



# **Policies and Procedures for Reporting, Investigating, and Adjudicating Violations of the ASA’s Code of Conduct**

## **Overview**

Actions occurring at ASA activities and otherwise suspected to be in violation of the ASA’s Code of Conduct (hereafter “Code of Conduct”) should be reported as soon as possible. Actions not successfully mediated will be investigated by qualified investigators who are external to the ASA. Actions found to be in violation of the Code of Conduct 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 the 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 2021 must have occurred no earlier than Jan. 1, 2016.)

## **Actions occurring elsewhere**

Actions in violation of the Code of Conduct, 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 [conduct@amstat.org](mailto:conduct@amstat.org). Reports are confidential and limited to ASA staff specially trained to deal with Code of Conduct violations.

## **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 and will include the Executive Director. The two other members, appointed by the Board of Directors (which may delegate these appointments to the president), will serve 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**

The ASA recognizes that an allegation of violation of the Code of Conduct is itself not proof of such violation. Whenever possible the 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. An allegation of a violation that arises on social media may also be reported to [conduct@amstat.org](mailto:conduct@amstat.org). The investigation's findings will be reported to the review board for action. Violations of the Code of Conduct that occur at the workplace or other professional setting must have been adjudicated at the individual's workplace or by another professional entity for this policy to apply. An individual's actions that have been verified to have occurred at the individual's workplace or in another professional setting and that are in violation of the Code of Conduct may be referred to the ASA review board for consideration of sanctions.

The process detailed herein is intended to handle actual violations of the Code of Conduct. If the investigation finds 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 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.

The ASA reserves the right to hire an independent investigator to support the review process.

## **Sanctions**

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 Code of Conduct 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 with corresponding sanctions, as follows:

Sanctions may include one or more of the following:

A letter of warning or reprimand 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 or more years

Loss of ASA membership for three years or more years

Cannot be considered for ASA awards for one year or more years

ASA awards, honors, and accreditation revoked. ("Revoked" means in name (removed from website, and the individual is no longer eligible to use the title or claim the award or accreditation status); the individual is not expected to return any funds or items awarded

Home institution may be notified (that is, home institution/place of employment notification is one of the possible sanctions and the matter may be considered public)

## **Restorative Justice**

"Restorative justice processes share a number of core commitments, including participation of offenders and victims in the process; narration of the wrongful behavior and its effects; acknowledgement of the offense and acceptance of responsibility for it by the offender; joint efforts to find appropriate ways to repair the harm done; and reintegration of the offender into the broader community." (American Bar Association) The ASA will endeavor to practice restorative justice at the conclusion of the sanction period.

Further notes for clarification:

Participation in an ASA activity is contingent upon acceptance of the Code of Conduct. 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 on a three year cycle.