

American Thoracic Society Policy on Non-Discrimination and Harassment for Directors, Officers, Committee Members, and Other Volunteers

The American Thoracic Society is committed to providing its employees a working environment free from discrimination and harassment of any kind, including sexual harassment. In accordance with its *Policy on Ethical Conduct in ATS Activities*, ATS is also committed, as a policy matter, to ensuring that its Board members, Committee members, other volunteers, and consultants can perform their valuable services to ATS free of harassment and discrimination.

Prohibited Harassment and Discrimination

Directors, Officers, Committee members, and other ATS volunteers (collectively, “Covered Persons”) should refrain from conduct that is discriminatory, harassing, coercive, or disruptive, including sexual harassment, in their dealings with ATS staff, consultants, members, vendors, volunteers, or other individuals who provide support to ATS or with whom they interact due to their position with ATS (e.g., Board, Council, Committee or other volunteer service), including with members facing Ethics violation charges. For purposes of this Policy, prohibited harassment includes unwelcome actions, words, jokes, or comments based on any legally protected characteristic, such as an individual’s sex, race, color, national origin, age, religion, mental or physical disability, sexual orientation, gender identity or expression, pregnancy, or military or veteran status. Some examples of impermissible behavior include making fun of an individual’s religious beliefs, using racially biased epithets, making uninvited sexual advances or propositions, telling obscene jokes, discussing sexual activities, or engaging in unwelcome physical conduct, including touching, assaulting, or impeding or blocking movements. Covered Persons should not initiate physical contact that could reasonably be interpreted as a sexual overture when interacting with ATS staff members or contractors. In evaluating whether verbal or other conduct may be unwelcome, Covered Persons must be mindful of any actual or perceived power differential and should not initiate discussions of sexual or potentially offensive topics with others performing ATS work unless the Covered Person has an objective basis for expecting that the individual would not consider the remarks unwelcome. When determining the appropriateness of interactions with others in their capacity as a Director, Officer, Committee member, or other ATS volunteer, Covered Persons may also take into consideration whether they have a preexisting friendship or other independent collegial relationship with the individual in which the individual has treated similar interactions as welcome.

Sexual harassment constitutes discrimination and is an illegal employment practice under federal, state and local laws. In addition to the examples noted above, such prohibited conduct includes, but is not limited to:

- Unwelcome requests for sexual favors, and all other verbal or physical conduct of a sexual nature, especially where such conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment.
- Offensive comments, jokes, flirtations, innuendo and other sexually-oriented statements.
- Offensive objects or pictures, graphic commentaries, or suggestive or insulting sounds.



- Unwanted physical contact, including touching, pinching, brushing against the body, coerced sexual intercourse, and sexual assault.

Responding to Conduct in Violation of Policy

Covered Persons shall report any and all concerns of sexual or other prohibited harassment or retaliation in violation of this Policy to the President, ATS's Executive Director, or Committee on Ethics and Conflict of Interest ("Ethics Committee") as soon as possible following a questionable incident. Violations may be reported anonymously if specific facts are provided that allow for an investigation, but vague allegations or other reports that cannot be verified may be noted for the record but not investigated. The ATS representative should promptly consult with the legal counsel upon receipt of any report of a violation of this Policy. The Executive Director shall be notified of any report of a Policy violation brought by a staff member. All reports of sexual and other prohibited harassment will be taken seriously, evaluated in a prompt manner, treated with respect, and maintained in confidence to the extent practicable. The ATS representative shall oversee any investigation into an alleged violation of this Policy, in consultation with legal counsel.

Covered Persons must cooperate with any investigation into alleged violations of this Policy, including by providing truthful information to the investigator. Covered Persons must not engage in retaliation of any kind against any individual who, in good faith, reports or participates in the investigation of an alleged violation of this Policy.

With respect to allegations of harassment from staff, Covered Persons shall, at the request of the Executive Director or of legal counsel, refrain from initiating communication or other contact with a complainant or witness during the investigation or, as deemed appropriate by the Ethics Committee, Executive Committee or other decision-making body, as an element of resolution of the investigation. The Ethics Committee may issue a reprimand or recommend other discipline to the Executive Committee, which has the authority to expel or suspend ATS members for violation of this Policy.

A Covered Person holding a position appointed by the President may be removed from their Board, Committee, or other volunteer position by the President or subject to other discipline by the President, based on a finding by the Ethics Committee of a credible basis to believe that the Covered Person acted in violation of this Policy. A Covered Person holding a position as a result of election by the Board of Directors, the membership, or any membership group may be removed from their Board, Committee, or other volunteer position in a summary suspension imposed by the Ethics Committee or may be subject to other discipline under any procedures that are permitted by the Bylaws and applicable law. The Society may inform the employer or home institution of the Covered Person or sister organizations of the existence and status of any disciplinary proceeding by the Ethics Committee, Executive Committee, or Board of Directors and may inform any third party of the final decision and any sanction imposed in any disciplinary proceeding.

