this Policy.

### III. POLICY

- A. ASME prohibits discrimination on the basis of race, color, religion, sex, national origin, age, citizenship status, disability, covered veteran or military status, or any other characteristic protected by state or local equal employment opportunity laws with respect to any decision or recommendation made by a member concerning (a) the participation of another member in an ASME activity or (b) the hiring, performance evaluation or a work assignment of an ASME employee.
- B. Prohibited discriminatory conduct also includes conduct by a member that constitutes harassment based on race, color, religion, sex, national origin, age, citizenship status, disability, covered veteran or military status, or any other characteristic protected by state or local equal employment opportunity laws.
  - 1. Examples of such conduct are racial or ethnic slurs and threatening, intimidating or hostile acts directed at a particular sex or religion, or directed at a member or ASME employee because of his or her national origin or color.
  - 2. Harassment does not require an intent to offend. Thus, when unwelcome by the recipient, certain conduct meant as a joke, a prank, or even a compliment can lead or contribute to harassment.
- C. Sexual harassment is a specific type of discriminatory harassment. ASME prohibits conduct that constitutes sexual harassment. Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitutes sexual harassment for purposes of this Policy when:
  - 1. Submission to such conduct is made explicitly or implicitly a term or condition of an individual's work assignment at ASME or participation in any activity of ASME;
  - 2. Submission to or rejection of such conduct by an individual is used as the basis for decisions or recommendations affecting such individual's employment at ASME or participation in any activity of ASME; or
  - 3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance at ASME or participation in any activity of ASME.
- D. No member with a leadership role is at any time to (1) threaten or imply that an individual's submission to or rejection of a sexual advance will in any way influence any decision, recommendation or evaluation regarding that individual's employment at ASME or participation in any activity of ASME; or (2) make any decision or recommendation concerning an

individual's employment at ASME or participation in any activity of ASME on such a basis.

- E. Other conduct by members in ASME's workplace or in connection with any ASME activity that creates or could lead or contribute to an intimidating, hostile or offensive work environment, whether it be in the form of physical, visual or verbal harassment, is also prohibited. Such conduct includes, but it is not limited to:
1. repeated unwelcome sexual flirtations, advances, or propositions;
  2. verbal abuse of a sexual nature;
  3. graphic verbal comments of a sexual nature about an individual's body;
  4. sexually degrading words used to describe an individual;
  5. the access to, or display or distribution of, sexually suggestive objects or pictures (including via the use of computers); and
  6. inappropriate touching of an individual.
- F. ASME also prohibits retaliation against any ASME member for making a good faith report or complaint of an alleged violation of this Policy, or for participating in an investigation of such a report of complaint, under the procedures set forth below.

#### **IV. PROCEDURE**

- A. Any member who believes that he or she has been subjected to any behavior by any ASME member or employee that violates this Policy should immediately bring the matter to the attention of the appropriate individual as set forth in paragraphs 1. and 2. below. Members who have information about conduct violative of this Policy directed toward other members or any ASME employee are also encouraged to report the relevant facts pursuant to this Policy. Prompt reporting is very important so that ASME can take action to stop the conduct before it is repeated.
1. If the alleged victim and the alleged offender are members who are not employees of ASME, the complaint should be made to either of two members of the Committee of Past Presidents that have been designated by that Committee to serve in this function, currently Susan Skemp and Reginald Vachon, by e-mailing [asmepastpresidentcontact@asme.org](mailto:asmepastpresidentcontact@asme.org). Those individuals (and any other chair, leader, or vice president who may receive information concerning the existence of such a complaint) should immediately report the complaint to the Executive Director, regardless of whether the complaint was written or oral.
  2. If either the alleged victim or alleged offender is an employee of ASME, the complaint should be brought to the attention of the

Executive Director. If the alleged offender is an employee of ASME, the procedures set forth in Sections IV.B. and IV.C. for handling the complaint will not apply. Instead, the Executive Director will report the complaint to ASME's Human Resources Department, and the complaint will be handled in its entirety in accordance with ASME's Employee Handbook (the applicable section(s) of which shall be available to any member upon request). If the alleged victim is an employee of ASME but the alleged offender is a member, the complaint will be handled in accordance with ASME's Employee Handbook, except that upon determining that this Policy has been violated, the Human Resources Department will report that determination to the Executive Director and the Vice President for Career and Professional Advancement, who will decide whether disciplinary measures are appropriate in accordance with Section IV.C.4. below, and Sections IV.C.5. and IV.C.6. below will also apply.

3. If either the alleged victim or alleged offender is neither a member nor an employee of ASME, but the alleged incident occurred on ASME premises or during ASME activities, the Executive Director shall, based on the circumstances, determine what, if any, action should be taken. If the alleged incident did not occur on ASME premises or during ASME activities, the Executive Director shall inform the complainant that ASME has no jurisdiction and will accordingly take no action.
- B. Upon receiving a report of an alleged violation of this Policy by a member against another member, the Executive Director shall proceed as follows:
1. The Executive Director and the Vice President for Career and Professional Advancement, shall, in consultation with each other, decide whether an attempt should be made to resolve the complaint via communication with the complainant and the alleged offender ("facilitation"). If they decide to pursue facilitation, the Executive Director, the Vice President for Career and Professional Advancement or another individual selected by the Executive Director in consultation with the Vice President for Career and Professional Advancement shall serve as the facilitator. Should facilitation result in resolution, the resolution agreed to by the complainant and the alleged offender shall be committed to writing and signed by both parties.
  2. If the Executive Director and Vice President for Career and Professional Advancement decide that the matter should be formally investigated (whether or not it is referred to facilitation), the complainant will be informed and should promptly forward to the Executive Director a signed complaint detailing the allegations. In such a case, the procedures set forth in Section C below shall apply.
  3. Notwithstanding any other provision of this Policy, the Executive Director, President or the Board of Governors may investigate any

report of an alleged violation of this Policy (whether or not the complainant has submitted a signed complaint).

- C. An investigation of any complaint submitted pursuant to Section IV.B.2. shall proceed as follows:
1. The Executive Director or the Vice President for Career and Professional Advancement will investigate or appoint another individual to investigate. The investigator will conduct interviews of the complainant, the alleged offender and other individuals as necessary.
  2. After completion of the investigation, the investigator will make a written report to the Executive Director and the Vice President for Career and Professional Advancement, who will determine whether this Policy has been violated.
  3. If the Executive Director and the Vice President for Career and Professional Advancement determine that this Policy has not been violated: (i) the complainant and alleged offender will be so informed; (ii) any written records concerning the investigation will be kept by the Executive Director in a confidential file for three years and will be destroyed at the end of that period if within that period no similar complaint against the alleged offender has been found to be valid; and (iii) no further action will be taken.
  4. If the Executive Director and the Vice President for Career and Professional Advancement determine that this Policy has been violated, they will decide on any appropriate remedial measures and/or disciplinary measures, up to and including expulsion from ASME, and inform the offender and the Board of Governors of their decision in writing. The Executive Director or the Vice President for Career and Professional Advancement will also inform the complainant of the determination that the Policy has been violated, and, if applicable, of any remedial measures, and will determine what, if anything, the complainant shall be advised about any disciplinary measures taken as to the offender.
  5. The individual found to have violated this Policy may request in writing that the Board of Governors review the investigation process for compliance with Sections IV.C.1 – IV.C.4. of this Policy (or, if relevant, ASME's Employee Handbook). Any such request must be received by the Board of Governors within ten (10) days after the date the individual was informed of the decision. The Board of Governors will not review the merits of the decision. The Board of Governors will complete its review within thirty (30) days of receiving a timely written request. Any remedial and/or disciplinary measures will be held in abeyance pending completion of the Board of Governors' review.
  6. If the Board of Governors conducts a review and finds that the investigation complied with the relevant procedures, the remedial

and/or disciplinary measures decided upon by the Executive Director and the Vice President for Career and Professional Development will be taken. If the Board of Governors finds that the investigation did not comply with the relevant procedures, they may recommend (i) that the case be closed; (ii) that further investigative steps be taken in accordance with the appropriate policy; or (iii) if the failure to adhere to procedure was insignificant, that the remedial and/or disciplinary measures decided upon by the Executive Director and the Vice President for Career and Professional Advancement be carried out. The Executive Director and the Vice President for Career and Professional Advancement will take any further action necessary to resolve the complaint in accordance with the Board of Governors' recommendation.

- D. If the Vice President for Career and Professional Advancement or Executive Director decides to abstain from participating in handling any complaint or report of an alleged violation of this Policy, he or she shall be replaced as follows:
1. In the case of the Vice President for Career and Professional Advancement, the President shall appoint a replacement.
  2. In the case of the Executive Director, he or she shall be replaced by the Deputy Executive Director with the greatest seniority. If such Deputy Executive Director decides to abstain, he or she shall be replaced by the President, or, if he or she decides to abstain, the immediate Past President.
  3. In the event all of the individuals holding the positions specified above shall abstain, the Board of Governors shall appoint from its membership two individuals to fulfill the roles of the Vice President for Career and Professional Advancement and the Executive Director under this Policy.
- E. ASME will strive to keep the identity of persons making complaints pursuant to this Policy as confidential as possible.
- F. It is a violation of this Policy for any retaliatory action to be taken or threatened against an individual who in good faith reports or provides information about a possible violation of this Policy or who in good faith participates in a related investigation or exercises any other right protected by the equal employment opportunity laws. In the event that a member believes he or she has been retaliated against for such action, he or she should use the reporting procedures outlined in Section IV.A. of this Policy to report the pertinent facts promptly. ASME will investigate and take appropriate action in the manner described above.
- G. The making by a member of a complaint pursuant to this Society Policy which such member knows to be false or the providing by a member of information which such member knows to be false relating to such a complaint is a violation of the Code of Ethics of Engineers and may be the

subject of a complaint against such member brought pursuant to Society Policy P-15.4. Any complaint of a violation of this Policy that has been determined to have been knowingly false shall be expunged from any and all records of ASME relating to the alleged offender.

- H. The procedures for handling complaints set forth in Sections IV.C. and IV.D. above will also apply:
1. If a complaint of a violation of this Policy is made against a member of ASME by an individual who is neither a member nor an employee of ASME, and the alleged incident occurred on Society premises or during Society activities; and
  2. If a complaint of a violation of this Policy is submitted to the Chair of the Committee on Ethical Standards and Review as an alleged ethical violation.

Responsibility: Centers Board of Directors/Center for Career and Professional Advancement

Reassigned from Centers Board of Directors/Center for Professional Development, Practice and Ethics 4/23/09

Reassigned from Council on Member Affairs/Board on Professional Practice and Ethics 6/1/05

Adopted: September 10, 1993

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(editorial changes 6/05)  
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(editorial changes 4/09)