

**NATIONAL EDUCATION ASSOCIATION
STANDARDS OF CONDUCT AT NEA EVENTS AND MEETINGS
AND MEMBER ANTI-HARASSMENT/NON-DISCRIMINATION POLICY AND
PROCEDURES**

Adopted by the NEA Board of Directors, July 1, 2020

*Revising and superseding “Procedure for Addressing Harassment Complaints
By a Member Against an NEA Representative” (Dated: March 2011)*

PURPOSE

The National Education Association (“NEA”) is committed to promoting universal respect for all people and therefore strongly discourages demeaning characterizations of people on the basis of race, color, ethnicity, religion, sex, age, national origin, sexual orientation, disability, gender identity or expression, or any other characteristic protected by law. All NEA members in every job and membership category should be able to participate fully in the Association without fear, intimidation, retaliation, discrimination or harassment.

NEA will not tolerate discriminatory, harassing, or otherwise unlawful behavior at any of its activities, events or meetings. NEA members should be mindful that when they are representing the NEA they should strive at all times to reflect NEA’s values of mutual respect, robust democratic participation, and professionalism. NEA adopts the following policies and procedures, and expects all participants in any of its activities, events or meetings to abide by it.

This policy and its reporting and investigation procedures supplement, rather than replace, any other means of redress available to a member who believes they have been the target of discrimination or harassment. In addition to this policy, NEA staff are covered by a non-discrimination/anti-harassment policy for employment related actions. This policy does not apply to matters covered by the staff non-discrimination/anti-harassment policy, and is not intended to modify that policy.

DEFINITIONS

1) Discrimination

It is discrimination to make a decision about union representation or participation or to treat a person or group of people less favorably than others in terms of their union representation or participation based on race, color, ethnicity, religion, sex, age, national origin, sexual orientation, disability, gender identity or expression.

2) Harassment

Harassment consists of unwelcome verbal, visual or physical conduct that is based on an individual’s race, color, ethnicity, religion, sex, age, national origin, sexual orientation, disability, gender identity or expression.

Harassing behavior may include, but is not limited to, the use of epithets, slurs, negative stereotyping, jokes, comments, threatening, intimidating or hostile acts, or other behavior that is insulting, degrading, derogatory, or ridiculing based on a person's legally-protected status. Bullying that is based on a person's race, color, ethnicity, religion, sex, age, national origin, sexual orientation, disability, gender identity or expression, may also constitute prohibited harassment.

Harassment may also include written or graphic material, whether that material is shown or sent by e-mail, through social media, placed on computer screens, or elsewhere either during an activity, event or meeting or in some other way directly related to an NEA event or NEA duties.

3) Sexual Harassment

Sexual harassment is a type of discriminatory harassment. It can involve unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature. Sexually harassing conduct need not be motivated by sexual desire, and can include gender-based harassment that is not necessarily sexual but would not have occurred but for the victim's sex, such as use of derogatory names or applying negative stereotypes based on gender. It can involve conduct by a person of either gender toward a person of the same or opposite gender. It may include harassment based on gender, gender identity, or sexual orientation. It may also include harassment based on pregnancy, childbirth or related medical conditions.

EXPECTED BEHAVIOR

In the interest of intentionally fostering goodwill and trust and protecting the rights of all individuals to dignity and mutual respect, NEA expects all participants in NEA activities, events and meetings to:

- ✓ Respect others and their views;
- ✓ Recognize and value individual differences;
- ✓ Promote mutual respect, understanding and cooperation as the basis of interactions amongst participants in NEA activities, events or meetings;
- ✓ Maintain the reputation of NEA by conducting themselves in accordance with high standards of professionalism.

As a democratic institution that values open and vigorous discussion about NEA's policies and positions, as well as all issues related to public education and the interests of education professionals and students, NEA does not intend for this policy to restrict free and open debate. NEA recognizes that members have the right to express viewpoints that are critical of NEA, its policies, and its officers and staff. This policy does not apply to conduct that is consistent with members' rights of free expression under the Labor-Management Reporting and Disclosure Act of 1959.

UNACCEPTABLE BEHAVIOR

To ensure productive NEA meetings and events, at which all members feel free to express their views, NEA expects all participants in NEA events to treat other event participants with respect and to refrain from any behavior that physically interferes with another member or subjects another member to public ridicule or shaming based on a member's exercise of their rights to vote or to express a particular view on a matter of union business. Guests who fail to abide by these requirements are subject to immediate expulsion from NEA events.

So that all members may fully exercise their democratic rights to participate in NEA activities, events and meetings free from harassment, intimidation and other such unacceptable behavior, NEA hereby establishes that the following conduct is unacceptable at any and all NEA events.

- Discriminatory or harassing speech or actions, including cyber-bullying or cyber-harassment (e.g., posting threatening messages or hate speech on social media about event participants or other NEA members), by any participant in an NEA activity, event or meeting;
- Harmful or offensive verbal or written comments or visual images about event participants or other NEA members based on race, color, ethnicity, religion, sex, age, national origin, sexual orientation, disability, gender identity or expression, or any other characteristic protected by law;
- Inappropriate use of nudity and/or sexual images in shared spaces;
- Stalking;
- Harassing photography or recording;
- Uninvited sexual attention or contact;
- Physical assault (including uninvited touching or groping);
- Real or implied threat of physical harm, and
- Other similar conduct.

REPORTING AND INVESTIGATION PROCEDURE

Prior to the start of NEA activities, events or meetings that include any participants besides NEA staff, attendees will be informed of this Policy and the expected behavior of NEA members and guests by way of an announcement from the chair reminding attendees as follows:

NEA has adopted a Standards of Conduct policy to ensure that all of our gatherings are welcoming to all and free from discriminatory, harassing or otherwise unacceptable behavior. Discrimination or harassment based on race, color, ethnicity, religion, sex, age, national origin, sexual orientation, disability, gender identity or expression, or any other characteristic protected by law will not be tolerated. If you experience any discriminatory, harassing or otherwise unacceptable behavior

please see [Name of person assigned for this meeting] to report the incident. Thank you for your commitment to ensuring a positive event for all.

For all NEA events other than the NEA Representative Assembly, NEA will designate a contact person(s) to whom complaints may be directed. The designated NEA contact person shall respond to any alleged violation and take such action as appropriate to ensure full participation of all members in the NEA event. Should the contact person conclude that the alleged violation was by an NEA representative and appears to involve conduct that amounts to discrimination, harassment or retaliation of an NEA member on any basis protected under this policy, the contact person shall refer the matter to the NEA Executive Director to resolve according to the procedure set forth below.

In the case of conduct that occurs at the NEA Representative Assembly, the contact persons for violations of this Policy shall be designated members of the Committee on Equity and Ethnic Harmony (“CEEH”). CEEH shall respond to any alleged violations pursuant to its established processes. In the event that CEEH finds that an alleged violation of this Policy by an NEA representative appears to involve conduct that amounts to discrimination, harassment or retaliation of an NEA member based on any basis protected under this Policy, the Committee shall refer the matter to the NEA President to resolve according to the procedure set forth below.

Regardless of whether the conduct occurs at the NEA Representative Assembly or another NEA event, NEA takes all such complaints seriously and may, at its discretion, take action that it deems appropriate based on the situation. Possible responses may include a warning, expulsion of the alleged offender from the NEA activity, event or meeting, or censure or suspension of the member. NEA may inform the alleged offender’s association or employing entity of the complaint. Complaints will be treated confidentially to the extent possible consistent with an appropriate assessment of and response to the situation. NEA will take appropriate steps to ensure that the complainant is no longer subject to the unacceptable behavior. NEA will not tolerate retaliation against any individual who in good faith complains of unacceptable behavior under this policy, or who participates in good faith in any subsequent investigation of a complaint, and will take all necessary and appropriate steps to stop any such retaliation if it occurs.

In addition to these procedures which are available to any attendee to report an incident during the course of an NEA activity, event or meeting, NEA members may also utilize the following procedure for reporting discrimination or harassment by any NEA representative.

Procedure for NEA Member Complaints of
Harassment or Discrimination By an NEA Representative

Any NEA member who is subject to or witnesses discriminatory or harassing behavior by an NEA officer, employee or other individual acting as an agent for NEA (collectively, “NEA representative”) may utilize the following reporting and investigation procedure:

1. If the member subjected to the unwelcome harassment or unlawful discrimination feels comfortable doing so, they should respond to the conduct in a way that demonstrates that the conduct is unwelcome. However, the member is not required to complain directly to the offending individual.

2. A member who believes that they have been harassed or unlawfully discriminated against by an NEA representative should contact the Executive Director promptly, orally or in writing, no later than 180 days after the alleged harassment or discriminatory action took place. The Executive Director will treat the matter as confidential to the fullest extent possible consistent with a thorough and impartial investigation. The address and telephone number of the Executive Director are:

Executive Director
National Education Association
1201 16th Street
Washington, DC 20016
(202) 822-7154

3. If an NEA representative is informed by a member that they have been harassed or discriminated against by another NEA representative or observes a representative engaging in conduct that they reasonably believe constitutes harassment of or discrimination against a member, the NEA representative shall promptly inform the Executive Director, orally or in writing, within seven (7) days of becoming aware of this conduct. The Executive Director will treat the matter as confidential to the fullest extent possible consistent with a thorough and impartial investigation.

4. Any NEA representative accused of discrimination or harassment will have no role in implementing this procedure to resolve the alleged conduct.

5. NEA will not tolerate any retaliation against a member for invoking this procedure, or against any other person for participating in an investigation under this procedure. Any person who believes that they have been retaliated against or subjected to other adverse action in violation of this prohibition should contact the Executive Director within forty-five (45) days of the alleged retaliation or adverse action. If, after appropriate investigation, the Executive Director concludes that retaliation or other adverse action occurred, the Executive Director will take appropriate corrective action including appropriate action against the offending party.

6. The Executive Director will take the following steps after being contacted by a member who alleges that they have been harassed by or discriminated against by an NEA representative, or by an NEA representative reporting an act of harassment or discrimination against a member:

- A. The Executive Director will review the matter and determine whether or not the allegations are sufficiently specific that an investigation is appropriate.
- B. Any investigation shall be conducted promptly, thoroughly, impartially and in as confidential a manner as possible consistent with the proper handling of the complaint.
- C. If the offending NEA representative is an NEA officer, the Executive Director shall direct the General Counsel or the counsel's designee to investigate the matter. If the offending NEA representative is an NEA employee, the Executive Director shall direct the Human Resources Director to investigate the matter. Whoever conducts the investigation shall proceed as follows.
- D. The member and the NEA representative shall be interviewed, and the investigator shall take such other actions as they deem necessary to determine whether there is any reason to believe that harassment or unlawful discrimination in fact took place. If, on the basis of that preliminary investigation, the investigator has no reason to believe that harassment or discrimination occurred, they will inform the member, the representative, and any other person who has been involved in the preliminary investigation, place a memorandum to this effect in a separate confidential file, and treat the matter as closed.
- E. If, on the basis of the preliminary investigation, the investigator believes that harassment or discrimination may have taken place, they shall proceed as follows:
 - i. If appropriate, the investigator shall attempt to resolve the matter informally. Toward this end, they shall consult with the member and the NEA representative, and attempt to reach agreement on a course of corrective action that is acceptable to the member, the representative and NEA.
 - ii. If the nature of the allegations is such that informal resolution is inappropriate, or if efforts to resolve the matter informally are unsuccessful, the investigator will ask the member to file a written complaint describing in detail the conduct constituting the alleged harassment or discrimination, and identifying any persons that may have information relevant to the matter. If the member declines to file such a complaint, the matter will be considered closed unless the member identifies someone else who witnessed the conduct and who is willing to file a complaint, or if there is another independent basis on which to continue an investigation.
 - iii. The investigator will inform the NEA representative of the allegations that have been made against them, and shall afford the representative an opportunity to file a written response to the complaint, and to identify any persons that may have information relevant to the matter.

- iv. The written complaint submitted by the member will not, without the member's permission, be given to the NEA representative, and the written response submitted by the representative will not, without the representative's permission, be given to the member. To the extent access is given to documents or to information provided by witnesses, it shall be provided to the member and the representative on an equal basis.
 - v. The investigator will conduct an investigation to determine whether harassment or discrimination occurred. Any documents involved in, or resulting from, the investigation will be kept by the investigator in a separate confidential file.
 - vi. If necessary, NEA will take steps to ensure that no harassment or retaliation occurs during the period of investigation.
 - vii. At the conclusion of the investigation, the investigator will report their findings, together with a recommended course of action, to the NEA Executive Director.
- F. If the Executive Director concludes that harassment or discrimination occurred, the Executive Director must take appropriate action to end the harassment or discrimination, to remedy its effects, and to prevent it from taking place in the future. Such action may include the filing of charges against an NEA officer before the NEA Review Board or other appropriate action against the NEA representative to ensure that the conduct does not recur.
- G. If the investigation establishes that harassment or discrimination has occurred, the investigator will make reasonable follow-up inquiries to ensure that the conduct has not resumed, and that neither the member nor any other person has been subjected to retaliation or other adverse action for invoking this procedure or participating in an investigation.
- H. If the Executive Director concludes that harassment and/or discrimination has not occurred, the Executive Director must take appropriate action to ensure that the investigative process does not damage the status or reputation of the NEA representative, or the representative's relationship with NEA. If the Executive Director concludes that harassment and/or discrimination has not occurred, and that the member intentionally made false accusations against the representative, the Executive Director shall take appropriate action against the member, which may include the filing of charges against the member before the NEA Review Board.

7. At the conclusion of any NEA event, any complaints made under this policy to the designated contact person(s) for the event, as well as the disposition of those complaints, shall be reported to the NEA Office of General Counsel. On an annual basis, the NEA Office of General Counsel shall report to the NEA President and Executive Director regarding the prior year's complaints and their disposition.

8. Nothing in this policy shall create an employment relationship between the NEA and employees of a State Affiliate, Local Affiliate, or attendee of any NEA activity, event or meeting.

9. Questions about this policy overall and the procedure for investigating complaints should be directed to the NEA Executive Director or NEA General Counsel.