

POLICY STATEMENT

One of the stated purposes of the National Academy of Arbitrators is to “encourage friendly association among the members of the profession.” We are all accomplished professionals, or we would not have qualified for membership. The hallmark of our dealings with one another must be the respect due to a fellow professional. The Board of Governors deems this a basic obligation owed to the profession, the organization and one another. It is the policy of the National Academy of Arbitrators that any member who, in dealings with another member, engages in harassment or discrimination fails in this obligation and is subject to disciplinary consequences to the same degree as a member who violates the Code of Professional Responsibilities.

COMPLAINT PROCESS UNDER THE NON-HARASSMENT / NON-DISCRIMINATION POLICY

The President shall appoint a Coordinator of Internal Grievances, who shall be the contact person for any member who wishes to make a complaint against another member for violation of the non-harassment / non-discrimination policy. The Coordinator will be an ex officio member of the CPRG.¹

On receipt of a complaint, the Coordinator shall investigate the complaint. The complaint and the investigation shall be confidential. The Coordinator shall use his or her best efforts to resolve the complaint on a voluntary basis. If the complaint cannot be resolved, the Coordinator shall make a probable cause determination in consultation with two members of the CPRG. The probable cause determination shall not be subject to any appeal.

If the Coordinator determines that there is no probable cause to support the complaint that discrimination or harassment has occurred, the complaint shall be dismissed. If the Coordinator determines that probable cause exists to support the complaint, it shall be assigned for a hearing before a Hearing Officer selected from the CPRG in the same manner as a complaint alleging a violation of the Code, and the same procedures will be used for the conduct of the hearing and the making of a determination.

PROGRESSION OF PENALTIES UNDER THE NON-HARASSMENT / NON-DISCRIMINATION POLICY

The purpose of this procedure is to correct behavior, and thus there is a presumption of progressive discipline. The normal progression would be:

¹ Where the Coordinator believes that his or her involvement in the conciliation and investigation process presents a conflict or that he or she should otherwise be disqualified from a particular case, the Coordinator shall so advise the President, who shall designate an Alternate Coordinator for the purposes of that specific case.

- First offense: Confidential letter of caution, maintained in the files of the Coordinator.
- Second offense: Confidential letter of reprimand, maintained in the files of the Coordinator.
- Third offense: Letter of censure and warning, issued by the Executive Secretary Treasurer and copied to the members of the Executive Committee.
- Subsequent offenses: Temporary or permanent suspension of membership and membership privileges. The imposition of this penalty must be authorized by the Executive Committee.

Where the nature and/or the severity of the conduct warrants, the Hearing Officer may determine that discipline shall commence at a higher step in the progression.

OTHER CONDUCT

Any member who has a complaint about objectively offensive conduct or statements by another member, or by a participant in Academy activities, which does not rise to the level of harassment or discrimination, should report that conduct or statement to the President and/or the Executive Secretary Treasurer, who will make appropriate inquiries and, if warranted, intervene with the subject of the complaint.

[Unanimously approved by the Board of Governors on May 9, 2020]