



**AIA**  
Queens

The American Institute of Architects  
AIA Queens Harassment Policy

## Purpose

AIA Queens (a component of the American Institute of Architects (AIA)) and its members are committed to full compliance with all laws and regulations, and to maintaining the highest ethical standards in the way we conduct our operations and activities. This policy is designed to prevent sexual and other types of harassment within AIA Queens, and to provide for corrective action as appropriate.

## Who Is Covered by the Policy

This policy applies to the following people, referred to as Covered Individuals:

- members of the AIA Queens Board of Directors (or other governing body).
- all individuals who act on AIA Queens' behalf through election, appointment (including appointment to a committee), or Board action, or under authority from its Bylaws or Rules of the Board.
- AIA Queens staff
- all individual members of AIA Queens engaged in activities relating to the business of the AIA such as meetings and events, continuing education sessions, tours, and any other AIA-related activities.
- all other individuals engaged in activities relating to the business of AIA Queens such as meetings and events, continuing education sessions, tours, and any other AIA Queens-related activities.

## Prohibited Conduct

This policy prohibits discriminatory or harassing behavior (that is, unwelcome conduct) directed toward a person because of his or her sex, race, color, religion, national origin, age, marital status, personal appearance, sexual orientation or identification, family responsibilities, physical or mental disability, political affiliation, or other status protected under the laws of the jurisdiction(s) in which AIA Queens is present or the relevant activities take place.

Accordingly, no Covered Individual shall:

- engage in or facilitate any discriminatory or harassing behavior directed toward AIA officers, directors, members, staff, meeting attendees, exhibitors, advertisers, sponsors, suppliers, contractors, guests, or others in connection with activities relating to the AIA.
- engage in speech or conduct which is disparaging or derogatory of persons based on any of the factors mentioned above, in connection with activities relating to the AIA.

### Reporting a Violation

Violations of this policy may be reported to the AIA Queens Managing Director and/or to the Board of Directors. The Board will be responsible for resolving any reported violation, and will determine an appropriate course of action. This will ordinarily involve a prompt inquiry or investigation, which shall be conducted with utmost discretion and be kept confidential to the greatest extent possible. Such inquiry or investigation shall be conducted by the Board or by one or more of its members, by legal counsel retained by AIA Queens, or by such other person(s) as the Board may designate.

### Board Action

Promptly after the inquiry or investigation has been completed, the resulting findings will be reported to the Board. The Board shall then conduct such proceedings and take such action as may be appropriate and authorized under applicable law and under the governing documents of the Institute and of AIA Queens. If a Board member has been charged with the pertinent violation, he or she may present arguments and supporting evidence on his or her behalf, but will not otherwise influence or participate in the Board's proceedings on the violation.

*If the Board of AIA Queens fails to address an alleged violation in the manner shown above, the person reporting the alleged violation may contact AIA New York State at [gbailey@aianys.org](mailto:gbailey@aianys.org). If AIA New York State fails to respond, the person reporting the alleged violation may contact the General Counsel of the American Institute of Architects at [jstephens@aia.org](mailto:jstephens@aia.org).*

### Alleged Violations of the AIA Code of Ethics

Certain acts may violate the [AIA Code of Ethics and Professional Conduct](#), and therefore might be the subject of a complaint to the Institute's National Ethics Council. For more information, go to the link provided above.

## The American Institute of Architects Harassment Policy

### Talking Points / FAQ

What is the legal definition of sexual harassment?

Harassment is unwelcome conduct directed toward an individual. The law distinguishes sexual harassment as a form of discrimination based on sex. Certain behaviors, such as rude conduct and insults, may not necessarily be harassment in the legal sense, although the behavior may be unwelcome. This is why each situation must be evaluated individually, and why careful investigations are so important.

What does the policy apply to?

The anti-harassment policy governs all activities related to the AIA and its components. This refers to all events, continuing education, conventions, and even social events, if they are connected to the AIA. The policy does not apply to non-AIA activities, or to situations that arise in firms but do not have the necessary connection to the AIA. If the activity in question is not in some way connected to the AIA, the policy does not apply.

Is this policy just about sexual harassment?

The model policy is not just about sexual harassment, but rather any situation where there is alleged discrimination based on a protected status – sex, race, color, religion, national origin, age, marital status, personal appearance, sexual orientation or identification, family responsibilities, physical or mental disability, political affiliation, or other status protected under the laws of the jurisdiction where the policy is adopted, that is, under state and federal law.

How is the harassment policy affected by state law?

Under federal law as defined by the courts, sexual harassment is considered discrimination on the basis of gender. For the purposes of this policy, federal law defines how some forms of harassment are initially addressed, and each state will have its own definitions and laws regarding harassment. You will want to consult your state law, and may want to seek the advice of an attorney, in order to best reflect the applicable law in your state.

Who is responsible for investigating?

Because of their legal duties under state law, your Board of Directors is responsible for investigations. This responsibility may be delegated, but the ultimate outcome rests with the Board.

How do you investigate?

Investigations are always fact-based, and how an investigation is conducted will vary from case to case. In general, an investigation should be confidential, only involving those individuals who are absolutely necessary, balanced as to the rights of those involved, and fair to the accused. In many instances, you may be well served to seek the advice of an attorney experienced in investigating harassment claims.

Can you give examples of what sorts of actions a component might take to investigate a claim?

There are virtually limitless possible scenarios that could give rise to a claim. While in certain instances, one or two informal conversations may be sufficient to resolve a complaint, in other situations a more substantial investigation may need to be undertaken. There are many ways these scenarios can play out.

An example:

Mary Smith complains that John Doe approached her at an AIA event and said something offensive. The chapter president approaches John Doe and asks him if he said it, and John Doe admits the behavior. The chapter president admonishes John Doe and that may be the end of it. If John Doe does not admit the behavior, additional investigation may be necessary.

Another situation might have a more complex set of facts, multiple witnesses, and documents, text messages or emails – all of which would need to be taken into account. In that circumstance, there could be a much more involved investigation. That might mean bringing in a third party (such as an experienced attorney) to conduct the investigation on behalf of the component.

Will our Directors and Officers insurance cover us if there is a legal claim?

Though policies vary in detail, typically D&O insurance does cover claims against the directors and officers of the organization in harassment situations. Currently, each AIA component is required to carry this type of insurance, and you should check with your provider on whether and how your policy covers sexual harassment claims, and any resources and education they may have available. You should pay particular attention to your policy's deductible amount, its coverage limits, its handling of attorney fees and costs, and any exclusions that might apply.

What resources and training might be available?

AIA National has resources listed on the AIA website at <https://www.aia.org/resources/184681-harassment-resources>, and is developing Equitable Practice Guides for firms during late 2018 and into 2019. Other resources will be announced as they become available.

What about the AIA Code of Ethics? Doesn't it already cover harassment?

The AIA Code of Ethics currently does not explicitly address sexual harassment. The National Ethics Council is expected to offer its findings and recommendations on possible changes to the Code of Ethics later this year. In the meantime, if someone believes a violation of the Code has occurred, that person may file a complaint with the National Ethics Council. Further information may be found at [www.aia.org/ethics](http://www.aia.org/ethics).

How does the policy work with our other governing documents?

As you prepare a harassment policy, you should review your Bylaws (and Rules of the Board, if you have them) to ensure the policy is compatible with them. As a stand-alone document, the harassment policy addresses situations connected with the AIA and its activities. It may or may not be the right place for a local component to take an advocacy position, or set out detailed procedural rules, so you'll want to give careful thought to your local needs and concerns. You should also read and understand the AIA's whistleblower policy, and reach out to AIA General Counsel at [jstephens@aia.org](mailto:jstephens@aia.org) should you have any questions.

Can a component revoke an individual's AIA membership as an outcome of a harassment investigation?

No. According to the AIA Bylaws, an individual's membership may be terminated for misconduct only if the National Ethics Council finds that such action is warranted for a violation of the AIA Code of Ethics. However, a component may have other options. For example, a member found to have engaged in harassment might be directed to refrain from contact with the other member, or might be ejected from the event at which the harassment takes place.

What if a component's board of directors fails to act?

The recently revised AIA component core member services require components to comply with the AIA anti-harassment policy. Failure to comply may affect the component's standing, and will be a factor in the next accreditation cycle. If the component (through its board) fails to act, any member or other interested person may contact the AIA General Counsel at [jstephens@aia.org](mailto:jstephens@aia.org)

What can I do now?

These are a few things that you may want to think about as you move forward:

- Establish a straightforward process for members, employees, and others to report harassment, and make sure it is readily available to all interested persons.
- Review your Directors and Officers insurance policy so that you understand your coverage.
- Educate your elected leadership, staff, and members about the AIA Code of Ethics, and provide them with links to ethics-related content on <https://www.aia.org/pages/3296-aia-code-of-ethics-and-professional-conduct>.
- Review chapter processes and criteria for design awards, juries, and programs, and consider how they may be affected by harassment issues.
- Review the model policy in light of your bylaws, whistleblower policy, and rules of the board (if you have rules of the board) to help ensure that there is alignment and coordination among them.