

## Code of Ethics for the American Society of Naturalists PART 1: Ethical standards

### Mission statement of the Society

The goal of the American Society of Naturalists (“ASN”) is to advance and to diffuse knowledge of organic evolution and other broad biological principles so as to enhance the conceptual unification of the biological sciences.

ASN is committed to ethical conduct of science and equitable opportunities for all members. Membership in the ASN is a privilege open to all who study or want to contribute to the conceptual unification of the biological sciences. Members are expected to act with integrity, transparency and respect for others, and to adhere to the ASN’s Code of Ethics as enumerated below.

**Membership, editorial roles (which include peer review roles), author roles, governance, leadership and committee roles, and roles as nominator, nominee and recipient of honors or awards in the ASN are privileges that may be earned by all who study or want to contribute to the conceptual unification of the biological sciences and whose conduct is consistent with ASN’s values, goals and expectations.**

**As such, we expect members; those in any editorial role, elected or appointed governance, leadership, or committee role, or leadership, honors or awards nominator, nominee, or recipient role; and those (including individuals and entities) that participate in or provide a service for ASN activities in any capacity (collectively and individually, “Covered Individuals”) to meet all standards of conduct that apply to their ASN or other professional endeavors and roles,<sup>1</sup> wherever occurring or however affected.** Authors who publish in any ASN-affiliated journal are also Covered Individuals. ASN may make decisions about whether to publish that, in its discretion, take conduct into account. When it decides to publish research of an individual whom ASN determines, under this Code of Ethics, has not met ASN’s or other professional standards, ASN may note that the research is being published to disseminate knowledge, but should not be regarded as a determination of professional excellence in the field, which also considers inclusive conduct requirements.

**ASN also expects Covered Individuals to not engage in violent, illegal, or otherwise unethical misconduct in personal endeavors to the extent such misconduct could adversely affect their or others’ experience, performance, participation or roles in ASN endeavors or could otherwise adversely affect ASN’s mission, values, goals or reputation. ASN has the discretion in its judgment, exercised to protect or advance ASN’s mission, values, goals and reputation, to determine when a Covered Individual’s alleged or determined personal misconduct implicates the ASN Code of Ethics. However, conduct in an individual’s intimate personal relationships that is legal under applicable U.S., state and local law does not violate the ASN Code of Ethics so long as the conduct is not undertaken in an ASN or other professional activity or role.**

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<sup>1</sup> Professional roles include, for example only, research, education, practice, mentoring, peer review and other evaluation; editing, publication and other dissemination; governance, leadership; employer, employee; funding applications and administration; and other professional activities and roles.

**These standards of conduct include, without limitation, the following “Policies” which in this Code mean the requirement to:**<sup>2</sup>

### **1. In Interactions with research and professional communities**

- Adhere to high ethical standards in the practice of scientific research and dissemination of results<sup>3</sup>. Actions such as falsifying data, plagiarism, and the failure to appropriately credit the contributions of others constitute unethical conduct.
- Adhere to community standards and journal policies regarding authorship, data availability, the disclosure of conflicts-of-interest, and service as editor or reviewer.
- Report unethical or illegal research practices to the appropriate authorities, such as journal editors or university administration, when in a position to do so, and do not knowingly file false reports.
- Foster encouraging, constructive, inclusive, and respectful professional interactions and institutional practices. Unethical conduct such as harassment, discrimination, bullying, retaliation, and abuse of power are unacceptable.

### **2. In interactions with governments, institutions, and researchers**

- Comply with all regulations and agreements regarding permitting, benefit sharing, reporting, and voucher specimens.<sup>4</sup>
- Comply with legal requirements and ethical guidelines designed to protect human subjects and ensure the safety of team members.<sup>5</sup>
- Treat Indigenous communities with dignity and respect.
- Ensure compassionate and responsible treatment of study organisms and local ecosystems.
- Supply reports, specimens, and other specified services (e.g., seminars and training) as agreed upon in research authorizations.

### **3. In interactions with the public**

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<sup>2</sup> This provision for clarification and example; it doesn't diminish the breadth of other Code of Ethics provisions or standards.

<sup>3</sup> These standards include, without limitation, those provided by the National Science Foundation for the responsible and ethical conduct of research (<https://www.nsf.gov/od/recr.jsp>), the National Institute of Health for ethics in clinical research (<https://www.cc.nih.gov/recruit/ethics.html>), and the InterAcademy Partnership on Doing Global Science (<https://www.interacademies.org/publication/doing-global-science-guide-responsible-conduct-global-research-enterprise>). Actions such as falsifying or fabricating research data and results, plagiarism, the failure to appropriately credit the contributions of others, the failure to disclose potential conflicts of interest or to adhere to any related protective and management requirements in the conduct, review, editing or publication of research, and other illegal or unethical conduct have consequences that extend far beyond the individual researcher. The American Naturalist requires adherence to the standards and practices of the Committee on Publication Ethics (<https://publicationethics.org/>). The failure to fulfill the relationship of trust and to model professional and ethical conduct in training and education also has adverse consequences far beyond the individuals involved.

<sup>4</sup> For example, as applicable, researchers should ensure they have the required research or collecting permits, follow guidelines and restrictions of these permits (including, e.g., the inclusion of local collaborators, disposition of voucher specimens).

<sup>5</sup> These Policies include, for example only, those aimed at protecting personal and environmental safety, inclusion of all talent and elimination of harassment and discrimination, responsible financial management, research integrity, and adherence to funder contracts.

- Promote an accurate understanding of our discipline when engaging with the public, including students.
- Ensure that the information presented is accurate and well supported when offering professional commentary.

### **Confidentiality for ethical handling of potential unethical conduct**

Covered Individuals are strongly encouraged to report failures to meet any standards of conduct under this Code of Ethics to ASN and other appropriate authorities, such as journal editors or university administration, when in a position to do so in a manner they believe is safe for them. Covered Individuals who are in ASN elected or appointed editorial, governance, leadership or committee roles are expected to do so. Filing a complaint with, raising a conduct concern to, or providing pertinent information and cooperating in ASN's process to address potential violations of this Code of Ethics (see Part 2) are important for Covered Individuals to do when issues arise of potentially unethical conduct. Doing so does not violate this Code's confidentiality requirements, nor does ASN's process of addressing reports of unethical conduct in accordance with this Code.

Except as otherwise specifically provided in this Code of Ethics (including Part VII), all Covered Individuals who are involved in a review, investigation or resolution of a potential or determined violation of this Code of Ethics, or who come to have knowledge of a complaint or conduct concern, shall keep confidential:

- the name and identity of (i) the accused ("**Respondent**"), at least until a final decision whether there has been a violation of this Code is made (the appeal decision or the Executive Committee's decision if the period for appeal has run with no appeal being filed)—and upon a final decision, shall adhere to this Code of Ethics' provisions relating to when and by whom and to whom any disclosure is made (see Code Part 2), (ii) the person who files a complaint or raises a conduct concern ("**Complainant**"), (iii) the identified target of the potential unethical conduct, if that person is different than the Complainant, and (iv) any witness or other third-party source of information relevant to the conduct at issue or process to resolve it; and
- the existence and substance of a particular complaint or conduct concern and the stage, outcome and other particulars of ASN's resolution process, as the process applies to that complaint or conduct.

To the extent feasible, ASN's process seeks to protect the confidential information outlined here. Part 2 addresses limited exceptions to confidentiality.

A failure to adhere to this confidentiality requirement is a serious breach of this Code of Ethics.

**For brevity, the Code of Ethics refers to conduct that meets its expectations and requirements as "ethical conduct" and conduct that does not as "unethical conduct."**

Procedures for addressing violations of the Code of Ethics are outlined in Part 2.

The ASN Code of Conduct for conferences (available at [evolutionmeetings.org/safe-evolution](http://evolutionmeetings.org/safe-evolution)) applies during the "Meeting Period," meaning: (a) the days on which an ASN-sponsored meeting

is occurring, and (b) the days of Covered Individuals' transit to and from the meeting (including the period of set-up and break-down of facilities and equipment and the days of transit to and from the meeting set-up and break-down locales, for those Covered Individuals that are involved in such activities).

This Code of Ethics (to the extent different than or additive to the terms and processes of the Code of Conduct) applies to fact-finding that is conducted outside of the Meeting Period (although the fact finder may be the same individual who performs that function under the Code of Conduct). This Code of Ethics also governs determinations of, and the imposition of additional or amended consequences for, violations of the Code of Conduct, which are considered, made, or imposed by ASN before or after the Meeting Period.

**All interpretations of and actions under this Code of Ethics by the ASN Committee on Ethics ("COE"), ASN Executive Committee, or any other ASN authority or person acting within the scope of duty on any of their behalf, will be made in their sole and absolute judgment and discretion to advance the mission, values and goals of ASN, whether or not this statement is repeated in every applicable provision of the Code.**

**By participating or acting in any manner in any activity of—or assuming any role or providing any service for—the ASN, a Covered Individual is agreeing to all terms and conditions of this Code of Ethics and agrees that the Code provides a fundamentally fair process for resolving all matters relating to the Code. If you do not agree to this Code of Ethics and that it is fair, you must not participate in any activity, accept any role, or provide any service involving ASN.**

## **PART 2. Violations of ethical standards**

### **Preamble**

The COE of the ASN has the primary responsibility for administering the ASN’s Code of Ethics and making initial recommendations to the ASN Executive Committee relating to the Code’s interpretation and application to particular situations. In particular, the COE is responsible for reviewing and recommending determinations of possible violations of the Code by Covered Individuals and recommending actions by the ASN in response to such potential or actual violations. Such actions will be taken in accordance with the standards, principles and processes outlined in this Code of Ethics.

In furtherance of upholding our mission, values and goals and promoting inclusion, excellence, and integrity in our field, the ASN Code of Ethics and procedures described therein are designed to protect all Covered Individuals by evaluating and resolving complaints of Code of Ethics violations in processes and principles that are fair, ethical and transparent.<sup>6</sup> ASN recognizes the longstanding inequities of barriers to participation of all talent in the evolution field, which undermines its excellence and integrity, as well as the quality of its contributions to society. Consequently, while we will not prejudge anyone and will be clear on that fact, the field’s and many members’ interests in ASN’s mission, values and goals will be weighed more heavily than any individual’s interests, where the two must be weighed in actions we take. Raising false, malicious, or groundless concerns or complaints violate this Code of Ethics.<sup>7</sup>

### **Additional considerations for Honors, Awards, and Elected, Appointed or Editorial Service**

When the ASN awards an Honor, the Honor denotes the ASN’s judgment that an individual’s contributions to, and effect on, the field are exemplary. The ASN takes into account the effect on the field of the totality of the individual’s work and ethical and professional conduct and reputation. It expects those who hold Honors to demonstrate that participation in and recognition by the field are privileges; and that the field’s leaders, and others it celebrates, embody highly ethical, professional and inclusive conduct in their work. Nominees and recipients of Honors and Awards should also conduct their personal affairs in a way that does not cast serious doubt on their ability to uphold the ethical standards outlined in Part 1. Similarly, those who serve the ASN in elected or appointed governance, leadership or committee roles or editorial roles must embody highly ethical and professional conduct in their work, and conduct their personal affairs in a way that does not cast serious doubt on their ability to satisfy and advance the expectations and requirements of this Code of Ethics, including the Policies outline in Part 1.

The ASN has decided, in its discretion, that determined unethical conduct of a current or prospective holder of an Honor or Award, member of the ASN Executive Council, journal editor, and holder of any other elected or appointed governance, leadership or committee role—as well

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<sup>6</sup> That means processes that are sensitive to the burdens assumed by those who raise conduct concerns; ethical and transparent processes for all involved; focus on the specific facts and circumstances of each situation; and an overarching aim of advancing an inclusive community at ASN and in the field.

<sup>7</sup> Perceptions of fairness of outcomes may differ among individuals, but is informed by ASN’s mission and aims. Research demonstrates that those who experience harm are often fearful of the professional, educational, and relationship costs of complaining, indicating that a vast majority of complaints are likely true, even if they are difficult to prove in “one said, the other said” situations or where an accused is in a powerful position. Yet, not all complaints are true and ASN does not prejudge an accused and considers every situation’s facts and circumstances.

as credible questions about the ethical conduct of such an individual—can contribute to longstanding structural and systemic barriers in the field. Consequently, for the purpose of prioritizing what is best for excellence and integrity in the field over what is best for any individual, the ASN will not confer any Honor on, or permit the nomination for election or appointment to any governance, leadership, or committee role, or editorial role of, any individual whose conduct has been determined by ASN to be seriously unethical (resulting in any sanction more severe than mediation or a private reprimand) based on an outside authority's (e.g., home institution, court, government agency) investigation or determination made available to the ASN,<sup>8</sup> or based on ASN's own investigation as described under sections III-IV. The ASN also has the right to not confer any Honor on, or permit the nomination for election or appointment, to any governance, leadership, or committee role, or editorial role of, any individual whose ethical conduct is the subject of a credible question known to the ASN, so long as the question has not been finally and favorably determined to the ASN's satisfaction, in its sole and absolute discretion, based on any such investigation and determination. Nominators and members of selection committees are expected to disclose any known determined or credible accusations of unethical conduct under the standards of conduct established by this Code of Ethics by a nominee when they are in a position to do so. Such information will not be automatically disqualifying for the nominee or a person under consideration for an appointed role, but will be considered and, if ASN deems necessary, further investigated by the ASN following the procedures described in sections III-IV. Determined unethical conduct may also justify suspension or revocation of an Honor or removal from an elected, appointed or editorial position or role, and a credible but undetermined question of ethical conduct may justify suspension. Credible questions arise when there is some substantiated evidence of conduct issues that would justify an investigation (which may include, e.g., a factual account by a target or bystander, or documentary evidence, or recurrent or corroborated anonymous reports of unethical conduct). ***When applying this provision in situations of credible questions about meeting ethical conduct standards under the ASN Code of Ethics, the ASN is withholding judgment and is not making a statement or determination regarding any individual. No determination has been made one way or the other about any allegation. Any statement or action to the contrary is prohibited and not authorized by the ASN. Rather, before a determination is made, the ASN is implementing a prophylactic measure to support ASN's mission, values and goals, and ASN's and the field's prioritization of efforts to break down long-standing barriers to inclusion and excellence, over individual interest.***

## **I. Committee on Ethics (COE)**

The COE shall consist of the Retiring President of ASN's Executive Council<sup>9</sup> and four ASN members. The Retiring President will chair the COE. Initially, the four additional members shall be appointed by the ASN President-Elect, with approval of the Council. These four initial

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<sup>8</sup> ASN may request supporting information from an outside authority and may require the subject of an outside authority's determination or review to give consent to the outside authority to provide the full record to ASN, if ASN deems that information necessary in its judgment to make its determination. However, ASN may consider what it deems to be reputational, safety, and operational issues affecting ASN or its community, arising from a determination made by an outside authority, whether or not the supporting record is made available to ASN.

<sup>9</sup> Retiring President means the immediate past President of the Executive Council.

members will serve for three years each, with one or two replaced each year (shorter than regular terms may be implemented as needed to provide for this staggering of terms). However, COE members will continue to serve until their successors assume office in any event and failure to timely appoint a member's successor shall not affect the authority of the outgoing member's continued service until a successor is seated. Successor members will be appointed by the COE chair or the President-Elect, with approval of the Council, and serve for three years. For any complaint that proceeds to adjudication, an Adjudication Committee will comprise the Chair and two members of the COE. The two members of an Adjudication Committee will be selected by the Chair of the COE, after consulting with the Investigatory Agent (IA, see section II) regarding any disclosed conflicts of interest. **Appendix A**, which is incorporated in this Code of Ethics, defines and sets out the requirements relating to conflicts of interest requirements under this Code. When a member's term expires, they will continue to serve for the purpose of and until completing resolution of complaints for which they were an active member of an Adjudication Committee.

All actions (recommendations to the Executive Committee) of the COE are made by majority vote of the Chair and all active members appointed to serve on the Adjudication Committee that is considering a complaint. The COE will strive to reach consensus whenever possible, but if it seems unlikely that consensus can be found, any member of the COE may call for a majority vote.

## **II. Independent Investigatory Agents**

The ASN shall hire at least two Investigatory Agents (each, a "**IA**"), each of whom does not have any actual or potential conflict of interest with the ASN or the members of the COE, Executive Committee or Governing Council when that IA is retained and is credentialed to investigate complaints of ethics violations.<sup>10</sup> The IA will not create a conflict of interest once assuming the IA role, and will disclose any conflicts that arise beyond the control of the IA (e.g., appointment of a new member of the COE with whom the IA has a conflict.)

The duties of the IA are to receive concerns and complaints about potential unethical conduct under this Code of Ethics, perform initial reviews and investigations regarding whether the claim is credible, forward a recommendation, with supporting rationales, to the COE as to whether the concern or complaint should be dismissed, resolved via the IA-led process, or adjudicated by committee (as described in section III), and perform any additional investigations the COE requests. These duties are described in more detail below. The IA will also have the duties specified for that role in Appendix B, which is incorporated in this Code of Ethics, for the IA-led resolution process. The IA also has the duty to receive conflict of interest disclosures from those involved in addressing a concern or complaint and to advise the COE Chair on their handling, as described in Appendix A.

The COE Chair shall retain at least two IAs in case one has a disqualifying conflict in connection with a particular complaint or needs to be discharged due to a conflict or potential conflict with

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<sup>10</sup>Among other examples, suitable credentials include a law degree and investigatory experience or training as an Ombudsperson.

the ASN or a COE, Executive Committee or Governing Council member. One IA will be designated as the primary IA and each other IA will be available to serve if called upon by the COE Chair or designee (because the primary IA is conflicted or otherwise unavailable or has a capacity limit). A conflict or potential conflict of the primary IA is among the circumstances that create cause for the COE Chair to extend the time for addressing the relevant complaint(s), to enable a determination of the conflict and how it will be resolved or managed or to transfer the complaint to another IA for handling.

### III. Processes involved with receiving complaints

- A. Any person (“Complainant”) who believes that a Covered Individual (“Respondent”), has engaged in unethical conduct as defined under the ASN Code of Ethics may file a complaint against that Respondent. A complaint shall be on an official ASN complaint form (available at [evolutioncodeofethics.org](http://evolutioncodeofethics.org)), which will be submitted to the IA.
- B. Any member of the COE, Executive Committee or Governing Council may refer its complaint or conduct concern about potential violations of this Code of Ethics to the IA for review.
- C. The editor of an ASN-affiliated journal may initiate a complaint by referring the matter to the IA when there has been a determination of a violation of publication ethics by a Covered Individual (per procedures of the Committee on Publication Ethics).
- D. The Safety Officer enforcing the meetings Code of Conduct may initiate a complaint by referring a matter raised during a meeting to the IA when there is a need for fact finding beyond the meeting period or the possible need for additional or amended consequences for violations of the Code of Conduct.
- E. Upon receipt of a conduct concern or complaint, or referral from one of the authorities noted above, the IA will conduct a preliminary review to determine whether the complaint should be addressed in an IA-led process if the criteria for such process are met (see Appendix B) or should be dismissed without soliciting a response from the Respondent, which can be for any of the following reasons:
  1. The complaint form is incomplete or other otherwise inadequately filled out.
  2. The complaint is patently frivolous or otherwise without merit.
  3. The complaint is directed against an individual who is not an ASN Covered Individual, or concerns an issue that is not within the scope of this Code of Ethics<sup>11</sup>.

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<sup>11</sup> The COE has discretion whether to accept complaints and conduct concerns directed against non-Covered Individuals who were Covered Individuals at the time of the alleged unethical conduct or whose membership, role or relationship with ASN has recently lapsed. ASN’s response action upon finding a violation may be limited, however.



4. There is insufficient information provided in or attached to the complaint (facts and available witnesses, documents, or other sources of consequential information) to enable an investigation.

If the IA believes E.1. is the case, they will request an amended complaint from the Complainant. If the IA believes the complaint should be dismissed for any of reasons E.2 – E.4, the IA will forward the complaint to the COE with a rationale for dismissal. If in the case of E.3 or E.4 the criteria in Appendix B are satisfied, the IA will recommend and provide a rationale for or against an IA-led resolution to the COE Chair.

- F. If the IA believes there is possible merit in the complaint and intends to recommend an investigation or IA-led resolution, they will contact the Respondent to notify them of the allegation made in the complaint and request a response to the complaint. The IA may require a written response. (This process may also be pursued if the IA or COE finds it helpful prior to a decision whether to resolve or recommend resolution of the matter via the IA-led process). Upon receipt of the response, or after 30 days if the Respondent does not provide their response in that period, the IA will forward their recommendation and any supporting documents regarding the complaint along with a rationale for that recommendation to the Chair of the COE. This will occur via a secure link that provides privileges for viewing but not downloading the materials. The IA may recommend:
  1. Dismissal of the complaint
  2. Adjudication of the complaint by the COE
  3. An IA-led resolution

#### **IV. Actions by COE and Executive Committee**

- A. Upon receiving a recommendation from the IA, the COE or COE Chair may take any of several actions:
  1. If the IA's recommendation is dismissal, the COE may accept that recommendation. If it does, the Chair of the COE will inform the Complainant (and any identified target of the unethical conduct who is not the Complainant) of the decision. If there is an appeal of the dismissal, the ASN President will inform the Respondent, who will have an opportunity to respond as provided in Part V.
  2. If the IA's recommendation is dismissal, but the COE disagrees with the recommendation, it will inform the IA and request the IA to form an Adjudication Committee or conduct an IA-led resolution process. The COE will inform the Respondent of the initiation of the process and may direct the IA to gather additional information for the Adjudication Committee (as in Part IV.A. 3, below).

3. If the IA's recommendation is adjudication, then unless the COE unanimously disagrees, two members of the COE, plus the Chair, will form an Adjudication Committee and inform the Respondent. This Adjudication Committee may in its discretion direct the IA to conduct additional investigation and fact-finding. The information sought may include, but is not limited to, statements by the Respondent, the Complainant, and the identified target of the reported misconduct in the complaint if that person is different than the Complainant), or a person who may be a consequential witness or provide consequential information in the investigation (individually and collectively, a "**Key Person**"), as well as statements by other individuals allegedly harmed by the Respondent, and statements from the home institution of the Respondent. In cases of ongoing non-ASN investigations, the Adjudication Committee may temporarily suspend its adjudication, pending those outcomes. However, the IA and Key Persons will take steps to preserve information and other evidence to avoid loss during any delay, and all determinations of the ASN and related recommendations will be made entirely by the Adjudication Committee and Executive Committee of the ASN. The COE may rely on a determination made by an outside authority, in addition to, or rather than, directing the IA to conduct ASN's own investigation, as provided in the Preamble in Part 2, but the recommendation of a decision on whether this Code of Ethics has been violated and any consequences should be imposed will be entirely ASN's.
  4. If the IA recommends an IA-led resolution under the criteria in Appendix B, the COE Chair will make the decision (whether that process or an Adjudication Committee will resolve the matter) and inform the IA, Complainant (and any identified target of the unethical conduct who is not the Complainant) and the Respondent of how the conduct concern will be resolved. The IA will then follow the COE Chair's decision.
- B. If an Adjudication Committee has been formed, when the Adjudication Committee is satisfied it has the information needed to make a recommendation, it will consider the information found in the investigation and the provisions of this Code of Ethics and, applying a preponderance of the evidence (more likely than not) standard, first vote on a recommendation of a finding whether the Respondent is or is not responsible for the alleged violation. If it votes to recommend a finding or responsibility, the Adjudication Committee will then vote on a recommendation of sanctions against the Respondent, if any. The Chair will forward these recommendations, along with supporting documentation, to the ASN Executive Committee.
  - C. Upon receiving a recommendation from the Adjudication Committee, the Executive Committee will make the final determination on both whether the Respondent is responsible for the alleged violation (applying the preponderance of the evidence standard) and on the actual community-building, remedial, and/or disciplinary actions to be imposed. As appropriate, the Executive Committee may direct the Adjudication Committee to conduct further investigations, and/or the Committee

may consult with legal counsel, before determining actions. When these decisions have been made, the ASN President will inform both Complainant (and any identified target of the unethical conduct who is not the Complainant) and Respondent of them and will provide for any sanctions to be carried out. The ASN President may also notify the home institution of a Respondent who has been found responsible of a violation of this Code of Ethics; and, if the home institution was previously notified, will also notify that institution of a finding of no responsibility.

- D. The IA or Adjudication Committee may follow the guidelines outlined in Appendix C to recommend short-term actions at any time during the review, IA-led resolution process, investigation, or adjudication process, based on considerations including but not limited to safety and non-disruption, as outlined in Appendix C.
- E. Records relating to the investigation, adjudication or IA-led resolution of any complaint or concerns of violation of the Code of Ethics, and the name of the Complainant, identified target if different, Respondent, and witnesses, whether or not it was determined that a violation occurred, shall be maintained by the IA in a secure, confidential format, and the IA will adhere to the confidentiality requirements of this Code of Ethics respecting that information (see Part 1 and section VII). Upon the end of an IA's contract that is not being renewed, or at any time upon request of the Chair of the COE or Executive Committee, or either Chair's designee, the IA will transfer all records (or any subset specified) to the chair of the COE. It is not a violation of confidentiality for the IA to provide confidential information to others involved in any capacity in an investigation or review under this Code of Ethics, for purposes of conducting the investigation or review; in doing so, the IA will remind those who receive the information of their confidentiality obligation under this Code.
- F. Retaliation for filing a complaint, reporting unethical conduct concerns, serving as a witness, or otherwise aiding in the resolution of potential unethical conduct is a serious violation of this Code of Ethics, as is making a knowingly false report or otherwise reporting an incident in bad faith.

## **V. Appeals**

A Respondent who is finally determined by the Executive Committee to have violated the Ethical Standards in the Code of Ethics, a Complainant, or any identified target of the unethical conduct who is not the Complainant (each being an "authorized appeal party") may appeal this decision and any sanctions imposed, but only on the following bases: newly surfaced, consequential facts that were not previously available when the determination was made and consequences were imposed; consequences grossly disproportionate (in leniency or strictness) to the violation found, considering how similar violations were handled, if any, under the most current ASN Code of Ethics (i.e., not under prior policy terms no longer in effect); lack of facts to support the determination; a consequential conflict of interest for an authority in the investigative or decision-making process; or a failure to fulfill process requirements with consequential effects on the appealing person's ability to address important considerations.

Appeals will be considered by an Appeal Board, which shall consist of three people appointed by the ASN President from amongst the members of the ASN Executive Council who are not on the Executive Committee. Members of the Appeal Board will serve for a one-year term, but may be re-appointed for successive terms. If a member of the Appeal Board has a conflict of interest (as defined in Appendix A) with any authorized appeal party or other Key Person involved in the incident or resolution process, then they will recuse themselves from that appeal and the ASN President will appoint a temporary replacement from the Governing Council.

To pursue an appeal, a written statement of appeal, including a statement of the permitted bases for the appeal that apply and supporting facts and documents, must be sent to the ASN President within 30 calendar days after receipt of notification of the decision.<sup>12</sup> The President will notify all other authorized appeal parties of the receipt of an appeal and will provide them an opportunity to respond to the appeal within 30 days of their notification of the appeal. If the appeal is of a dismissal of a complaint and a Respondent has not previously been notified of the complaint, the President will provide the Respondent an opportunity to respond to the complaint and appeal in that 30-day period. An extension for filing an appeal or responding to a complaint and appeal may be granted by the ASN President if good cause is shown, but the extension may not exceed 90 days unless the ASN President determines that there is strong justification to do so. All authorized appeal parties will be given access to all written materials that will be considered by the Appeal Board (which may be on a password-protected web page) and a simultaneous final opportunity to respond in writing.

The President will forward all written materials concerning the appeal to the Appeal Board for consideration. The President shall preside over consideration of the appeal by the Appeal Board, but will not vote on it. The Appeal Board will review all information considered by the COE and Executive Committee and may ask the IA to obtain additional information. The Appeal Board may interview members of the COE as part of a formal process by the Appeal Board, but members of the Appeal Board shall not participate in any communications about the subject of the appeal outside of the formal process. The Appeal Board will generally make a decision within 90 days, but may extend the time for good cause (including, but not limited to, the need for additional information, a voluminous record, scheduling issues, or staffing limitations) upon notice to Complainant, identified target if not the Complainant, and the Respondent. The Appeal Board may decide to uphold or reverse the original determination, and may affirm the original decision, set aside the original determination that a violation has occurred, or determine that the original sanction(s) imposed are not appropriate and impose a different sanction. The Appeal Board will inform the Complainant (and any target who is not the Complainant) and Respondent of the Board's decision. The decision of the Appeal Board shall constitute the final decision of the ASN with respect to all matters subject to this section.

If no authorized appeal party files an appeal within the required thirty (30) calendar day period (or any extended period if granted), the determination and disciplinary action authorized by the Executive Committee, if any, shall go into effect and no authorized appeal party shall have

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<sup>12</sup> Receipt is deemed to occur when ASN sends notice via email to an authorized appeal party's last email address on file at ASN; when hand delivered to the authorized appeal party's office or home; or when received at that office or home address (as evidenced by the delivery service), if delivered by the U.S. postal service or commercial overnight or expedited courier service, as evidenced by a return receipt or tracking receipt.

further rights to request review or any other appeal; the decision and disciplinary action determinations will be final.

## VI. Remedial and disciplinary outcomes

When a Respondent is found responsible for a violation of the ASN Code of Ethics (or, in the case of a nominee or holder of any honor or award, holder of any elected or appointed governance, leadership or committee role, or editorial role, when credible questions exist), the Executive Committee may impose one or more of the following disciplinary or remedial actions:

1. **Mediation.** This may be conducted either by the IA or through a credentialed external mediator, and must be consented to by the Complainant, the identified target if not the Complainant, and Respondent.
2. **Private reprimand.** In cases where there has been an ethics violation but the violation did not cause serious personal and/or professional harm as determined by the Executive Committee, an educative letter concerning the violation as a private reprimand, including any stipulated conditions of redress or restrictions, may be sent to and imposed on the Respondent. The letter will be signed by the ASN President and approved by the Executive Committee. Failure to comply with stipulated conditions of redress or restriction in a private letter may result in the imposition of a more severe sanction.
3. **Public or private apology.** A Respondent may be required to make a public or private apology where the Executive Committee determines that the apology is sincere, is part of owning an identified harm caused, is welcomed by the target, and would help in healing community effects.
4. **Notification of home institution.** A Respondent's home institution, employer, or any other institutions with which the Respondent has an affiliation may be informed of the findings of the ASN adjudication process.
5. **Denial of privileges.** A Respondent may be denied one or more of the privileges of ASN membership and/or the opportunity to participate in ASN activities or to provide services to the ASN, including prohibition from attending the annual meeting, for a specified period of time or indefinitely.
6. **Suspension of publication rights.** If an individual is found to have violated the ASN Code of Ethics with respect to publication ethics, that person may be suspended for publication in any ASN-affiliated journals for a specified period of time or indefinitely.

7. **Denial of editorial activities.** A Respondent may be suspended from their role as editor or ad hoc reviewer, or may be banned from consideration for serving these roles in the future, for a specified period of time or indefinitely.
8. **Revocation of, or denial of consideration for, honors and awards.** Any honors or awards given to the Respondent may be revoked permanently and/or the Respondent may be excluded from consideration for future conferral of honors and awards for a specified period of time or indefinitely.
9. **Removal from office or nomination.** If the Respondent is an elected member of the ASN Governing Council or a member of any ASN committee, or has been nominated or elected for such role but is not yet serving, the Respondent may be suspended from continuing, extending, or assuming his or her position for a specified period of time or removed or prohibited to assume the role indefinitely. The Respondent may also not be nominated to run for any such ASN role or office for a specified period of time or indefinitely.
10. **Suspension or termination of membership.** Membership for a Respondent may be suspended or denied for a specified period of time, including any appropriate conditions or directives. The eligibility to reinstate membership at the expiration of a period to be determined by the Executive Committee may be automatic or may be conditioned on a future determination by the Executive Committee that eligibility is appropriate. In cases where an ethics violation caused serious personal and/or professional harm, as determined by the Executive Committee, the ASN membership of the Respondent may be terminated with no possibility of reinstatement.

These consequences may be combined, with some as conditions, restrictions, or directives, including, but not limited to: prohibition against serving on a particular ASN committee; no admittance to or participation in a particular ASN-sponsored event; undergoing ethics education; and issuing a private or public apology.

## VII. Confidentiality Exceptions

While ASN seeks to maintain confidentiality of the substance and process for resolving Complaints and conduct concerns, as provided in Part 1, the following exceptions apply, and may be exercised at the discretion of the authorized official:

1. By the Chair of the COE or ASN President or an authorized designee of either of them (“**Chair or President**”) if the Chair or President determines there is a legal, regulatory, safety, insurance coverage or other contractual requirement to provide otherwise confidential information.

Also by the Chair of the COE or IA as necessary in either of their judgment to implement initial or ultimate temporary safety or nondisruption measures under

Appendix C—or, by the ASN President, to the extent practicable after consultation with most directly affected Key Persons, as necessary in the judgment of the Executive Committee or Appeals Board to protect safety of people or “Property” (as defined in Appendix C) or nondisruption as part of a final resolution.

2. By the Chair or President when a Key Person whose name or other confidential information is to be disclosed consents to disclosure or waives confidentiality.

Confidentiality is deemed waived by the affected person if a public statement about the substance or process of a particular complaint or conduct concern is made by or on behalf of that person. Confidentiality is also deemed waived if a lawsuit or administrative process relating to it is initiated or threatened by or on behalf of the affected person against ASN, its governing board or any of its committees, any of their members, or any official, employee, or agent of ASN (collectively and individually “ASN” for purposes of this paragraph). Any confidential information relating to a complaint or conduct concern, whether or not there is a waiver, may be disclosed in litigation or administrative processes if the Chair or President determines that ASN’s disclosure is appropriate in the circumstances.

3. By the Chair or President, Adjudication Committee with the Chair’s concurrence, Appeals Board with its Chair’s concurrence, and/or IA:
  - a. in confidential communications with those who are involved in any manner in (i) advising the investigation or review **or** (ii) conducting or participating in the investigation, review, recommendations or determinations, **or** (iii) implementing or adhering to safety or non-disruption measures or any consequences—provided that the recipients of the disclosure are reminded of their confidentiality obligation under this Code of Ethics or are bound by a professional ethical standard to maintain confidentiality (for example only, Key Persons and members of the Governing Council, Executive Committee, COE, and IAs in their official roles); or
  - b. to those who have a professional ethical, fiduciary or oversight function for the ASN, including a duty to maintain confidentiality (for example only, ASN’s lawyers and members of the Governing Council, Executive Committee, COE, and IAs).
4. By the Chair or President in a notice to the Complainant, identified target if different than the Complainant, or the Respondent about a complaint or concern and ability to respond, a determination whether there was a violation of this Code of Ethics, the right to appeal and associated requirements, or the Appeal Board’s determination of an appeal.

5. By the Chair or President in a notice to the Respondent's home institution; however, the name of the Complainant, identified target if different than the Complainant, and any witnesses or third-party sources of relevant information will not be disclosed in such notice to the home institution unless another exception applies.
6. By the Chair or President in a public statement about the way ASN typically handles the general subject matter of a complaint or conduct concern under its Code of Ethics or other policies, without ASN naming the Key Persons or addressing the specific details of the particular matter.
7. By the Chair or President upon a final determination of a complaint (or conduct concern). Any such public disclosure may identify the allegation and, if the Respondent has been found responsible, identify the Respondent. The identity of the Complainant, the target identified in the complaint (or conduct concern) or its investigation or review, if that target is not the Complainant, witnesses and other third-party sources of information will not be named unless they consent or another exception applies. If the Respondent is found not responsible, they also will not be named in any public statement, unless they consent or another exception applies.
8. ASN will publish an annual Transparency Report of the general kinds of complaints that have been made and how ASN handles them to educate the membership about the requirements of the Code of Ethics, but will not reveal the identity of the Key Persons in any particular complaint. To aid in preparing the Transparency Report, the IA will send anonymized records of complaints and determinations to the chair of the COE. The resulting Transparency Report serves to inform ASN members about how to make a complaint or raise a conduct concern, the number and nature of reported Code of Ethics complaints, statistics on the disposition of complaints, the general type of sanctions imposed, and steps taken by ASN to further educate members on ethics.
9. Unless an exception applies, the records relating to the investigation of complaints or review of conduct concerns remain confidential. However, permission to use records relating to complaints or conduct concerns for research and educational purposes may be granted by the Chair of the COE within the first 50 years of the closing of the complaint, as long as the materials do not identify the Key Persons involved or another exception applies. After 50 years, these materials are available for research or educational purposes without special approval as long as the materials provided are redacted or otherwise do not identify the Key Persons involved.

## **VIII. Ratification and Amendment**



- A. This Code of Ethics shall become effective and binding upon a favourable vote of the majority of ASN members voting.
- B. This Code of Ethics may be amended by a favourable vote of the majority of ASN members voting.
- C. Amendments will be put to members for a vote if either of the following occur:
  - i. A majority of the Governing Council votes in favor of the amendment
  - ii. A petition signed by 10% of members is presented to the Council

**Acknowledgements**

This policy is based on those of several other societies, including the Geological Society of America, Ecological Society of America, and American Sociological Association. Other language is adapted from template policies on honors and awards and investigations, © American Association for the Advancement of Science for the benefit of and sponsored by the Societies Consortium on Sexual Harassment In STEMM (website); original created by EducationCounsel LLC. This policy was drafted by an ad hoc tri-society committee including representatives of the American Society of Naturalists, Society for Systematic Biology, and Society for Study of Evolution and modified for specific ASN use by the ASN Executive Council.

## Appendix A to the ASN Code of Ethics; Conflicts of Interest

The terms used, but not defined, in this Appendix shall have the meanings given them in the main body of the ASN Code of Ethics.

*Actual or potential conflicts of interest between COE members and Key Persons.* Each ASN member who is nominated to serve as a COE member, prior to being appointed, and each COE member on an annual basis during their service on the COE shall disclose actual and potential conflicts of interest for their service on the COE to the IA, and shall update these disclosures promptly if relevant changes occur during the year. Each COE member shall also confirm and make and update disclosures to the IA of any actual or potential conflict of interest with any Key Person prior to accepting appointment to an Adjudication Committee for any particular complaint.<sup>13</sup> See footnote 17 for the definition of conflicts and potential conflicts. The IA shall perform an initial screen for actual or potential conflicts of interest annually and prior to final selection of the members of an Adjudication Committee for a complaint. The IA shall inform the COE Chair of the actual or potential conflict and make a recommendation to resolve or manage the conflict if that is possible, or to disqualify the COE member from service on the COE or for appointment to the Adjudication Committee for the particular complaint. COE members who have an actual or potential conflict of interest in connection with a particular complaint shall fully recuse themselves from all aspects of the complaint or fully adhere to any conflict resolution or management requirements imposed by the COE Chair. Those who have a conflict relating to service on the COE will fully adhere to any management requirements or will not serve on the COE and fully recuse themselves from the COE.<sup>14</sup>

*Actual or potential conflicts of interest of the ASN Governing Council.* Similarly, each member of the Governing Council on an annual basis shall also disclose to the IA their actual and potential conflicts of interest, if any, relating to their current or potential service on the Executive Committee (regarding determinations of violations of this Code of Ethics) or on the Appeals Board, and shall update their disclosures prior to serving in connection with a particular complaint or conduct concern. The IA will also review these disclosures and updates and make

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<sup>13</sup> Actual or potential conflicts of interest that would require disclosure and recusal from service on the COE or involvement in addressing a particular complaint include when the member (or potential member) of the COE (or that individual's spouse/domestic partner or person living in the individual's household—or the individual's or spouse's/domestic partner's child, sibling, parent, or grandparent): (a) have a shared institutional affiliation, present or past graduate student/advisor relationship, collaboration within the past 48 months, or co-editing or editorial/author relationship within the past 24 months with, a Key Person involved in a complaint or (b) have a dispute within the past 60 months with any such Key Person or any member of the ASN Governing Council, Executive Committee or COE, or (c) have a financial, employment or other interest that could be affected (positively or negatively) by the outcome or handling of the complaint or service on the COE. Actual or potential conflicts of interest also include any other conflicts defined by NSF policy at <https://www.nsf.gov/cise/iis/panelist/coi.jsp>, as in effect at the relevant time. The same relationship and interests standards for defining actual and potential conflicts shall also apply to identify conflicts for Council members, Executive Committee members, and the IA—however, for Council and Executive Committee members, COE members and Key Persons shall replace just Key Persons and, for the IA, COE members, Executive Committee members, Governing Council Members and Key Persons shall replace just Key Persons.

<sup>14</sup> A person who is disqualified from service on the COE, Executive Committee (relating to the determination of a violation of this Code of Ethics), or the Appeals Board, may still file a complaint or serve as a witness regarding the subject matter of a complaint, but may not serve on the COE or have any COE, Executive Committee, Appeals Board, or Governing Council role as an investigator or maker or recommender of decisions on behalf of SSE.

recommendations to the ASN President for resolution, management or disqualification and full recusal to serve on the Executive Committee or Appeals Board. The ASN President shall make the decision about the conditions that must be met to resolve or manage any conflict or potential conflict relating to service on the Executive Committee (relating to determination of a Code of Ethics violation) or Appeals Board, or whether to disqualify any person from such service, after consulting with the IA if feasible. Governing Council members who have an actual or potential conflict of interest in connection with a particular complaint or conduct concern shall fully recuse themselves from all aspects of the complaint or conduct concern or fully adhere to any conflict resolution or management requirements imposed by the ASN President. Those who have a conflict relating to service on the Appeals Board will fully adhere to any management requirements or will not serve on the Appeals Board and fully recuse themselves from the matters it reviews.

*Actual or potential conflicts of interest of the COE Chair, ASN President, and IAs.*

The COE Chair (the Retiring President) and ASN President shall also annually disclose and update conflicts and potential conflicts relating to the work of the COE and determinations of violations of this Code of Ethics. If the ASN President has a conflict or potential conflict with the COE Chair (or vice versa)—or the COE Chair has a conflict or potential conflict with a member of the COE—the ASN President or the COE Chair, as the case may be, will disclose the conflict to the IA, the COE Chair, the current ASN President, and any member implicated in the conflict. The member or COE Chair implicated in the conflict will resign from the COE or COE Chair role and fully recuse themselves from all matters related to this Code of Ethics. If the COE Chair or ASN President has a conflict or potential conflict with a Key Person in a particular complaint or conduct concern, the conflicted COE Chair or ASN President, as the case may be, will disclose their conflict to the IA. The conflicted COE Chair will also disclose their conflict to the ASN President and the conflicted ASN President will disclose their conflict to the ASN President-elect—and then that conflicted official will fully recuse themselves from involvement in the complaint or conduct concern. In that event, the current ASN President (or if that person is conflicted or unavailable, the ASN President-Elect) shall select one of the eight other members of the COE who is not conflicted to serve temporarily as the COE Chair and perform all of the Chair's duties for purposes of addressing the particular complaint, including to appoint, with approval of Council, a temporary replacement member on the COE if needed or convenient. The ASN President-Elect will serve temporarily in the role of the conflicted ASN President. However, if the current President or ASN President-Elect determines, after consultation with the IA if feasible, that the conflict or potential conflict can be resolved or managed if conditions are met, the current President will impose those conditions and the conflicted COE Chair (the Retiring President), or the ASN President-elect will impose those conditions on the President, who will accept the conditions in writing and fully satisfy their requirements or fully recuse themselves from the particular complaint. Any President or Retiring President or President-Elect elected before the effective date of this Code, upon their request to the Governing Council, may be excused from performing the stipulated duties for the duration of their term. Procedures outlined to handle a conflict of interest would be followed in that case.

All IAs shall annually file with the COE Chair conflict and potential conflict disclosures, and shall update these disclosures promptly upon any change of circumstances that could give rise to a conflict or potential conflict. The disclosures shall address any conflicts or potential conflicts

of interest of the IA with ASN, any member of the COE, Executive Committee of Governing Council, or any Key Person in a particular complaint. If an IA has a conflict with ASN or any member of the COE, Executive Committee, Appeal Board, or other member of Governing Council, the IA may be terminated by the COE or Executive Committee Chair at such person's discretion. If an IA has a conflict or potential conflict with any Key Person in a particular complaint, the IA will disclose the conflict to the COE Chair and fully recuse themselves from the relevant complaint. However, if the CEO Chair determines, after consulting with the COE, that the conflict or potential conflict can be resolved or managed if conditions are met, the Chair will impose those conditions and the IA will accept the conditions in writing and fully satisfy their requirements or fully recuse themselves from the particular complaint. Upon recusal, the other IA will serve in connection with the complaint.

The same disclosures of conflicts or potential conflicts shall be made when a concern of unethical conduct under this Code of Ethics is to be resolved in an IA-led process. In that event, references to "complaint" will be replaced by "concerns raised of potential unethical conduct under this Code of Ethics."

All conflict and potential conflict disclosures will be made on an ASN form approved by the COE. When conflict or potential conflict disclosures are made in connection with a particular complaint or concerns raised of unethical conduct under this Code of Ethics, they will be shared with all individuals charged with evaluative or decision-making roles in addressing the complaint or concern.

If a recused individual has pertinent factual information (or information relevant to fact-finding or determined facts), the recused person may provide that information (but not mere opinion) to the COE Chair (or the person performing that role if the CEO Chair is conflicted), or to the IA in the case of an informal resolution, who will make information of the appropriate nature available to the process.

## Appendix B to the ASN Code of Ethics; IA-Led Resolution of Potential Unethical Conduct

An IA-led resolution is one that focuses on community building, not punishment—elevating understanding of why a conduct concern arose, enhancing understanding of community standards and conduct requirements established by the ASN Code of Ethics, repairing relationships, and seeking to satisfy the identified target and accused and the Chair of the COE that recurrence of the concern is unlikely. It is likely that many conduct concerns can be addressed via an IA-led process rather than full adjudication by the COE.

- a. *Criteria.* An IA-led resolution is sufficient to resolve conduct concerns where the Chair of the COE determines, and any identified target and the accused agree, that it is unnecessary to determine that the ASN Code of Ethics has been violated (although there may be an indication of that likelihood). In addition,
- the dominant need is to elevate understanding that harm was experienced and what conduct caused it, and to avoid recurrence, build community and ownership of the community standards and conduct requirements established by the Code of Ethics, repair relationships, and, where implicated, restore safety and inclusion;
  - the concern arises largely from misunderstandings that have been corrected or lessons that needed to be learned and have been learned;
  - there is not already a recurring issue;
  - there has been an authentic commitment to avoid a repetition of the cause of the concern and there is no reason to believe recurrence is likely;
- and**
- considering all of this and the nature/severity of the conduct concern, safety and inclusion can be restored without the need for further action.

Alternatively, an IA-led resolution is sufficient when any identified target and the accused agree that a restorative or community-building practice is desirable as the sole means of resolution and the Chair of the COE determines that an IA-led resolution is likely to stem continuing harm to Key Persons and other members of the ASN Community and field and:

- there is an acknowledgement by the accused that the harm that the Code of Ethics seeks to prevent was experienced;
  - the informal resolution is likely to elevate understanding of why conduct caused harm and enhance ownership of the community standards and conduct requirements of this Code of Ethics;
  - there has been an authentic commitment to avoid a repetition of the cause of the concern—and based on specified facts, there is reason to believe that the IA-led resolution (as opposed to a formal resolution) is most likely to prevent recurrence **without** increasing harm to any identified target (and others in a similar position)—whether or not the current conduct is a repetition of prior conduct;
- and**
- considering all of this and the nature/severity of the conduct concern, safety and inclusion can be restored without the need for further action.

**b. No fixed stages.** With flexibility in steps that are not explicitly required, the IA-led resolution process:

- (i) *typically involves the IA conducting a review*—i.e., limited fact-finding to understand the basics of the situation—and informally documenting the facts;
- (ii) *requires the IA to engage with any target and the accused, as well as the Complainant if not the target*, informally in some manner to inform them of the nature of the conduct concern, gain their respective perspectives, and gather any relevant facts about the situation (with flexibility of means and sensitivity to any desire of a target not to engage directly with the accused);
- (iii) *may (but need not) involve the IA engaging with other Key Persons* and/or the Chair of the COE engaging with any such individuals;
- (iv) *involves the IA recommending an informal resolution* to the Chair of the COE, applying the **criteria** in Appendix B(a), above;
- (v) *requires the Chair of the COE to—*
  - *determine whether the fact-finding and its informal documentation are adequate* (directing the IA to supplement fact-finding and/or the documentation, if needed—with the IA following up);
  - *determine whether an IA-led resolution will suffice*, and decide whether to adopt such a resolution under the **criteria** in Appendix B(a), above; and
  - *notify* (or direct IA to notify) the accused, any identified target, and Complainant (if not the target), of the Chair’s decision;
- (vi) *may involve the Chair also notifying (or directing the IA to notify) other Key Persons*; and
- (vii) *requires agreement (without coercion) among the Chair (or the IA for the Chair), any identified target, the accused, and any other Key Persons whom the Chair identifies as needed for a resolution to*
  - *participate in a restorative or community-building practice*;<sup>15</sup> and
  - *that an informal IA-led resolution is preferred to a formal resolution via committee adjudication.*

**c. Timing.** IA-led resolutions should be pursued diligently by the IA, Chair and Key Persons with a goal of completing the process in 90–120 days from the date of submission of a concern to a completion of the IA-led resolution. However, the timing for an IA-led resolution must be flexible, e.g., to provide an opportunity for any identified target or the accused to decide whether they want an informal IA-led resolution, without being pressured.

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<sup>15</sup> This may be a conversation among individuals most directly involved to raise awareness of the cause of harm, learn lessons, enhance ownership of community standards and conduct requirements under this Code of Ethics, determine how to prevent recurrence, repair relationships and restore a sense of safety and welcome for everyone.

### Appendix C to the ASN Code of Ethics; Short-term Actions

The IA or Adjudication Committee may recommend, and the COE Chair may impose, short-term actions at any time during the investigation or adjudication process, based on considerations including but not limited to safety and non-disruption, as outlined here. The Appeals Board Chair may take these actions as well pending the completion of an appeal or expiration of the appeal period without an appeal being filed.

- a. **Safety.** The IA must, if the known facts warrant, ask all then-known Key Persons if they need help to feel safe, or have reason to believe that any individual or Property<sup>16</sup> needs to be made safe or protected from damage, on a temporary basis.
- **Initial temporary safety measures:** After engaging with the then-known Key Persons or known to be most directly affected with whom the IA is able to connect promptly, the IA may, effective immediately, require temporary separation of any individuals, require a Respondent or other individual to temporarily not participate in some or all ASN-associated activities, or take other temporary action to address concerns about safety of individuals or safety or protection of Property.
    - This engagement may be done promptly after implementing the initial temporary safety measure, if it wasn't feasible to do so before. (Information gleaned in such engagement may be a basis for the COE Chair to adjust the initial measure.)
  - **COE Chair oversight:** The IA must follow up with the Chair of the COE promptly (generally within 48 hours of deciding whether or not to implement an initial temporary safety measure). The Chair will determine the ultimate temporary safety measure—confirming or “adjusting” (meaning changing, supplementing, replacing or terminating) the IA’s initial measure—and will do so in writing.
    - *Initial temporary safety measures.* The Chair of the COE may take the initial steps typically taken by the IA (and may adjust the IA’s initial steps), coordinating with the IA if feasible, prior to determining the ultimate temporary safety measures.
    - *Notice of intended ultimate temporary safety measures.* Before acting to implement ultimate temporary safety measures, the Chair of the COE will give notice to the Respondent, any identified target, and any other then-known person who would be uniquely subject to a restriction under (or need protection of) the ultimate temporary measures (“affected individuals”). (Such a notice need not be given to all individuals who would be affected by a generally applicable restriction, such as closure of a building or cancellation of an event.) The notice of the ultimate, temporary safety measures will include the following statement: “***No determination (one way or the other) has been made about the allegation leading to this notice. In determining the initial and intended ultimate temporary safety measure(s), giving this notice, and implementing temporary safety measure(s), ASN is not making a judgment of any kind against any individual who would be restricted by the intended action. Any statement or action to the contrary is not authorized by ASN. In these circumstances, before a determination is made of whether a violation of the Code of Ethics Policy or any other policies occurred, ASN prioritizes preventative safety measures in the***

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<sup>16</sup> “Property” as used in this Code of Ethics includes tangible and intangible property including, but not limited to, buildings, equipment, research, research specimens, intellectual property, animals, chemicals, radioactive and biological materials, etc.

*interest of ASN’s mission and the many it serves, over the interests of one or a few, if the two must be weighed.”*

- *14-day opportunity to respond.* The affected individuals will have 14 days after receiving notice to respond by submitting to the Chair of the COE a written statement of information relevant to the appropriateness of the terms of the intended ultimate temporary safety measures.
- *Temporary adjustments during response period.* With notice to the affected individuals, the Chair of the COE may adjust the initial temporary safety measures during the 14-day response period, if they determine that action is warranted for safety of people, or safety or protection of Property, pending consideration of additional information.
- *Decision on ultimate temporary safety measures.* Upon expiration of the 14-day response period, the Chair of the COE will finalize the ultimate temporary safety measures, including the original period of application (not to exceed 180 days), and any triggers and processes for extension, and will notify all then-known affected individuals.
- **Notice to home institution:** The Chair of the COE also may notify a Respondent's home employing or educating institution (and any other institutions where the Respondent has an affiliation) of the alleged conduct concern that has been raised and the temporary safety measure(s) that have been taken until ASN makes a determination, if these criteria are satisfied:
  - an initial or ultimate temporary safety measure applies;
  - the Chair of the COE has determined that there is a credible question of a conduct concern that would be a serious violation of this Code of Ethics Policy **and** constitute a substantial threat to the safety of people or Property, not only in ASN-associated activities, but also in other roles and activities in the Field or beyond (e.g., rape or other sexual assault, another act of violence, IACUC or IRB violations, destruction of research), if the violation ultimately were determined to have occurred;
  - In any such notice that is given, the notice will state: *“The **Society for the Study of Evolution** received an allegation that [name] violated the Society’s Code of Ethics Policy by [Insert a brief, purely factual summary of the allegation]. ASN has implemented temporary safety measure(s) [specify]. No determination (one way or the other) has been made about the allegation. In taking that action and giving this notice, ASN is **not making a judgment that the accused violated the Code of Ethics. Any statement or action to the contrary is not authorized by the Society. In these circumstances, before a determination is made, ASN prioritizes preventative safety measures based on the nature of an allegation in the interest of ASN’s mission and the many it serves, over the interests of one or a few, if the two must be weighed;**”*
    - The names of the other Key Persons will not be disclosed to the accused’s home or other institutions; and
    - Until a final determination is made (i.e., in an appeal or with the appeal period having expired without an appeal being filed), ASN will be clear about these points.



- b. *Non-disruption.*** The Chair of the COE may take any other short-term actions, and may periodically adjust or end any short-term actions, when they determine such action(s) are in the best interests of ASN and its mission, pending a final decision resolving the conduct concern.
- The engagement and oversight processes relating to Chair oversight for temporary safety measures addressed above will apply.
  - However, in the case of an emergency imminently threatening harm to people or Property, those engagement and oversight processes may occur in lieu of, or promptly after, a temporary safety measure is implemented by the IA. Any needed adjustment will then be made as soon as reasonably feasible under the circumstances.
- c. *Police Involvement.*** The IA will ensure that any identified target of sexual harassment that may be a criminal act is aware of how to pursue police involvement (apart from any action by ASN) and will not discourage the identified target from pursuing it.
- d. *Timing.*** Short-term actions are generally taken around the same time as, or within a few days or weeks of, a conduct concern being raised. Other timing may apply, depending on the facts and circumstances.