



## American Ornithological Society Code of Conduct and Ethics Policy<sup>1</sup>

*We encourage all of our colleagues to read and abide by our code of conduct and ethics and report allegations when you believe violations of our policies have occurred.*

Reports of potential violations can be made to the AOS Professional Ethics Committee via email: [PEC@americanornithology.org](mailto:PEC@americanornithology.org) or this google form: <https://forms.gle/spaDA3HezpjgqS198>

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<sup>1</sup> This policy was adapted from policy recommendations provided by the Societies Consortium on Sexual Harassment in STEMM, of which AOS is a member, and the U.S. Department of the Interior.

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## Preamble

The mission and strategic goals of the American Ornithological Society (“AOS” or “the Society”) require us to conduct our scientific, educational, and scholarly activities in an ethical way. As the world’s largest ornithological society serving a diverse membership, AOS recognizes its responsibility to establish and enforce norms for professional behavior within the discipline of ornithology to ensure excellence and future success.

The AOS and ornithology will flourish with adherence to core ethical principles that ensure:

- trustworthy work that adheres to all policies and procedures
- high standards of conduct that foster full participation for all in the Society and in ornithology
- openness and respect to a diversity of people and ideas in all aspects of ornithological science
- a safe environment for all members of the ornithological community and those supporting or providing services to the Society and ornithology
- a professional environment that engenders trust of current and future participants in ornithology, of current and future leaders of the Society, and of the research the Society publishes and makes globally accessible.

Therefore, AOS has developed this Code of Conduct and Ethics Policy (“Policy”) which sets forth guidelines and standards for professional behavior. This Policy also creates a process for addressing reported violations.

## People, Entities and Activities Covered by the Code of Conduct and Ethics (Policy)

This Policy applies to all “Society Affiliates” meaning all categories of membership in the Society, and all other individuals, groups and entities that participate or are involved in any capacity in the activities of the Society as described below. Society Affiliates include, but are not limited to, Society volunteer fiduciary leaders; other volunteers; officers; all categories of members including individuals elected to special membership classes of Fellows, Honorary Fellows, and Elective Members; event, meeting and other activity participants including organizers, attendees, speakers, sponsors, partners, guests, exhibitors; outside contractors and

service providers; editors, authors, and peer reviewers; committee chairs and members; research grant and fellowship nominators, selection committees, candidates, and recipients; and honors and awards nominators, candidates, and recipients.

Society-associated activity refers to:

- all activities and events sponsored, funded, or conducted in whole or in part by, or otherwise involving, the AOS, wherever located, including virtual activities;
- all Society communication platforms;
- any use of Society property, funding or other resources; and
- performance of, or holding, any Society role, responsibility, privilege, function, contract or other affiliation.

Upon acceptance or renewal of AOS membership, registration for AOS events, acceptance of honors, awards, and grants, nominating peers, standing for election, serving on committees and other Society-associated activities, Society Affiliates will be asked to acknowledge that they have read this Policy and agree to abide by it. Any Society Affiliate who experiences, witnesses, or is aware of a possible violation of this Policy may make a report as described in **Filing a Complaint** below.

## Professional Conduct and Ethics

To promote high standards of ethical and professional conduct and to ensure an environment within the ornithological community that encourages the free expression and exchange of scientific ideas, the Policy prohibits Society Affiliates from engaging in the conduct listed below. Society Affiliates engaging in these behaviors are in violation of the Policy, whether the conduct is intentional or unintentional, or implicit or explicit. This Policy pertains to all Society Affiliate engagement in Society-associated activities as well as professional activities in the contexts that include, but are not limited to, the following: (1) conducting research, including the supervision and training of others in that research, (2) face-to-face, written and electronic interactions while engaged in educational or professional ornithological pursuits with colleagues, and (3) ornithological pursuits such as birding, photographing birds, monitoring birds, and related activities involving wild birds. Also, see Considerations for Evaluating a Complaint for Investigation below.

**Discrimination:** treatment of an individual or group based on gender, race, ethnic or national origin, religion, age, marital status, pregnancy or parental status, sexual orientation, gender expression, disability status, physical appearance, socioeconomic level, or other protected status that results in unfair, unequal, or differential professional opportunities or benefits.

**Harassment:** conduct that involves unwelcome or unwanted, or persistent offensive, denigrating, or hostile behavior that is directed toward a person or group based on gender, race, ethnic or national origin, religion, age, marital status, pregnancy or parental status, sexual orientation, gender expression, disability status, physical appearance, socioeconomic level, or other protected status. Harassment can be manifested by, but not limited to, verbal or written

abuse such as slurs, epithets, denigrating jokes, abusive direct messaging online, or negative stereotyping; and by non-verbal behavior such as obscene gestures or the display of denigrating or insulting written or graphic materials.

**Sexual harassment** is a particular type of harassment that includes unwelcome conduct such as sexual advances, requests for sexual favors or dates, remarks about an individual's appearance, discussions, remarks or jokes of a sexual nature, and/or other verbal or physical harassment of a sexual nature. Sexual harassment can also include non-verbal behavior such as unwanted physical contact or violations of personal space that are of a sexual nature. Behavior involving "quid pro quo" offers of professional opportunities or the creation of a hostile professional environment are clear examples of sexual harassment.

**Bullying:** unwelcome or unreasonable verbal or non-verbal behavior by an individual or group that demeans, intimidates, humiliates, abuses, or sabotages the work of people and causes physical or emotional harm in a professional environment. Bullying behavior is most often aggressive, persistent, and part of a pattern, but it can also occur as a single egregious incident. Bullying often involves abuse of professional or supervisory authority or position. Exercising appropriate authority, directing the work of others pursuant to their job responsibilities, an honest error, and respectful scientific debate over differences of opinion are not considered bullying behavior.

Pursuing research subjects/theories or reaching research conclusions that may be offensive to others is not a violation of this Policy; others may pursue counter-research and reach counter-conclusions. In the pursuit of science, individuals have the freedom to disagree with or dispute wider community-held positions.

**Research and disciplinary misconduct** are multifaceted owing to the often complex nature of scientific research and the nature of ornithology. The Society defines research and disciplinary misconduct as one or more of the following items, but the list below is not intended to be an exhaustive list of possible forms of misconduct.

Data Fabrication – making up data or results and recording or reporting them.

Data Falsification – manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record.

Plagiarism – the appropriation of another person's ideas, processes, results or words without giving appropriate credit.

Self-plagiarism – re-use of one's own published words, data, or results without appropriate attribution.

Inappropriate Authorship or Credit – claiming undeserved (co-) authorship, excluding deserved (co-) authors or failing to acknowledge contributions to research, projects, or program results.

Compromised or dishonest peer review – unprofessional or unethical behavior in the review process including, but not limited to, unreported conflict(s) of interest, unauthorized disclosure of peer review information, non-objective and/or unconstructive criticism, or generally inappropriate language.

Failure to obtain research permits or obey regulatory and legislative restrictions – failing to obtain all necessary permits for research in the lab or field including collecting and import/export of specimens or sample material, animal care, use of human subjects, and access to private or public land.

Unethical or unlawful behavior – unethical or unlawful behavior including, but not limited to, unauthorized collecting, handling, manipulation, or destruction of protected species and their habitat; mistreatment of animal or human research subjects; willful endangerment of birds while conducting research, engaging in bird monitoring, or birding or guiding others recreationally or for commercial purposes, including when sharing information with others regarding the location of birds.<sup>2</sup>

Violating intellectual property rights – unlawful use or infringement of another person’s intellectual property.

Research safety – failure to maintain required and necessary standards of safety for all colleagues, students, subordinates and other participants while conducting research in the lab or field.

**Dishonest Professional Disclosure** involves the failure of a Society Affiliate to properly disclose, when requested, whether they are currently or have been on-leave, discharged, or subject to any restrictions and/or restorative remedies in their activities related to an allegation, investigation, and/or finding of misconduct in their professional or personal life.

**Other Conduct:** The Society reserves the right to expand or consider other conduct that is found to be unprofessional, unacceptable, or unethical in the discipline of ornithology, or harmful to others as a violation of this Policy.

### **Retaliation and Bad Faith Reporting**

The Society will not tolerate any form of retaliation against individuals who in good faith file a Complaint or assist in an investigation of reported misconduct or ethics violations covered by this Policy. Retaliation is defined as: punishing or otherwise engaging in differential adverse treatment of someone in response to that person raising a concern about a violation or possible violation of the Policy. Retaliation includes, but is not limited to, any activity that would discourage someone from resisting or reporting misconduct in the future, such as: transfer to a

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<sup>2</sup> Refer to the [Guidelines to the Use of Wild Birds in Research](#), [North American Banding Council Bander’s Code of Ethics](#), and the [American Birding Association Code of Birding Ethics](#).

less desirable position or assignment; verbal or physical abuse; increased scrutiny; spreading false rumors; or making the person's work more difficult.

Similarly, bad faith accusations in which there has been intentionally false, frivolous, and/or malicious reporting of violations will not be tolerated.

Retaliation and bad faith reporting violate this Policy and will be subject to investigation and the same types of disciplinary action for other forms of misconduct, as described in Handling Potential Violations of Society Policies, below.

## **Related Policies**

Misconduct otherwise set forth above may also or separately arise under one of the related policies listed below. In such circumstances, the conduct will be governed by the standards set forth in this Policy and these specific related policies of the AOS. The process for handling potential violations under these related policies is the same as for potential violations of this Policy, as described in Handling Potential Violations of Society Policies, below.

### **Society Meeting Code of Conduct Policy**

The [AOS Meeting Code of Conduct](#) governs the conduct and activity of participating Society Affiliates (“Participants”) at Society meetings and events and their related activities (“Event”). The Meeting Code of Conduct applies during the Event period, meaning: (1) the day(s) on which an in-person Event is occurring, (2) the period of set-up and break-down of facilities and equipment for an in-person event for those Participants that are involved in such activities, (3) the day(s) on which a virtual Society Event occurs, and (4) while a Policy violation is being evaluated or investigated following the Event.

### **Society Social Media and Commenting Policy**

The [AOS Social Media and Commenting Policy](#) governs the conduct of online communications on Society social media channels. The Society encourages its members and all others interested in AOS’s mission to participate on its social media platforms, including blog posts, to facilitate lively, constructive, and respectful conversations about science, professional development, ornithology, and avian conservation. Any misconduct displayed on other online communication platforms whether public or private, such as Slack, WhatsApp, etc., is covered by the Meeting Code of Conduct and this Policy and may be reported to the Society as described in "Handling Potential Violations," below. In its efforts to ensure a welcoming and safe environment for online dialogue on its social media platforms the Society may, in its discretion: (1) delete or hide comments (as appropriate, per platform) that could be constituted as Spam (i.e., content that is irrelevant to the conversation), or (2) unfollow or block accounts when the posted content violates a given platform’s stated rules and policies, including harassment and threats of violence, or constitutes extended and egregious provocation (e.g., abusive direct messages), or (3) unfollow or block accounts that violate (on- or off-line) this Policy.

## Society Editorial Conduct Policy

The [AOS Editorial Grievance Policy](#) governs the conduct of individuals with responsibility for the editorial management of the Society journals. Misconduct involves the failure by an editor of the Society to provide fair and ethical management of the editorial process to publish original research and related content in the AOS journals. The Society defines editorial misconduct as one or more of the following actions: (1) editorial conflict-of-interest, the failure to disclose a direct or potential conflict of interest when evaluating submitted articles; (2) editorial breaches of confidentiality at any time during the editorial process, and (3) any form of harassment, discrimination, bullying or other prohibited conduct as described in this Policy in the context of the editorial process.

Editorial decisions are not covered by the Editorial Grievance Policy. Editorial decisions regarding the content of AOS journals and not implicating the conduct set forth in the preceding paragraph rest solely with the Editorial Boards of *Ornithology* and *Ornithological Applications*, with the final arbiter of all editorial decisions being the Editor-in-Chief of each journal.

## Resources

In identifying and defining forms of harassment and research misconduct the AOS used information publicly available from the [U.S. Department of Health and Human Services](#), [U.S. Dept of Interior](#), National Science Foundation Press Statement 16-002: [The National Science Foundation \(NSF\) Will Not Tolerate Harassment at Grantee Institutions](#), the [Council of Science Editors](#), the [Committee on Publication Ethics](#), and the [Enago Academy](#).

## Handling Potential Violations of Society Policies

The [AOS Professional Ethics Committee](#) (Ethics Committee) has been established by the AOS Council to promote a high level of ethical conduct by ornithologists through the development and support of educational activities for AOS members and the ornithological community; to oversee the evaluation and investigation of complaints concerning possible misconduct and ethical violations by Society Affiliates as detailed in this Policy (“Complaints”); and to supervise mediation or recommend disciplinary action when a violation of a Society Policy is found to have occurred. The AOS President will appoint the Chair and members of the Professional Ethics Committee.

The following sections give details on the process and procedures for handling Complaints about breaches of the specified AOS Policies, and when and what consequences may result. The investigatory procedures, as outlined below, apply to all aspects of misconduct and ethical breaches described in this Policy, the Meeting Code of Conduct Policy, the Social Media and Commenting Policy, and the Editorial Grievance Policy. Collectively, these may be referred to as “the Policies.” As a reminder, these policies pertain to all professional activities and all



engagement with the Society. In its sole and exclusive discretion, AOS reserves the right to change or deviate from the processes and procedures detailed below when it determines it is appropriate to do so.

Legal counsel may be consulted, as appropriate, regarding any aspect of the handling of a Complaint.

## **Jurisdiction**

The Ethics Committee shall have jurisdiction to receive and determine the handling of any Complaint of a violation by an alleged offender (“Respondent”) of the Policies filed by a Society Affiliate (the “Complainant”).” See the section below on Preliminary Review of a Complaint for the considerations that will be used by the Ethics Committee when evaluating a Complaint for investigation, in its sole and exclusive discretion.

In the case of Complaints about publishing misconduct, the Ethics Committee will consult with the Editors-in-Chief. For Complaints that arise during AOS meetings or events, the Safe Meeting Committee (established by the Ethics Committee to address Code violations relating to in person or virtual meetings or events) will typically act as the designee of the Ethics Committee, or the Society may engage an Ombudsperson.

In the case of reported misconduct of a Society employee, the Complaint will be reviewed and determined under applicable AOS Human Resources policies. Such reported misconduct is not under the jurisdiction of the Ethics Committee, but should instead be reported to the AOS Executive Director or to any AOS officer [ExecCmte@americanornithology.org].

In the event that a Respondent resigns their membership from the AOS subsequent to the filing of a complaint against them, the Ethics Committee shall have discretion to resolve the Complaint as if the Respondent were still a member or other individual covered by AOS Policies.

## **Conflicts of Interest**

A conflict of interest includes any circumstance where a member of the Ethics Committee, or an individual appointed to investigate a Complaint or who is charged with reviewing or making a determination about a Complaint, has a direct or potential conflict in the form of professional, financial, or other personal interests that might interfere with their ability to act as an impartial investigator or decision maker.

Prior to participating in an investigation as a member of the Ethics Committee or as the Ethics Committee’s designee or accepting a request to serve as an investigator on behalf of the Ethics Committee, the individual must disclose any direct or potential conflicts of interest. Upon such disclosure, the Chair of the Ethics Committee, or the President of the Society in the event of a direct or potential conflict of interest on the part of the Ethics Committee Chair, shall review any reported conflicts of interest, obtain additional information, as needed, and determine, without the participation of the individual with the stated conflict or any other person with a conflict,



whether a conflict exists, and whether the individual should participate in the handling of the Complaint. The Chair of the Ethics Committee may consult with the Executive Director when evaluating a disclosure. If a conflict of interest is identified, the conflicted individual shall be recused from the investigation or any decision-making role. In such instances, AOS may identify a substitute to serve as part of the investigation.

The Complainant or Respondent may raise issues about potential conflicts of interest with the Chair of the Ethics Committee at any point during the investigative process for review and resolution. In the event the concern involves a direct or potential conflict of interest on the part of the Chair of the Ethics Committee, the Complainant or Respondent may raise their concern to the President of the Society.

### **Filing of a Complaint**

Any Society Affiliate who becomes aware of, experiences, or witnesses another Society Affiliate potentially in breach of the policies may file a written Complaint with any Society Officer, any member of the Ethics Committee or its designee, or via email: [PEC@americanornithology.org](mailto:PEC@americanornithology.org) or this google form: <https://forms.gle/spaDA3HezpjqqS19>. The Ethics Committee on its own behalf may initiate a Complaint. All written complaints will be evaluated by the Ethics Committee or its designee.

The Ethics Committee does not evaluate and investigate anonymous complaints (where the identity of the Complainant is not revealed). Reasons why anonymous complaints are not investigated by the Ethics Committee include, but are not limited to, the following:

- It would be difficult, if not impossible, for the Ethics Committee to assess the perspective of the Complainant and the credibility of the facts and evidence on which the Complaint is based.
- Sometimes, in order to adequately respond to a Complaint, the Respondent may wish to provide information about the Complainant's bias, prejudice, and/or motive for filing the Complaint. It would not be possible for the Respondent to do this if the Complaint was made by an anonymous source.
- The Ethics Committee cannot secure records, documents, and other evidentiary materials independently because the AOS does not have subpoena power. The Complainant is relied upon to provide these materials, and it would not be appropriate to accept evidence from an unknown source where credibility cannot be ascertained.
- The Respondent must be given adequate information to respond to the substance of the Complaint, which may include being able to know who filed a Complaint against them. Conducting an adequate investigation also often requires disclosure of identifying information.
- AOS seeks to minimize the potential for intentionally false, frivolous, and/or malicious reporting of violations.

The Society does want to hear from our community. Any Society Affiliate who wishes to inform

the Ethics Committee of an *issue of concern* may do so. Individuals may bring their concern to the Ethics Committee anonymously (without revealing their identity), but they must submit their concern in writing. The Ethics Committee will not consider such communications as a formal, filed Complaint as described in this Policy, but the stated concern will be discussed and tracked.

See also Mediation and Informal Resolution, below.

## **Confidentiality**

The AOS and its representatives, including the Ethics Committee or its designee, will maintain confidentiality during the investigative process to the extent possible as long as the rights of others are not compromised and subject to the ability to conduct an appropriate investigation. In addition, AOS and its representatives may make disclosures about a pending Complaint, where in its judgment and discretion, the interests of safety or law so merit. Therefore, absolute confidentiality is not guaranteed. As noted below (see Preliminary Evaluation of a Complaint, and Investigation and Report), the Society, in its sole and exclusive discretion, may choose to notify the Respondent's home institution as an interim measure when a serious allegation is under investigation by the AOS.

All participants in the investigation are also required to respect the confidentiality of the investigatory process and should not make disclosures, except as otherwise required by law or safety, while a Complaint is being reviewed, investigated, and resolved. Failure to do so is a serious violation of this Policy.

As noted in Determination of the Complaint (below), any recommended disciplinary action by the Ethics Committee or its designee involving disclosure of the results of the investigation will be referred to the Executive Committee for its final determination.

## **Details Required of a Complaint**

Prior to starting any review and investigation, the AOS must have received a written Complaint. AOS encourages individuals to file Complaints as near in time as possible to the occurrence of the underlying conduct violation to facilitate an investigation. The following information is required in the Complaint and can be provided via email: [PEC@americanornithology.org](mailto:PEC@americanornithology.org) or this google form: <https://forms.gle/spaDA3HezpjpgS19>:

1. The signature of the Complainant and contact information, including email address, phone number, and mailing address.  
*Alternatively:* If the violation is witnessed by and/or reported independently by an individual who was not directly involved in the underlying violation: the name and contact information of the individual filing the Complaint, how they became aware of the misconduct, and the name and contact information of the individual who was the object of the conduct prohibited by the Policy, if known.
2. Name of the Respondent, their contact information and affiliation with the Society, if

known.

3. As much detailed information as is available of the Policy violation, including the date, approximate time, location/setting/activity, and all known relevant facts and circumstances. If the Complainant is unsure about which specific Policy has been violated, they are encouraged to seek a confidential consultation with the Chair or other member of the Ethics Committee for assistance.
4. A clear statement of any facts that may indicate any ongoing concern of imminent threat to safety of any person(s) or safety or condition of property,<sup>3</sup> and the sources of such facts, with contact information if known.
5. Any relevant supporting documents available to the person filing the complaint (e.g., emails, notes, publications, posts, etc.), if available.
6. Names of any witnesses or others with pertinent information, and contact information, if known.
7. Any other information that would help the Society understand the full nature of the complaint; who was involved and who and what may be affected; who may have pertinent information and related context; who may have a known or potential conflict-of-interest in connection with the complaint; and, what responses the Society may want to consider.
8. Any request for informal (see Mediation and Informal Resolution below), rather than formal processing and resolution of the Complaint.
9. The relief the Complainant seeks.

### **Preliminary Evaluation of a Complaint**

When the Society is informed of a reported violation of the Policy, the information will be turned over to the Chair of the Ethics Committee or the Committee's designee (e.g., Safe Meeting Committee, appropriate authorities at a meeting venue, an Ombudsman, or other consultant retained by the Society). If a formal, written Complaint with the necessary information has not yet been received from the individual reporting the violation of the Policy, the Chair or designee will follow up to obtain the necessary information. Once the written Complaint with the necessary information is received, it will be distributed to the Ethics Committee, or the Committee's designee(s), for the purpose of conducting a preliminary review to evaluate the Complaint and determine whether or not the Society will initiate an investigation of the Complaint.

### **Considerations for Evaluating a Complaint for Investigation:**

Within the ornithological community there are many stakeholders (e.g., universities, research institutions, nonprofit organizations, government agencies, other societies and associations,

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<sup>3</sup> "Property," as referred to in this Policy, includes tangible and intangible property including, but not limited to, buildings, equipment, research, research specimens, intellectual property, animals, chemicals, radioactive and biological materials, etc.

partners, funders, individuals, etc.). Each stakeholder bears responsibility for upholding a set of common scientific, educational, and ethical standards and for assigning consequences when these standards are breached. The AOS is only one of these stakeholders. In many cases of misconduct or an ethical breach, the AOS is not the entity where primary jurisdiction for investigative or corrective measures resides. The AOS has neither the personnel, financial or technical resources, nor oversight authority to accept responsibility for investigating and adjudicating suspected violations of this Policy that are the rightful jurisdiction and responsibility of other community stakeholders. Therefore, in considering reported violations of this Policy, AOS will, in its sole and exclusive discretion, determine whether it is appropriate for AOS to consider reported violations for investigation and corrective action. Considerations are summarized below:

- The Complaint pertains to a violation(s) of the Policies of the Society.
- The Complaint is “timely,” although there is no specific time limitation for a Complainant to file a Complaint. The meaning of “timely” will be flexible and left to the discretion of the Ethics Committee. In assessing the timeliness of a complaint, the Ethics Committee or its designee may take into account factors such as seriousness of the Complaint, recurrence of the violation, relative career status of the Complainant and/or Respondent at the time the alleged breach occurred, and ability to conduct an investigation given the passage of time.
- The Complaint is attributed to an individual or group of individuals; it is not anonymous.
- The Complaint is not currently under investigation by the Society nor has been investigated previously.
- The Complaint is not within the purview of the Respondent’s employer, of the publisher of the Respondent’s work, or of the Respondent’s home institution or another entity, absent compelling circumstances.
- The Complaint does not allege misconduct that is, may be, or has already been the subject of outside legal or institutional proceedings. In such circumstances, the Ethics Committee or its designee may, in its discretion, defer proceeding with the Complaint until the conclusion of the other legal or institutional proceedings or may decide not to consider the Complaint. The Ethics Committee or its designee, in its discretion, may also decide to limit its processing of a Complaint to consideration of Policy violations established through outside legal or institutional proceedings and determinations and use those findings as a basis for considering and recommending actions.
- The Complaint is not credible or is speculative.
- The Complaint does not pertain to the conduct of a Society employee, whose conduct is covered under the Society’s Human Resources policies.
- AOS is the entity with primary jurisdiction over the matters raised in the Complaint and is the primary entity where investigative and/or corrective measures are best taken.
- There are other factors not meriting investigation of the Complaint.

The Chair of the Ethics Committee or its designee will notify the Complainant when their Complaint has been evaluated and will provide an outline of the investigation procedures to the Complainant. If, after evaluation, the Ethics Committee determines that the Complaint will not be

investigated, the Complainant will be informed of the decision. The Complainant may submit a timely written appeal of a decision declining an investigation to the AOS Executive Committee (see Appeals, below).

The Chair of the Ethics Committee or its designee will notify the Respondent if the Complaint will be investigated and provide an outline of the investigation procedures.

The Ethics Committee or its designee may take interim steps after evaluating a Complaint, but before the Complaint has been investigated and resolved. For example, if a Complaint is received concerning misconduct at a Society meeting/event, the Ethics Committee or its designee, at its discretion, may require a Respondent to leave the meeting/event before an investigation has begun or during an open investigation to avoid disruption of, or to ensure the safety for other participants at, the meeting/event. The Ethics Committee or designee may also decide to notify meeting or event participants or others of a pending investigation in the interests of safety or to require the Respondent to maintain a distance and separation from other participants during the period of the Event.

### **Investigation and Report**

The investigation of a Complaint will be conducted as determined by the Ethics Committee or its designee, in their sole and exclusive discretion. The Ethics Committee may appoint an investigator from among its members, an outside investigator, or a subcommittee to proceed with the investigation (the “Investigator”).

The designated Investigator determines the scope and nature of the investigation, in their sole and exclusive discretion. The investigation will generally involve interviews of the Complainant, the Respondent and relevant witnesses, and the review of relevant documents and of other materials and communications provided by the Complainant and witnesses. The Respondent will receive sufficient information about the Complaint and its allegations, as determined by the Investigator, to allow an adequate opportunity to respond to the Complaint and to present their own evidence to the Investigator.

The Society, in its sole and exclusive discretion, may notify the Respondent’s home institution of any Complaint received and explain that an investigation is underway in which the Society has yet to make a judgement on the allegation(s) in the Complaint.

The Investigator shall establish a proposed timeline for completion of the investigation and submission of an investigation report. Where possible, the investigation will be completed and the Investigator will submit their report to the Ethics Committee within 60 days of their assignment to investigate the Complaint.

The investigation report will generally include the following content:

- A summary report of the investigation process and the Investigator’s findings, including:

the alleged violations of the Policy; whether the investigation finds that the Respondent violated any provision of the Policy; the basis for such findings; any recommendations for simple resolution (see Determination on the Complaint, below); and any recommendations for disciplinary action (see Disciplinary Action, below).

- The written Complaint and any written response of the Respondent.
- Notes summarizing the interviews conducted by the Investigator.
- Written documentation provided by the parties and any witnesses.
- Written documentation independently gathered by the Investigator.
- If the Complaint has been resolved by informal resolution or mediation between the parties during the investigation (see Mediation and Informal Resolution, below), a summary of that resolution will be included in the summary report.

Individuals found to have engaged in behavior prohibited by this Policy will be subject to disciplinary action as determined by the Ethics Committee of the Society. The Society may take any action it deems appropriate ranging from a verbal warning or ejection/prohibition from the specific activity in question (e.g., workshop, symposia or the entire Event), banishment from future Society events of any kind, revoking membership in the Society, and/or to the reporting of misconduct to their employer and research funders.

#### **Ethics Committee Determination on the Complaint:**

The Ethics Committee or its designee will review the investigation report and determine whether to accept, modify, or reject, in whole or in part, the findings and any recommendations of the Investigator, including recommended disciplinary action. Based on such review, the Ethics Committee shall finalize its own report on the Complaint.

If, based on the investigation report and findings, the Ethics Committee determines that the Respondent has not violated any provision in the policy, the Ethics Committee will dismiss the Complaint. The Chair of the Ethics Committee will inform the Complainant and Respondent in writing, and provide a summary of the report adopted by the Ethics Committee. This is the final decision of the Society, except on appeal of the Complainant to the Executive Committee (see Appeals below).

When a Complaint leads to a finding that a Policy violation has occurred, the Ethics Committee or its designee may determine whether the Complaint is amenable to simple resolution between and by the Respondent and the Complainant. A simple resolution of a Complaint may be appropriate based on consideration of such factors as: (1) no laws were broken, (2) a misunderstanding occurred and was corrected, (3) lessons had been learned by those in need of education; (4) there was an authentic commitment to avoid a repetition of the cause of the Complaint; (5) such a resolution is consistent with the values of the Society and goals of this Policy, and (6) considering the above and the nature of the Complaint, a sense of safety and inclusion was successfully restored without the need for further action. In such cases, the final outcome will be reported to the Executive Committee and the Complaint will be considered resolved.



When the finding of a Policy violation is not resolved by the Ethics Committee or its designee through simple resolution, the Chair of the Ethics Committee will inform the Complainant and Respondent of the Committee's final determination, including recommended disciplinary action, in writing, and provide a copy of the report adopted by the Ethics Committee, which in its sole and exclusive discretion, the Ethics Committee may redact to protect confidentiality and/or to remove sections of the report that do not concern the parties (e.g., recommendations for policy or procedural changes). An explanation of the parties' rights to appeal the Ethics Committee determination to the Executive Committee as set forth below, will also be provided. The Ethics Committee shall attempt to issue its report within 30 days of receipt of the investigation report. The Chair of the Ethics Committee will also send a report of their finding and decision to the Executive Committee.

The determination of the Ethics Committee will become the final decision of AOS, unless appealed by either party to the Executive Committee (see Appeals below). Provided, however, that before becoming final, any recommended disciplinary action by the Ethics Committee involving suspension or revocation of AOS membership, removal of a member from an elected, appointed or volunteer leadership position, and/or revocation of an AOS honor or award will be referred to the Executive Committee for its consideration and final determination (or recommendation where additional action beyond the authority of the Executive Committee is required by the bylaws or under law) on such sanction, and any such action will be effectuated in accordance with the bylaws and applicable law. Any recommended disciplinary action by the Ethics Committee involving disclosure of the results of the investigation, including to the Respondent's employer, research funders, agencies, or others, will be referred to the Executive Committee for its final determination.

### **Appeal to Executive Committee of Determination on Complaint**

The Respondent or the Complainant may submit a written appeal of the final decision of the Ethics Committee to the AOS Executive Committee in the following instances:

- A Complainant may appeal the determination of the Ethics Committee to not investigate a Complaint based on the Committee's finding that the Respondent had not violated any provision in the Policy.
- A Complainant or Respondent may appeal the recommended disciplinary action and resolution of the Complaint in the Ethics Committee determined that the Respondent had violated the Policy.

An appeal may be filed under the following conditions only: (1) newly surfaced, consequential facts that were not previously available when the decision was made; (2) consequences grossly disproportionate (in leniency or stringency) to the violation found, considering how similar situations were handled, if any, under current Society policies (i.e., not under prior policies); (3) lack of facts to support the decision; (4) a conflict of interest by a decision-maker, or, (5) a failure to fulfill process requirements with consequential effects on the appealing person's ability



to address important considerations.

#### When submitting an appeal:

An appeal must be made in writing and received by the Executive Committee within 30 days of the date that the determination was communicated by the Chair of the Ethics Committee to the Complainant and/or Respondent. The appeal must specify in what respect the determination was wrong and why. In the absence of a timely appeal, the decision will stand as the final decision of AOS on the Complaint, and neither the Complainant nor Respondent will have any further right of appeal to the Executive Committee.

If both the Complainant and the Respondent submit a timely appeal, the Executive Committee will decide both appeals together.

#### Appeals involving a hearing:

Except as otherwise provided in the next section below, a hearing may be scheduled only for appeals on a determination that a violation has been found and disciplinary action has been recommended. The hearing will be informal and held on Zoom or other online meeting platform; strict adherence to the rules of evidence will not be observed. Disciplinary action will not take effect while the appeal is pending.

At the hearing, the person who submitted the appeal shall be entitled to make a written statement or to present evidence and/or to call witnesses. The person(s) appealing may choose to engage their own legal counsel during the appeal process, at their expense. The names and addresses of all witnesses who will appear at the hearing shall be provided to the Executive Committee at least 15 days before the hearing.

At the Executive Committee's sole and exclusive discretion, it may request the presence of the Complainant (if the appeal is solely by the Respondent), the Respondent (if the appeal is solely by the Complainant), or other witnesses at the hearing, and/or engage its own legal counsel to advise the Committee at the hearing.

The hearing will be recorded. The Executive Committee may decide, at its discretion, to create a transcript and make this available to the person(s) appealing the determination, and other parties involved. The Respondent or Complainant may request a transcript, at their own expense, in the event the Executive Committee does not choose to create a transcript.

If the evidence presented at the hearing warrants, the Executive Committee may affirm or modify the findings regarding a Policy violation or increase or decrease the severity of the disciplinary action in the Ethics Committee's decision.

#### Other Appeals

Other appeals that are not eligible for a hearing as provided above will be determined based on the existing record, except that the Respondent will be notified and allowed to present a written

response in the event of an appeal by the Complainant of a finding that the Respondent did not violate the Policy. Alternatively, in its sole and exclusive discretion, the Executive Committee may decide to have a hearing on an appeal by the Complainant of a finding that the Respondent did not violate the Policy, in accordance with the process set forth above. If the record so warrants, the Executive Committee may affirm, modify, or remand for further investigation and proceedings the determination of the Ethics Committee.

#### Executive Committee Determination and Final Decisions/Recommendations on Membership, Leadership Positions, Honors and Awards, and Disclosure

The Executive Committee will attempt to render its decision on the appeal, usually within 60 days of the conclusion of the hearing or receipt of the evidentiary record, where no hearing is held, and notify the relevant parties of its decision. The decision of the Executive Committee will be the final decision of the AOS on the Complaint unless remanded by the Executive Committee to the Ethics Committee for further investigation and determination.

Where an appeal is filed, the Executive Committee will render its final decision on an Ethics Committee recommendation on suspension or revocation of membership, removal from a leadership position or committee appointment, revocation of an AOS honor or award, and/or disclosure of the results of the investigation simultaneously with the appeal. If no appeal is filed, the Executive Committee will attempt to issue its final decision on suspension or revocation of membership, removal from a leadership position, revocation or an AOS honor or award, and/or disclosure of the results of the investigation within 30 days of receipt of the report and decision of the Ethics Committee, unless additional time is required by the bylaws or applicable law.

Where the disciplinary action requires additional action under the bylaws or applicable law beyond the authority of the Executive Committee, the Executive Committee shall refer its recommendation for disciplinary action to the appropriate process for effectuation of such recommendation for disciplinary action. Such disciplinary action will only be effective if imposed in accordance with the bylaws and applicable law.

#### **Mediation and Informal Resolution**

When reporting a violation or at any other point during the investigative process, Complainants may seek an informal resolution. Informal resolutions vary depending on the nature of the complaint and the perspective of the individual making the complaint. For example, the Ethics Committee may be made aware of a breach where the Complainant's goal is to raise awareness of an issue that may be addressed and resolved by leadership through changes in program or operational procedures, practices, or policies rather than an investigation of the Respondent. A Complainant may also request that the Ethics Committee pursue a simple resolution, as discussed above (see Ethics Committee Determination on Complaint).

At any point during the process, including reporting, mediation may be requested or used to attempt to resolve the Complaint. Mediation may be suggested by the Complainant as well as

the Ethics Committee or its designee, and would be employed only with the consent of the Complainant and the Respondent. If mediation is successful, the resolution will be made in writing and signed by the Complainant and Respondent and the Chair of the Ethics Committee. No further action will be taken on the Complaint except as set forth in the mediation resolution.

## **Disciplinary Action**

One or more of the following forms of disciplinary action, as well as other conditions such as restorative remedies recommended by the Ethics Committee, or the Executive Committee in the case of an appeal, in their sole and exclusive discretion, are available for violations of the Policy. It is the intent that the range of available disciplinary actions is as broad and flexible as possible so that they may be employed to remedy and redress any violation that has occurred. Actions may be private or public. The Society may, at its discretion, notify the Respondent's home institution, or other relevant entities, of any disciplinary action taken in response to a Code violation.

1. No Sanction. A ruling that no disciplinary action or sanction is appropriate.
2. Educative letter. A written letter to the Respondent that may be private or public concerning the allegations or related matters. An educative letter may be issued whether or not there is a finding of a violation of the Policies.
3. Reprimand. A written letter issued against the Respondent. A Reprimand will be public if allowed by applicable law.
4. Probation. A ruling that, for a specified period of time, the Respondent's continued participation in AOS activities, member benefits, or membership programs including publishing in AOS journals is conditioned upon satisfaction of certain specified conditions. Probation will be public if allowed by applicable law.
5. Expulsion from AOS Activities. A ruling that the Respondent is prevented from participating, compelled to leave, or be removed from an AOS activity or event, at their own cost, or is barred from participating in future AOS activities or events (in person or virtual), whether a member or an affiliate, for a period of time or permanently. This ruling may be made before, during, or after an AOS activity or event. Expulsion will be public if allowed by applicable law. Conditions may be established that, if satisfied, will result in the lifting of the bar on participation at AOS activities or events. Persons who have been barred for a period of time should apply directly to the Executive Committee for removal of the sanction at the conclusion of the designated period. The applicant bears the burden of demonstrating with appropriate documentation that conditions that lead to the barring of participation have been rectified and that, on lifting of the bar, the applicant will abide by the Policy.
6. Removal from a position of Society leadership. A ruling that the Respondent is removed from a position of leadership, whether an elected position (elected by the membership or the

Council), an appointed position (appointed by the President), or an invited or volunteered position on a committee, accomplished in accordance with the bylaws and applicable laws. A ruling for removal from leadership will be public if allowed by applicable law. Persons who have been removed from a position of leadership are removed for the remainder of their leadership term.

7. Revocation of a Society honor or award. A ruling that an award or honorary recognition bestowed by the society to the Respondent be revoked, done in accordance with the bylaws and applicable laws. Revocation will be public if allowed by applicable law. Awards and honors revoked by the Society may not be reinstated.

8. Suspension of membership. A ruling that the Respondent is prohibited from participating in all or certain AOS activities, events, and/or other privileges of membership. Suspension will be public if allowed by applicable law. Conditions may be established that, if satisfied, will result in the lifting of a suspension. Persons whose membership has been suspended in whole or in part, should apply directly to the Executive Committee for reinstatement at the conclusion of the designated period of suspension. The applicant bears the burden of demonstrating with appropriate documentation that conditions that lead to the suspension have been rectified and that, on reinstatement, the applicant will abide by the Policy.

9. Termination of membership. A ruling that the Respondent's membership in AOS is terminated. AOS bylaws permit the Society to terminate the membership of any Member. Termination will be public if allowed by applicable law. When membership is terminated, AOS shall not be required to refund or reimburse membership fees or dues.

## **Restorative Remedies**

At its sole and exclusive discretion, the Society may provide opportunities for restorative remedies for a Respondent who has been found to be in violation of an AOS Policy. The Society is under no obligation to provide restorative remedies but may opt to do so when such remedies are determined to be appropriate given the violation and beneficial to the community, the Society, or—most especially—any individuals harmed by the Respondent's actions. These remedies may:

- diminish the effect of previous unethical conduct;
- elevate understanding of harm caused by such conduct;
- enhance relationships;
- improve conduct;
- serve the restorative justice wishes of any harmed parties;
- advance safety for those affected; and
- prevent recurrence of any undesirable conduct, eventually enabling positive participation in the discipline.

Whereas no two cases of conduct or ethical violations are the same, no restorative remedies would be the same. Remedies acceptable to the Ethics Committee, or the Executive Committee in the case of an appeal, would be enacted after consulting the harmed parties (if different than the Complainant), the Respondent, and the Complainant, whenever possible or practical, and would consider:

1. the level of sanction which was originally applied;
2. relevance of outcomes of a previous Code violation, if applicable
3. the egregiousness, prevalence, effect, age of when the conduct occurred, and the relative stage of the Respondent's and Complainant's careers when the conduct occurred;
4. whether an individual with determined unprofessional and unethical conduct takes responsibility for their conduct and demonstrates through action (non-repetition) that they learned the necessary lesson and are unlikely to repeat similar conduct; and
5. whether an individual appears to be sincerely committed to demonstrating professional and ethical conduct, understands how the determined conduct or questions of conduct occurred, avoids repetition of questionable conduct, and restores relationships.