

## THE STATE BAR OF ARIZONA BOARD OF GOVERNORS' ANTI-DISCRIMINATION AND HARRASSMENT POLICY

It is the policy of the State Bar of Arizona that State Bar members, volunteers and staff are entitled to a professional and safe atmosphere free from discrimination and harassment, including sexual harassment while interacting with State Bar staff, Governors, volunteers, members, or while participating in State Bar Programs.

### ANTI-DISCRIMINATION POLICY

The State Bar expressly prohibits any form of discrimination or harassment against State Bar members, Governors, employees, volunteers, consultants, vendors, or other individuals because of their race, color, religion, sex, national origin, citizenship, veteran status, age, physical or mental disability, or other impairment, marital status, sexual orientation, genetic information or any other consideration made unlawful by applicable federal, state, or local laws. Discrimination will not be tolerated.

### ANTI-HARASSMENT POLICY

The State Bar's policy is to maintain an environment free of unlawful harassment for all individuals.

#### What is Harassment?

Harassment is unwelcome conduct that is based on any statutory or regulatory protected categories, or other personal characteristics. Harassment does not have to be of a sexual nature, however may include offensive remarks about a range of personal characteristics or preferences. Under this policy, any unwelcome verbal or physical conduct that creates an intimidating, hostile or offensive environment that interferes with the individual's work with the State Bar or opportunities constitutes harassment. Examples of this conduct include but are not limited to: derogatory comments, epithets, slurs, and gestures.

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical harassment of a sexual nature. Both victim and the harasser can be either a woman or a man, and the victim and harasser can be the same sex.

While simple teasing, offhand comments may not be actionable, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment.

### RETALIATION IS PROHIBITED

Governors have a duty to report any conduct that they believe violates this policy. If you experience or witness any discrimination or harassment that violates this policy, believe that you have been treated in an unlawful, discriminatory or harassing manner, or learn of such conduct by another Governor, promptly report the incident to the President of the Board, or to the State Bar's

CEO/Executive Director – if this is not an option, you may report the conduct to another officer of the Board, who should then take appropriate action to initiate an investigation.

Retaliation is prohibited against any person who reports in good faith conduct believed to be harassment or discrimination or who participates in an investigation of such reports. Any Governor who retaliates against a person for reporting harassment or discrimination or for participating in an investigation of a claim of discrimination or harassment will be subject to disciplinary action, including removal from the Board, as set forth in Rule 32, Ariz. R. Sup. Ct. Retaliation by a staff member or volunteer shall lead to disciplinary or other action as deemed appropriate by the CEO/Executive Director or Board of Governors.

## INVESTIGATION

Any reported allegations of harassment, discrimination or retaliation will be investigated promptly. The Board president, CEO/Executive Director, or Board officer shall take immediate steps to initiate an investigation, which may, but is not required, to be conducted by an appropriate third party outside of the organization. The investigation may include individual interviews with the parties involved, and when necessary, the State Bar may interview individuals who observed the alleged conduct or have other relevant knowledge. The State Bar will maintain the confidentiality of the complaint and/or investigation to the greatest extent possible. All Governors have a duty to cooperate with any investigation conducted by the State Bar, regardless of whether the investigation is being conducted internally or by a third- party retained by the State Bar for this purpose.

Where allegations of discrimination or harassment are alleged against bar counsel, in the performance of their duties as established by court rules, a member may file a bar charge setting forth the bases for their claim. Pursuant to Rule 48(m), Ariz. R. Sup. Ct., when a bar charge is received by the Office of Lawyer Regulation alleging misconduct by bar counsel, Chief Bar Counsel shall transmit the charge to the Attorney Discipline Probable Cause Committee and direct the matter to the Committee's Chair. Beyond transmitting the charge to the Chair, the State Bar will have no involvement in the evaluation and ultimate decision of the Committee concerning the charge. The Committee will communicate directly with individuals concerning their charge.

## RESPONSIVE ACTION

Misconduct that violates this policy will be dealt with appropriately in the State Bar's sole discretion.

- Misconduct by a Governor may include removal from the Board, as set forth in Rule 32, Ariz. R. Sup. Ct., and referral of the matter to an appropriate licensing or accreditation authority. Allegations of misconduct by a Governor shall be reported to the President of the Board. Allegations of misconduct concerning the President shall be made to the President-elect.
- Misconduct by a staff member shall be referred to the employee's supervisor for appropriate action, including disciplinary action or termination where appropriate, and in accordance with the policies of the State Bar.

- Misconduct by the CEO/ Executive Director shall be referred to the President of the Board of Governors.
- Misconduct concerning agents, vendors, or volunteers shall be referred to the CEO/Executive Director for appropriate action.
- Misconduct by a member of the State Bar of Arizona shall be referred to the Office of Lawyer Regulation where appropriate.
- Misconduct by a judge shall be referred to the Commission on Judicial Conduct where appropriate.

Prior to an investigative or finding, allegations may be referred to law enforcement any time it is believed that criminal conduct may have occurred.

Prior to an investigation or finding, allegations may be referred to another appropriate investigating entity (e.g. Lawyer Regulation, Commission on Judicial Conduct, and the like).

Complainant will be kept apprised of the status and disposition of the Complaint.

Adopted by the Board of Governors on xxx .