Procedures for Implementing the AMS Code of Conduct

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A. Introduction

The American Meteorological Society's Code of Conduct describes its standards for ethical and professional conduct. This document describes the Procedures for Implementing the Code of Conduct and the policies therein. This document and the Code of Conduct will be updated

periodically based on applicable law and other factors.

1. Application

As stated in the Code of Conduct, it and these procedures apply to "*all categories of members of the Society, and all other individuals, groups, and entities that participate or are involved in Society activities; all of these individuals are referred to as 'Society Affiliates*'." For example, Society Affiliates include, but are not limited to, Society volunteer fiduciary leaders; elected officials; other volunteers; all categories of members; event, meeting, and other activity organizers, attendees, speakers, exhibitors, and sponsors; authors, editors, and reviewers; contractors and service providers; guests; student award candidates and recipients; and honors and awards nominators, evaluators, candidates, and recipients.

The Code of Conduct further states it is applicable "*in all AMS-affiliated professional settings, including but not limited to office, classroom, laboratory, social media, virtual meetings, field research sites, AMS events, social gatherings associated with professional activities, and travel to and from these events.*"

At the discretion[1] of the Society, the Code of Conduct may be applied to conduct unrelated to Society-associated activities if it impacts a Society Member, violates a member's employer's code of conduct, or concerns the Society's or the Member's professional reputation.

Applying the Code of Conduct to those who are not Society Affiliates may, in some circumstances, exceed the Society's ability to address violations. However, applying the Code of Conduct may identify situations in which the Society ultimately may seek to share facts with others (e.g., a home institution or employer) so that others may further investigate and make their own decisions regarding any necessary action.

2. Guiding Principles and Rationale

To advance the Society's mission and objectives, the Society adopts the following guiding principles as the rationale for the Code of Conduct:

- **Conduct as a Barrier; Effect of Conduct on Professional Inclusivity and on Contributions to Society at Large.** The highest professional, ethical, and inclusive conduct in all Society and community activities contributes to the excellence and integrity of the Society and community and, by extension, enhances contributions to society at large. Failure to meet these standards excludes valuable members from the community to the detriment of individuals and society at large.
- **Priority of Eliminating Barriers to Advance Contributions.** It is a high priority for the Society and the community to take proactive measures to eliminate barriers for contributions from all.
- **Fairness.** The Society does not judge any individual's conduct as unprofessional, unethical, or exclusionary or take punitive action without a determination in a fair process.

[1] Discretion (the Society's) means the Society's decision, determination, judgment, or application of criteria is made in the Society's sole and absolute discretion in pursuit of its mission. Such discretion is still not arbitrary or exercised for an illegal purpose (e.g., to discriminate on the basis of sex or race).

- **Note About Differences of Opinion and Offense**. It is not a violation of the Code of Conduct or other policies to express an opinion, raise scientific questions, or describe an experience

("articulation") that is at odds with the opinions of or is offensive to others, if the articulation is part of an on-point discussion and is offered in a manner consistent with maintaining a welcoming and open environment to all participants. Such an articulation must be delivered in a manner that reflects intellectual rigor with respect and consideration for all; including, as reasonably possible, minimizing its potential to prohibit or inhibit the participation of others. Similarly, pursuing research subjects/theories or reaching research conclusions offensive to others is not a violation of the Code of Conduct; others may pursue counter research and reach counter conclusions.

B. Affirmation and Disclosure

1. Affirmation and Disclosure Requirements

- All Society members are required annually to acknowledge and affirm that they will abide by the AMS Code of Conduct (https://www.ametsoc.org/ams/index.cfm/about-ams/ams-organization and-administration/ams-code-of-conduct/).
- All Society Affiliates volunteering to serve in any function are required upon initiation to acknowledge and affirm that they will abide by the AMS Code of Conduct.
- All Society Affiliates participating in an AMS Meeting are required to acknowledge and affirm that they will abide by the AMS Meetings Conduct Policy
- The corresponding author and all coauthors agree to abide by the AMS Code of Conduct in the submission and review process. See the AMS Guidelines for Authors, https://www.ametsoc.org/index.cfm/ams/publications/ethical-guidelines-and-ams-policies/ ● Society Affiliates who are honors or awards recipients or nominators of potential recipients also must make and update disclosures, as required under the Society's Honors and Awards Policy https://www.ametsoc.org/index.cfm/ams/about-ams/ams-awards-honors/ams-additional nomination-resources/honors-and-awards-policy/

2. Use of Affirmations and Disclosures

The Society shall consider the content of these affirmations and disclosures when conferring benefits, privileges, and opportunities, including but not limited to membership, elected Fellow status, other honors and awards, leadership, speaking and organizing/planning roles, and the privilege of participating in other Society-associated activities. Consideration of these affirmations and disclosures is also involved in identifying, reviewing, or investigating conduct concerns within the reach of this Policy.

When the Society receives a disclosure that potentially raises a conduct concern, the Executive Director or an Associate Executive Director shall engage with the Society Affiliate who makes the disclosure, as well as with any available identified target and any accused who is a Society Affiliate, to understand the substance, context, and status of the matter disclosed. Engaging the person making the disclosure is required before reaching any conclusion about the need for a fuller investigation, resolution, or imposition of any consequence.

C. Roles and Responsibilities

1. AMS-Authorized Positions

The AMS Council will appoint the Decision Making Body (DMB) which is responsible for

implementing these procedures and the overall integrity of the process. The DMB is composed of the Executive Director, Past President, and Chair of the Committee on Ethics unless the Council determines there is a real or perceived conflict of interest, in which case, they will replace one or more of these individuals as appropriate. If one or more of these individuals vacates their position, Council may appoint a new member.

a. The **Decision Making Body** is authorized by the AMS Council to

- determine whether to rely on a third-party investigation for fact-finding;
- require additional fact-finding by the Fact Finders to supplement the initial Fact Finders' investigation and/or a third-party investigation;
- engage with any identified target and the accused (at least providing an opportunity for input) and possibly engage other individuals most directly involved, to determine a resolution;
- apply the criteria specified in E.2.l(a) (below) to determine the sufficiency or insufficiency of an informal resolution and modify the terms of an informal resolution or determine that a formal resolution is needed;
- make a determination in a formal resolution process of whether a violation of the Code of Conduct has occurred;
- make a determination of what consequences to impose in a formal resolution if a violation is determined to have occurred, but only if those consequences do not rise to the level requiring AMS Council action (see Part F.1);
- request and accept, modify, or reject recommendations from the Fact Finders.

b. Fact Finders are appointed by the DMB to receive, investigate, initially review, and take any other necessary short-term action to respond to a report of a conduct concern made by formal or informal means, or as otherwise directed by the DMB. Fact Finders will report all activities and make recommendations to the DMB regarding the suitability of an informal resolution and may make other recommendations.

The Fact Finders are one or more of the AMS Associate Executive Directors unless the DMB determines a situation requires a different approach. They may additionally include one or more other employees/Society Affiliates designated by the DMB who have relevant subject knowledge. For any complaint, the DMB will ensure there is not a conflict of interest with any Fact Finder. If a Fact Finder vacates their position, the DMB will appoint a new Fact Finder. In certain situations, the DMB may decide to employ an outside party for assistance in the fact-finding process. A fact-finding team may perform this role for a particular conduct concern/complaint or multiple conduct concerns/complaints relating to the same incident(s) or person(s).

2. Other Personnel Involved in Review and Investigation

a. Complainant is one or more individual(s) reporting a possible Code of Conduct violation.

b. The target is the individual(s) that may have suffered harm from a possible Code of Conduct violation. The target may or may not be the complainant.

c. The accused in this context is the individual alleged to have violated the Code of Conduct.

d. Involved parties are those that witnessed a possible Code of Conduct violation or

those individuals that the DMB believes can provide insights helpful to the investigation.

3. Additional Responsibilities of DMB and Fact Finder(s)

a. General Responsibilities

Fact Finders and the DMB will be responsible for the following:

- **Human concern.** Attend to the human aspects of conduct concerns, including referring them to resources for assistance if needed and as available. Respect choices made by any identified target regarding the target's participation without violating applicable legal requirements. Avoid pressuring targets and those accused. Prioritize safety, as well as inclusion, while also satisfying applicable laws and policies beyond AMS's control.
- **Confidentiality obligations of the Society.** To the extent practicable, maintain confidentiality about any conduct concern raised and the individuals involved, while carrying out the resolution process, to enable a fair review and meaningful resolution of the concern. To the extent not at odds with applicable law and policies beyond AMS's control, instruct those involved in the investigation to maintain confidentiality, and that a failure to do so is a violation of the Code of Conduct.
- **Anti-retaliation and whistleblower policies.** Fact Finders and the DMB will make sure all parties are aware of the Society's anti-retaliation and whistleblower policies (see https://www.ametsoc.org/index.cfm/ams/about-ams/ams-organization-and administration/whistleblower-protection-policy/).
- **Record of review/investigations.** Document and maintain a record of steps taken, sources and substance of information and documents obtained, and communications with individuals as part of review, investigation and resolution of a conduct concern. Include in the record names, relevant affiliations and titles, dates, and times.
- **Internal reporting.** Report to the AMS Council on the conduct concerns raised and how they were resolved on at least an annual basis. Keep a record of all such reports.

b. Short-Term Actions

Short-term actions that Fact Finders and DMB may or must (as indicated) take when receiving a conduct concern, whether through formal or informal means, include the following:

i. Safety. A Fact Finder must, if the known facts warrant, ask all then-known individuals most directly involved if they need help to feel safe or have reason to believe that any individual needs to be made safe.

- Initial temporary safety measures: After engaging with the then-known individuals most directly involved or known to be affected with whom the Fact Finder is able to connect promptly, the Fact Finder may, effective immediately, require temporary separation of any individuals, require the accused or other individual to temporarily not participate in some or all Society-associated activities, or take other temporary action to address concerns about safety of individuals
- DMB oversight: The Fact Finder must follow up with the DMB promptly (generally within 48 hours of deciding whether or not to implement an initial temporary safety measure). The DMB will determine the ultimate safety measure—confirming or

"adjusting" (meaning changing, supplementing, replacing or terminating) the Fact Finder's initial measure—and will do so in writing.

- The notice of the safety measures will include the following statement: *"No determination (one way or another) has been made about the allegation*

leading to this notice. In determining the safety measure(s), giving this notice, and implementing temporary safety measure(s), the Society 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 the Society. In these circumstances, before a determination is made of whether a violation of the Code of Conduct occurred, the Society prioritizes preventative safety measures in the interest of the Society's mission and those it serves, over the interests of one or a few, if the two must be weighed."

ii. Confidentiality. The confidentiality of all involved parties will be maintained to the extent practicable. In particular:

- Confidentiality of the name of the identified target. The Society will not name any identified target in communications about a conduct concern having been raised, a review or investigation having been initiated or concluded, or a violation having been determined, unless:
  - the target consents;
  - the AMS Council (or senior designee) or DMB determines there is a legal, regulatory, safety, insurance coverage or other contractual requirement to do so; or
  - under the other exceptions below.
- Confidentiality of the name of the accused. The Society will not name the accused in any communication that may become necessary about the matter to the public or particular individuals, unless:
  - the AMS Council (or senior designee) or DMB determines there is a legal, regulatory, safety, or insurance coverage requirement to do so; or
  - under the other exceptions below.

  Upon final determination of a Code of Conduct violation, The Executive Director or AMS Council may decide to name an accused.
- Other exceptions. The other exceptions that permit naming any identified target or the accused are when the AMS Council (or senior designee), Fact Finders, or DMB determines there is a need to do so:
  - in confidential communications with those who are involved in or advising (a) the investigation or (b) determination of needed action or consequences or (c) implementation of temporary safety measures;
  - to those who have a fiduciary or oversight function for the Society, including a fiduciary duty to maintain confidentiality; or
  - in a notice to the target and accused of the DMB's final determination of a violation of the Code of Conduct.

iii. **Other short-term actions.** The DMB may take any other short-term actions, and may periodically adjust or end any short-term actions, when the DMB determines such action(s) are in the best interests of the Society and its mission, pending a final decision resolving the conduct concern.

iv. **Police involvement.** The Fact Finders 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 the Society) and will not discourage the identified target from pursuing it.

v. **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.

D. Reporting a Code of Conduct Complaint

Possible Code of Conduct violations may be initiated in two ways: any Society Affiliate may file a complaint or; the DMB, on their own or by direction of the AMS Council, may initiate a review or investigation when it believes there is a possible violation of the Code of Conduct. All complaints should be filed in a timely manner.

Concerns regarding meeting conduct, publication conduct, or certification violations are addressed under those policies cited in the Code of Conduct.

The DMB will manage a fair and timely response for any issues of ethics or conduct related to the AMS Code of Conduct.

1. Informally Raising Concerns

A person can always raise a conduct concern informally. Information may be provided to the Executive Director or an Associate Executive Director in a meeting or via message at hotline (617-226-3965), or email (conduct@ametsoc.org). Even if an informal complaint is initially brought forward, a formal investigation may follow if warranted. An informal approach may also be pursued when an individual seeks to explore resolution options before identifying the accused or filing a formal complaint.

2. Filing a Formal Complaint

Filing a formal complaint is equally suitable. This form is required to file a formal complaint.

3. Confidentiality

All Society Affiliates are required to respect the confidentiality of the individuals involved in a conduct concern and who may be cooperating in an investigation. While the Society cannot guarantee absolute confidentiality, the complainant's identity, notes, and final report will be kept as confidential as reasonably possible for the Society to investigate the complaint. If an accused is determined to have violated the Code of Conduct, the AMS Council or its authorized designee may make that disclosure, exercising the Society's discretion.

E. Review and Investigation

1. General Process to Address All Conduct Concerns

a. Reviewing concerns. The Society will review all conduct complaints brought forward in a timely manner and keep all parties informed on the progress of review and determinations. Immediate steps will be taken by the DMB (see below) to ensure safety of all involved. The Society will not take remedial action for unsubstantiated complaints or when there is a determination that the AMS Code of Conduct has not been violated.

b. Participation. The target of inappropriate conduct will be apprised of the Society's Whistleblower

Protection Policy as well as the Society's commitment to maintain confidentiality. If they are not comfortable moving forward, no investigation by the Society will be pursued. (https://www.ametsoc.org/index.cfm/ams/about-ams/ams-organization-and administration/whistleblower-protection-policy/).

c. Engaging to address concerns when feasible. Even where there is no finding of a violation of the AMS Code of Conduct, the AMS Council or DMB may still engage in problem solving with relevant willing participants. For example, the AMS Council or DMB may pursue restorative actions if it would be appropriate to repair relationships and prevent recurrence of the concern.

d. Regarding who investigates: The Society may:

- conduct an internal investigation;
- have a third party conduct the investigation; or
- rely on its own *and* a third party's investigations to determine the facts.

If the Society relies in whole or in part on facts determined in a third party's investigation, the Society will reach its independent conclusion as to whether a violation of the Code of Conduct has occurred and whether/what consequences are warranted.

e. Regarding special requirements: The Society may have to consider special requirements in responding to certain complaints; for example, requirements stemming from federal laws and/or regulations.

2. Investigation and Resolution of Conduct Concerns

I. Informal Resolution

An "informal resolution" may be pursued when determined by the DMB. The criteria for its use, process, and timing are described below.

a. *Criteria*. An informal resolution is sufficient to resolve conduct concerns where the DMB and any identified target(s) agree(s), that it is unnecessary to determine that the Code of Conduct has been violated (although there may be an indication of that likelihood) and in addition the below sub-bullets apply. Alternatively, an informal 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 DMB determines that an informal resolution is likely to stem continuing harm to the individuals most directly involved and other Society Affiliates and:

- the dominant need is to elevate understanding that harm was experienced and what conduct caused it, and to avoid recurrence, repair relationships, and, where needed restore safety and inclusion;
- 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.

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

(i) *typically involves the Fact Finders conducting a review*—i.e., limited fact finding to understand the basics of the situation—and informally documenting the facts;

(ii) *requires the Fact Finders to engage with any target and the accused* 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;

(iii) *may involve the Fact Finders engaging with other individuals most directly involved* and/or the DMB engaging with any individuals;

(iv) *also typically involves the Fact Finders recommending an informal resolution* to the DMB, applying the ***criteria*** in Part E.2.I(a), above;

(v) *requires the DMB to*

- *determine whether the fact finding and its informal documentation are adequate. If not, directing supplemental fact finding*;
- *determine whether an informal resolution will suffice*, and decide whether to adopt such a resolution under the ***criteria*** in Part E.2.I(a), above; and
- *notify* (or direct the Fact Finders to notify) the accused, any identified target, and any other individual who reported the concern, of the DMB's decision

(vi) *may involve the DMB also notifying (or directing the Fact Finders to notify) other individuals most directly involved*.

c. ***Timing***. Informal resolutions will be pursued diligently by the Fact Finders, DMB, and individuals most directly involved with a goal of completing the process within 45 days from the date of submission of a complaint to a completion of the informal resolution. However, the DMB can extend the time as needed, for example, to allow any identified target or the accused to decide whether they want an informal resolution without being pressured.

II. Formal Resolution

If the DMB determines that an informal resolution is insufficient to resolve the conduct concern, even after it has begun, a formal resolution process is pursued. However, a formal resolution is not initiated or continued if the DMB determines that there is an inadequate basis to pursue any resolution (e.g., no credible question of a violation or unavailability of needed individuals or information). (See Part E.2.I(a) (above) for ***criteria*** for determining the sufficiency of an informal resolution.)

a. ***Stages:*** Formal resolution involves 10 required stages as outlined below and depicted in Figure 1.

(i) The Fact Finders find the relevant facts through interviewing those involved and witnesses and through observing physical evidence including documents and emails. The Fact Finder documents the finding of facts, gathering any documents and notes of any communications supporting the facts.

(ii) *Before finalizing the documentation of facts, the Fact Finders engage with any target and the accused* in some manner to inform them of the nature of the conduct concern, to confirm

that it is within the scope of the Code of Conduct, and to understand the facts from their perspectives.

(iii) *The Fact Finders provide the DMB with documented facts,* supporting documents, and notes.

(iv) *The DMB reviews the documented facts and supporting materials*; and, if needed in the DMB's view, requires any supplementary fact finding to be undertaken by the Fact Finders; and the Fact Finders follow through and submit any supplementary information to the DMB.

(v) *The DMB preliminarily determines whether or not a violation of the Code of Conduct has occurred* and identifies the facts found by the Fact Finders on which that determination is made. If a violation has occurred, the DMB determines the appropriate consequence, consulting with the AMS Council if its approval is required (see Section F, below).

(vi) *The DMB provides a copy of the preliminary determination and any associated*

consequences with the supporting facts to the accused and any identified target.

(vii) *Any identified target and the accused have an opportunity during a 14-day period that begins when the preliminary determination notice is given to them, to access the factual record again and respond in writing*, providing the DMB with any relevant facts or circumstances that the responder believes should inform the final determination and any consequences.

(viii) *The DMB reviews any submission received* and if the DMB determines believes substantive new information has been provided that warrants additional consideration, the DMB can repeat steps v-vii above.

(ix) *Upon expiration of that 14-day period, whether or not response(s) are submitted, the DMB makes a final determination and, if a violation is found, imposes consequences*.

(x) *The DMB notifies (in writing or electronically) the accused, any identified target, and any complainant who reported the concern, of the DMB's final determination.*

b. ***Timing.*** The goal for timing to complete a formal process is within 90 days from the submission of the conduct concern to the final determination. However, the DMB may extend the period for good cause, such as due to limited availability of individuals most directly involved, difficulty of obtaining needed information, complexity of issues, exceedingly voluminous information, or resource capacity. The DMB will inform the target and the accused of any extension.

c. ***Standard of Proof***. The DMB will decide whether there is a violation of the Code of Conduct using a preponderance of the evidence standard (i.e., more likely than not), unless otherwise required by applicable legal requirements.

F. Consequences That May Be Imposed for Violations of the AMS Code of Conduct

1. Potential Consequences

A violation of the Code of Conduct may result in one or more of the following consequences (including combinations) as determined by the DMB:

- private reprimand;
- public reprimand or statement;
- ejection from a Society event, with or without refund;
- temporary or fixed-term no-contact requirements for the accused and identified target;

- suspension from a volunteer position;
- suspension from a leadership position;
- suspension from attending Society meetings and events.

The following consequences require approval of the AMS Council:

- revocation or suspension of membership privileges;
- permanent expulsion from Society;
- removal from a volunteer position;
- removal from a leadership position;
- denial or revocation of honors or awards;
- permanent prohibition from attending Society meetings;
- suspension or permanent prohibition from submitting to or reviewing Society publications; ● notification by the Executive Director of the Society's determination of a violation (the allegations, facts, and conclusion) to the violator's home institution (employing) and other institutions where the violator has an affiliation; and
- permanent prohibition from engaging in any AMS related activities.

2. Considerations and Proportionality

Consequences imposed will be proportional to the severity of the violation, and the corresponding harm caused or threatened to individuals (any identified target and/or others), the Society, the community, or society at large. Considerations to determine the severity of the harm include, but are not limited to

- the nature of the violation;
- whether the violation is repetitive;
- the frequency of the violation;
- whether the violation reinforces long-standing barriers or creates barriers to inclusion of all members of the community;
- the other actual effects or threatened effects of the violation (harm or threatened harm to individuals, the Society and/or community, including, e.g., regarding reputation, operations, legal exposure, finances or other resources);
- whether the violations involved safety concerns;
- the role of the accused; and
- whether the accused, in a first-time violation situation, has taken responsibility, demonstrated an appreciation of the severity of the violation, and taken or committed to action to remedy the adverse effects.

3. Timing of Consequences

Consequences imposed by the DMB as a final decision will become effective immediately.

4. Notice to Home Institution/Other Institutions

Upon the final decision becoming effective, if a determination that no violation of the Code of Conduct was found, the DMB will notify the accused's home institution and, where possible, any other institutions with which the accused has an affiliation of this determination. However, such notice of the final decision will be given only if the DMB notified these institutions of the allegation or if the accused requests that the notice be made. If the final determination is a violation of the Code of Conduct, AMS may at its discretion notify the accused home institution.