

USCAP Procedure for Receiving and Investigating Harassment Complaints and for Administration of Discipline



USCAP is committed to providing a safe working and learning environment and to protecting the rights, dignity, and well-being of its members and program attendees. USCAP does not tolerate any form of harassment, sexual or otherwise. All complaints of harassment are taken seriously and will be subject to the below complaint procedure.

Reporting an Incident

Any incidents of harassment, involving any Academy employees, association members, committee members, Academy leadership, or any other person associated with the Academy, should be reported immediately to the Executive Vice President (EVP) or his/her designee, who is responsible for receiving harassment complaints and initiating the investigatory process. If the complainant is uncomfortable reporting the incident to the EVP or his/her designee, for any reason, the complainant may report the incident to any other member of the Board of Directors or a management employee of USCAP.

If the complaint is received by a member of the Board of Directors or a management employee of USCAP, it will be immediately conveyed to the EVP or his/her designee unless either person is the subject of the complaint. If the EVP or designee is the subject of the complaint, the Board will initiate the investigation process.

Investigation and Discipline

All complaints of harassment received by USCAP will be reviewed by a panel consisting of the past President, the President, and the President-elect of USCAP (the "Panel"). The Panel will be responsible for managing the investigatory process. The Panel will use its best efforts, including any necessary consultation with the Executive Vice President and legal counsel, to determine whether an investigation into the issues raised in a complaint is warranted. If the Panel, in its reasonably exercised discretion, determines that the issues raised in a complaint should be investigated, the Panel will commence the investigation. In determining whether to proceed with an investigation into a complaint of harassment, the Panel shall not consider the merit of the claims raised or the credibility of the individuals involved. The Panel will limit its evaluation of whether an investigation is warranted to the nature of the issues raised in the complaint. If the issues raised in the complaint do not involve harassment or any other form of disparate treatment of a USCAP member or program attendee, the Panel may exercise its discretion to address the complaint in the manner it deems appropriate and is not bound by the procedures set forth in this policy.

Any member of the Panel who believes he or she may have a conflict of interest should be recused from serving on the Panel. If a member is recused from serving on the Panel, the EVP will appoint a replacement.

If the Panel determines that a complaint of harassment requires investigation, it will retain an independent, third-party investigator who is experienced in investigating allegations of unlawful harassment. The investigation will be conducted in a prompt and thorough manner. Typically, the investigation will include an interview of the individual who lodged the complaint, interview of the accused, and interview of any individuals who may have witnessed or have knowledge of the alleged harassment and/or information pertinent to the complaint or the accused's response to the complaint.

Upon completion of the investigation, the Panel shall determine whether disciplinary actions are warranted. Individuals engaging in behavior prohibited by USCAP's Anti-Harassment Policy as well as those making allegations of harassment in bad faith will be subject to corrective action. Such actions range from a written warning to ejection from the meeting or activity in question without refund of registration fees, and the reporting of the objectionable behavior to the accused's employer.

If the Panel determines that the misconduct involves repeat or egregious violations of USCAP's Anti-Harassment Policy, the Panel may recommend that the Board of Directors consider expulsion and/or forfeiture of membership. The Board is granted the right in the Bylaws to terminate the membership of any member and may expel a member for violating this policy, if the Board, in its discretion, determines such measures are necessary. Additionally, the Board of Directors may, in its discretion, determine that certain violations of this policy are so egregious as to permanently disqualify an expelled member from re-applying for membership and/or from attending any Academy functions or events.

If the Panel determines discipline is required, a Notice of Intent to Discipline will be sent to the accused. The notice will include the disciplinary action the Panel intends to impose as well as the reason for such discipline and will also inform the accused of his/her opportunity to be heard before the Panel, either in person or by telephone.

After the accused has had an opportunity to be heard, the Panel will implement the disciplinary decision as the Panel members see fit and provide the accused with a Notice of Discipline. The Notice of Discipline will advise the accused of the discipline that will be imposed as well as the opportunity for appeal of the disciplinary decision.

Appeal

The individual, who is subject to discipline, may appeal the disciplinary decision to the Disciplinary Committee. The Disciplinary Committee shall be a standing committee appointed by the Board of Directors at a full meeting of the Board of Directors to serve a two-year term and shall consist of one member of USCAP's staff, one member of USCAP's Board of Directors, one member of USCAP, and the Vice-President of USCAP. The Vice-President of USCAP will have an ex officio position on the Disciplinary Committee with no voting rights.

The Disciplinary Committee will establish the time and date of the appeal hearing, along with any other procedures necessary to ensure a fair and equitable appeal, based on the reasonable needs of the parties and issues raised in the complaint, investigation, and discipline. All decisions made by the Disciplinary Committee are final.

Discipline Involving Expulsion and Forfeiture of Membership

If the Panel determines that serious disciplinary measures, such as expulsion and/or forfeiture of membership, are required, and such determination is upheld by the Disciplinary Committee, the matter will be forwarded to the Board of Directors for prosecution pursuant to Article VIII of USCAP's Bylaws.

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