

Policy and Procedures for AMS Codes of Ethics and Professional Conduct

[Adopted by the AMS Council on 8 January 2021]

This is an interim version of the policy and set of procedures that are in force while work continues to finalize several components of the Society's overall ethics and professional conduct codes and policies. This document should be treated as the policy and procedures in force even as components of these, identified with { } below, are still under development.

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A. Introduction

The mission of the American Meteorological Society (“Society”) is to advance the atmospheric and related sciences, technologies, applications, and services for the benefit of society. In furtherance of that mission, this Policy and Procedures for AMS Codes of Ethics and Professional Conduct (the “Policy”) is intended to advance excellence of the Society and of the broader atmospheric and related sciences community to help maximize the potential for contributions to society-at-large. The Society and community can flourish only with:

- high-quality work that has credibility and integrity;
- high standards for workplace culture, the execution of science and services, the presentation of results, and associated conduct that foster full participation for everyone in the Society and the community;
- authentic openness to and welcome of a diversity of people and ideas to advance the science;
- a safe environment for all in the community and those supporting or providing services to the Society and community; and
- an enterprise that engenders trust of current and future participants, the public, and funders.

This Policy seeks to advance these objectives.

AMS staff will maintain confidential records of all complaints and their resolution that fall under the policy and procedures described here and report to the AMS Council and Committee on Ethics at least annually. The Committee on Ethics will monitor the effectiveness of these procedures and update them as needed based on experience gained over time.

1. People and Entities to Whom the Policy Applies

This Policy and its associated procedures apply to all “Society Affiliates” meaning all categories of members of the Society, and all other individuals, groups, and entities that participate or are involved in any capacity in the activities in 2 below. For example, Society Affiliates include, but are not limited to, Society volunteer fiduciary leaders; officers; elected governance; other volunteers; employees in all roles; 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.

2. Activities of Society Affiliates Covered by This Policy

This Policy applies to all Society Affiliates in connection with their “Society-associated activities.” That is, any activity or event sponsored, funded, or conducted in whole or in part by, or otherwise involving, the Society, wherever located; or the performance of, or holding, any Society role, responsibility, privilege, function, contract, or other affiliation.

This Policy applies to conduct of concern that is at odds with the requirements of any aspect of this Policy, or any of the codes of conduct administered under it, and affects all participation or experience in Society-associated activities, whether or not it involves a Society Affiliate.

Other Professional Activities and Roles

This Policy also applies to conduct of a Society Affiliate in any professional activity or capacity (i.e., when not engaged in a Society-associated activity). Consequently, a finding by another entity or authority that a Society Affiliate violated that other entity’s or authority’s policy addressing ethics, conduct or harassment, may be treated by the Society, in its discretion, as a violation of this Policy or other policies.

Illegal Acts

On a case-by-case basis in the Society’s discretion, this Policy also applies where a Society Affiliate commits an illegal act of violence or dishonesty in any personal or professional role that may adversely affect the Society Affiliate’s or others’ ability to perform or participate in their Society-associated activities.

3. Qualifier Regarding Society Action

The application of this Policy to those who are not Society Affiliates may often exceed the Society's ability to enforce against, or impose consequences for, violations. However, as further described herein, the broad application of this Policy is intended to (a) encourage professional, ethical, and inclusive conduct in the community broadly; (b) identify situations in which the Society may still pursue community building practices to support a welcoming community for Society Affiliates; and (c) identify situations in which the Society ultimately may seek to share facts with others (e.g., a home institution) so that others may further investigate and make their own decisions regarding any necessary action.

4. Guiding Principles and Rationales

To advance the Society's mission and objectives, the Society adopts the following guiding principles as the rationale for this Policy:

- **Conduct as a Barrier; Effect on Contributions to Society-at-Large.** Failure to ensure professional, ethical, and inclusive conduct in the Society and community has the effect of discrediting and undermining the excellence and integrity of the Society and community.¹ Such failure excludes valuable members from the community to the detriment of many individuals and society-at-large. These adverse effects arise from, e.g., sexual, intersectional², and other bases of harassment and discrimination (e.g., based on gender, race, ethnicity, nationality, religion, sexual orientation, identity, and expression, disability, and other identities)³; and other failures to meet the ethical and professional conduct called for in the Society's various related policies (see Section B, below).
- **Priority of Eliminating Barriers to Advance Contributions.** It is a high priority for the Society and the community to continue their intolerance of dishonesty and other unethical and unprofessional conduct—while elevating recognition that sexual, intersectional, and other harassment are unethical and unprofessional; are long-standing barriers to excellence, integrity, and contributions of the Society and community; and must be eliminated. To these ends, when the Society is addressing these long-standing barriers, the interest of many individuals and society-at-large takes precedence over any individual's interests, if the two must be weighed.
- **Fairness.** In any event, 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. The Society is clear about this point, even when taking precautions to protect its mission and the important interests of the many it seeks to advance. A formal process and a determination are not required for the Society to take informal community-building action to address conduct concerns, build constructive relationships, and advance ownership of a welcoming and inclusive community. Such action is consistent with fairness.
- **Consequences and Community-Building.** Community and individual impacts result when conduct is lacking in professionalism, ethics, and inclusivity. Thus, whenever possible, the Society takes community-building action focused on advancing the Community Standards, whether or not a formal complaint and a formal

¹ See National Academies Consensus Study Report, *Sexual Harassment of Women, Climate, Culture, and Consequences in Academic Sciences, Engineering and Medicine* (June 2018) (*Academies Report*) pp. 88-9 (noting how sexual harassment violates many key values of research integrity).

² Dealing with aspects of how a person's social and political identities combine to create different modes of discrimination and privilege. Examples of these aspects are gender, caste, sex, race, class, sexuality, religion, disability, physical appearance, etc. In the context of this Policy, an intersectional concern may involve any one or more of these identities.

³ Sexual harassment is a type of discrimination on the basis of sex, and includes one or more of the following: 1) Sexual coercion or quid pro quo sexual harassment: when threats or rewards respecting educational or employment benefits, support, or status are conditioned on sexual favors; 2) Hostile environment sexual harassment: exposure in work- or education-related settings or activities to gratuitous (i.e., non-work related/unnecessary for the work) (a) sexual images, gestures, or remarks, (b) sexual insults, (c) non-sexual gender harassment, or (d) unwelcome sexual attention—of such pervasiveness or severity as to interfere with a "reasonable person's" ability to learn or work; or 3) Gender harassment: is a form of sexual harassment that includes sexism, or other non-sexual behaviors (including remarks and conduct) that demean, denigrate, devalue, and disrespect individuals on the basis of sex.

process are pursued, or a determination of misconduct is made. The Society seeks to advance positive community- and relationship- building, when punitive action is warranted, and when it is not.

Note About Differences of Opinion and Offense. It is not a violation of this Policy or other policies to express an opinion, raise research, 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 of the research or other presentation and is offered in a manner consistent with maintaining a welcoming and open environment to all participants. To be consistent with this Policy, such an articulation requires:

- expressing differing positions with respect and consideration for all
- making the articulation in a manner that reflects intellectual rigor and is demonstrably mindful of minimizing, as reasonably possible, its potential to prohibit or inhibit the participation of others
- not making an articulation affecting the workplace that is reasonably expected to cause offense gratuitously (i.e., unrelated or unnecessary for the work)
- not directing the articulation as a personal attack or put-down of an individual, and not dominating the discussion with one articulation
- demonstrating consideration for anyone who appears to be in distress by promptly stopping one’s articulation and continuing to share pertinent information only if it can be done without furthering distress.

Similarly, pursuing research subjects/theories or reaching research conclusions that are offensive to others is not a violation of this Policy; others may pursue counter-research and reach counter-conclusions.

B. The AMS Code of Conduct and Other Related AMS Policies

This Policy and Procedures for AMS Codes of Ethics and Professional Conduct encompasses, and is supported by, the AMS Code of Conduct and other individual policies that cover various aspects of ethical and professional conduct:

- **AMS Code of Conduct** [<https://www.ametsoc.org/ams/index.cfm/about-ams/ams-organization-and-administration/ams-code-of-conduct/>]
- **Meetings conduct** [<https://www.ametsoc.org/index.cfm/ams/meetings-events/attendees/professional-and-respectful-conduct-at-ams-meetings/>]
- **Publications policies for authors, editors, and reviewers** [<https://www.ametsoc.org/index.cfm/ams/publications/ethical-guidelines-and-ams-policies/>]
- **Policies for certification holders** [[https://www.ametsoc.org/index.cfm/ams/education-careers/careers/ams-professional-certification-programs/careers/ams-professional-certification-programs/certified-broadcast-meteorologist-program-cbm/history-procedures/cbm-full-procedures/](https://www.ametsoc.org/index.cfm/ams/education-careers/careers/ams-professional-certification-programs/certified-broadcast-meteorologist-program-cbm/history-procedures/cbm-full-procedures/) see section 11]
[<https://www.ametsoc.org/index.cfm/ams/education-careers/careers/ams-professional-certification-programs/certified-consulting-meteorologist-program-ccm/application-process/ccm-full-procedures/> see section 14]
- **Honors and Awards** [<https://www.ametsoc.org/index.cfm/Ams/about-ams/ams-awards-honors/ams-additional-nomination-resources/honors-and-awards-policy/>]
- **Conflict of Interest** [<https://www.ametsoc.org/index.cfm/ams/about-ams/ams-organization-and-administration/conflict-of-interest-policy/>]
- **AMS Online Community Code of Conduct** [<https://community.ametsoc.org/termsandconditions>]
- **AMS Whistleblower Policy** [<https://www.ametsoc.org/index.cfm/ams/about-ams/ams-organization-and-administration/whistleblower-protection-policy/>]

C. Affirmation and Disclosure Requirements

1. Affirmations and Disclosures

- All Society members are required annually to acknowledge and affirm that they have read and 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 participating in an AMS Meeting are required to acknowledge and affirm that they have read and will abide by the AMS Meetings Conduct Policy (<https://annual.ametsoc.org/index.cfm/2019/registration/professional-and-respectful-conduct-at-ams-meetings/>).
- All Society Affiliates submitting manuscripts to the AMS journals are required to acknowledge and affirm that they have read and will abide by the AMS Guidelines for Authors, including possible disclosures called for under the publications policies (<https://www.ametsoc.org/ams/index.cfm/publications/ethical-guidelines-and-ams-policies/author-disclosure-and-obligations/>).
- {Society Affiliates that 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 – under development}

2. Use of Affirmations and Disclosures

The Society may 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.

An authorized Society official may consider these disclosures (a) to identify and then, if warranted, initiate a review or investigation of a conduct concern, or (b) when reviewing or investigating a conduct concern raised by others. In any event, the Society also may consider these disclosures for the purpose of initiating restorative or community-building practices⁴ that elevate understanding and broaden ownership of the Community Standards and can prevent recurrence of concerns.

When the Society receives a disclosure that potentially raises a conduct concern, an authorized Society official may 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. It also enables such actions if warranted.

3. Failure of Complete, Timely, and Accurate Affirmation or Disclosure Is a Violation

Failure to submit any required affirmation or disclosure in the timeframe appropriate for the circumstances represents a violation of this Policy. For example, the acknowledgement and affirmation to abide by the code of conduct for a meeting must be completed before the meeting is attended. Similarly, failure to submit a complete or truthful affirmation or disclosure, such as failing to disclose funding sources for research being published, represents a violation of this Policy. Failures by a Society Affiliate to make the required affirmations or disclosures does not diminish application of this Policy to that Society Affiliate.

⁴ As used in this Policy, “restorative or community building practice” is not limited to “restorative remedies,” but includes mediation, conciliation, and other means of elevating understand of harm, repairing relationships, preventing recurrence of the conduct causing harm, and enhancing ownership of Community Standards and other requirements of the Society’s policies.

D. Reporting: What to Do if You Have a Concern Regarding Ethical Behavior or Professional Conduct

Some policies, like the Meetings Conduct and Certification Policies, include reporting procedures within the context of those policies. Those procedures can and should be used for violations of those policies. The following processes are consistent with those in other policies, and all reports, regardless of context, will be addressed by procedures consistent with the policies in this Policy. The Executive Director will be responsible for managing a fair and timely response for any issues of ethics or conduct related to any AMS code or policy.

The Society provides several ways to raise conduct concerns within the reach of this Policy.

1. Informally Raising Conduct Concerns

The information needed for a formal complaint (see Part E.2) is also generally helpful for the Society to act on an informal concern. However, information may be provided in a meeting or by phone (617-226-3965), rather than in writing [paper, email (conduct@ametsoc.org), or web portal {link}]. An informal approach is more likely when the person raising the concern is not seeking a formal process to resolve the concern, although it does not necessarily preclude a formal resolution. (The person may be interested in participating with the accused in a restorative or community-building practice, encompassing a variety of community building options.)⁵ An informal approach may also be pursued when an individual seeks to explore resolution options before deciding to identify the accused or whether to file a formal complaint.

2. Filing a Formal Complaint

A formal complaint is equally suitable when the person filing it seeks a formal resolution process or an informal resolution approach. We encourage formal complaints to be submitted in writing [paper, e-mail (conduct@ametsoc.org), or web portal {link}].

A formal complaint should include the following information:

- name of the accused(s) and contact information and affiliation with the Society, if known;
- if the conduct concern is of a type that involves a target, the name of the identified target and contact information, if known;
- name and contact information of the person raising the concern and how the person became aware of the concern (if the person raising the concern is not the target);
- names of any witnesses or others with pertinent information, and contact information, if known;
- description of the conduct concern, with the date, approximate time, location/setting/activity, and all known relevant facts and circumstances;
- the provision(s) of this Policy that may have been violated, if known (optional);
- a clear statement of any facts that may indicate any ongoing concern of imminent threat to safety of any person(s) or safety or condition of property,⁶ and the sources of such facts, with contact information if known;
- any relevant documents available to the person filing the complaint;

⁵ As used in this Policy, “restorative or community-building practice” means actions involving individuals who authentically consent to participate in a non-legal, informal process with aims of (a) elevating understanding of specific conduct-related harm (whether recognized by the “reasonable person standard” or particular to the individuals involved), (b) achieving confidence that harmful conduct will not be repeated and the person(s) experiencing harm will be safe; (c) restoring relationships and affirming a community that is inclusive and actively intolerant of harassment, and (d) in the remedial context, potentially also offering the accused the opportunity to be a community member in good standing going forward and (e) in the remedial context as well as the community-norms building context, elevating conduct and changing climate and culture to be more inclusive and welcoming to all. (The remedy or action may engage two people, together or separately, or a larger community, depending on the scope of those impacted and the circumstances.)

⁶ “Property,” as used in this Policy, includes tangible and intangible property including, but not limited to, buildings, equipment, research, research specimens, intellectual property, animals, chemicals, radioactive and biological materials, etc.

- any other information that would help the Society understand the full nature of the conduct concern; who was involved and who and what may be affected; who may have pertinent information and related context; and what responses the Society may want to consider; **and**
- any request for confidentiality (see Part E.3).

3. Confidential Action

The confidentiality of all involved parties will be kept to the extent practicable, which will cover the exceptions for safety, law, and to carry out investigations and resolve the concern. **All Society Members and other Society Affiliates are required to respect confidentiality of the identities of each individual most directly involved in a conduct concern while it is being reviewed and resolved.** Failure to do so is a serious violation of this Policy. (An “individual most directly involved” means each of the following: any person who raises or reports a conduct concern; witnesses; identified target(s); and the accused.) If an accused is determined to have violated this Policy or other policies, the AMS Council or its authorized designee, may make that disclosure, exercising the Society’s discretion.

4. Anonymous Reports

If an anonymous report is made, a Fact-finder (as defined under part E.3.I of this policy) will investigate the report to the extent possible with the available information and take appropriate action.

E. Review and Investigation

1. General Process to Address All Conduct Concerns

- Reviewing all conduct concerns. The Society will review all conduct concerns within the reach of this Policy, raised through any of the means provided in Part D, regardless of the relative power positions of the individuals involved. When the AMS Council, Executive Director, or authorized “Fact-finder” acts under any provision of this Investigation Policy, it is exercising the Society’s “discretion.”⁷
- Responding when feasible. Additional Society action will not occur if the initial review, and possible follow-up, determines there is a lack of any credible evidence about concerning conduct, or if available information is inadequate to make that assessment or to pursue a resolution.
- Non-coercion of targets. Identified targets will not be required or coerced to participate in a formal or informal resolution process; and will be able to choose whether to participate after being fully apprised of the Society’s non-retaliation and whistleblower policies (<https://www.ametsoc.org/index.cfm/ams/about-ams/ams-organization-and-administration/whistleblower-protection-policy/>).
- Unavoidable limitations of authority. The Society’s authority or practical ability to address concerns may be limited to Society-associated activities and/or Society Affiliates.
- Engaging to address concerns when feasible. Even where a credible question is lacking or can’t be determined, or the available information is limited, the AMS Council or Executive Director may still engage in problem solving with those willing individuals most directly involved in problem-solving (whether all are willing or not). For example, the AMS Council or Executive Director may explore the possibility of engaging in, and pursue, a restorative or community-building practice if it determines that some or all of the individuals most directly involved are willing, and that practice would be worthwhile to address harm or potential harm to Society Affiliates or Society-associated activities. Even without a determination of a violation of this Policy or other policies, restorative or community building practices may elevate understanding of why the concern was raised, repair relationships, enhance ownership of

⁷ **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).

Community Standards, prevent recurrence of the concern and, where implicated, advance safety and belonging.

- f. Regarding who investigates. Notwithstanding the other provisions of Part E, in order to provide the factual basis for resolving a conduct concern, the Society may, in its discretion exercised by the Executive Director or another designee of the AMS Council:
- conduct its own investigation of a conduct concern, meaning an investigation conducted by employees or volunteers of (or contractors retained for that purpose by) the Society as “Fact-finders” under Part E.3.1 of this Policy;
 - rely on facts determined in an investigation of the conduct concern by a third party (e.g., the home employing or educating institution of a Society Affiliate) in lieu of a Fact-finder, if a summary of facts found with supporting evidence is provided to the Society, and the Society determines in its discretion that the fact-finding is sufficient; 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 nevertheless will reach its independent conclusion as to whether a violation of this Policy or other policies has occurred and whether/what consequences are warranted. Also, in such event, the Society will provide an opportunity to the accused and any identified target—for 14-days after giving notice to them—to present to the Executive Director pertinent facts and their respective perspectives in writing (or via other means determined by the Executive Director) before the Executive Director reaches a final conclusion.

- g. Regarding Special Requirements: The Society’s response may differ depending on whether only the provisions of its own policies apply to a conduct concern—or whether contractual or legal/regulatory requirements of a sponsor or a federal or other authority also apply and impose additional or different requirements (“Special Requirements”). For example, if the Society receives federal (broadly defined) education funding or research funding, specified notices and reviews, investigations and/or formal resolution processes may apply under Title IX, its regulations, or federal agency policy if there is an allegation of sexual harassment, or under federal research policies if there is an allegation of research misconduct. Contact the Society’s Executive Director for assistance with any questions, or if more information is desired before deciding how to pursue a specific conduct concern. The Society will satisfy Special Requirements (substantive and procedural) which will take precedence and govern to the extent there is a conflict between Special Requirements and this Policy.
- h. Relationship to other AMS procedures: Some programs that have policies involving professional conduct, such as the Society’s certification programs, include procedures for resolving complaints brought under those programs. In investigating concerns raised under this Policy, the Executive Director may determine that the procedures under that specific program should be employed to resolve the concern, or that procedures under that program should be invoked in addition to resolution under this Policy.

2. Initiating the Resolution Process

Submission of a conduct concern by formal complaint as provided in Part D.2 or informal means, as provided in D.1, is generally required to initiate a resolution process. However, the AMS Council or Executive Director will initiate a review or investigation on its own initiative when it has reason to believe there is a conduct concern under that Policy. That may occur, for example, when a Society Affiliate files a disclosure as outlined under Part C. It also may occur if sufficient factual information is available to the AMS Council, Fact-finder, or Executive Director regarding a widely known or credibly rumored concern, but no one has come forward to raise the concern through channels provided by the Society under Part D.

3. Investigation and Resolution of Conduct Concerns

Introduction to Part E.3

These provisions apply when Special Requirements (federal, etc.) do not apply (see Part E.1, “Special Requirements”). The Society will satisfy any applicable Special Requirements, which will govern when (and to the extent) there is a conflict or potential conflict with the following provisions. Also, Part E.1 “Regarding Who Investigates” provides the Society with an option to rely on facts determined in an investigation by a third party, in lieu of or in addition to relying on a Society “Fact-finder” (see Part E.3.I) to determine the factual basis for resolving a conduct concern.

This Part E.3 addresses the following subjects:

- I) Resolution Roles and Responsibilities*
- II) Informal Resolution*
- III) Formal Resolution*
- IV) Additional Responsibilities*

I) Resolution Roles and Responsibilities

The AMS Council will appoint “Decision-makers” and authorizes “Fact-finders” to address conduct concerns raised under this Policy or any other policies. These Society officials will engage with persons reporting conduct concerns, any identified targets, and the accused about options for resolution. They will conduct the review and/or any investigation and processes that may be needed for resolution.

Fact-finders and Decision-makers assigned to address a particular conduct concern are required to be free of conflicts that would interfere with their performance of their responsibilities.

- a. **“Fact-finders”** are authorized by the AMS Council to receive, 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 Executive Director. They are also authorized to and shall conduct a full investigation of facts relating to a reported conduct concern when the Executive Director determines that an informal resolution does not suffice. Fact-finders will report all activities and make recommendations to the Executive Director regarding the suitability (or not) of an informal resolution and, if asked by the Executive Director, may make other recommendations.

The Fact-finders are one or more of the AMS Associate Executive Directors, and may additionally include one or more other employees/volunteers designated by an Associate Executive Director who have relevant subject knowledge. In certain situations, the decision may be made to employ an outside contractor for assistance in the fact-finding process. When an outside contractor is used, the Executive Director will be responsible for executing the contract. 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).

- b. **“Decision-makers”** are different individuals than the Fact-finders. In the context of this Policy, the Decision-maker is the AMS Executive Director, unless the issue being addressed is one in which the Executive Director has a conflict, in which case the AMS Council will appoint an alternative Decision-maker. In that circumstance, all references to the Executive Director in this Policy should be taken to be this alternative appointee. The Executive Director 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.3.II(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 (in either case, even if an informal resolution was previously approved by the Executive Director and is already being implemented);

- make a determination in a formal resolution process of whether a violation of this Policy or any other policies 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 Council action (see Part F.1);
- offer restorative or community-building practices, whether or not a formal complaint is filed, or a formal process and determination of violation are made, and whether or not punitive or other consequences are also imposed; and
- request and accept, modify, or reject recommendations from the Fact-finders.

The Executive Director may seek input from volunteer leaders in the Society, such as the AMS President or others, in the course of making a decision on any issue.

- c. **Successors in Resolution Roles.** Fact-finders and Decision-makers are “Resolution Roles” assigned to individuals only while they serve in particular employee or volunteer positions at the Society (or in particular employee roles at a contractor retained by the Society). If an individual no longer holds the employee or volunteer position that accompanied a Resolution Role when that Role was assigned, the successor holding the relevant employee or volunteer position is authorized and responsible to temporarily also fulfill the Resolution Role. That authorization and responsibility will continue until the Society posts notice of what employee or volunteer position and individual will fulfill the Resolution Role going forward. (The contract between the Society and a retained contractor will govern how the contractor’s employees serving in a Resolution Role may change. The Society will also post notice of any such change.)

II. Informal Resolution

An “informal resolution” is one that focuses on community building, not punishment—elevating understanding of why a conduct concern arose, enhancing understanding of Community Standards established by this Policy or any other policies repairing relationships, and seeking to satisfy the individuals most directly involved and the Executive Director that recurrence of the concern is unlikely. It is likely that many conduct concerns can be addressed informally.

- a. **Criteria.** An informal resolution is sufficient to resolve conduct concerns where the Executive Director determines, and any identified target and the accused agree, that it is unnecessary to determine that this Policy or any other policies 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, 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 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 Executive Director determines that an informal resolution is likely to stem continuing harm to the individuals most directly involved and other Society Affiliates and:

- there is an acknowledgement by the accused that harm that this Policy or any other policies seeks to prevent was experienced;
- the informal resolution is likely to elevate understanding of why conduct caused harm and enhance ownership of Community Standards;
- 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 informal 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 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 (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 Fact-finders engaging with other individuals most directly involved and/or the Executive Director engaging with any individuals;*
- (iv) *also typically involves the Fact-finders recommending an informal resolution to the Executive Director, applying the **criteria** in Part E.3.II(a), above;*
- (v) *requires the Executive Director to—*
 - *determine whether the fact-finding and its informal documentation are adequate* (directing the Fact-finders to supplement fact-finding and/or the documentation, if needed—with the Fact-finders following up);
 - *determine whether an informal resolution will suffice*, and decide whether to adopt such a resolution under the **criteria** in Part E.3.II(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 Executive Director’s decision;
- (vi) *may involve the Executive Director also notifying (or directing the Fact-finders to notify) other individuals most directly involved; and*
- (vii) *requires agreement (without coercion) among the Executive Director (or the Fact-finders), any identified target, the accused, and any other individual most directly involved whom the Executive Director identifies as needed for a resolution to*
 - *participate in a restorative or community-building practice;*⁸ and
 - *that an informal resolution is preferred to a formal resolution.*

c. Timing. Informal resolutions should be pursued diligently by the Fact-finders, Executive Director, and individuals most directly involved with a goal of completing the process within 90 days from the date of submission of a concern (see Part D.2) to a completion of the informal resolution. However, the timing for an informal resolution must be flexible, e.g., to provide an opportunity for any identified target or the accused to decide whether they want an informal resolution, without being pressured.

⁸ 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, determine how to prevent recurrence, repair relationships and restore a sense of safety and welcome for everyone.

III. Formal Resolution

If the Executive Director determines that an informal resolution is not sufficient 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 Executive Director 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.3.II(a) (above) for *criteria* for determining the sufficiency of an informal resolution.)

a. Stages: Formal resolution involves 10 required stages:

- (i)** *The Fact-finders find the relevant facts and documents them, 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 (with flexibility of means) to inform them of the nature of the conduct concern, to confirm that it is within the reach of this Policy or any other policies, and to understand the facts from their perspectives.*
 - The Fact-finders may confer separately with any target and the accused, or may confer with these parties together if both parties have agreed voluntarily to do so and there is no inherent imbalance of power. In cases of concerns about sexual and intersectional bases of harassment, the Fact-finders will confer in writing or separately with these parties when that will help to avoid the risk of retraumatizing a target.
 - However, if the Fact-finders confer in writing or separately with these parties, the Fact-finders [a] will provide an opportunity to each of the parties to access the factual record separately (including submissions by them to, and answers to questions asked of them by, the Fact-finders); and [b] then will provide an opportunity for each of these parties to raise questions for the Fact-finders to ask of the other party; and [c] the Fact-finders will ask those requested questions that the Fact-finders determine are likely to elicit relevant facts for resolution of the conduct concern or to surface issues of credibility (but need not ask duplicative or immaterial questions, as determined in the Fact-finders).
- (iii)** *The Fact-finders provide to the Executive Director the documented facts, together with any supporting documents and notes (including but not limited to the questions posed under (ii) and the responses received).*
- (iv)** *The Executive Director reviews the documented facts and supporting materials; and, if needed in the Executive Director’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 Executive Director.*
- (v)** *The Executive Director preliminarily determines whether or not a violation of this Policy or other policies has occurred and identifies the facts found by the Fact-finders on which that determination is made.*
- (vi)** *The Executive Director provides a copy of the preliminary determination and supporting facts to the accused and any identified target (“preliminary determination notice”).*
- (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 again access the factual record and respond in writing, providing the Executive Director with any relevant facts or circumstances that the responder believes should inform the final determination and any consequences.*
- (viii)** *The Executive Director reviews any submission received.*
- (ix)** *Upon expiration of that 14-day period, whether or not response(s) are submitted, the Executive Director makes a final determination and, if a violation is found, imposes consequences, which may be punitive or restorative/community-building, or both.*
- (x)** *The Executive Director notifies (in writing or electronically) the accused, any identified target, and any other individual who reported the concern of the Executive Director’s final determination. The*

notice of a final determination to the accused and any identified target will include notice of potential appeal rights and the conditions that must be met to pursue an appeal.

- Appeal information may be provided, either by linking to this Policy posted on the Society's website, or by pasting the relevant information into the notice. (See Part G, below).
- Any such notification will include a reminder of the obligation to maintain confidentiality until an appeal is decided or the appeal period expires without an appeal being filed.

b. Timing. The goal for timing to complete a formal process is within 90 days from the submission of the conduct concern (see Part D.2) to the final determination (prior to any appeal). However, the Executive Director 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 Executive Director will inform the accused and any identified target of any extension.

c. Standard of Proof. The Executive Director will make a determination of whether there is a violation of this Policy or other policies using a preponderance of the evidence standard (i.e., more likely than not), unless otherwise required by applicable "Baseline Requirements."⁹

IV. Additional Responsibilities

a. General Responsibilities

Fact-finders and the Executive Director will be responsible for the following:

- **Human concern.** Attend to the human aspects of conduct concerns; lend an empathetic ear to anyone who is in distress and refer them to resources for assistance if needed. Respect choices made by any identified target regarding the target's participation to the extent possible without violating applicable legal requirements. Avoid pressuring targets and those accused about choices. Prioritize safety, as well as inclusion, while also satisfying Baseline Requirements.
- **Confidentiality obligations of the Society.** To the extent feasible and not at odds with Baseline Requirements, maintain confidentiality about any conduct concern raised and the individuals most directly involved, while carrying out the resolution process, to enable a fair review and meaningful resolution of the concern.
- **Confidentiality instructions to Society Affiliates/Others.** To the extent not at odds with Baseline Requirements, instruct those with whom they need to communicate in the course of reviewing, investigating and resolving a conduct concern to maintain confidentiality, and that a failure to do so is a violation of this Policy.
- **Anti-Retaliation and Whistleblower policies.** Fact-finders and the Executive Director 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 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 Society Authority on the conduct concerns raised and how they were resolved on at least an annual basis.

b. Short-term Actions

⁹ "Baseline Requirements" mean the requirements of applicable law, regulations, policies, funders' and other authorities' requirements (including, but not limited to, those relating to discrimination and harassment).

Short-term actions that Fact-finders and Executive Director 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 or Property¹⁰ needs to be made safe or protected from damage, on a temporary basis.
 - o 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 an 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 or safety or protection of Property. (See Part E.4 regarding temporary suspensions and administrative leave.)
 - 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 Executive Director to adjust the initial measure.)
 - o Executive Director oversight: The Fact-finder must follow up with the Executive Director promptly (generally within 48 hours of deciding whether or not to implement an initial temporary safety measure). The Executive Director will determine the ultimate temporary safety measure—confirming or “adjusting” (meaning changing, supplementing, replacing or terminating) the Fact-finder’s initial measure—and will do so in writing.
 - *Initial temporary safety measures.* The Executive Director may take the initial steps typically taken by the Fact-finder (and may adjust the Fact-finder’s initial steps), coordinating with the Fact-finder 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 Executive Director will give notice to the accused, 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), 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 this Policy or any other policies occurred, the Society prioritizes preventative safety measures in the interest of the Society’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 Executive Director a written statement of

¹⁰ “Property” as used in this Policy includes tangible and intangible property including, but not limited to, buildings, equipment, research, research specimens, intellectual property, animals, chemicals, radioactive and biological materials, etc.

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 Executive Director may adjust the initial temporary safety measures during the 14-day response period, if the Executive Director determines 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 Executive Director 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.

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 Executive Director 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. Until a final determination is made, 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 Executive Director determines there is a legal, regulatory, safety, or insurance coverage requirement to do so; or
 - under the other exceptions below.
- 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 Executive Director 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 **and** (d) who are reminded of their confidentiality obligation or bound by a professional ethical standard to maintain confidentiality;
 - 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 Executive Director's final determination of a violation of this Policy or other policies and right to appeal.

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

- The engagement and oversight processes in Part E.3.IV(b)(i) relating to Executive Director 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 Fact-finders. Any needed adjustment will then be made as soon as reasonably feasible under the circumstances.
- 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.

F. Consequences That May Be Imposed for Violations of this Policy or Other Policies

1. Potential Consequences

A violation of this Policy or other policies may result in the following consequences (including combinations):

- 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 or making presentations at Society meetings;*
- restorative or community-building practice (which may be pursued to address conduct concerns even without a determination of a violation of the Policy);

The following consequences require approval of the Society Authority (AMS Council):

- revocation or denial of membership privileges; Suspension of membership and associated privileges;*
- permanent expulsion from Society (for egregious misconduct in severity or frequency);
- removal from a volunteer position;*
- removal from a leadership position;*
- administrative leave from any role for the Society;*
- denial or revocation of honors or awards;
- permanent prohibition from attending or making presentations at Society meetings;*
- suspension or permanent prohibition from submitting to 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;

*Suspension and administrative leave may be imposed by a Fact-finder or Executive Director on an interim basis as a short-term safety measure applying the criteria and process of Part E.3.IV(b)(i).

AMS Employees who have violated any Society policy are subject to disciplinary action, including termination of employment, following procedures outlined in the AMS Employee Handbook.

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 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 implicate safety interests;
- the stage of career and 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.

While all facts and circumstances are considered, a violation perpetuated by an accused who is in a senior stage of career, or in a leadership role, is generally considered more severe than the same violation perpetuated by an accused who is in a junior stage of career and is not in a leadership role. However, some violations, by nature, are severe in any event.

3. When Effective

Consequences imposed by the Executive Director as a final decision will become effective upon expiration of the period in which an appeal may be filed, without an appeal being filed. If an appeal is timely filed by an “authorized appeal party” under Part G of this Policy, the Appeal Authority will decide the final consequences (and any consequences decided by the Executive Director will not become effective unless ultimately affirmed by the Appeal Authority). The final consequences will become effective immediately upon the appeal authority giving notice to the authorized appeal parties of the final determination of the appeal.

4. Notice to Home Institution/Other Institutions

Upon the final decision becoming effective (under F.3 (above)), if a determination that no violation of this Policy or other policies was found, the Executive Director 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 Executive Director notified these institutions of the allegation or if the accused requests that the notice be made.

G. Appeals

1. Availability of an Appeal

An appeal of a final determination of a conduct concern may be available to the accused and any identified target (each being an “authorized appeal party”), but only regarding the final determination made by the Executive Director in a formal resolution process, and only if the following additional appeal standards and appeal conditions are met:

- a. **Standard.** An appeal of a final determination or consequences imposed (or not imposed) is available only due to the existence of one or more of the following “appeal 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 stringency) to the violation found, considering how similar situations were handled, if any, under current Society policies (i.e., not under prior policies); lack of facts to support the determination; a consequential conflict of interest by the Executive Director; a failure to fulfill process requirements with consequential effects on the appealing person's ability to address important considerations.

b. *Conditions for right to file.* The appeal conditions are:

- An appeal may be filed by an authorized appeal party only within 14 days after that party receives notice of the final determination and any consequences imposed by the Executive Director (“appeal submission deadline”).
- A statement of appeal, explaining the appeal bases, and all supporting materials must be submitted to the AMS Secretary-Treasurer, so that they are received by the appeal submission deadline, at: sec-treas@ametsoc.org.

2. Decision-maker for an Appeal

An appeal will be decided by the Appeals Committee appointed by the AMS Council for this role, either for one particular appeal or for appeals generally. The Appeals Committee may be an ad hoc or standing committee, as determined by the AMS Council. The Appeals Committee members will be recommended to the Council by the Executive Director. It will be chaired by a Past-President of AMS and include two additional members who have served in leadership roles in the AMS. No more than one member of the Appeals Committee can be currently serving on the AMS Council. All members of the Appeals Committee are required to be free of conflicts that would interfere with their performance of their responsibilities for any matter brought before them, with the AMS Council replacing any member for which that is not true.

3. Appeal Decision Process

The Appeals Committee will endeavor to decide an appeal within 30 days of receiving complete submissions from all authorized appeal parties who file before the appeal submission deadline, initiating the appeal. However, the Appeals Committee may extend the time on its own initiative for good cause. The Appeals Committee will notify the authorized appeal parties in writing of any extension. The Appeals Committee will decide the appeal based on the submissions, unless it notifies all authorized appeal parties of a need for amplifying information. Any requested amplifying information will be in written form. (The Appeals Committee may, for example, pose written questions and require written responses.) All authorized appeal parties will have access to the written appeal submissions (initial and any supplements required by the appeal authority) and the final decision, if requested. Upon deciding the appeal, the Appeals Committee shall notify the authorized appeal parties of the determination of the appeal. The determination of the appeal is final.

4. Short-term Safety Measures

During the period for filing an appeal and while an appeal is pending, any short-term safety measures previously imposed by the Executive Director under Part E.3.IV.(b)(i) (including any interim suspension, administrative leave, or temporary no-contact under Part F) will continue in effect. However, during a pending appeal, the Appeals Committee may modify, supplement or replace any short-term safety measures that were previously imposed with amended, additional and/or different measures. Any new or modified short-term safety measures will be subject to the criteria, processes, and process exceptions provided in Part E.3.IV(b)(i); however, the Appeals Committee will assume the Decision-maker role.