

THE NATIONAL POPULAR CULTURE ASSOCIATION – AMERICAN CULTURE ASSOCIATION POLICY ON ANTI-DISCRIMINATION AND SEXUAL HARASSMENT

Preamble: The Popular Culture Association and American Culture Association (PCA/ACA) are committed to maintaining an academic and social environment for all its members that is fair, humane, and responsible — an environment that supports scholarship, learning, and the free exchange of ideas. Discrimination and sexual harassment subvert these goals and offends the integrity of the academic enterprise. Discrimination and sexual harassment are reprehensible and will not be tolerated by the PCA/ACA.

Anti-Discrimination Policy: The PCA/ACA will not tolerate discrimination based on age, creed, color, gender, disability, marital status, national origin, race, religion, sexual orientation, military status, predisposing genetic characteristic, or any other category protected under law.

This policy must be followed in all aspects of the PCA/ACA program including the selection of PCA/ACA officers and area chairs, the selection of papers to be delivered at the national meeting, and the selection of individuals to receive PCA/ACA awards.

These prohibitions are not intended to abridge PCA/ACA's community members' rights of free expression or other civil rights.

Anti-Sexual Harassment Policy: "Sexual harassment" means unwelcome sexual advances, unwelcome requests for sexual favors, or other unwelcome behavior of a sexual nature when:

1. Submission to such behavior is made, explicitly or implicitly, a term or condition of an individual's employment within the organization, selection as an officer of the organization, selection for delivery of a paper, or selection for a PCA/ACA award.

The following are examples of sexual discrimination:

- A. Sexual assault
- B. Threats or insinuations which lead the victim reasonably to believe that granting or denying sexual favors will affect her or his reputation and potential to become an officer, deliver a paper, or win an award.
- C. Sexual advances, sexual propositions, or sexual demands which are not agreeable to both parties
- D. Unwelcome and persistent sexually explicit statements or stories which are not legitimately related to the goals of the PCA/ACA.
- E. Repeatedly using sexually degrading words or sounds to describe a person
- F. Unwanted and unnecessary touching, patting, hugging, or other physical contact
- G. Recurring comments or questions about an individual's sexual prowess, sexual deficiencies, or sexual behavior

2. Sexual harassment involves unwanted sexual attention. However, a person's subjective belief that behavior is offensive does not make that behavior sexual harassment. The behavior must also be objectively unreasonable. The determination as to whether behavior is sexual harassment must take account the totality of the circumstances, including the nature of the behavior and the

context in which it occurred. Sexually harassing conduct often involves a pattern of offensive behavior. However, a single instance of assaultive, physically threatening, or other especially abusive behavior may constitute sexual harassment.

Complaint Procedures: A written complaint detailing the event or events of discrimination or sexual harassment may be submitted to any officer of the PCA/ACA (Governing Board Chair, President PCA, or Endowment Director) or any member of the PCA Board of Governors. An officer receiving a complaint must inform all the other officers and Board members.

Any officer of PCA/ACA or Board member who is a party to the issue as a defendant, respondent, or witness will absent him or herself from any discussion of the issue or the selection of the Ethics committee.

1. The Ethics Committee will investigate the incident. Procedures shall be determined by the Ethics committee with the goal of a reasoned, thoughtful, careful, but nevertheless, expeditious report.

2. Investigation Process

In pursuing the investigation, the Ethics Committee will try to take the wishes of the complainant into consideration but should thoroughly investigate the matter as it sees fit. The committee may periodically inform the complainant and respondent of the status of the investigation. The investigation process may include any or all of the following:

Confirm name and position of the complainant.

Identify the respondent.

Thoroughly ascertain all facts in connection with the alleged incident, beginning by interviewing the complainant and the respondent. Questions of all parties should be asked in a nonjudgmental manner.

When first interviewing the parties, assure the complainant and remind the respondent of policy against retaliation.

Determine frequency/type of objectionable event(s) and, if possible, the dates and locations where it/they occurred.

Find out if any witnesses observed the alleged incident. If the complainant and the respondent present conflicting versions of the facts, interview any witnesses.

Ask both parties how each responded to the alleged objectionable conduct.

Determine what efforts, if any, at informal resolution of the matter were made, the result, and any witnesses.

Determine whether the complainant consulted anyone else about the objectionable behavior; identify those witnesses and record their response to the disclosure.

Develop a thorough understanding of the professional relationship, degree of control, and amount of interaction between the respondent and complainant.

Determine whether the respondent has made and carried out any threats or promises directed at the complainant.

Determine whether the complainant knows of or suspects that there are other individuals who have been subjected to similar conduct by the respondent. Receipt of any complaint shall be cause for a file review to determine if a prior complaint against the same person is on file.

Resolving the Complaint:

Upon completing the investigation of a complaint, the Ethics Committee will determine how to proceed and will communicate its findings and intended actions to the complainant and respondent.

1. Mutually Acceptable Resolution

The Ethics Committee may work with the individuals to achieve a mutually acceptable resolution.

2. Sanctions

Individuals found to have engaged in behavior constituting sexual harassment or other discriminatory conduct based on a protected category will be disciplined, up to and including removal or expulsion from PCA/ACA. The review committee will determine appropriate sanctions. In addressing incidents of sexual harassment or discrimination, the review committee's response at a minimum will include reprimanding the offender and preparing a written record. Additional action may include referral to counseling, reassignment, temporary suspension, or removal or expulsion from PCA/ACA.

3. False Accusations

If an investigation results in a finding that the complainant falsely and maliciously accused another of sexual harassment or discrimination, the complainant will be subject to appropriate sanctions, as described above, including the possibility of suspension and/or discharge from the organization. The fact that no action is taken as a result of the complaint against the respondent does not necessarily mean that the complaint was false or malicious.

Confidentiality of actions taken under the Anti-Discrimination or Anti-Sexual Harassment Policy: To the extent possible, the confidentiality of all persons involved in a discrimination or sexual harassment investigation, or complaint will be observed.

Retaliation against individuals involved in a discrimination or sexual harassment

action: Persons who complain about discrimination or sexual harassment, or who cooperate in the PCA/ACA investigation and handling of discrimination or sexual harassment reports or complaints, shall not be subject to retaliation for complaining or cooperating, whether or not the committee finds that there was discrimination or sexual harassment. Retaliation is a very serious violation of this policy. If a complainant or witness believes that she or he is being subjected to retaliation, she or he should promptly contact an officer of the PCA/ACA. Any person found to have retaliated against an individual for reporting objectionable conduct will be subject to appropriate disciplinary procedures.

Appeals: A respondent who disagrees with the review committee's decision may appeal the ruling to the entire PCA/ACA Governing Board for rehearing. The decision of the entire Governing Board is final.

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