

Sexual and Unlawful Harassment Policy

The American Society of Landscape Architects (“ASLA” or the “Organization”) is committed to creating and maintaining an environment in which Board members and volunteer leaders are treated fairly and with dignity, decency, civility, and respect. Because ASLA takes seriously allegations of sexual and unlawful harassment (collectively, “harassment”), ASLA will respond promptly to complaints of such harassment and, where it is determined that inappropriate conduct has occurred, will act to eliminate the conduct and impose such corrective and/or remedial action as necessary. Further, any retaliation against complaining parties or witnesses in an investigation of a harassment complaint is similarly unlawful and will not be tolerated. To achieve our goal of providing a harassment-free environment, ASLA enforces this policy, educates Board members and volunteer leaders, and provides a procedure for addressing any inappropriate conduct that may occur.

1. Scope

All Board members and volunteer leaders, regardless of position, are covered by and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur.

While this policy sets forth ASLA’s goals of promoting an environment that is free of harassment, it is not designed or intended to limit ASLA’s authority to take remedial action for conduct which it deems unacceptable, regardless of whether that conduct satisfies the definition of sexual or unlawful harassment. That is, ASLA will take immediate and proportionate action when it determines that inappropriate conduct has occurred. Left unchecked, ASLA recognizes that inappropriate conduct may lead to harassment.

Harassment is not limited to the physical workplace, such as at a Board meeting. The work environment can be affected by actions in the office, in remote work settings, and even in non-ASLA locations. More specifically, harassment can occur at ASLA-related settings, functions, events, conferences, and activities; during travel; and via video conference phone, email, text, social media, or online communications channels. This policy applies regardless of when or where harassment occurs (except when individuals are interacting in a purely social, non-ASLA related setting). That is, an action that would be considered inappropriate if done in-person is still a potential violation of this policy if done online, over the phone or using other communication channel. For example, a committee member who messages racy photos of an ASLA employee that he found on Instagram to other members would be violating this policy.

This policy extends to activity on social media platforms such as Instagram, Facebook/ Facebook Messenger, YouTube, Tik Tok, WhatsApp, Twitter, and LinkedIn. Mistreatment on social media carries the weight of any other business interaction. ASLA urges Board members and volunteer leaders to be wary of their social media connections with others related to ASLA. ASLA reminds Board members and volunteer leaders to be responsible and appropriate in their social media when it can affect the ASLA environment.

This policy also extends to ASLA’s property, including but not limited to its telephones, copy machines, and computers and computer applications, such as email and Internet access. Further, it applies to online communications channels like Zoom, Slack, Skype, WebEx, and Microsoft Teams.

2. *Sexual Harassment: Definition and Examples*

Sexual harassment is defined by law, including the D.C. Human Rights Law. It is against this policy to engage in harassment based on sex, as well as offensive conduct that is sexual in nature. Any hostile conduct based on sex is forbidden by this policy regardless of whether the individual engaged in harassment and the individual being harassed are of the same or different genders. Harassment based on sex includes harassment based on sexual orientation or gender identity. This policy also extends to harassing conduct, which may not be sexual in nature, but is based on an individual's gender or gender stereotypes. It also includes pregnancy, childbirth, breastfeeding, and related conditions.

The Equal Employment Opportunity Commission defines sexual harassment as unwelcome sexual advances, requests for sexual favors, and other physical, visual, verbal and nonverbal conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or 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 individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Examples of conduct prohibited by this policy include, but are not limited to, the following:

- Unwelcome sexual flirtations, advances, demands, pressures, propositions or requests for sexual acts or favors.
- Offering benefits to an ASLA employee, such as favorable performance reviews, salary increases, promotions, increased benefits, or continued employment, in exchange for sexual favors.
- Making or threatening reprisals after a negative response to sexual advances.
- Offensive physical contact such as unwanted patting, grabbing, poking, pinching, pressing or intentionally brushing against another's body, hugging, tickling, cornering, impeding or blocking movement, touching someone's breast, buttocks, or between their legs, or forced sexual intercourse or assault.
- Offensive visual conduct, including leering, making sexual gestures, or the display of offensive sexually-suggestive objects, pictures, screensavers, cartoons, or posters.
- Suggestive or obscene letters, notes, or invitations.
- Sex-based or sexually-oriented verbal comments, name-calling, whistling, epithets, slurs, teasing, or jokes.
- Continued or repeated verbal abuse of a sex-based or sexual nature.

- Graphic, degrading, or other sex-based or sexual comments, mockery, ridicule, insults, or put-downs.
- Asking an ASLA employee, Board member, volunteer leader, or member on a date multiple times if the request was unwelcome.
- Verbal abuse or joking concerning a person's gender characteristics such as vocal pitch, facial hair, or the size or shape of a person's body.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity or expression, or the status of being transgender, such as:
 - Interfering with, destroying or damaging a person's work, workstation, tools or equipment, or other interference with the individual's ability to perform the job
 - Ignoring or ostracizing an individual
 - Yelling or name-calling.
- Degrading comments in the form of sex stereotyping, which occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how persons of a specific sex should act or look.
- Unwelcome voicemail messages, emails, graphics, downloaded material, and websites involving sex.
- Texting, direct messaging, sending picture messages, transmitting videos, or otherwise communicating inappropriately via cell phones, smartphones, over the internet, using social media, and the like.

Courteous, mutually respectful, pleasant, noncoercive interactions between Board members, volunteer leaders, ASLA employees, or members that are appropriate and acceptable to and welcomed by both parties are not considered to be sexual harassment.

3. *Unlawful Harassment: Definition and Examples*

Harassment based on legally protected categories is unlawful employment discrimination. Engaging in physical, visual, electronic, verbal and nonverbal conduct, to include actions, writings, or comments, based on an individual's race; color; religion (which includes religious dress and grooming practices); national origin; age (18 years and older); disability; veteran status; genetic information; marital status; personal appearance; family responsibilities; matriculation; political affiliation; credit information; status as a victim or family member of a victim of domestic violence, a sexual offense, or stalking; or any other consideration made unlawful by federal, state or local laws, ordinances, or regulations, whether it is intended or not, that is unwelcome and has the effect of creating an environment that is hostile, offensive, intimidating, or humiliating to others may constitute unlawful harassment.

Examples of conduct prohibited by this policy include, but are not limited to, the following when one of the protected categories is implicated:

- Slurs or epithets.

- Derogatory remarks, comments, or name-calling.
- Threats or hostile physical conduct.
- Intimidating acts.
- Unwelcome jokes or teasing.
- Display or circulation of offensive material.
- Offensive or obscene letters or notes.
- Continued or repeated verbal abuse.
- Graphic or degrading remarks, mockery, ridicule, insults, or put-downs.
- Unwelcome voicemail messages, emails, graphics, downloaded material, and websites.
- Texting, direct messaging, sending picture messages, transmitting videos, or otherwise communicating inappropriately via cell phones, smartphones, over the internet, using social media, and the like.

Courteous, mutually respectful, pleasant, noncoercive interactions between Board members, volunteer leaders, ASLA employees, or members that are appropriate and acceptable to and welcomed by both parties are not considered to be unlawful harassment.

4. *Personal Responsibility*

Board members and volunteer leaders are responsible for ensuring that the ASLA environment that they are part of is free from unwelcome conduct that is prohibited by this policy. Board members and volunteer leaders are expected to avoid any behavior or conduct that could reasonably be interpreted or perceived as prohibited under this policy.

ASLA encourages individuals who are bystanders to intervene and stop inappropriate behavior if it occurs. Being a passive onlooker to harassment can perpetuate a toxic environment that can negatively affect many people beyond the direct target(s). Bystander intervention techniques include disrupt, distract, delay, confront, support, get help, and report. For example, a Board member who sees or hears harassing comments being made at a Board meeting or during a video conference can disrupt the situation by changing the subject. Alternatively, a volunteer leader can confront harassers with a text letting them know their comments were out of line. Being an engaged bystander includes intervening both online and during face-to-face situations.

5. *Reporting Procedures*

ASLA urges Board members and volunteer leaders to **promptly** report any harassment, whether the harassment is by a fellow Board member, volunteer leader, ASLA employee or other individual who has a relationship with ASLA that enables the Organization to exercise some control over the individual's conduct in places and activities that relate to ASLA. Such individuals can include members, contractors, vendors, visitors, and others who may interact with ASLA. This reporting procedure applies to those individuals who have *experienced*

harassment, as well as those who have *observed* harassment. ASLA encourages individuals not to avoid the harasser, deny or downplay the gravity of the situation, or attempt to ignore, forget, or endure inappropriate behavior.

Board members and volunteer leaders who believe they have been subjected to harassment are encouraged to directly inform the offending person(s) that such conduct is offensive and must stop, **but only if** they are comfortable in so doing. If the Board member or volunteer leader does not wish to communicate directly with the alleged harasser(s), or if direct communication has been ineffective, then that person is encouraged and expected to immediately contact ASLA using the complaint procedure designated. No one is **required** under any circumstances to confront the offending person(s).

Specifically, the designated ASLA officials to whom reports should be made, and their contact information, are as follows:

ASLA Chief Executive Officer - aslaceo@asla.org
ASLA Corporate Secretary – corporatesecretary@asla.org
ASLA President - asla.president@asla.org

These persons are also available to discuss any concerns Board members and volunteer leaders may have and to provide information about the policy and complaint process. Although reports may be made verbally, ASLA encourages reports of harassment to be submitted in writing, as doing so will assist in the investigation process.

Reports may also be made using the following anonymous hotline:

- **Website:** <https://www.lighthouse-services.com/asla>
- **Anonymous Reporting App: Keyword: asla**
 - Detailed app instructions [here](#)
- **Toll-Free Telephone:**
 - English speaking USA and Canada: **833-658-3125**
 - Spanish speaking USA and Canada: **800-216-1288**
- **E-mail:** reports@lighthouse-services.com (must include ASLA's name with report)

6. *Professional Responsibility*

Board members and volunteer leaders who have witnessed, heard, learned of, or otherwise been made aware of conduct that is or may be inconsistent with this policy or who receives a report of conduct, from any source whatsoever, that is inconsistent with this policy **must** report the matter immediately. This includes any and all observations as well as complaints of potential or alleged harassment or retaliation. In addition, Board members and volunteer leaders have a responsibility to assist ASLA in documenting any reports.

7. *Investigation*

All reports of harassment received pursuant to this policy will be promptly investigated in as confidential, timely, impartial, and thorough a manner as possible and in accordance with the requirements of applicable law and standard practice. ASLA may have the investigation conducted by an ASLA employee or it may engage an outside investigator. ASLA recognizes that allegations of harassment and retaliation can be extremely sensitive. ASLA will exercise the utmost discretion and sensitivity in disclosing information about the complaint consistent with

conducting a full and fair investigation or for other legitimate legal or business reasons. The person conducting the investigation will only involve those individuals whom the investigator believes it is necessary to involve to complete the investigation.

The steps to be taken during the investigation cannot be fixed in advance but will vary depending upon the nature of the allegations. The investigation will generally begin with an interview of the complaining person or person feeling harassed (if different) and the person who reportedly engaged in the misconduct. It may extend to witnesses of the alleged misconduct. When feasible, interviewees should be interviewed in person. Video and phone interviews may be utilized when live interviews are not reasonably possible or when a non-material witness is interviewed.

It is the responsibility of every Board member and volunteer leader to cooperate fully with an investigation and to keep matters discussed in the investigative process and in interviews strictly confidential while the investigation is ongoing.

When the investigation is completed, ASLA will, to the extent appropriate, inform the person feeling harassed and the person alleged to have committed the misconduct of the results of the investigation. Any report or other writings that are generated in the course of the investigation are ASLA's property and will not be shared with those who have been interviewed as part of the investigation.

8. *Corrective/Remedial Action*

Based upon the findings of the investigation, prompt and appropriate action will be taken to address any inappropriate behavior that has occurred. This may include disciplinary action if an ASLA employee is involved. If the person who engaged in inappropriate conduct is not an ASLA employee, such as a Board member or volunteer leader, then ASLA will take whatever action is reasonable and appropriate under the circumstances.

Corrective action taken will be proportionate to the offensiveness of the conduct. For example, a demand for sexual favors may result in the termination of an employee or dismissal from a leadership position; the first instance of telling an ageist joke may warrant a counseling or warning.

Remedial action, such as training or re-training, may be in order as well.

ASLA might conclude, depending on the investigation and findings, that no violation of the policy occurred or that a conclusion cannot be reached as to whether a violation has occurred. In any event, ASLA will take steps to ensure that the individuals involved are reminded of this policy and ASLA's commitment to a harassment-free environment.

9. *Retaliation*

Retaliation against an individual who has complained about harassment, and retaliation against individuals for cooperating with an investigation of a harassment complaint, is unlawful and is not tolerated. Those involved in an investigation will be cautioned about retaliation. No hardship, loss of benefit, or adverse action may be imposed on an individual for complaining about or filing a good-faith complaint of harassment. Further, no one will be harmed in any way for cooperating with or otherwise participating in the internal or external investigation of a complaint. Retaliation is a serious violation of this policy and should be reported immediately.

Reports of retaliation may be made through the means described above under "Reporting Procedures." Anyone who is found to have retaliated against anyone for complaining about or reporting potential harassment, or against anyone who has cooperated or otherwise participated in an investigation, will be subject to discipline (for employees) or other appropriate action.

9. *Implementation*

ASLA will distribute this policy to all Board members and volunteer leaders on an annual basis.

10. *Monitoring and Evaluation*

ASLA will monitor this policy, context, and adherence, and will make any updates as needed.