



In keeping with the [AAR Professional Conduct Policy](#) and its stated values of professional responsibility, diversity, inclusion, free inquiry, and transparency, these procedures set out specific professional obligations and related processes. Membership in the AAR entails a commitment to professional conduct in scholarship and research, in teaching and advising, in service responsibilities to the guild, and in all AAR programs and activities including activities in conjunction with AAR programming. These procedures are applicable for any and all AAR-related events.

The AAR shall tolerate no discrimination on the basis of race, ancestry, place of origin, color, ethnicity, citizenship, immigration status, sex, gender expression or identification, sexual orientation, disability, religion, culture, political convictions, socioeconomic status, age, health conditions or marital, domestic, or parental status, or any other applicable basis proscribed by law. ([See the AAR bylaws.](#))

Preamble

In recent years, there has been a notable shift in the way that our society views discrimination. Those who have experienced discrimination and their allies have been speaking out against multiple forms of workplace harassment and unprofessional conduct. Behavior that was once tolerated is no longer tolerated, but instead, is actively named. Perpetrators are being held accountable for their actions. The AAR believes that this change is a large-scale, long-overdue, and welcome cultural shift. Many organizations, including academic institutions, non-profit organizations, and scholarly societies, are working on improving their conduct procedures to create more fair, transparent, and compassionate processes that encourage reporting and that provide support for all those involved.

The AAR Professional Conduct Procedures reflect current best practices adopted by voluntary organizations across the country. These formal procedures, adjudicated by the voluntary AAR Committee on Professional Conduct and by nature of serving a membership organization, have limited scope.

Definitions and Descriptions

Unprofessional Conduct

Unprofessional conduct is defined as any violation of the [AAR Professional Conduct Policy](#) such as discrimination, harassment, the abuse of power for professional or personal advantage, exploitation, intimidation, threats, or violence. Unprofessional conduct can include capricious or arbitrary decisions affecting working conditions, professional status, or academic freedom; misuse of confidential information; plagiarizing the work of others; and practicing deceit or fraud on the academic community or the public. Physical or verbal abuse or harassment of any

attendee, speaker, volunteer, exhibitor, staff member, service provider, or other activity or program guest, also will not be tolerated.

Harassment

Harassment is defined as verbal, non-verbal, written, visual, or physical conduct based on an individual's actual or perceived sex, sexual orientation, gender identity or expression, race, creed, color, place of birth, ancestry, ethnicity, religion, national origin, age, disability, marital status, or other characteristics as defined and protected by law in the location where a particular program is operating, that has the purpose or effect, from the point of view of a reasonable person, of objectively and substantially:

- a. undermining and detracting from or interfering with an individual's educational or work performance while participating in activities in conjunction with AAR programming.
- b. creating an intimidating, hostile, or offensive work environment while participating in activities in conjunction with AAR programming.

Harassment may include repeated slurs, taunts in the guise of jokes, disparaging references to others, use of epithets, stereotypes, comments, gestures, threats, graffiti, display or circulation of written or visual defamatory, inappropriately sexual or threatening materials, taunts on manner of speech, giving diminishing nicknames, and negative reference to customs. Harassment occurs when such conduct is based on or motivated by one or more of the protected characteristics identified above, or other characteristics as defined and protected by applicable law.

Harassment (including sexual harassment) in the context of the AAR could include: intimidation, stalking, or following; harassing photography or recording; sustained disruption of talks or other events; inappropriate physical contact; unwelcome sexual attention; or advocating for, or encouraging, any of the above behavior.

Further examples of unacceptable behavior include, but are not limited to, offensive verbal or written comments related to gender, sexual orientation, disability, physical appearance, body size, race, religion, national origin, or socioeconomic class; or threatening any attendee, speaker, volunteer, exhibitor, AAR staff member, service provider, or other meeting guest.

Sexual Harassment

Harassment may also include so-called *quid pro quo* sexual harassment, meaning unwelcome sexual advances, requests for sexual favors, and other verbal, written, visual, or physical conduct of a sexual nature when:

- a. submission to that conduct is made either explicitly or implicitly a term or condition of collegiality while conducting AAR business or participating in activities in conjunction with AAR programming.
- b. submission to or rejection of such conduct is used as a component of or as the basis for AAR-related decisions affecting an individual.

Other examples of sexual harassment include, but are not limited to, the following:

- touching or grabbing a sexual part of a member's body without permission from that person;
- touching or grabbing any part of a member's body after that person has indicated, or it is known or reasonably should be known by the context, that such physical contact was inappropriate, unwelcome, or both;
- continuing to ask a member to socialize on or off-duty when that person has already indicated no interest;
- displaying or transmitting sexually suggestive pictures, objects, cartoons, or posters if it is known or reasonably should be known by the context that the behavior is outside the bounds of workplace expectations;
- continuing to write sexually suggestive notes or letters if it is known or reasonably should be known by the context that the behavior is inappropriate or that the person does not welcome such behavior;
- referring to or calling a person a sexualized name if it is known or reasonably should be known by the context that the behavior is inappropriate or that the person does not welcome such behavior;
- regularly telling sexual jokes or using sexually vulgar or explicit language in the presence of a person if it is known or reasonably should be known by the context that the behavior is inappropriate or that the person does not welcome such behavior;
- derogatory or provoking remarks about or relating to a member's sex, gender, or sexual orientation;
- harassing acts or behavior directed against a person on the basis of sex, gender or sexual orientation.

Discrimination

The AAR complies with all applicable provisions of state and federal law that prohibit discrimination in employment, or in admission or access to its programs, activities, or facilities. Discrimination is defined as conduct directed at an individual based on that person's race, creed, color, place of birth, ancestry, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, marital status, service in the armed forces of the United States, positive HIV-related blood test results, genetic information, or against qualified individuals with disabilities on the basis of disability and/or any other status or characteristic as defined and to the extent protected by applicable law.

The Difference between Verbal Argument and Verbal Abuse

As a scholarly society, the AAR bases its work on intellectual dialogue and argument. Arguments proceed through respectful disagreements about a basic scholarly issue. A respectful argument also means that, even if scholars cannot agree, there is a genuine attempt to understand the other position. Moreover, once the engagement has concluded, scholars are expected to move on. Especially at conferences, these exchanges might get intense and heated. They can involve passionately held commitments, frustrations, and even sharp characterizations of the flaws of other views.

Verbal abuse, on the other hand, involves repeated attacks on a person's character; humiliation, blame, threats, or other forms of denigration of one's opponent based on their personal characteristics or membership in a protected class.

The AAR Professional Conduct Committee reserves the right to adjudicate the difference between a difficult argument or a sharp response and verbal abuse.

Complainant

A Complainant is usually an individual filing a complaint of a violation of AAR policies. In some cases, the AAR may pursue an investigation and adjudication under this policy without a designated complainant. In these cases, the AAR may extend some or all of the rights of a complainant as defined in this policy to affected parties as deemed appropriate by the Committee on Professional Conduct.

For ease of reference, the term "Complainant" is also used throughout this policy to refer generally to an individual who was allegedly subjected to prohibited conduct as defined in this policy.

Respondent

A Respondent is an individual (AAR member or former member) whose alleged conduct is being investigated to determine if it is in violation of the AAR's policies.

For ease of reference, the term "Respondent" is also used throughout these procedures to refer generally to an individual who allegedly engaged in unprofessional conduct as defined in this policy.

The AAR Committee on Professional Conduct

The AAR Committee on Professional Conduct (CPC) is responsible for investigation of formal complaints concerning the ethical conduct of members of the AAR (as described in the Professional Conduct Policy and Procedures). The CPC supervises the work of the Facilitators, receives and reviews the Facilitators' annual reports, adjudicates formal complaints under this policy, and reviews and makes recommendations to the AAR Board of Directors about modifications to the Professional Conduct Procedures.

The Professional Conduct Policy and complaint procedures are *not* litigations, nor is the AAR professionally equipped to determine fault in criminal matters or to formally mediate grievances between members. These procedures establish best-practice steps in the event of alleged misconduct according to the Professional Conduct Policy, including steps that may lead to the following:

- a) acceptance of the case for further investigation according to AAR procedures and a determination of outcome by the Committee on Professional Conduct (see [“Determination”](#) for a list of possible outcomes of investigation)
- b) dismissal of the case if it falls outside the scope of the Professional Conduct Procedures.
- c) (if appropriate) referral to outside resources for criminal investigation
- d) (if dismissed) provision of a list of outside resources for mediation, if requested

The Committee on Professional Conduct is composed of five members, three of whom are appointed by the President with the approval of the Executive Committee for four-year terms. The other two of whom are the Status Committee Director and the Regions Director, *ex officio*. The Executive Director serves as staff liaison.

The chair and vice chair of the Committee on Professional Conduct will be appointed from among the CPC members by the AAR President, with the concurrence of the Executive Committee, for two-year terms for the purpose of enhancing continuity.

The AAR Facilitators

The AAR will maintain a volunteer, trained team of three member Facilitators, appointed by the board, to serve 3-year terms on a staggered basis. Facilitators may be renewed indefinitely at the will of the board, in consultation with the Executive Director. The Facilitators are responsible for receiving reports of professional misconduct and for facilitating communication with the Complainant and the Respondent (but do not investigate or adjudicate complaints) under this policy. A Facilitator communicates with the parties to explain the applicable procedures under this policy and provides information and updates to the parties throughout the process.

The AAR Facilitators will submit a report to the CPC annually in advance of the Annual Meeting in November. The report will outline Facilitator activities over the year, the number of complaints, the Facilitator assigned, and the status of each complaint. This report should not include the names of complainants or respondents, to maintain confidentiality.

The AAR Facilitators' role is limited to facilitation of AAR complaint policies. They do not serve as advocates, advisors, or counselors and cannot provide legal advice to the parties and/or witnesses in any matter arising under this policy. Parties and witnesses who need legal advice may consult their own attorneys outside of the AAR processes. Attorneys are not permitted to participate in the AAR process.

An AAR Facilitator does not provide assistance to individuals in situations where complaints are addressed through separate processes outside of these procedures. This includes situations where the individual's employer has internal mechanisms that would apply to the individual's specific complaint (e.g., harassment, discrimination or misconduct that occurs outside the context of AAR programs and activities, or where there is a criminal complaint).

Facilitator Training

Each Facilitator will undergo an annual training workshop prior to the start of their appointment as well as a required refresher training each year following. The initial training will be co-led by a designated AAR representative familiar with the procedures (such as the Executive Director) and an expert facilitator who may or may not be an AAR member. Subsequent trainings will be led by the Facilitator with the most seniority on the team and the Executive Director.

Trainings will minimally include the following:

- an overview of the role, scope, and limitation of facilitation.
- an overview of the role, scope and limitation of the procedures.
- a review of legal liabilities and options for facilitators, board, AAR staff, claimants, and respondents.
- Definitions and examples of conflict of interest and appearance of conflict of interest.
- Definitions and examples of the substantial evidence, and the difference between substantial evidence and preponderance of evidence, which is sometimes used in other environments.
- an introduction to the role and scope of the Committee on Professional Conduct (CPC) within the AAR
- a review of procedures in the event of a claim
- a role-play with discussion

Definition of Substantial Evidence

The AAR criteria for adjudicating cases are based on meeting the standard of substantial evidence. Substantial evidence is met when “such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.” (www.nolo.com)

Confidentiality

Individuals who have concerns about discrimination, harassment, related retaliation, or other forms of professional misconduct often ask for assurances about confidentiality. AAR members are encouraged to report these incidents so that they can obtain support and information and so that the AAR can respond appropriately. Because these matters must be addressed to ensure that the AAR can maintain a safe and inclusive environment, strict confidentiality is not guaranteed. However, in all cases, the AAR will endeavor to protect the privacy of individuals and maintain confidentiality to the extent possible consistent with its obligations to respond to reports of professional misconduct under this policy. For example, the AAR may need to disclose information relating to an incident (including the identity of parties, witnesses or others) to the extent necessary to conduct a thorough, fair, and impartial investigation and adjudication process for all involved parties.

Those involved in investigations, mediations, adjudications, appeals, and record keeping shall respect the parties’ confidentiality and privacy to the extent possible without impeding the pursuit of the truth of the allegations or violating state reporting laws or evidentiary procedures. Parties and witnesses who participate in any process under this policy are expected to respect the need for confidentiality to protect privacy and fair process for everyone involved. To obtain

guidance and support, the parties to the complaint may discuss the complaint with their families and health-care professionals; however, all must respect the need for privacy and are subject to the confidentiality restrictions in this section.

If there is an independent investigation, lawsuit, or criminal proceeding related to a matter arising under this policy, those involved or others may be required by law to provide testimony or documents (e.g., emails, texts, phone messages, transcripts of conversations, investigation reports, witness statements, determinations issued under this policy and any other information gathered or obtained in the course of a particular matter).

Conflict of Interest

In any given case, Facilitators and all persons on the CPC should consider whether there is a conflict of interest or an appearance of conflict of interest. A conflict of interest is defined as “a situation in which a person is in a position to derive personal benefit from actions or decisions made in their official capacity.” In cases of professional conduct, a conflict should be understood to exist when, by virtue of association with a case, a person either has, or is perceived to have, a vested interest in the outcome beyond the deliberative process itself. This association could be because a CPC member is in a hierarchical relationship with a person involved in a case, or a CPC member is working professionally on a common project with someone involved in a case where the outcome of the case could affect their common project. It is the responsibility of the CPC member to disclose any possible potential for a conflict of interest prior to the beginning of deliberations.

A *perceived* conflict of interest is often difficult to assess, but important to mention here. Even if a person thinks they could deliberate and act objectively in a case, CPC members need to assess the possibility that the perception of conflict might be so strong that it would unduly cast suspicion on any given outcome or sanction. (For example, a *perceived* conflict of interest could be that a CPC member has no relationship and little contact with a party in a case but sits on a committee which has a strong ongoing relationship and several common projects with that party.)

Because the AAR is a vibrant organization where people create meaningful working relationships and friendships and are in touch with each other often on a variety of topics, there will always be gray areas. While friendship or working relationship does not in itself constitute a conflict, the CPC should exercise caution and discretion in their assessment of what constitutes a conflict based on the criteria above. If there is disagreement as to whether there is a conflict of interest, or perceived conflict of interest, the Chair of the CPC will decide whether such a conflict exists.

Recusal

In cases where there is deemed to be a conflict of interest or the appearance of a conflict of interest, a CPC member will recuse themselves. There may be other instances where, even though they are not involved in a case, a CPC member has past or current experiences or associations with an issue or a person and does not think that they can assess a case

dispassionately. A CPC member will recuse themselves in these instances as well. A CPC member may know of a case before hearing about it in their official capacity. While prior knowledge of a case does not constitute grounds for recusal, CPC members should deliberate carefully as to whether that prior knowledge may create a bias that would make it difficult to remain objective. If so, then recusal is necessary. Any prior involvement in a case, where a CPC member has given advice or counseled one of the parties, constitutes a conflict and the CPC member will recuse themselves. If there is disagreement as to whether a recusal is necessary, the Chair of the CPC will decide whether such a recusal is necessary.

If a Complainant or the Respondent is serving in a voluntary leadership capacity (board, committee, program unit, etc.) they will recuse themselves from any deliberations or matters pertaining to the complaint.

Retaliation

Retaliating directly or indirectly against a person because they have made a report or complaint with the AAR, and/or an outside agency, or because they participated in an investigation is prohibited. Retaliation includes but is not limited to:

- ostracizing the person,
- pressuring the person to drop or not support the complaint or to provide false or misleading information,
- engaging in conduct that may reasonably be perceived to affect adversely that person's participation in AAR activities and programs,
- threatening, intimidating or coercing the person, or
- otherwise discriminating against any person for exercising their rights or responsibilities under this policy.

Retaliation under this policy may be found whether or not the underlying complaint is ultimately found to have merit. Complaints of retaliation should be reported under the procedures described below.

Emergency Removal

The AAR reserves the right, notwithstanding and apart from the procedures described in this policy, to suspend or remove any AAR member who poses a significant threat or danger to the AAR community or its members or whose conduct is unduly disruptive to the AAR community or its members. The decision will be made by the Executive Director and/or the President of the AAR.

Complaint Procedures

Regarding Alleged Violation(s) of the Professional Conduct Policy:

The following procedures apply to all members of the AAR and govern all aspects of all official AAR and related programming, events, and activities.

1. **Reports**

Any AAR member who has experienced or witnessed a violation of the Professional Conduct Policy in the context of AAR programs or activities may report the matter to an AAR Facilitator. They can be contacted at AAR_Facilitator@aarweb.org. Reports should include the following:

- The Complainant's contact information
- Narrative of the complaint, including detailed description and timeline
- Evidence as available (e.g., emails, text messages, witnesses, including their names and contact information)
- Other details that the Complainant wishes to provide

Once a complaint is brought before the AAR Committee on Professional Conduct, if the Committee, in consultation with the AAR Facilitator, determines by simple majority vote that the report or complaint does not merit further review or action under this policy, the complaint will be dismissed and the Complainant will be notified. The Facilitator may refer the Complainant to other resources, as deemed appropriate. The Complainant may submit an appeal to the Appeals Panel through the AAR Executive Director. The Appeals Panel consists of the AAR Executive Committee, chaired by the AAR President, with the Executive Director serving as case manager. The Appeals Panel will determine either that further review and action is required or that the complaint does not merit further review or action.

The Professional Conduct Procedures stipulate that complaints must be received within three years of the alleged prohibited conduct. This does not mean that Complainants may not file formal complaints outside of that timeframe, however, in cases where there has been a significant passage of time with attendant difficulties for investigation, the AAR Committee on Professional Conduct will have the discretion to consider or dismiss the case on that basis. In considering whether dismissal is warranted, the AAR Committee on Professional Conduct may consider such factors as the nature, frequency, severity, and pervasiveness of the conduct, the level of threat that it currently represents, the availability of witnesses and other relevant evidence, and whether other complaints have been made against the same individual.

2. **Referral to Law Enforcement**

If the incident involves potential criminal conduct, the Complainant may choose to report the matter to local law enforcement authorities. The decision to report to law enforcement is the Complainant's – unless there is an immediate and ongoing safety threat to AAR members or the community. In certain circumstances, the AAR may need to report an incident to law enforcement. These circumstances include, but are not limited to, incidents that warrant the need for safety and security measures for the protection of the complainant or other AAR members, or where there is a clear and imminent danger or threat to safety.

If there is a pending criminal investigation while the matter is pending under this policy, the

AAR will cooperate with law enforcement authorities and comply with valid law enforcement requests. As such, the AAR may need to temporarily delay the complaint resolution process while law enforcement investigates the matter.

3. Process

The Complaint should follow the format for complaints provided by the Committee on Professional Conduct ([Appendix A](#)). The complaint will not be considered until this form is complete and submitted to a Facilitator at AAR_Facilitator@aarweb.org. Upon receiving a completed complaint form, the Facilitator will submit the complaint to the Chair of the Committee on Professional Conduct and the Executive Director for initial evaluation.

Criteria for considering complaints:

- Complaints must fit the categories described in the procedures—harassment, sexual harassment, discrimination, verbal abuse—as defined under the AAR policy.
- The alleged violation must have happened in the context of a meeting, process, regional meeting or event organized by the AAR.
- The complaint must be filed within 3 years of the alleged event.
- The member who experienced the violation should be willing and able to identify witnesses, communications, or other materials that can be used to evaluate the allegation.

If the minimum criteria are not met, the CPC Chair and Executive Director will direct the Facilitator to communicate to the Complainant that the complaint falls outside the criteria for a formal process within the AAR. In this case, the Committee on Professional Conduct (through the Facilitator) may provide suggestions for outside mediation or adjudication resources. Parties and witnesses who would like to participate in alternative methods for dispute resolution may make their own arrangements through ADR resources agreed upon by both parties.

The Facilitator will coordinate all communication, which typically proceeds according to the schedule described below:

- Within one week of receipt of the complaint by the Facilitator. The Facilitator will acknowledge receipt on behalf of the CPC.
- Within the next two weeks, the Executive Director, in consultation with the Chair of the CPC, will determine the status of the complaint. If the complaint meets the criteria for assessment by the CPC, then the Chair of the CPC will notify the Facilitator who will notify the Respondent that a complaint has been lodged. While the Facilitator may describe the complaint in general terms, no materials will be shared with the Respondent at this point. The Facilitator will notify the Complainant that the Respondent has been notified.
- Within eight weeks of the complaint, the CPC will determine whether the complaint warrants an investigation, at which point the Executive Director will appoint an external Investigator.
- If the CPC warrants that an investigation is necessary, within six weeks of that determination, the Investigator will proceed with interviews according to the process listed in the Professional Conduct Procedures below.

In the course of their work, the Investigator will share any information the Investigator deems pertinent to share with the Respondent about the complaint.

If no AAR Facilitator is available within this time-period, the Facilitators will designate a proxy in consultation with the Executive Director and Committee Chair.

4. Formal Investigation and Adjudication Procedures

The investigation and adjudication will be conducted in a fair, impartial, equitable, and thorough manner.

The parties are entitled to have a **non-attorney** advisor of their choosing present for all phases of the process. The advisor may advise the Complainant or Respondent privately but is not permitted to have a speaking role at any meeting during the investigation or adjudication process. An Investigator or other AAR representative may terminate meetings, remove, or dismiss advisors, and/or proceed with the investigation or adjudication based on otherwise-available information if an advisor is disruptive or otherwise refuses to comply with the requirements of this policy.

Advisors may not discuss or disclose the content of any meetings, interviews, or evidence related to the investigation and adjudication process other than with the party they are supporting, the Investigator, or AAR representative, unless they are otherwise required by law to do so.

If the Committee on Professional Conduct determines an investigation will commence, one or two professional Investigators from outside the organization will be appointed by the Executive Director. In this case, the Facilitator will notify the parties. The notification will include the specific allegations, the specific standards that were allegedly violated, and the name and contact information of the Investigator(s). Notification will normally be by email unless a party has requested certified U.S. mail or specified another means of notification. Once the parties have received notice, all contact with the parties is through the Investigator(s) until the investigation is complete. If necessary, the Facilitator will be available to communicate with the parties on such matters as procedural questions, scheduling or other administrative matters of oversight related to the case.

If the Respondent fails to cooperate with the Investigator, the investigation may proceed, a finding may be reached, and action may be taken based on the information available.

- The Investigator(s) will conduct the investigation according to the processes set forth below. The investigation may be conducted under the guidance of a legal or ethics consultant appointed by the AAR for this purpose.
- The Investigator(s) will contact the Complainant and Respondent as soon as reasonably possible after being appointed.
- Each party will be asked to identify, preserve, and submit all relevant evidence regarding the matter and provide a list of witnesses who may have relevant information within a reasonable time established by the Investigator(s). The parties must provide contact

information for the witnesses, as well as a brief statement of what information the party expects the witness to provide. The Investigator(s) has the sole discretion to consider the evidence submitted or interview particular witnesses.

- All parties and witnesses are expected to cooperate in the investigation by providing accurate, truthful and timely information.
- Interviews will be held with each party and witnesses according to the timing determined by the Investigator. Interviews can occur in person, by telephone video conferencing and may be recorded and transcribed.
- The Investigator(s) and/or investigator's designees will function as information gatherers. They will assemble information in order to allow the Committee on Professional Conduct to determine the facts on which a decision will be made as to whether a violation of the Professional Conduct Policy occurred as alleged.
- If, during the course of the investigation, the Investigator(s) becomes aware of additional alleged violation(s) of the Professional Conduct Policy and Procedures, the Committee on Professional Conduct will determine whether the additional matter will be investigated and adjudicated as part of the pending matter (with notification to the parties), or be addressed separately under this policy. The decision to investigate additional alleged violations is within the sole discretion of the AAR Committee on Professional Conduct.
- Neither party has a burden of proof. Rather, the Investigator's task is to assemble information so that the Committee on Professional Conduct can make a determination, based on substantial evidence, as to whether the Respondent violated the Professional Conduct Policy and Procedures.
- The Investigator(s) will spend as much time as they determine is reasonably necessary to gather enough information for the Committee on Professional Conduct to make an informed decision. The Investigator(s) may contact as many people as they determine necessary. These may be people suggested by the parties, by other sources, or originate with the Investigator(s). Some people may be interviewed more than once.
- The Investigator(s) is not required to inform either party of people with whom they have spoken or materials collected.
- At the close of the investigation, the Investigator will provide the Committee on Professional Conduct chair with the dossier of the case: a copy of the original complaint form, any written response, a chronology of the investigation, a summary of each interview, relevant correspondence, and any exhibits submitted. The Investigator will write a brief report to the Committee on Professional Conduct that contains, among other information, recommended factual findings based on substantial evidence, an analysis of the credibility of the parties and witnesses, as appropriate, and a recommended finding as to whether the Professional Conduct Policy was violated.
- The Committee on Professional Conduct Chair will share these materials with the Committee on Professional Conduct and the Executive Director. At their discretion, a report of the investigation may be sent to the Complainant and Respondent. Some information may be withheld from the parties on the grounds that it is irrelevant, unduly prejudicial, or may seriously jeopardize the physical safety of a party or a witness. Any information sent to one party will be sent to the other.

5. Determination

- A. At least three Committee on Professional Conduct members must be present in order for a determination to be made.
- B. The Committee on Professional Conduct Chair convenes all meetings of the CPC and submits the official notes for the minutes.
- C. The Investigator(s) and an ethics or legal consultant may be present during the meeting but will not vote on final actions taken.
- D. If an investigation report has been sent to the Complainant and Respondent, each party may submit to the Chair a written response to the materials it receives from the Investigator. The response must be sent to the Chair within twenty-one calendar days from when the material is sent to the party. The CPC may then solicit additional information from a party or any other source but will not accept information provided at either party's initiative after the twenty-one-day period unless the Chair determines that there are exceptional circumstances that warrant consideration of the information.
- E. New information obtained from a party will be shared by the Facilitator with the other party at least two weeks prior to the meeting, if time permits. The party receiving the information will have the opportunity to respond to it, if time permits.
- F. If the CPC discovers additional violations of standards previously not cited based on new information or reasonable interpretation of existing information, the Respondent will be given notice not less than two weeks prior to the meeting. The additional allegations may be considered part of the current investigation.
- G. CPC meetings will be held in executive session and may occur in person or virtually.
- H. The initial CPC meeting will usually be held within three months of the Chair's receipt of the Investigator's report and the parties' written responses.
- I. After reviewing the evidence and deliberating, the CPC shall decide one of the following:
 - 1. no violation of the Professional Conduct Policy occurred.
 - 2. no violation of the Professional Conduct Policy occurred, but the Committee on Professional Conduct has concerns about the Respondent's behavior. These concerns may be set forth in a letter of information that may offer suggestions for further action on the part of the Respondent to address the concerns. This letter is not considered a disciplinary action. The letter of information may be shared at the committee's discretion with the Complainant.
 - 3. a violation of the Professional Conduct Policy did occur and the Committee on Professional Conduct will consider sanctions.
- J. When issuing its determination, the CPC will act in a reasonable, non-arbitrary, non-capricious, fair and unbiased manner.

- K. The CPC will issue its determination based on substantial evidence, including the sanction determination, if applicable, to the parties within twenty-one calendar days of the meeting. No new evidence may be submitted or solicited at a party's initiative after the final determination. The committee at its discretion may seek clarification from any source. If additional evidence is gathered by the CPC, the parties will have an opportunity to review the evidence and submit written responses.

6. Sanctions

When the Committee on Professional Conduct finds that the Respondent violated the Professional Conduct Policy and Procedures, it may proceed to impose sanctions. Sanctions may include the following:

- 1) **Admonishment:** The Committee on Professional Conduct finds that the Respondent violated the Professional Conduct Policy and Procedures, acknowledges the violation, and decides that education regarding appropriate ethical conduct is proportionally responsive to the violation and is reasonably calculated to ensure future compliance with the Professional Conduct Policy and Procedures.
- 2) **Reprimand:** This is a serious rebuke of the Respondent. It is based upon an assessment that the Respondent has accepted full responsibility for the violation, articulates and understands the consequences of the violation, and that the reprimand is proportionally responsive to the violation and reasonably calculated to ensure future compliance with the Professional Conduct Policy. It may include supervision or other stipulations for continued membership as recommended by the Committee on Professional Conduct.
- 3) **Probation:** Probation is appropriate in circumstances where it is unclear whether the Respondent fully understands the serious nature of their conduct and/or can articulate empathically the impact of the behavior on the persons involved, and accept responsibility for the violation and its consequences. For a designated period of time, the Respondent will remain an AAR member but will follow specific instructions under the direction of the Chair of the Committee on Professional Conduct or designee. Before the member is restored to full membership status, the member will meet all the terms specified by the Committee on Professional Conduct and appear before it to demonstrate fulfillment of the terms to its satisfaction.
- 4) **Suspension of membership:** Suspension is appropriate when the Respondent commits a serious policy violation, or repeatedly violates the Professional Conduct Policy and Procedures and/or where the Committee on Professional Conduct finds that the Respondent does not understand and/or accept responsibility nor appreciate the serious nature and/or consequences of the violation. Suspension of membership is not disproportionate to the violation. The suspension may be imposed for any length of time and will remain in place until a specifically identified problem or condition is addressed to the satisfaction of the Committee on Professional Conduct.

- 5) **Revocation of Membership:** Revocation of membership is appropriate in particularly serious policy violations and/or where in the Committee on Professional Conduct's judgment, the Respondent demonstrates an essential lack of professionalism, knowledge of the procedures, character, or conduct consistent with membership in the AAR. This sanction may also represent the judgment of the Committee on Professional Conduct that the Respondent's conduct constitutes a threat to the well-being of the Complainant, the AAR community, and/or the public.

Each of the above sanctions could include banning from AAR events and activities.

7. Notification of Findings:

1. The Chair informs the Executive Director and the President of the Committee on Professional Conduct' decision and recommended sanction. These same individuals will receive a copy of the deliberations, as well as the final disposition of the complaint and the sanction(s), if any.
2. The Chair will notify the Respondent and Complainant simultaneously, in writing, of the determination and sanction, if any, action taken by the Committee on Professional Conduct, as well as information about the appeals process. The notification to both parties will be sent by email and by certified U.S. mail or specified another means of notification that provides notice of delivery and shall include notification that either may appeal the decision. The limited grounds for appeal will be stated. The sanction will be stayed pending the appeal unless the Committee on Professional Conduct finds the Respondent to be a potential threat to AAR members or to the public.
3. When no appeal is filed, an appeal is denied, or after the appeal process is completed, both parties will be simultaneously notified. If sanctions result in suspension or revocation of membership, the parties shall be notified within 24 hours of the decision. The Executive Director shall inform the Board.

8. Process for Appealing the Committee on Professional Conduct Findings and/or Sanctions:

- A. **Basis:** An appeal must be based on one or all of these grounds:
 - a. the party was refused reasonable opportunity to obtain and/or present evidence to the Committee on Professional Conduct within these procedures and that could have substantially altered the outcome;
 - b. discovery of significant new material evidence that could have affected the original result; however, prior omission of factual information that the appealing party knew or reasonably should have known about is not grounds for appeal;
 - c. procedural error where the error prevented fundamental fairness and could have substantially altered the outcome.
 - d. abuse of discretion in the determination or the issuance of the sanction (e.g., the sanction is significantly disproportionate to the offense;

B. Time Requirements: An appeal must be submitted in writing to the Executive Director within 30 days of the party's receipt of notice of the Committee on Professional Conduct decision. The appeal must state the grounds (A. above) and provide any written material to the Committee on Professional Conduct that the appealing party believes supports any of the grounds for appeal listed above. The written material shall be shared with the other party who may respond, but in no more than 5 business days. The appellee's response may be shared with the appealing party, who may submit a final response only to the matters raised by the appellee. Regardless of which party appeals, both parties may participate in the appeals process, and both parties will be notified the appeal.

The Executive Director has sole discretion to extend the 30-day appeal deadline for extraordinary circumstances. If the extension is denied, the appealing party must meet the 30-day deadline or the decision of the Committee on Professional Conduct remains in full force and effect as the final action of the AAR.

C. Action: The Executive Director will forward the appeal and the written information used by the Committee on Professional Conduct in its determination to the Executive Committee of the Board.

D. Panel: The AAR President will chair the Appeals Panel, which consists of the Executive Committee of the Board of Directors. The Executive Director will continue as case manager. The Executive Committee will serve as the Appeals Panel.

E. Action: The Appeals Panel will give substantial deference to the factual findings of the Committee on Professional Conduct.

The Appeals panel may deny the appeal or, if the appeal is granted, the Appeals Panel may, in its sole discretion:

- a. Return the case to the Committee on Professional Conduct for further deliberations and reconsideration based on the identified appeal grounds
- b. Appoint an alternate adjudicator or investigator, as warranted by the circumstances, to review the case, which will ordinarily occur where the original outcome was based on an abuse of discretion.
- c. Impose a different sanction based on a finding that the sanction issued by the Committee on Professional Conduct was significantly disproportionate to the offense. Parties, Committee on Professional Conduct members, investigators and others may be contacted for information to assist the Appeals Panel in this determination. Absent extenuating circumstances, the Appeals Panel will notify the complainant and the respondent of the appeal decision simultaneously in writing usually within 20 business days of the appeal receipt deadline unless the case has been referred to an adjudicator or investigator or sent back to the Committee on Professional Conduct.

F. Finality: The decision made by the Appeals Panel is final, is not subject to any further appeal and constitutes final and binding action by the AAR, except in circumstances where the appeal is granted and the matter is returned to the Committee on Professional Conduct for reconsideration or another adjudicator or investigator is appointed. In such circumstances, the subsequent findings by the Committee on Professional Conduct or other adjudicator is final and there is no further appeal.

Time Frames for Investigation and Adjudication

The time frames in this policy may be extended for good cause, which may exist if additional time is necessary to ensure the integrity and completeness of the investigation, to comply with a request by external law enforcement for temporary delay to gather evidence for a criminal investigation, to accommodate the availability of witnesses, to account for complexities of a case, including the number of witnesses and volume of information provided by the parties, or for other legitimate reasons.

AAR Staff

AAR staff, including the Executive Director, are governed by Emory University policies and all complaints against them are handled through that process. AAR staff members' reports should be made to Emory University's Office of Equity and Inclusion (<http://equityandinclusion.emory.edu>). If a Complainant or the Respondent is a staff member, the Executive Director will determine appropriate recusals. If the Executive Director is the Complainant or Respondent, they will recuse themselves from all matters relating to the case, and the chair of the board will manage the Executive Director functions in those cases.

APPENDIX A

Report Format

- 1) Complainant's contact information
- 2) Narrative of the complaint, including detailed description and timeline
- 3) Evidence as available (e.g., emails, text messages, witnesses, including their names and contact information)
- 4) Other details that the Complainant wishes to provide