



## VII-N. Harassment

The College of American Pathologists (CAP) is committed to provide and maintain a collaborative environment free from sexual or other prohibited harassment that may adversely affect a member’s ability to fully participate in the activities of the CAP or an employee’s terms or conditions of employment. Such harassment involving CAP members acting on CAP business, employees, temporary workers, contractors, consultants, vendors, clients, customers, and other non-employees who conduct business with, or on behalf of the CAP, will not be tolerated in any form. This policy applies in the CAP workplace, at work-related events whether on or off CAP premises, on Laboratory Accreditation Program inspections, and at CAP-sponsored meetings and social events.

### Sexual Harassment

Sexual harassment could include behavior between people regardless of gender, gender identify, or gender expression. The harassing conduct is not required to be motivated by sexual desire.

Sexual behavior (consensual or nonconsensual) directed toward one colleague that impacts other colleagues also could violate this policy.

Examples of inappropriate sexually harassing behavior can include, but are not limited to:

Behavior	Specific Examples of Behaviors
Unwelcome Sexual Advances	Placing your hands on another’s shoulders, back, knees, legs, or arms. Examples include leaning too closely over another person with an arm across their back or shoulder, massaging another person’s neck or shoulders, reaching across or under a desk or table to place your hand on someone else’s knee or leg, frequently touching another person’s arm as you talk.
	Suggestive touches, such as stroking someone else’s hair, cheek, or back, or brushing against a breast or crotch.
	Prolonged hugging or hugging without permission.
	Kissing, including on hands, cheek, neck, and mouth.
	Fondling of breasts, buttocks, or crotch.
	Offensive sexual gestures, including gestures that represent a sexual activity, and touching one’s own breasts or genitals in a sexual way in view of others.
	Sexual assault, including grabbing breasts or genitals, forced kissing, or any forced sexual contact.
	Sexual intercourse or other sexual activity at a CAP facility or during a CAP-sponsored event.



	Ogling or staring in a suggestive manner and/or for an uncomfortable length of time, and/or repeatedly.
	Invitation to a hotel room for non-work related activity.
	Frequent and unwelcome calls, letters, or emails.
Requests for Sexual Favors	Offer of preferred CAP assignment/appointment or support for election, or any other benefit in exchange for a sexual activity (quid pro quo).
Sexually Directed Remarks	Lewd jokes, sexual innuendo, or sexual anecdotes.
	Direct questions or gossip about past or current sexual activity.
	Suggestive or frequent comments about a person's clothing, appearance, or body parts.
	Offensive comments about gender identity or sexual orientation.
	Repeated requests for a date.
Sexually Explicit Materials	Exhibiting suggestive or provocative nudity, partial nudity, or depictions of sexual activity in the workplace via displayed photos, calendars, lewd or nude graphics, screen savers, videos, or images in an email.
	Exhibiting calendars, screen savers, graphics, email, or videos of sexual activity.
	Dissemination of electronic posting/emails that contain sexual photos, lewd comments, or sexual innuendo.
	Exhibiting undergarments, lingerie, sexual devices, or paraphernalia.

**Other Harassment**

Other prohibited behavior is that which harasses a member or an employee on the basis of his or her race, ancestry, color, religious belief, gender, age, ethnic or national origin, immigration status or citizenry, political affiliation, disability, sexual orientation or preference, gender identity and/or expression, transgender status, veteran status, physical or mental disability, genetic characteristics, pregnancy, childbirth, family and medical leave status, parental status, marital status, or any other legally protected category in accordance with applicable federal, state, and local laws.



Forms of such harassment can include physical, verbal, and non-verbal behavior that creates or contributes to an intimidating, hostile, or offensive environment.

Forms of non-sexual harassing behaviors include, but are not limited to:

<b>Behavior</b>	<b>Specific Examples of Behaviors</b>
Poor treatment of a member or employee based on a protected class.	Making negative comments about another’s personal religious beliefs, trying to convert another member or employee to a certain religious ideology, using racist slang, phrases, or nicknames, making remarks about an individual’s skin color or other ethnic traits, displaying racist drawings or posters that might be offensive to a particular group, making offensive gestures, making offensive reference to an individual’s mental or physical disability, sharing inappropriate images, videos, emails, letters, or notes, offensively talking about negative racial ethnic, national origin, or religious stereotypes, making derogatory age-related comments, wearing clothing that could be offensive to a particular group.

**Workplace Bullying**

The CAP defines bullying as repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the CAP place of work and/or in the course of CAP employment. This extends to CAP activities where CAP members are acting on behalf of the CAP.

Bullying may be intentional or unintentional. CAP considers the following types of behavior examples of bullying:

<b>Behavior</b>	<b>Specific Examples of Behaviors</b>
Intimidation	Constant criticism on matters unrelated or minimally related to the person’s job performance or description, repeatedly ignoring or interrupting an individual at meetings, repeatedly accusing someone of errors that cannot be documented, manipulating the ability of someone to do his or her work (eg, overloading, underloading, withholding information, setting deadlines that cannot be met, giving deliberately ambiguous instructions), socially or physically excluding or disregarding a person in CAP-related activities whether business or social.
Insults	Slandering, ridiculing, or maligning a person or his or her family, persistent name calling that is hurtful, insulting, or humiliating, public reprimand, using a person as the butt of jokes, spreading rumor or gossip.



### **Harassment and Bullying Reporting**

Any member or employee who believes that he or she has been harassed or bullied as described in this policy is encouraged to ask the harasser or bullier to stop. If the unwanted behavior continues, or if the member or employee chooses not to confront the harasser or bullier directly, they may raise their concern to the appropriate staff department - members may contact the director of Governance Services or the vice president of Human Resources; employees should contact the Human Resources Department. If for any reason individuals in these departments cannot, or should not, be contacted, the member or employee should discuss the matter with the chief executive officer of the CAP. Others who have concerns about or have witnessed inappropriate behavior should report or discuss their concerns with one of the departments identified above. Information received will be handled in a confidential manner consistent with the need to investigate and take appropriate corrective action.

All allegations of harassment or bullying against a member acting on behalf of the CAP or an employee will be investigated. If a complaint of harassment or bullying involves a member(s) of the CAP or anyone on a CAP committee (either as the victim or the accused or both), the vice president of Human Resources and Governance Services will lead an investigation into the complaint with participation by the CAP secretary-treasurer. The investigation will involve interviews of all parties involved in the alleged harassment or bullying, including any witnesses. These interviews will be conducted with due diligence and speed.

Upon conclusion of the investigation, if the complaint is against a CAP employee, the chief executive officer will determine the appropriate course of action after consulting with the investigating team. If the complaint is against a CAP member, the investigative team, along with the CAP president, will determine appropriate action.

Possible action for members may include, but not be limited to, any one or combination of the following:

- No action necessary.
- A reprimand of the offender by the president.
- A recommendation to the Board of Governors for immediate removal of the offender from the committee. If the Board takes such action and the offender wishes to appeal, an Inquiry Committee will be appointed to review the case.
- Appointment of an Inquiry Committee for formal discipline as provided in the Bylaws. Resulting recommendations of such Inquiry Committee could include permanently banning the offender from committee appointment and/or other CAP activity or expulsion from the CAP.

### **Policy Against Retaliation**

It is also a violation of this policy to retaliate against a member or an employee who complains about or reports in good faith inappropriate sexual or other behavior that may violate this policy or who participates in an investigation, even if the complaint ultimately is not substantiated. Retaliation may be overt, such as direct threats or insults, or it may be subtle, such as excluding an individual from projects or social events, or deliberately ignoring someone in meetings or social settings. Complaints of retaliation (actual, threatened or feared) should also be reported in the same manner as harassment.



**Exclusions**

This policy does not cover complaints of harassment or bullying brought by a member or against a member who is not conducting CAP business or otherwise acting as an agent of the CAP. Such complaints may be considered under the CAP's Bylaws Section 2 on taking disciplinary action against a member found to be deficient in moral character or professional competence or found to be guilty of professional misconduct. The procedures governing any such action are set forth in the CAP's Fair Hearing Plan policy.

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