



Procedures for investigating:

- **Potential Breaches of the ASA Statement of Ethics or Code of Conduct;**
- **Disputes between Members; or**
- **Disputes between Members and the Society**

The ASA 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 ASA Ethics and Conduct Committee (ECC) has been established by the ASA Council to oversee the investigation of any complaints of unethical behaviour, misconduct or grievances that may be potential breaches of the ASA Statement of Ethics or Code of Conduct (hereafter “Breaches”). The ECC will also oversee disputes between ASA members relevant to Society operations and disputes between Members and the Society (hereafter “Disputes”). For Disputes between Members and the Society, the ECC may form a related committee called the Internal Disputes Committee (IDC). In what follows, the term ECC also applies to the IDC.

The following sections give details on policies and procedures¹ for handling complaints related to Breaches and Disputes. The word “Member/s” in this document refers to any individual member/s of the Astronomical Society of Australia of any level of membership.

- 1) Informal resolution** As far as possible, individuals having a complaint should seek to resolve apparent Breaches or Disputes 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, any ASA ECC or Council member.

¹ The process for handling potential Breaches is based on that used by the American Astronomical Society.

- c. Any Member who has concerns about particular behaviour and is unsure whether it may constitute an apparent Breach or is a dispute between Members relevant to Society operations 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 Complaint 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;
 - 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;
 - iv. the ECC may also initiate a complaint on its own behalf; and
 - v. where two or more Members are in an unresolved dispute related to the Society or its business which does not involve a Breach.
- b. Initial contact with the ASA President or ECC Chair is encouraged to clarify whether concerns about a possible ethical or conduct breach are covered by the Statement of Ethics or Code of Conduct, or that a dispute between Members falls within Society operations before making a formal complaint.
- c. A complaint may be made via the Complaint Form, but in any case must include:
 - 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 Breach;
 - iii. the provisions of the Statement of Ethics or Code of Conduct alleged to have been violated or the relevance of the dispute between Members to Society operations;
 - iv. a full statement of conduct alleged to have violated the Statement of Ethics or Code of Conduct or the full details of the dispute between Members and its relationship to Society operations, 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 confidential the information in the completed, formal complaint form, together with the identities of the Complainant and Respondent. This also applies to any subsequent information requested by, or provided to, the ECC.
- f. Individuals who make false, vindictive or vexatious allegations of Breaches in bad faith will be subject to disciplinary action by the ASA Council on advice from the ECC.

3) Investigation of a Complaint Investigation of any complaints filed is undertaken by the ECC.

- a. The ECC Chair, in consultation with the ASA President (or their alternate(s), in the case of a conflict) 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, might constitute a Breach. In the case of a dispute between Members, the dispute will be screened to determine if it is relevant to Society operations rather than another environment such as the workplaces of the parties. 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 judged by the ECC Chair and the ASA president not to be a Breach, the complaint will not be investigated. If a dispute between Members is found to fall outside Society operations the dispute 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 potentially a Breach, 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 ECC in response to the complaint within a period of 30 days.
- d. The ECC will oversee and investigate the case. They may communicate with the Complainant, the Respondent, any witnesses, and/or other sources of information necessary to carry out their investigation, and make a determination on whether the complaint is a Breach, and the severity if appropriate.
- e. The ECC may suggest mediation.
- f. 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 or dispute between Members (unless the ASA President or ECC Chair is a Respondent or Complainant). It is expected that the Examiner would normally be the ECC Chair.
- g. The Examiner, in consultation with the ECC, may communicate with the Complainant, the Respondent, any witnesses, and/or other sources of information necessary to carry out their investigation.
- h. 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 members.
- i. 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.
- j. Any member of the ASA Council or ECC who is a complainant, respondent, witness or who has a conflict of interest must recuse themselves from the investigation.
- k. A copy of the ECC's report will be kept, in confidence, by the ASA Secretaries.
- l. The ASA President will receive both the ECC report and the Examiner's report. The President may, confidentially and at their discretion, consult with some or all members of the ASA Council. The ASA President will accept, modify, or reject the ECC recommendation within 30 days of receiving the reports. Where any sanctions are recommended, the ASA President will require the approval of the ASA Council and, in the case of membership termination, must comply with Clause 13 of the ASA Constitution.
- m. The ASA President will notify the Complainant and the Respondent or disputing Members of the findings, determination, and any sanctions in writing within 30 days of receiving the ECC reports.

- n. The Complainant and the Respondent or disputing Members may submit a response to the ASA President in writing within 30 days. Responses will be kept by the ASA Secretaries.
- o. In the event that a complaint or dispute between Members 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.
- p. 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 Breach 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 Breach 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 Breach will be sent to the Respondent.
- b. In cases where there has been a Breach 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.

In the case of a dispute between Members where an investigation determines that no Breach has occurred, a recommendation on resolution between the parties will be made and presented to both parties.

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 Secretary within 30 days.

- 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, alter 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, in confidence, by the ASA Secretaries.

6) Internal Disputes Disputes *between* ASA Members can be handled by the ECC, as described above. Disputes between ASA Member(s) and the ASA itself will be dealt with, as outlined below.

- a. An Internal Dispute Committee (IDC) will be formed, which consists of the (three or four) ECC members who are not on ASA Council (unless any individual has a conflict, in which case they must recuse themselves and seek a replacement from the pool listed below).
- b. The IDC members will mutually agree on who will be the Chair of the IDC.
- c. The IDC will add to the committee one or two more non-members of the ASA who agree to the task, for a total of five, choosing from the following possibilities (at their discretion):
 - i. a staff member from Astronomy Australia Limited (AAL);
 - ii. a staff member from Science and Technology Australia (STA);
 - iii. a Head or Manager of Department (or equivalently senior person, or nominee) from an Australian Physics or Astronomy (or related) Department (including AAO, CSIRO etc.);
 - iv. a Director or nominee from a Physics or Astronomy (or related) Centre of Excellence, or a related entity.
- d. A list of non-members of the ASA who have agreed to be available for the IDC will be maintained by the ECC Chair.

7) Roles and responsibilities of the ECC Chair and Committee

Responsibilities of the ECC Chair are:

- a. Recommend to the ASA Council any changes to the procedures and policies arising from implementation of the Code;
- b. Take responsibility for publicising the Code amongst ASA Members;
- c. Ensure that appropriate records of all complaints are lodged with the secretary in a timely manner; and
- d. Provide advice either formally or informally to any member of the ASA requesting support.

Responsibilities of the ECC are:

- a. Respond to complaints within the time requirements, in particular responding to the Chair in a timely manner; and
- b. Ensure that any conflicts of interest are openly declared.