

## **Policies and Procedures for Reporting, Investigating, and Adjudicating Violations of the ASA's Activities Conduct Policy**

Approved 10-4-2019 by ASA Board of Directors

### Overview

Actions occurring at ASA activities and otherwise suspected to be in violation of the ASA's [Activities Conduct Policy](#) (hereafter "Conduct Policy") should be reported to the ombuds service as soon as possible. Actions not successfully mediated by the ombuds process will be investigated by the independent group within the ombuds service. Actions found to be in violation of the Conduct Policy will be sanctioned according to the processes described below. This policy applies to ASA members or to anyone who participates or intends to participate in ASA activities. This policy does not include suspected criminal behavior (for example, sexual assault), which, if reported to ASA, will be reported immediately to law enforcement.

### Timeframe

Actions reported more than six calendar years after their occurrence will not be considered, except as supporting evidence of misconduct. (For instance, an action reported during calendar year 2019 must have occurred no earlier than Jan. 1, 2014.)

### Actions occurring elsewhere

Actions in violation of the Conduct Policy, but occurring elsewhere – for instance, at an individual's place of employment, at other professional meetings, or on social media – may also be subject to sanctions, particularly when those actions involve individuals in leadership positions in the ASA. Reports of such violations will be reported to the ombuds service.

### Review board

The ASA Board of Directors will establish a review board for determining sanctions in individual cases. The review board will consist of three members from the Board of Directors, the Executive Director and two other members appointed by the Board of Directors (which may delegate these appointments to the president) on staggered three-year terms. Three alternate members will be appointed to replace appointed board members in cases of conflict of interest. Alternate members should generally be experienced ASA volunteers. The review board should be gender diverse, and the pool should be as generally diverse as feasible. Review board members and the alternates will receive appropriate training to serve on this board.

### Confidentiality

ASA recognizes that an allegation of violation of the Conduct Policy is itself not proof of such violation. Whenever possible ASA will observe strict confidentiality when an allegation is reported until the investigation process has been completed and a ruling by the review board has been made, at which point confidentiality may or may not be preserved, depending on the case and the findings. The ASA will not publicly announce the results of the proceedings, but if sanctions are applied, then confidentiality regarding the person upon whom sanctions are imposed will no longer be maintained to the extent necessary to implement the sanctions. If no sanctions are warranted in the case, then the ASA may

communicate that result if requested by the alleged violator. The confidentiality of the person(s) who filed the initial complaint will be maintained in this instance, unless the initial complaint was found to be maliciously filed. See below. Notwithstanding the foregoing, confidentiality will be addressed on a case by case basis consistent with applicable federal and state law.

## Appeal

The ASA Board reserves the right to review an appealed finding.

## Process

Alleged violations at ASA activities will be investigated by the ombuds service. An allegation of a violation that arises on social media may also be reported to the ombuds service through the same process. Their recommendations will be reported to the review board for action. Violations of the Conduct Policy that occur at the workplace must have been adjudicated at the individual's workplace for this policy to apply. An individual's actions that have been verified to have occurred at the individual's workplace and that are in violation of the Conduct Policy may be referred to the ASA review board for consideration of sanctions.

The process detailed herein is intended to handle actual violations of the Conduct Policy. If the ombuds service determines in their investigation that a false allegation has been maliciously reported, then the person or persons making such allegations will be subject to the sanctions consistent with the offense category of a false accusation. Such action will be taken only in the case of clearly malicious false accusations that were made with the intent of harming the reputation or professional standing of the alleged violator. Reports of actual violations and reports resulting from misunderstandings are rarely considered willfully false or malicious.

(Note: The ASA reserves the right to hire an independent investigator should for any reason the ombuds service not be available to investigate. In such situations the independent investigator will provide the same services ascribed to the ombuds service in this "Process" section.)

## Offense categories

If there is no finding of violation, the matter will be considered closed. When violations are found, the review board will assign sanctions for violations of the Conduct Policy based on its assessment of the severity of the violations. Sanctions are effective immediately, unless otherwise indicated by the review board. That assessment assigns severity into one of three categories, with corresponding sanctions, as follows:

### *Offense category 1*

Sanctions may include one or more of the following

- A letter of warning from the ASA
- Cannot serve as an ASA volunteer for one year (note that the term "ASA volunteer" in this document includes all elected and appointed officials of the ASA.)
- Cannot attend ASA meetings for one year
- Cannot be considered for ASA awards for one year
- Re-entry interview and/or counseling

Category one offenses are not publicly announced (that is, home institution or place of employment not notified and the matter is considered entirely private).

### *Offense category 2*

Sanctions may include one or more of the following

- A letter of reprimand from the ASA
- Loss of ASA membership for three years
- Cannot serve as an ASA volunteer for three years
- Cannot attend ASA meetings for three years
- Cannot be considered for ASA awards for three years
- Re-entry interview and/or counseling
- Home institution notified (that is, home institution/place of employment notification is one of the possible sanctions and the matter may be considered public)

### *Offense category 3*

Sanctions may include one or more of the following

- A letter of censure from the ASA
- Loss of ASA membership for five years
- Cannot serve as ASA volunteer for five years
- Cannot attend ASA meetings for five years
- Cannot be considered for ASA awards for five years
- ASA awards and honors revoked. (“Revoked” means in name (removed from website, and the individual is no longer eligible to use the title or claim the award); the individual is not expected to return any funds or items awarded.)
- Re-entry interview and/or counseling
- Home institution/place of employment notified (same as last bullet in category 2)

Further notes for clarification:

- Participation in an ASA activity is contingent upon acceptance of the Conduct Policy. *This policy applies to any participant regardless of ASA membership status.*
- One consequence of the previous statement is that resignation from membership status during the investigation process does not terminate the investigation nor remove the individual from the potential for sanctions.
- The Board will review this policy within 18 months of its initial implementation.