

Procedures for Ethics Complaints

Approved by the ESA Governing Board, November 2018

Preamble

The Professional Ethics and Appeals Committee (PEAC) has primary responsibility for interpreting and applying the ESA's Code of Ethics. In particular, PEAC is responsible for considering possible violations of the Code by members of the Society, by persons holding ESA Certification, and by persons publishing materials in Society publications and for recommending actions by the Society in response to such violations. As stated in the ESA Code of Conduct for Events, incidents of alleged unacceptable behavior at meetings and events may be referred to the PEAC if not resolved at the meeting.

General Principles

Members are encouraged to resolve ethical issues privately among individuals directly involved in the matter, using the Code as a set of guidelines. Otherwise, the procedure outlined below will be followed.

Generally, complaints will be lodged within one year of the incident. If discovered later, complaints will be lodged 60 days after discovery. In special cases, complaints about older incidents will be considered.

If a complaint rises to a level that may have legal or privacy concerns or if necessary for technical reasons, other procedures may be used as recommended by ESA legal counsel or leadership. Such procedures might include mediation or evaluation by an outside group or consultant or by a special *ad hoc* committee.

In this document, the person or group making the complaint is referred to as the "complainant" and the accused person or group is referred to as the "respondent".

The role of PEAC is to evaluate complaints and responses. The complainant is responsible for presenting the complaint and any associated evidence. Likewise, the respondent is responsible for providing their own defense.

Home institutions (e.g., universities, government agencies) often have their own ethical standards and should have priority in resolving ethics complaints that concern their employees or students. ESA will not interfere with or duplicate processes of the home institution. Nor will ESA consider complaints already resolved by the home institution.

All communications with the complainant, respondent, and any other individuals involved in the matter will be made only by the PEAC Chair. Other members of PEAC will not contact these or any other individuals, nor will individuals involved in the matter contact PEAC members other than the Chair. In general, all communications will be made by electronic mail to provide documentation of all conversations and exchanges of materials to the full committee. The Chair and ESA Headquarters will keep copies of all communications for a period of 7 years after which they will be destroyed. If necessary for legal matters, records will be kept by ESA indefinitely.

ESA and PEAC will maintain confidentiality, except as necessary to complete the process. The name of the complainant, respondent, and details about the complaint may be shared with complainants, respondents and other individuals involved in the matter; ESA Governing Board; and individuals (journal editors, Board of Professional Certification, etc.) who carry out any actions or sanctions imposed by the Governing Board. These individuals are also expected to maintain confidentiality.

Resolution of complaints that are referred to PEAC for formal consideration as outlined below will take several months and will depend on Governing Board schedules.

Procedure for Evaluating Possible Violations of the Code

1. Any person or organization may make an inquiry concerning the Code or lodge a complaint about a potential violation of the code with any of the following ESA leaders:
 - Executive Director;
 - President;
 - Vice-President for Education and Human Resources; or
 - Chair of the Professional Ethics and Appeals Committee.

If the inquiry or complaint is resolved through conversation with these officers, no further action need follow.

2. The complaint must include the name and affiliation of the complainant and respondent; a description of the alleged ethical violation that includes the date and circumstances of the incident; names and affiliation of others who may have first-hand knowledge of the incident; any documents or other relevant items (data, scientific papers, memos, etc.) with annotation explaining specifically how each item relates to the complaint; an explanation of which provisions of the Code may have been violated; and a statement explaining any relationship between the complainant and respondent, particularly if a conflict of interest may be present.
3. The officers listed above and the PEAC Chair may make a decision about the complaint or will decide to refer the complaint to the PEAC for formal consideration of the case. Some complaints will not be referred to the PEAC for evaluation, for example:
 - The Code does not apply to the respondent; that is, the respondent is not an ESA member, Certified Ecologist at any level, author or reviewer of a publication, or event attendee.
 - The complaint is vague, trivial, or otherwise without merit.
 - The complaint was not made in a timely fashion.
 - The complaint can be resolved informally by asking the respondent to take appropriate action (e.g., withdraw a presentation at an annual meeting, apologize).
 - The complaint should be (or was) evaluated by the home institution or some other outside group, as described above.
4. If accepted for formal consideration, the President or Vice President for Education and Human Resources will refer the complaint to the Chair of PEAC for consideration by the full committee or to another investigative body as described above.
5. Upon receipt of this formal referral, the Chair will notify the Committee members and forward the complaint to all members. If the complaint is not sufficiently clear as to what happened and who was involved, the Committee will request a more detailed written complaint. The complaint must identify which provisions of the Code may have been violated. Committee members may ask questions or request specific information of the complainant through the Chair. The Chair will also request that the complainant provide any documentation of their claim. A reasonable deadline for receipt of this information will be provided.
6. After the complaint and supporting documents are received, the Committee will identify information needed from the respondent and other individuals involved in the matter, particularly those with direct knowledge about the alleged ethical misconduct. The

questions are narrowly focused on specific incidents that are within the purview of ESA, particularly as stated in the Code of Ethics or Code of Conduct for Events. As a courtesy, the Chair may tell the complainant who will be contacted for our investigation; however, the complainant will not be able to decide who will be contacted. To conduct a thorough investigation, the Committee must reveal who made the complaint and some details about the complaint with all who are asked to respond.

7. The Chair will send letters to the respondent and other individuals outlining the complaint and asking for their written response to the complaint and any questions identified by the Committee. Respondents and others so contacted may also provide supporting documentation. A reasonable deadline for receipt of this information will be provided.
8. If the respondent admits to the alleged ethical violation, the investigation process is complete and the Committee will submit its recommendations, including actions or sanctions, to the Governing Board (step 11 below). Otherwise, the process continues to step 9.
9. After responses are received by the Chair, they will be forwarded to the Committee members. Committee members will start their evaluation and identify any additional information needed from the complainant, respondent, or other individuals. Discussions among Committee members will be conducted electronically, using "reply all" to insure that all members see all discussion. If necessary, a conference call may be held.
10. The Committee, via the Chair, may ask the complainant and respondents for additional information. Either party may be given an opportunity for rebuttal.
11. After discussing the information received and reaching consensus, the Committee will prepare a letter to the Governing Board outlining the ethical complaint and the investigation. The Committee also will make its recommendation, including proposed actions or sanctions, to resolve the complaint. The Committee does not make the final decision and communicates its recommendation only to the Governing Board.
12. At the next meeting of the Governing Board, the complaint and recommendation will be discussed. At the Board's invitation, the Chair will discuss the case via phone or in person at the meeting.
13. The Governing Board will make a decision about the complaint and impose any actions or sanctions they determine to be appropriate. The President will communicate the decision with the parties by letter, copied to the PEAC Chair.
14. The decision may be appealed by either party in writing within 30 days of notification of the Governing Board decision. Any appeal is made to the President or Executive Director, who will determine whether to send the case back to PEAC or the Governing Board or to seek outside mediation or evaluation.
15. A complaint may be re-lodged as described in step 1 above if new, substantive information becomes available. This complaint could be treated as a new case or dismissed as not sufficiently different to pursue.

Actions or Sanctions

Actions or sanctions will be specific to each case and will be for a specified time or permanent. Although the following list is not intended to be complete, some possible actions may include:

- No action because the Committee found that no ethics violation occurred.
- Private reprimand or warning in a letter. This letter will become part of the case file kept by the PEAC Chair and ESA Headquarters for 7 years. This action may be considered in future cases involving the individual.
- For infractions involving publications, the Editor-in-Chief of the journal will participate in determining a suitable action within the editorial policies of the journal. An *erratum* may be published. In certain cases, the author may be asked to retract the paper; ESA journals retract papers only at the request of the authors. Authors may be suspended from publishing in ESA journals.
- Certified Ecologists may lose their certification.
- Disqualification from awards, volunteer positions, or election to office.
- Respondent may be banned from events.
- Suspension of membership or expulsion from ESA is possible.

Adoption and Amendment

These procedures will be effective upon adoption by the ESA Governing Board and may be amended by the Governing Board. These procedures should be reviewed by PEAC periodically and amendments recommended to the Governing Board as appropriate.