

On The Road to DEI

How can association leaders guide their organizations and their industry to becoming truly diverse, equitable, and inclusive? What strategies and action plans can help to create broader participation from underrepresented groups among your staff, leadership, and members and how do you measure success? How do you respond to events involving social and racial justice?

Join content leaders Chris Busky, Kelly Ann Gull, and Heba Mahmoud for our March seminar, **Making Diversity, Equity, and Inclusion a Strategic Priority**, a frank and open discussion of their associations' journeys on the road to DEI, including lessons learned, potential roadblocks, and next steps on **Friday, March 5** at 9:00 a.m. (virtual). Register at vsae.org/calendar.

Chris Busky, CAE, (left) is the CEO of the Infectious Disease Society of America; Kelly Ann Gull (center) is the Senior Manager of Governance and Executive Office for the National Society of Professional Engineers; and Heba Mahmoud (right) is the Senior Manager of Diversity Initiatives for the Consumer Technology Association.



The Need to Learn, Share, and Grow

On January 7, my social media channels were filled with a meme that read "I'd like to cancel my subscription to 2021. I've experienced the 7-day trial and I'm not interested." The world had hoped the hypothetical turning of the calendar would bring an end to the dramatic changes we were experiencing due to the Covid-19 pandemic and political issues. Almost two months into the new year, we can say for certain change is inevitable and that creativity and flexibility continue to be the necessary tools of the trade.

Unlike the new year's meme, VSAE and its volunteer leaders have EMBRACED the need to change and adapt. They have taken their mission to heart... "Association professionals: Connecting. Learning. Leading." While the ways in which we connect, learn, and lead will forever look different, these core values remain the same. Similarly, as association professionals, the need to learn, share and grow is especially critical as we adapt how we run our organizations, do our jobs, and serve our members.

continued on page 6 >

UPCOMING EVENTS

WE'RE VIRTUAL!

From now through April 2021, VSAE educational events will be virtual.

While the events will be virtual, our focus remains the same: offering association professionals relevant and practical knowledge and providing opportunities to network, share, and support one another.

FRIDAY, FEBRUARY 19

Seminar

Are You An Accidental CIO?
Get Tips from IT Pros
11:00 a.m.–12:00 p.m.

WEDNESDAY, FEBRUARY 24

Webinar

Work and Life Balance
Balancing the Quickness,
Quantity, and Quality of
Your Life
1:30–2:30 p.m.

FRIDAY, MARCH 5

Seminar

Making Diversity, Equity,
and Inclusion a Strategic
Priority
9:00–10:30 a.m.

VIEW UPCOMING
EVENTS AT
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Leadership reflections



Terry Monroe, MBA, CAE
VSAE Executive Director

Things will get better. Just keep saying that.

And when we come out on the other side of the pandemic, we will face a world far different than the one we left behind. The past year has brought new meaning to "working from home". It has challenged personal and professional relationships, while also helping us appreciate and in many ways re-discover the simple pleasures in life. We have cooked more, watched TV more, (thank goodness for streaming!), experienced more time outdoors, and spent more time with our pets (or got a pet for those who did not previously have one).

For VSAE and its members, 2020 was a "once in a century" disrupter. As we emerge from the darkness, we are all wondering what the future holds and as importantly, how can we help shape the future we wish it to be? It has been said that the best way to predict the future is to create it.

One thing that is for certain, VSAE members are not ones to sit still and just hope for the best. On the contrary, we see many examples of our members acting "future forward" to identify opportunities to bring positive and sustainable change to themselves and their organizations.

Several are choosing to focus on their professional advancement, taking part in the CAE Study Groups in preparation to sit for the CAE exam. Others have participated in the SIG meetings and virtual learning programs to expand their knowledge and share their experiences relating to hybrid conferences, technology solutions, communications and marketing plans, strategic planning, and virtual education.

VSAE continues to adopt, evolve, and reinvent itself to best serve its members moving forward.

"Hope is being able to see that there is light despite all of the darkness."
Desmund Tutu

In January, the Board approved a revised strategic plan that emphasizes expanding participation and engagement among non-CEO professionals and industry partners in all regions; providing more opportunities for deeper connections among members; mentoring and developing VSAE's leadership pipeline; and encouraging dialogue and sharing of best practices on diversity and inclusion.

Looking forward is also the focus of this year's Annual Conference in Virginia Beach, scheduled for June 27-29. Our theme, "Reconnect, Recharge, Reimagine," is about getting back together with friends and colleagues to share the lessons learned from the past year and to reimagine ourselves and our organizations moving forward. Look for details of this hybrid event in the March newsletter.



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Can Your Association Adopt a COVID-19 Vaccine Requirement?



In the coming months, association leaders will need to evaluate a range of legal questions and practical concerns as they consider establishing a COVID-19 vaccination policy for their workplace and events.

Vaccines approved for emergency use by the FDA are now providing a welcome doorway out of the COVID-19 pandemic. At the same time, they are unlocking a range of legal issues for associations concerning vaccine mandates. May an association require employees to be vaccinated before they return to the office? And, more broadly, may it require vaccination for attendees at its meetings and conferences?

Here are some of the key issues that any association should consider before implementing a vaccine policy.

Employment Issues

Nothing in the law specifically prohibits an association from mandating vaccinations for its onsite employees. However, a range of federal laws—such as the Americans with Disabilities Act (ADA), Title VII of the Civil Rights Act, the National Labor Relations Act (NLRA), and laws affecting the privacy of medical information—can directly affect a covered employer's vaccination policy. Beyond this are practical concerns such as access, supply, distribution, and administration of the vaccine. Associations framing a policy in this area should keep several employment law issues in mind.

Privacy of medical information. Guidance issued by the Equal Employment Opportunity Commission (EEOC) in December 2020 clarifies that a vaccination is not a “medical examination,” which might implicate

certain employer obligations under the ADA. However, employee pre-screening for a vaccine to avoid possible adverse reactions or other complications raises ADA concerns about medical inquiries, and it may implicate the federal Genetic Information Nondiscrimination Act.

Therefore, it is best for employees to be vaccinated by a third party and provide proof of vaccination to the association, rather than receive the vaccine from a health professional that the organization brings to the office. Be aware that the EEOC expects employers to advise employees who provide proof of vaccination not to disclose personal medical or health information protected under either law when doing so.

Employee objections and reasonable accommodations. A second concern under the ADA is handling employee objections to a vaccine based on an underlying disability, which may make a vaccine ill-advised or even potentially life-threatening. EEOC guidance states that employers in such a situation need to determine whether a reasonable accommodation would permit the employee to perform the job without posing an “undue hardship” to the employer or presenting a “direct threat” to coworkers or others. Telework is one possible accommodation to the extent job duties can be performed remotely.

Employers will need to take each case as it presents itself and weigh the information

the employee provides against available public health information and effective safety measures before taking any action to terminate an employee objecting to a vaccine for such reasons. The EEOC already appears to be signaling that “undue hardship” and “direct threat” may be difficult to establish, particularly in low- to medium-risk work environments where additional safety and health measures, such as masks, social distancing, and remote work, may be effective and reasonable.

“Employee incentives may work better than a mandate in inducing employees to get vaccinated, with fewer legal considerations.”

The EEOC also has cautioned that an employer must provide a reasonable accommodation for an employee who objects to vaccination based on a sincerely held religious belief, practice, or observance unless it would pose an undue hardship for the organization. In this context, the standard for an undue hardship is lower than in the ADA context—one that has more than a de minimis cost or impact on the employer. As a result, the outcome of a religious accommodation request may differ from the outcome in a case involving a disability.

In addition, both federal and state law may protect pregnant employees from adverse employment actions if they decline the

vaccine due to pregnancy-related concerns. Also, coordinated employee opposition to vaccination requirements may give rise to questions of protected concerted activity under the NLRA, a rule that applies to nonunion and union workplaces alike. For unionized workplaces, employers should check whether their collective bargaining agreements give them unilateral discretion to adopt a vaccine policy.

Organizational culture. Beyond these legal issues are questions of organizational culture and employee morale. Employee incentives may work better than a mandate in inducing employees to get vaccinated, with fewer legal considerations. Also worth noting is that the current vaccines are approved only under emergency use authorizations (EUA), and people receiving these vaccines must be advised of their right to refuse. Whether the public policy of EUA vaccines being voluntary limits the right of a private employer to require vaccination is unclear, but it remains a point of concern at this early stage.

Meetings and Conferences

Mandating vaccinations for annual conferences or regional meetings presents a different scenario, despite similarity in the language used in the legal analysis. Federal and state employment laws generally do not apply to association meetings, at least with respect to nonemployees. However, Title III of the ADA prohibits “public accommodations” from applying eligibility factors that screen out, or tend to screen out, individuals with disabilities or denies them the opportunity to participate in or benefit from a good or service. Events held in rented, publicly accessible venues are subject to Title III.

Mandating vaccinations among attendees poses two specific Title III issues:

- Title III permits imposing legitimate safety requirements based on actual risks and not speculation or stereotyping.
- An individual may be excluded from attendance where it may be determined that the person poses a “direct threat” to the health or safety of others.

Courts interpret the second provision narrowly to where the risk cannot be reduced or eliminated to acceptable levels. Because this is an individualized requirement, it

MARK YOUR CALENDARS—DATE CHANGE!

RECONNECT RECHARGE REIMAGINE

VSAE 2021 ANNUAL CONFERENCE

June 27–29

Marriott Resort Virginia Beach Oceanfront

Look for details of this hybrid event in the March newsletter.

may be of little use to introducing a general vaccine mandate.

Whether a vaccine mandate passes muster as a legitimate safety requirement remains to be seen. Much will depend on the situation with COVID-19 as vaccinations become more generally available and as more data emerges as to whether vaccination protects against transmission of the coronavirus. In any case, there likely will remain an obligation to make an accommodation for a disabled individual in order to permit their meaningful participation.

In short, a vaccination mandate requires planning and coordination to the same extent as other safety measures. Associations should take employment and meetings issues into account in their COVID-19 response plan as vaccines become more widely available.

ABOUT THE AUTHOR



Peter D. Guattery is a partner at Whiteford, Taylor & Preston in Baltimore. He can be reached at pguattery@wtplaw.com



NEWS

Due to the pandemic, those originally due to renew their CAE credentials in 2020 now have until March 31 to submit all renewal information. Those due to renew this year should do so by December 31, as usual. The online CAE renewal portal automatically syncs with ASAE’s AMS, making the process easier.

Additionally, the CAE Commission will begin its strategic planning process this month. As a part of its discovery and deliberations, it will be reaching out for feedback and input from the larger CAE community. Be sure to set up alerts for the Volunteer Opportunities section of ASAE Collaborate to make sure you see notifications once the Commission begins soliciting participants.

The application deadline to take the May exam is Friday, February 26.

LET'S RECAP!

AMC SIG

The Association Management Company (AMC) SIG met virtually the morning of Friday, January 15. With 15 in attendance, new AMC SIG leader, Daniel Whitehead, spent the first portion of the meeting having everyone introduce themselves and give a brief overview of their work as association managers, and what they were looking forward to in 2021. The rest of the meeting was an open discussion of hot topics in the new year including the potential permanent future of hybrid events and how to manage them for our clients, and the new round of PPP loans and forgiveness process.

Meeting Planner SIG

The Meeting Planners had a great SIG meeting on January 28. We enjoyed getting to see each other's faces and spend some time together. The meeting was recorded for those who could not attend and the link was sent out to the group.

There was great discussion in the chat during the session and we will be reading through that text to see what questions people have and what topics we might discuss at future meetings. One future topic that was requested will be "COVID clauses in venue contracts" and we will add that to our list for the next meeting we have scheduled on March 25 at 2 p.m.

During our session, it was decided that we will send a monthly email to MP SIG members to keep in touch and share information. Members wishing to share information to be included in the monthly email can contact Tiffany Brown.



If you're looking to deepen your engagement in VSAE, now is your opportunity!

VSAE's volunteers are instrumental in a variety of activities. They assist in developing educational content, mentoring new members, speaking at VSAE events, engaging members in community service projects, and much more.

From short-term projects to volunteer leadership, VSAE offers a variety of opportunities to be involved. Visit vsae.org/volunteer for a list of volunteer opportunities.

Volunteering is an excellent way to connect with fellow members, share your knowledge and expertise, develop leadership skills, advance your career, and give back to our association community. Volunteering is also fun and great for the mind and soul!

Interested? Complete the volunteer interest form at vsae.org/volunteer21 by **Friday, March 19, 2021**.

Questions? Contact **Terry Monroe** at (804) 249-2234 or terry@vsae.org.

> LEARN, continued from page 1

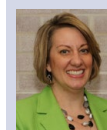
VSAE's Education Committee is committed to supporting members with the knowledge and tools to get through today's challenges and flourish in the future. We have embraced virtual learning platforms, allowing us to see and interact with each other while we learn from our speakers. We have expanded opportunities for member participation and engagement. And we are partnering with other associations to deliver more educational events that provide a broader depth of information to assist members as everyone dramatically changes the way we run our organizations.

Our Special Interest Group (SIG) meetings have become especially valuable because we are able to more frequently exchange ideas and share timely resources. Even though it is another hour in a virtual meeting, I find that I get excited to click that Zoom link to be connected to other members who are experiencing similar circumstances and finding ways to flourish. The AMC Retreat, Meeting Planner Summit, and CEO & Senior Staff Retreat are versions of the SIG meetings on overdrive. I am hoping that many more will take advantage of these events in 2021.

While we might be missing the old way of learning and connecting at VSAE's regular monthly luncheons, there are so many more opportunities available to us in the Association. I hope that you will continue to engage with your VSAE peers for both your personal sanity and professional growth. We know that 2021 is not really a trial-subscription... change is constant and VSAE has the professional development tools for us to meet any challenge with grace and confidence.

I look forward to seeing you at our virtual and in-person events in 2021!

ABOUT THE AUTHOR



Abby Tammen is the CEO of the Charlottesville Area Association of REALTORS and Chair of VSAE's Education Committee. She can be reached at abby@caar.com.

PARTNER HIGHLIGHT: Newport News, VA



Holiday Inn Newport News-Hampton



Newport News Marriott at City Center

The City

It has been said that Newport News offers the vitality of a big city coupled with the hospitality and charm of a small town. That means conference attendees can enjoy everything from personal shopping experiences and creative dining at chef-owned restaurants, to attractions showcasing Virginia's natural and military heritage and more than 3,000 years of our world's maritime history.

Newport News is a fantastic meeting, event, and family-friendly destination, and is also known for its beautiful natural setting. The city sits along the scenic Hampton Roads Harbor, one of the world's largest natural harbors, which ties into its economy, as it is home to one of the largest shipyards in the country. The city also boasts more than 20 international firms, two national laboratories, Virginia's largest naval manufacturer, and the US Army's largest transportation unit.

Newport News Marriott at City Center

Located in trendy City Center, the Newport News Marriott features 25,000 square feet of total space for meetings and events, with 13 breakout rooms and 256 guest rooms. These rooms and suites feature ergonomic workstations and high-speed Wi-Fi so you can be as productive as you desire. Rest on luxury bedding while browsing channels on flat-panel TVs. When you get hungry, fuel up on creative appetizers and hearty entrees for breakfast, lunch and dinner at Kitchen 740. This incredible location also offers immediate access to shopping,

other dining options, and entertainment right outside its doors.

Holiday Inn Newport News-Hampton

Also located within City Center, the Holiday Inn features 11,000 square feet of total space for meetings and events, with 10 breakout rooms and 183 guest rooms. This full-service hotel is pet-friendly, VA Green Certified, and a recipient of Convention South's New/Renovated Hotel Award, TripAdvisor's 2020 Travelers' Choice Award and 2020 AAA Best of Housekeeping Award. Located onsite, Burger Theory restaurant boasts the best burger in town while also offering the best of brews, a hand-picked selection of bourbon, 10 TVs at a unique wraparound bar, and an outdoor dining space.

Other City Highlights

- **Breweries and distillery:** Tradition Brewing Co., Twisted Knot Brewing Co., Coastal Fermentory, and Ironclad Distillery Co.

- **Two championship golf courses:** Kiln Creek Golf Club and Resort and Newport News Golf Club at Deer Run.
- **World-class museums:** The Mariners' Museum and Park and the Virginia Living Museum as well as art centers, military heritage museums, and historic sites.
- **Two acoustically superb theaters:** CNU's Ferguson Center for the Arts and Downing-Gross Cultural Arts Center.
- **Newport News Park:** a 7,700-acre oasis that is nine times larger than New York City's Central Park.
- And so much more!

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AROUND THE COMMONWEALTH

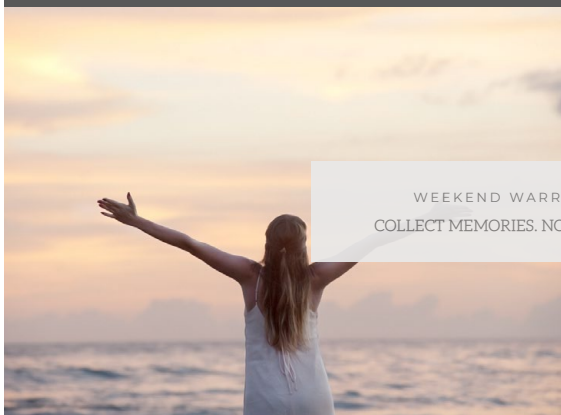


Christina Lewellen, MBA, CAE, Executive Director of the **Association of Technology Leaders in Independent Schools**, is now a member of the VSAE Board of Directors.

Jan Morehead, CAE, Director of Administration for the **VA Transportation Construction Alliance**, will retire on April 30, 2021.

Blanche Powell is proud to announce that Sadie Powell has officially joined **Powell Kohne Associates, LLC** as Principal, effective February 1, 2021.

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**Art and Editorial Deadline
for the March Issue**

February 26

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