

## Special Article

# The Duty to Lead by Example

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In the wake of the allegations against Harvey Weinstein and on the crest of the #MeToo movement, the AAGL has taken the initiative to examine our policies and expectations surrounding harassment, diversity, inclusion, and incident reporting. This progress was prompted in part by a letter received by the AAGL Board of Directors from a group of members outlining concerns regarding gender equality in our organization. The Board immediately responded by creating a Task Force on Anti-Harassment, Diversity, and Incident Reporting to review and revise AAGL's existing policies in order to be proactive and create a safe, productive, and inspiring environment for our members.

Sexual harassment has been recognized as a form of sex discrimination in the United States since the 1970s. The Equal Employment Opportunity Commission defined sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly as a condition of an individual's employment, submission to or rejection of such conduct by an individual

is used as the basis for employment decisions affecting such individuals, or such conduct has the purpose or effect of unreasonably interfering with an individual's performance or creating an intimidating, hostile, or offensive environment [1]. This definition can apply to same-sex sexual interactions as well.

Sexual harassment has been normalized in our society. Over half of women have been reported to have experienced some form of sexual harassment with even higher percentages in women age 16–24. Nearly 25% of women have been touched without invitation. Almost half of respondents in one study had been warned about sexual advances that might occur from certain co-workers at the onset of a job [2,3].

Is the medical profession immune? Recent experience suggests the answer is no. A recently published article in the *New England Journal of Medicine* reveals similar numbers within the medical profession, with 30% of women reporting sexual harassment [4]. Sadly, some such incidents have been reported within medical environments and it is highly likely that more incidents remain unreported, allowing such behavior to continue.

In a society dedicated to the care of women, it is our duty and our privilege to do better than this. As a member society, the AAGL has the opportunity - indeed, the duty - to lead the field of medicine by example. In addition to sexual harassment, the AAGL recognized the need to provide guidance and set expectations regarding all types of harassment, diversity, inclusion, and incident reporting.

This Task Force, with the assistance of the AAGL staff and outside expert consultants, have drafted several important policies which have been approved by the AAGL Board of Directors and will be implemented immediately. These policies are based on the Task Force's vision of an optimal member organization and have been drafted following an extensive review of bylaws and policies adopted by other medical societies and with input from consultants with expertise in sexual harassment law to reflect best practices. A review of available policies outside of the AAGL revealed a dearth of guidance within medical societies, allowing the AAGL to be at the forefront of this societal improvement.

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Available at [www.sciencedirect.com](http://www.sciencedirect.com) and [www.jmig.org](http://www.jmig.org)

These policies can be found at: <https://www.aagl.org/anti-harassment/> and are included in [Appendix A](#). The highlights are as follows:

1. The Anti-Harassment Policy: It is the policy of the AAGL to provide an environment free from all forms of discrimination, harassment, and retaliation to its members and guests at all regional educational meetings or courses, the annual global congress (i.e. annual meeting), and AAGL-hosted social events (AAGL sponsored activities). This policy defines harassment, sexual harassment, and discrimination in clear terms. All AAGL members, guests, and industry partners are expected to abide by this policy during all AAGL sponsored activities. A Grievance Committee will be newly formed to investigate and adjudicate any complaints made under this policy. The AAGL encourages reporting of all perceived incidents of harassment, discrimination, or retaliation. Three options have been put into place for such reporting, including email or phone call to the Executive Director, email to the Grievance Committee (see below), and by phone to the AAGL 866 number during the AAGL Annual Global Congress (i.e. annual meeting) and regional educational meetings or courses. An investigation process and disciplinary actions have been codified, in which the Grievance Committee will perform an investigation of the complaint, will have the opportunity to seek input from appropriate legal counsel, and will make recommendations to the Board of Directors. Any adverse action will require approval of the AAGL Board of Directors, and may include warnings, reprimands, requirement for training, loss of a leadership position, or expulsion from the AAGL. In order to avoid bias, the identities of the parties involved will remain anonymous until the Board makes its recommendations. A process for appeal is also outlined. Retaliation is prohibited.
2. The Inclusion and Diversity Policy makes it clear that the AAGL promotes an environment of respect, fairness, integrity, and inclusiveness in all its activities.
3. The Grievance Policy outlines the structure and function of the Grievance Committee. A Grievance Committee will be formed to investigate and adjudicate any complaints made under the AAGL Anti-Harassment Policy. The AAGL Grievance Committee Policy addresses the formation, membership, qualifications, and conduct of this committee.

The Task Force has also implemented requirements for leaders in the organization. Each incoming leader of the AAGL, to include members of the Board of Directors, members of the Scientific Program Committee, and incoming members of the FMIGS Board of Directors, will be required to undergo sexual harassment and sensitivity training prior to initiating their responsibilities. The current Board of Directors will set the standard by undergoing this training prior to the first in-person Board meeting in February 2018.

The AAGL is committed to be the premier organization caring for women through gynecologic surgery. We vow to be the organizational role model at the forefront of Anti-Harassment, Diversity, and Inclusion. Our policies and procedures set the stage for our membership to enjoy a continually safe, productive, and collaborative experience at all AAGL sponsored activities. These expectations allow each individual in the AAGL to fulfill their duty to lead by example.

The members of the Task Force on Anti-Harassment, Diversity, and Incident Reporting were Jubilee Brown (Chair), Ted Anderson, Linda Bradley, Barbara Levy, Shanti Mohling, Jessica Shepherd, Matt Siedhoff, and JD Villegas. Linda Michels and Frank Loffer were monitors and Colleen Lovret and Seth Spirison staffed the Task Force and did extensive background research drafting these policies.

## References

1. Equal Employment Opportunity Commission. 29 C.F.R. § 1604. 11 [1980].
2. Trades Union Congress and the Everyday Sexism Project. Nearly two in three young women have experienced sexual harassment at work, TUC survey reveals. Available at: <https://www.tuc.org.uk/news/nearly-two-three-young-women-have-experienced-sexual-harassment-work-tuc-survey-reveals>. Accessed February 7, 2018.
3. Slater + Gordon Lawyers. Sexual Harassment Rife in the Workplace: New Study Reveals. Available at: <https://www.slatergordon.co.uk/media-centre/press-releases/2013/10/sexual-harassment-rife-in-the-workplace-new-study-reveals/>. Accessed February 7, 2018.
4. Jaggi R. Perspective: sexual harassment in medicine - #MeToo. *N Engl J Med*. 2018;378:209–211.

## Appendix A

### Anti-Harassment Policy Approved by the AAGL Board of Directors on February 8, 2018; Effective February 12, 2018.

#### Introduction

AAGL encourages its members to interact with each other for the purposes of professional development and scholarly interchange so that all members may learn, network, and enjoy the company of colleagues in a professional atmosphere. Consequently, it is the policy of the AAGL to provide an environment free from all forms of discrimination, harassment, and retaliation to its members, and guests at all regional educational meetings or courses, the annual global congress (i.e. annual meeting), and AAGL-hosted social events (AAGL sponsored activities). Every individual associated with the AAGL has a duty to maintain this environment free of harassment and intimidation.

Harassment, discrimination, or creation of a hostile environment based on personal attributes, including but not limited to race, color, national origin, sexual orientation, gender identity, religion, age, sex, physical or mental disability, marital status, pregnancy, veteran status, or any other classification protected by law, is inconsistent with the ideals and principles

of the AAGL and is prohibited. Individuals violating this policy will be subject to disciplinary action.

This policy applies to conduct directed at AAGL members, meeting attendees and individuals acting on behalf of the AAGL. It also applies to conduct directed at guests, vendors, service providers, and exhibitors, and others while they attend AAGL sponsored activities. This policy applies equally to participants in the Fellowship in Minimally Invasive Gynecology (FMIGS) and all other Professional Interest Partners of the AAGL.

### ***Definition of Harassment***

Harassment is defined as verbal, physical, visual or any other conduct related to gender, gender identity and expression, sexual orientation, disability, physical appearance, body size, race, national origin, religion, age, marital status, or any other status protected by law; deliberate intimidation, stalking or other acts designed to threaten, intimidate or coerce; harassing photography or recording; sustained disruption of talks, presentations, or other events; and/or inappropriate physical contact.

Harassment can also be verbal, physical, visual or any other conduct that denigrates or shows hostility or aversion toward an individual, or group of individuals, that creates an intimidating, hostile, or offensive environment; or, unreasonably interferes with an individual's performance or participation in AAGL sponsored activities.

Harassing conduct may include a range of subtle and not so subtle behaviors such as: epithets; derogatory comments or slurs; clothing that displays vulgar or obscene phrases, remarks or images which may be racially, sexually or otherwise offensive; negative stereotyping; derogatory posters, notices, bulletins, cartoons or drawings circulated on paper, electronically or during presentations; or assault or physical interference with normal work or movement.

Anyone can be a victim of harassment. Anyone can be guilty of harassment. Behavior and language that are welcome or acceptable to one person may be unwelcome or offensive to another. Consequently, individuals must use discretion to ensure that their words and actions always remain professional and communicate respect for others. This is especially important for those in positions of authority, since individuals with lower rank or status may be reluctant to express their objections or discomfort regarding unwelcome behavior.

### ***Definition of Sexual Harassment***

Harassment may also be sexual, and is defined as unwelcome sexual advances, requests for sexual favors, and any other verbal, physical, and/or visual conduct of a sexual nature.

Sexual harassment does not refer to occasional compliments of a socially acceptable nature or consensual personal and social relationships. It refers to behavior that is not

welcome, is personally offensive, debilitates morale, and therefore, interferes with work effectiveness.

The following are examples of behavior that, when unwelcome, may constitute sexual harassment: sexual flirtations, advances, or propositions; verbal comments or physical actions of a sexual nature; sexually degrading words used to describe an individual or group; a display of sexually suggestive objects or pictures; sexually explicit jokes; unnecessary touching.

Sexual harassment also occurs when submission to unwelcome sexual conduct is explicitly or implicitly made a term or condition of an opportunity, education, benefit, evaluation, or employment. It also occurs when inappropriate sexual conduct is severe, persistent, repetitive or pervasive enough to create a professional or educational environment that most people would consider intimidating, hostile, or abusive.

Sexual relationships between supervisors and subordinate employees or associates, including fellows, or between educators and subordinate trainees, are not acceptable even if consensual. The supervisory role should be eliminated if the parties wish to pursue their relationship. AAGL, JMIG, SurgeryU and FMIGS Board members are supervisory roles.

### ***Definition of Discrimination***

Discrimination refers to bias or prejudice resulting in denial of opportunity, or unfair treatment regarding selection or promotion. Discrimination is commonly based on factors such as age, disability, ethnicity, origin, political belief, race, religion, sex, or any other status protected by law which is irrelevant to a person's competence or suitability. Discrimination may also occur when one individual is unfairly selected or treated in a positive light through favoritism or cronyism over others.

### ***Expected Behavior***

All AAGL members, guests, and industry partners are expected to abide by this Anti-Harassment Policy during all AAGL sponsored activities, including all meetings and ancillary events. Attendees asked to stop any harassing, discriminatory, or retaliatory behavior are expected to comply immediately, without retaliation.

### ***Grievance Committee***

Complaints made under this policy will be investigated and adjudicated by a committee appointed according to the Grievance Committee Policy.

### ***Reporting an Incident***

AAGL encourages reporting all perceived incidents of harassment, discrimination, or retaliation. Any individual covered by this policy who believes that he or she has been

subjected to such an inappropriate incident has three (3) options for reporting:

1. By email or phone to: The Executive Director, Linda Michels, at [lmichels@aagl.org](mailto:lmichels@aagl.org), or (714) 503–6200.
2. By email to the Grievance Committee of AAGL at: [grievance@aagl.org](mailto:grievance@aagl.org)
3. By phone to (866) 976–8894 during the AAGL Annual or Regional Meetings.

All persons who witness potential harassment, discrimination, or other harmful behavior during AAGL- sponsored activities are expected to report the incident and be proactive in helping to mitigate or avoid that harm and to alert appropriate authorities if someone is in imminent physical danger.

### ***Timeliness in Reporting***

AAGL supports the immediate reporting of complaints so that rapid and constructive action can be taken. The very nature of harassment makes it difficult to detect unless the person being harmed reports his or her concerns. The reporting of harassment before it becomes severe or persistent is encouraged.

### ***Investigation Process and Disciplinary Action***

Any reported allegations of harassment, discrimination, and/or retaliation will be taken seriously and investigated promptly, thoroughly and impartially. In general, an investigation will consist of the following steps:

- Once a report is received, the Executive Director or the Grievance Committee will retain an external consultant with expertise in assessing harassment complaints to investigate the report.
- In most cases, the complainant will be interviewed first, and the complaint reviewed. If the complainant has not already filed a written complaint, he or she may be asked to do so.
- The details of the complaint should be explained to the alleged offender by the investigator.
- The alleged offender will be given a reasonable chance to respond to the evidence of the complainant and to bring his or her own evidence.
- If facts are in dispute, further investigatory steps may include interviewing those named as witnesses.
- If, for any reason, the investigator is in doubt about whether or how to continue, he or she will seek appropriate outside legal counsel.
- When the investigation is complete, the investigator will report the findings to the Grievance Committee along with a recommendation for further action.

- The Grievance Committee shall bring the recommendation to the full AAGL Board of Directors for review without disclosing the identity of the parties.
- The AAGL Board of Directors shall remain blinded to the identities of the parties involved, and the AAGL Board of Directors shall be informed only after the determination is made to either approve or reject the recommendation from the Grievance Committee.
- Any adverse action will require AAGL Board approval.

Event security and/or local law enforcement may be involved, as appropriate, based on the specific circumstances. Following the investigation, the AAGL Board of Directors may take any action deemed appropriate against individuals engaging in behavior prohibited by this policy. Individuals making allegations of harassment in bad faith will be subject to disciplinary action by the Executive Board.

Meetings related to the investigation of the complaint will occur at the AAGL office. Other meeting locations may be used at the sole discretion of the Executive Director, and/or designated counsel.

### ***Appeals Procedure***

Anyone reporting a violation under this policy, or who is the subject of a report, who is dissatisfied with AAGL's process or recommendations may submit an objection with the reasons for that dissatisfaction to the Grievance Committee. The Grievance Committee will review the complaint, consider the issues and reasons for dissatisfaction with AAGL's action, conduct a discretionary interview with the Executive Director, and report the findings to the AAGL Board of Directors. Meetings held to address the objection will occur at the AAGL office. Other meeting locations may be used at the sole discretion of the Executive Director, and/or designated counsel.

### ***Confidentiality***

The complaint and investigation will be handled confidentially to the extent permitted without compromising the rights of others. It is important to recognize though that in the process of investigating a complaint of harassment, complete confidentiality is not always possible.

### ***Retaliation is Prohibited***

Retaliation refers to taking some action to negatively impact another based on them reporting an act of harassment or discrimination. Retaliation against an individual for reporting a harassment claim or assisting in providing information relevant to a claim is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action. Acts of retaliation should be reported immediately and will be promptly investigated.

### **Responsive Action**

Individuals engaging in behavior prohibited by this policy, as well as those making allegations of harassment in bad faith, will be subject to responsive action. The Grievance Committee in association with the AAGL Board of Directors will determine any responsive action.

Responsive action may include disciplinary action such as warnings, reprimands, requirements for training, loss of a leadership position or expulsion from the AAGL.

### **Questions**

Any questions regarding this policy should be directed to the AAGL Executive Director, at [lmichels@aagl.org](mailto:lmichels@aagl.org), or 714-503-6200.

### **Inclusion and Diversity Policy**

**Approved by the AAGL Board of Directors on February 8, 2018; Effective February 12, 2018.**

The AAGL recognizes that diversity and inclusiveness in membership, leaders and volunteers, strengthens the work of the AAGL, and are fundamental values of our organization. Ultimately, this broadens our membership and strengthens our commitment to the women, the patients, who we serve.

It is the policy of the AAGL to promote an environment of respect, fairness, integrity, and inclusiveness in all its activities. This means recognizing, respecting, appreciating and *leveraging* diversity. The AAGL aims to be inclusive with respect to: race, color, gender, gender identity, age, disability, sexual orientation, language, ethnicity, religion, values, education, socio-economic background, military or veteran status, marital or domestic partner status, personal appearance, family responsibilities, type of practice, political affiliation, national origin, and/or citizenship status.

The AAGL fosters and values the inclusion and diversity of its members. Maximizing the diversity of our leaders and volunteers allows us to benefit from the talents and the different perspectives of all our members, and for the expression of potentially significant contributions inherent in diversity. The AAGL encourages members who may not have been previously involved with and/or within the AAGL to apply or run for volunteer or leadership positions.

### **AAGL Grievance Committee Policy Approved by the AAGL Board of Directors on February 8, 2018; Effective February 12, 2018.**

The purpose of the AAGL Grievance Committee (Committee) is to receive and investigate complaints made under the AAGL Anti-Harassment Policy (Policy). The Committee will also make recommendations to the AAGL Board of Directors for responsive actions to substantiated complaints.

The Committee will consist of at least five (5), but not more than nine (9), AAGL members, assisted by legal counsel with experience in investigating harassment allegations. The Committee members will be appointed by the AAGL Board of Directors and serve not more than three (3) years, with the exception of the Chair, who may serve additional years by virtue of this position. The Chair of the Committee will be appointed by the Board of Directors. After the establishment of the committee, subsequent Chairs must have previously served on this committee.

General qualifications for serving on the Committee include:

- AAGL membership in good standing
- Trustworthy, with good judgment and the ability to protect confidential information
- Available for conference calls on short notice, and to attend meetings as required
- No history of a substantiated complaint made against that potential member

In making appointments to the Committee, an effort should be made to ensure the Committee membership is reflective of the full AAGL membership.

Committee members are expected to recuse themselves from any investigation in which they have a business, professional, or personal relationship with either the complainant or respondent of a degree that could cause a negative perception of their impartiality.

In addition to having completed the Anti-Harassment awareness training required of all AAGL volunteer leaders, members of the Committee will receive additional training from legal counsel on the investigation and adjudication of complaints made under the Policy.