



## Handling of Potential Breaches of the ASA Statement of Ethics and Code of Conduct

The ASA Ethics and Conduct Committee (ECC) has been established by the ASA Council to oversee the investigation of any complaints of unethical behaviour or misconduct. The Statement of Ethics and Code of Conduct cover attendees of ASA-organised, -sponsored or -supported meetings, events, and contributors or users of ASA publications. The Statement of Ethics and Code of Conduct also cover the appropriate conduct of ASA members at all professional activities. The following sections give details on policies and procedures<sup>1</sup> for handling complaints about breaches of the ASA Statement of Ethics and Code of Conduct.

- 1) **Informal resolution** As far as possible, individuals having a complaint should seek to resolve apparent breaches of the ASA Statement of Ethics or Code of Conduct informally by one or more of the following means (**Note:** This clause does not apply to complaints concerning alleged criminal conduct, including sexual assault, which have state-specific thresholds for mandatory reporting).
  - a. Directly approaching the respondent (person they believe is responsible for the apparent breach), either on their own or with another person as a support person and:
    - i. telling them which behaviour they consider unreasonable and unacceptable;
    - ii. asking them to stop or to behave differently; and
    - iii. keeping a written record of this action.
  - b. Where a Complainant (person who raises the complaint) does not feel comfortable raising the matter directly with the person they believe is responsible, they may raise the matter with the following people (in order of preference): meeting organisers, the ECC Chair or the ASA President.
  - c. Any member who has concerns about particular behaviour and is unsure whether it may constitute an apparent breach of the ASA Statement of Ethics or Code of Conduct should contact the ECC Chair, or the ASA President.
  - d. Meeting organisers, the ECC Chair or the ASA President who have concerns about, or become aware of, behaviour that may constitute bullying, harassment or discrimination, have an obligation to actively intervene to prevent such conduct continuing and may seek to resolve any concerns directly with the parties under this clause, if appropriate.
- 2) **Filing of Complaint** Complaints may be made via the Complaints Form.
  - a. Complaints can be lodged in a number of circumstances:
    - i. any attendee of an ASA-organised, -sponsored or -supported meeting, or event who experiences or witnesses another attendee potentially violating ASA ethical or conduct standards may file a complaint;

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<sup>1</sup> The process for handling potential breaches of the ASA Code of Conduct is based on that used by the American Astronomical Society.

- ii. any attendee of any astronomical event who witnesses an ASA member potentially violating ASA ethical or conduct standards may file a complaint;
  - iii. contributors or users of ASA publications who identify behaviour potentially violating ASA ethical or conduct standards may file a complaint; and
  - iv. the ECC may also initiate a complaint on its own behalf.
- b. Initial contact with the ASA President or ECC Chair is encouraged to clarify whether concerns about a possible ethical or conduct violation are covered by the Statement of Ethics or Code of Conduct before making a formal complaint.
- c. A complaint must be made via the Complaint Form, which includes:
  - i. the name and professional address of the Complainant;
  - ii. the name and (where known) professional address of the member or attendee accused of the Code violation;
  - iii. the provisions of the Statement of Ethics or Code of Conduct alleged to have been violated;
  - iv. a full statement of conduct alleged to have violated the Statement of Ethics or Code of Conduct, including the sources of all information on which the allegations are based; and
  - v. copies of any documents or other information supporting the allegations.
- d. Anonymous formal complaints will not be accepted. However, the reporting channel is anonymous, with knowledge of the complaint having been submitted being restricted to members of the ECC. Further action by the ECC may require disclosure of the submitter to the Complainant and/or Respondent, if this is deemed necessary, but this decision will only be taken with the agreement of the submitter.
- e. ASA Council and ECC members involved will keep the information in the completed, formal complaint form and the identities of the Complainant and Respondent confidential during the investigation.
- f. Individuals who make false allegations of breaches of the Statement of Ethics or Code of Conduct in bad faith will be subject to disciplinary action.

**3) Investigation of a Complaint** Investigation of any complaints filed using the Complaints Form is undertaken by the ECC.

- a. The ECC Chair, in consultation with the ASA President, shall screen each complaint to determine whether the alleged conduct is covered by the ASA Statement of Ethics or Code of Conduct, and evaluate whether the complaint, if proved, would constitute a breach of the ASA Statement of Ethics or Code of Conduct. The ECC Chair may request additional information from the Complainant, who will be given 30 days to provide additional information. No record will be kept of incomplete complaints.
- b. If the alleged behaviour is not in breach of the ASA Statement of Ethics or Code of Conduct, the complaint will not be investigated. The ECC Chair will notify the Complainant of the reason(s) why action will not be taken. A record of the complaint and report on the reasons for not investigating will be kept by the ASA Secretaries.
- c. If the alleged behaviour is found to be in breach of the ASA Statement of Ethics or Code of Conduct, the ECC Chair will provide a copy of the complaint form and relevant supporting materials (or summaries if required to protect the privacy of individuals named in the complaint) to the Respondent. The Respondent will be asked to provide a written response to the complaint within a period of 30 days.
- d. The ECC will oversee the case, and if appropriate, may suggest mediation.
- e. In cases where mediation is not appropriate, or is declined or unsuccessful, the ECC Chair, in consultation with the ASA President, will assign an Examiner from within the ECC to

investigate the complaint (unless the ASA President or ECC Chair is a Respondent or Complainant).

- f. The Examiner may communicate with the Complainant, the Respondent, any witnesses, and/or other sources of information necessary to carry out their investigation.
- g. The Examiner will submit a written report of the findings to the ECC within 30 days unless a longer period is necessary in the opinion of the ECC Chair. A copy of the Examiner's findings and recommendation will be kept by the Secretaries.
- h. The ECC will submit a report to the ASA Council within 30 days of receiving the Examiner's report which includes whether to endorse the Examiner's recommendations and suggested sanctions if any.
- i. Any member of the ASA Council or ECC who is a complainant, respondent, witness or who has a conflict of interest must reclude themselves from the investigation.
- j. A copy of the ECC's report will be kept by the ASA Secretaries.
- k. The ASA President will receive both the ECC report and the Examiner's report. The President, in consultation with the ASA Council, will accept, modify, or reject the ECC recommendation within 30 days of receiving the reports.
- l. The ASA President will notify the Complainant and the Respondent of the findings, determination, and any sanctions in writing within 30 days of receiving the reports.
- m. The Complainant and the Respondent may submit a response to the ASA President in writing within 30 days. Responses will be kept by the ASA Secretaries.
- n. In the event that a complaint alleges conduct that is known to be the subject of other legal or institutional proceedings, the ECC, in consultation with the ASA President, may defer further proceedings with respect to the complaint until the conclusion of the other legal or institutional investigation.
- o. The ECC or its Chair may also use the findings of those other legal or institutional proceedings as a basis for considering ASA actions.

**4) Sanctions** In any case where the outcome of an investigation determines that a violation of the Statement of Ethics or Code of Conduct has occurred, no sanction, or one or more of the following sanctions, may be imposed as appropriate.

- a. In cases where there has been a violation of the Statement of Ethics or Code of Conduct which is not deemed by the ECC to have caused serious personal and/or professional harm to any person, an educative letter and/or counselling concerning the violation will be sent to the Respondent.
- b. In cases where there has been a violation of the Statement of Ethics or Code of Conduct which is deemed to have caused serious personal and/or professional harm to any person:
  - i. a letter of censure will be made public in an appropriate manner;
  - ii. the Respondent may be denied access to ASA organised, sponsored or supported meetings, events and publications for a finite or indefinite period;
  - iii. the Respondent may have their membership terminated for a finite or indefinite period to be determined by the ASA Council in accordance with Clause 13 of the Society's Constitution; and
  - iv. the home institution of the Respondent may be notified of a sanction resulting from a complaint to the ASA.

- 5) Appeal of Determination** A Respondent or Complainant may appeal this determination by filing a notice of appeal and statement of reasons for appeal with an ASA Secretaries within 30 days. The exception is for a determination of termination of membership for which the ASA constitution does not provide provision for appeal.
- a.** If an appeal is filed, the ASA President will appoint an independent three-member Appeal Panel to review all information considered by the ECC and make a decision to uphold or reverse the determination within 30 days.
  - b.** The Appeal Panel will recommend a course of action to the ASA Council Executive who will then accept or reject the finding.
  - c.** Both the Respondent and the Complainant will be notified of the final appeal determination. A complete record of the appeal will be kept by the ASA Secretaries.