

## **Enforcement Policy for the Code of Ethics of the Society of Systematic Biologists**

This document outlines the policies of the Society of Systematic Biologists (“SSB”) relating to the SSB’s Code of Ethics. This “Enforcement Policy”—when endorsed by the membership of SSB by vote—will form a part of the By-Laws of the SSB.

### **PART 1: Ethical standards**

#### **Mission statement of the Society**

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

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

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

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

SSB also expects Covered Individuals to not engage in violent or otherwise unethical misconduct in personal endeavors to the extent such misconduct could adversely affect their or others’ experience, performance, participation or roles in SSB endeavors or could otherwise adversely affect SSB’s mission, values, goals or reputation. SSB has the discretion in its judgment, exercised to protect or advance SSB’s mission, values, goals and reputation, to determine when a

Covered Individual's alleged or determined personal misconduct implicates the SSB Code of Ethics.

**These standards of conduct include, without limitation, the following “SSB Code of Ethics” which in this Policy mean the requirement to:**

**1. In interactions with research and professional communities**

- Adhere to community standards and journal policies regarding authorship, data availability, the disclosure of conflicts-of-interest, and service as editor or reviewer.
- Generate and disseminate knowledge with integrity and rigor. Actions such as falsifying data, plagiarism, and the failure to appropriately credit the contributions of others constitute unethical conduct.
- Report unethical or illegal research practices to the appropriate authorities, such as journal editors or university administration, when in a position to do so, and do not knowingly file false reports.
- Follow encouraging, constructive, inclusive, and respectful professional interactions and institutional practices. Unethical conduct such as harassment, discrimination, bullying, retaliation, and abuse of power are unacceptable.

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

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

**3. In interactions with the public**

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

Members of the SSB have the right to criticize their colleagues, but they endeavor to do so without personal animus and without seeking to intimidate or coerce. Freedom of expression is crucial to the community of scientific practice, but such expression should not be used to bully or demean others.

For brevity, the Enforcement Policy refers to conduct described in the Code of Ethics that meets its expectations and requirements as “ethical conduct” and conduct that does not as “unethical conduct.”

Procedures for addressing violations of the Code of Ethics are outlined in Part 3.

The SSB Code of Conduct for conferences (available at [evolutionmeetings.org/safe-evolution](http://evolutionmeetings.org/safe-evolution)) applies during the “Meeting Period,” meaning: (a) the days on which an SSB-sponsored meeting is occurring, and (b) the days of Covered Individuals’ transit to and from the meeting (including the period of set-up and break-down of facilities and equipment and the days of transit to and from the meeting set-up and break-down locales, for those Covered Individuals that are involved in such activities).

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

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

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

## **PART 2: Confidentiality for ethical handling of potential unethical conduct**

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

- the name and identity of (i) the accused (“Respondent”), at least until a final decision whether there has been a violation of the Code is made (the appeal decision or the SSB Executive Committee’s decision if the period for appeal has run with no appeal being filed)—and upon a final decision, shall adhere to this Enforcement Policy’s provisions relating to when and by whom and to whom any disclosure is made (see Part 3), (ii) the person who files a complaint or raises a conduct concern (“Complainant”), (iii) the identified target of the potential unethical conduct, if that person is different than the Complainant, and (iv) any witness or other third-party source of information relevant to the conduct at issue or process to resolve it; and

- the existence and substance of a particular complaint or conduct concern and the stage, outcome and other particulars of SSB's resolution process, as the process applies to that complaint or conduct.

Complainants and Respondents are urged to treat the existence and the substance of the complaint with the highest level of discretion. Complaints involve serious matters that have potential to be misunderstood and misrepresented. While those handling the complaint and witness are admonished to treat the complaint as confidential, Respondents and Complainants will also help ensure the process is handled professionally and constructively if they use restraint in their discussion of the matter and the process to those with a definite need to know. Nothing in this process is intended to limit a Complainant's or a Respondent's ability to seek the help and support either one needs to participate in the process.

While Complainants and Respondents are not bound by the confidentiality restrictions of all other participants, Complainants and Respondents are cautioned about the dangers of discussing the substance of the complaint more broadly than with those who are providing them support or assistance. Talking with others, especially those who may participate in the process, for example, witnesses, will tend to undermine the value of their own contributions, e.g., testimony or evidence, as well as the contributions of all with whom they have had conversations about the matters that are at issue in this complaint. Conversations with those whether directly or indirectly involved might also be interpreted as efforts to influence the outcome improperly.

Covered Individuals are strongly encouraged to report failures to meet any standards of conduct under the Code of Ethics to SSB and other appropriate authorities, such as journal editors or university administration, when in a position to do so in a manner they believe is safe for them. Covered Individuals who are in SSB elected or appointed editorial, governance, leadership or committee roles are expected to do so. Filing a complaint with, raising a conduct concern to, or providing pertinent information and cooperating in SSB's process to address potential violations of the Code of Ethics (see Part 3) are important for Covered Individuals to do when issues of potentially unethical conduct arise. Doing so does not violate the Code's confidentiality requirements, nor does SSB's process of addressing reports of unethical conduct in accordance with this Enforcement Policy.

Nothing in these confidentiality requirements should be interpreted as limiting the rights of the Complainant to file concerns with other institutions where appropriate or for either party to seek counsel.

To the extent feasible, SSB's process seeks to protect the confidential information outlined here. Part 3 Section VII addresses limited exceptions to confidentiality.

Revealing information discovered through the investigatory process (such as witness statements) is a violation of confidentiality. A failure to adhere to this confidentiality requirement is a serious breach of the SSB Code of Ethics.

### **PART 3. Procedures for enforcement of the Code of Ethics**

#### **Preamble**

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

In furtherance of upholding our mission, values and goals and promoting inclusion, excellence, and integrity in our field, the SSB Enforcement Policy and procedures described therein are designed to protect all Covered Individuals by evaluating and resolving complaints of Code of Ethics violations using processes and principles that are fair, ethical and transparent. While perceptions of fairness of outcomes may differ among individuals, the SSB strives to use processes that are sensitive to the burdens assumed by those who raise conduct concerns and to focus on the specific facts and circumstances of each situation; with an overarching aim of advancing an inclusive community at SSB and in the field.

SSB recognizes the longstanding inequities of barriers to participation of all people in the fields of evolution, ecology, and systematics, which undermines its excellence and integrity, as well as the quality of its contributions to society. Consequently, while we will not prejudge anyone and will be clear on that fact, the field's and many members' interests in SSB's mission, values and goals will be weighed more heavily than any individual's interests, where the two must be weighed in actions we take. Research demonstrates that those who experience harm are often fearful of the professional, educational, and relationship costs of complaining, indicating that a vast majority of complaints are likely true, even if they are difficult to prove in "one said, the other said" situations or where an accused is in a powerful position. Yet, not all complaints are true and SSB does not prejudge an accused and considers every situation's facts and circumstances. Raising false, malicious, or groundless concerns or complaints violates the Code of Ethics.

The intent of this document is to establish transparent procedures for dealing with complaints fairly. Minor variations from these procedures may occur and do not invalidate the outcomes as long as they do not materially affect the process.

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

When the SSB awards an Honor, the Honor denotes the SSB's judgment that an individual's contributions to, and effect on, the field are exemplary. The SSB takes into account the effect on the field of the totality of the individual's work and ethical and professional conduct, and reputation. It expects those who hold Honors to demonstrate that participation in and recognition by the field are privileges; and that the field's leaders, and others it celebrates, embody highly ethical, professional and inclusive conduct in their work. Nominees and recipients of Honors and Awards should also conduct their personal affairs in a way that does not cast serious doubt on

their ability to uphold the ethical standards outlined in the Code of Ethics. Similarly, those who serve the SSB in elected or appointed governance, leadership or committee roles or editorial roles must embody highly ethical and professional conduct in their work, and conduct their personal affairs in a way that does not cast serious doubt on their ability to satisfy and advance the expectations and requirements of this Enforcement Policy, including the Policies outlined in Part 1.

The SSB has decided, in its discretion, that determined unethical conduct of a current or prospective holder of an Honor or Award, member of the SSB Executive Committee, journal editor, and holder of any other elected or appointed governance, leadership or committee role—as well as credible questions about the ethical conduct of such an individual—can contribute to longstanding structural and systemic barriers in the field. Consequently, for the purpose of prioritizing what is best for excellence and integrity in the field over what is best for any individual, the SSB will not confer any Honor on, or permit the nomination for election or appointment to any governance, leadership, committee, or editorial role, any individual whose conduct has been determined by SSB to be seriously unethical (resulting in any sanction more severe than mediation or a private reprimand) based on an outside authority's (e.g., home institution, court, government agency) investigation or determination made available to the SSB,<sup>1</sup> or based on SSB's own investigation as described under Sections III-IV. The SSB also has the right to not confer any Honor on, or permit the nomination for election or appointment, to any governance, leadership, or committee role, or editorial role of, any individual whose ethical conduct is the subject of a credible question known to the SSB, so long as the question has not been finally and favorably determined to the SSB's satisfaction, in its sole and absolute discretion, based on any such investigation and determination. Nominators and members of selection committees are expected to disclose any known determined or credible accusations of unethical conduct under the standards of conduct established by the Code of Ethics by a nominee when they are in a position to do so. Such information will not be automatically disqualifying for the nominee or a person under consideration for an appointed role, but will be considered and, if SSB deems necessary, further investigated by the SSB following the procedures described in Sections III-IV. Determined unethical conduct may also justify suspension or revocation of an Honor or removal from an elected, appointed or editorial position or role, and a credible but undetermined question of ethical conduct may justify suspension. Credible questions arise when there is some substantiated evidence of conduct issues that would justify an investigation (which may include, e.g., a factual account by a target or bystander, or documentary evidence, or recurrent or corroborated anonymous reports of unethical conduct). ***When applying this provision in situations of credible questions about meeting ethical conduct standards under the SSB Code of Ethics, the SSB is withholding judgment and is not making a statement or determination regarding any individual. No determination has been made one way or the other about any allegation. Any statement or action to the contrary is prohibited and not authorized by the SSB. Rather, before a determination is made, the SSB is implementing a prophylactic measure to support SSB's mission, values and goals, and SSB's and the field's***

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<sup>1</sup> SSB may request supporting information from an outside authority and may require the subject of an outside authority's determination or review to give consent to the outside authority to provide the full record to SSB, if SSB deems that information necessary in its judgment to make its determination. However, SSB may consider what it deems to be reputational, safety, and operational issues affecting SSB or its community, arising from a determination made by an outside authority, whether or not the supporting record is made available to SSB.

*prioritization of efforts to break down long-standing barriers to inclusion and excellence, over individual interest.*

## **I. Ethics Review Committee (ERC)**

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

All actions (recommendations to the SSB Executive Committee) of the ERC are made by majority vote of the Chair and all active members appointed to serve on the Adjudication Committee that is considering a complaint. The ERC will strive to reach consensus whenever possible, but if it seems unlikely that consensus can be found, any member of the ERC may call for a majority vote. The case of a tie (which may happen if one or more members of the ERC must or choose to abstain) is treated as not having reached a majority.

## **II. Independent Investigatory Agents**

The SSB shall hire at least one Investigatory Agent (each, an "**IA**"), who does not have any actual or potential conflict of interest with the SSB or the members of the ERC or SSB Executive Committee when that IA is retained and is credentialed to investigate complaints of ethics violations.<sup>2</sup> The fact that the IA is employed by, and may be fired by, SSB shall not be interpreted as a conflict of interest as this is necessary for the role. The IA will not create a conflict of interest once assuming the IA role and will disclose any conflicts that arise beyond the control of the IA (e.g., appointment of a new member of the ERC with whom the IA has a conflict.)

The duties of the IA are to receive concerns and complaints about potential unethical conduct under this Enforcement Policy, perform initial reviews and investigations regarding whether the

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<sup>2</sup>Among other examples, suitable credentials include a law degree and investigatory experience or training as an Ombudsperson.

claim is credible, forward a recommendation, with supporting rationales, to the ERC as to whether the concern or complaint should be dismissed, resolved via the IA-led process, or adjudicated by committee (as described in Section III), perform any additional investigations the ERC requests, and maintain records of the process and outcomes to be passed to any subsequent IAs. If a complaint involving the same incident(s) is submitted also to the Society for the Study of Evolution and/or the American Society of Naturalists (and other societies as determined by a vote of the Executive Committee), the IA should conduct a single process as described in Section III and IV with recommendations and supporting documents shared to each affected Society. These duties are described in more detail below. The IA will also have the duties specified for that role in Appendix B, which is incorporated in this Enforcement Policy, for the IA-led resolution process. The IA also has the duty to receive conflict of interest disclosures from those involved in addressing a concern or complaint and to advise the ERC Chair on their handling, as described in Appendix A.

SSB shall retain at least one IA, in the event the IA has a disqualifying conflict in connection with a particular complaint or needs to be discharged due to a conflict or potential conflict with the SSB or a member of the ERC or SSB Executive Committee, additional IAs may be retained. One IA will be designated as the primary IA and each other IA will be available to serve if called upon by the ERC Chair or designee (because the primary IA is conflicted or otherwise unavailable). A conflict or potential conflict of the primary IA is among the circumstances that create cause for the ERC Chair to extend the time for addressing the relevant complaint(s), to enable a determination of the conflict and how it will be resolved or managed or to transfer the complaint to another IA for handling.

Although it is the intent of SSB to hire an investigative agent when required under this policy, if, in the good faith judgment of the society based on the individual circumstances of the complaint, the likely financial cost of an investigation carried out by an outside investigative agent would severely imperil SSB's ability to carry out its other activities and responsibilities, SSB reserves the right to conduct an investigation and to implement a modified policy, using other appropriate and effective methods, the cost of which is within the resources of SSB.

### **III. Processes involved with receiving complaints**

- A. Any person ("Complainant") who believes that a Covered Individual ("Respondent") has engaged in unethical conduct as defined under the SSB Code of Ethics may file a complaint against that Respondent. A complaint shall be submitted on an official SSB complaint form (available at [evolutioncodeofethics.org](http://evolutioncodeofethics.org)), which will be submitted to the IA.
- B. Any member of the ERC or SSB Executive Committee may refer a complaint or conduct concern about potential violations of the Code of Ethics, including findings referred by another Society, to the IA for review.

- C. The editor of an SSB-affiliated journal may initiate a complaint by referring the matter to the IA when there has been a determination of a violation of publication ethics by a Covered Individual (per procedures of the Committee on Publication Ethics).
- D. The Safety Officer for meetings and/or a member of the Code of Conduct Committee may initiate a complaint by referring a matter raised during a meeting to the IA when there is a need for fact finding beyond the meeting period or the possible need for additional or amended consequences for violations of the Code of Conduct.
- E. Upon receipt of a conduct concern or complaint, or referral from one of the authorities noted above, the IA will conduct a preliminary review to determine whether the complaint should be addressed in an IA-led process if the criteria for such process are met (see Appendix B) or should be dismissed without soliciting a response from the Respondent, which can be for any of the following reasons:
  1. The complaint form is incomplete or other otherwise inadequately filled out.
  2. The complaint alleges facts that, even if were true, would not support a violation of the Code of Ethics.
  3. The complaint is directed against an individual who is not an SSB Covered Individual<sup>3</sup>.
  4. There is insufficient information provided in or attached to the complaint (facts and available witnesses, documents, or other sources of consequential information) to enable an investigation.

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

- F. If the IA believes there is possible merit in the complaint and intends to recommend an investigation or IA-led resolution, they will contact the Respondent to notify them of the allegation made in the complaint and request a response to the complaint. The IA may require a written response. The notification should include sufficient information that the Respondent can understand the complaint and respond: a copy of the process, a date by which a response, if any, from the Respondent is due and instruction to the Respondent that should the Respondent not respond by that date, the process will proceed based on the information submitted. (This process may also be pursued if the IA or ERC finds it helpful prior to a decision whether to resolve or recommend resolution of the matter via the IA-led process). Upon receipt of the response, or after 30 days if the Respondent does not provide their response in that

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<sup>3</sup> The ERC has discretion whether to accept complaints and conduct concerns directed against non-Covered Individuals who were Covered Individuals at the time of the alleged unethical conduct or whose membership, role or relationship with SSB has recently lapsed. SSB's response action upon finding a violation may be limited, however.

period, the IA will forward their recommendation and any supporting documents regarding the complaint along with a rationale for that recommendation to the Chair of the ERC. This will occur via a secure link that provides privileges for viewing but not downloading the materials. The IA may recommend:

1. Dismissal of the complaint
2. Adjudication of the complaint by the ERC
3. An IA-led resolution

#### **IV. Actions by ERC and SSB Executive Committee**

- A. Upon receiving a recommendation from the IA, the ERC or ERC Chair may take any of several actions:
  1. If the IA's recommendation is dismissal, the ERC may accept that recommendation. If it does, the Chair of the ERC will inform the Complainant (and any identified target of the unethical conduct who is not the Complainant) of the decision. If there is an appeal of the dismissal, the SSB President will inform the Respondent, who will have an opportunity to respond as provided in Section V.
  2. If the IA's recommendation is dismissal, but the ERC disagrees with the recommendation, it will inform the IA and either form an Adjudication Committee or request the IA to conduct an IA-led resolution process. The ERC will inform the Respondent of the initiation of the process and may direct the IA to gather additional information for the Adjudication Committee (as in Section IV.A.3, below).
  3. If the IA's recommendation is adjudication, then, unless the ERC unanimously disagrees, two members of the ERC, plus the Chair, will form an Adjudication Committee and inform the Respondent. This Adjudication Committee may in its discretion direct the IA to conduct additional investigation and fact-finding. The information sought may include, but is not limited to, statements by the Respondent, the Complainant, and the identified target of the reported misconduct in the complaint (if that person is different than the Complainant), or a person who may be a consequential witness or provide consequential information in the investigation (individually and collectively, a "**Key Person**"), as well as statements by other individuals allegedly harmed by the Respondent, and statements from the home institution of the Respondent. In cases of ongoing non-SSB investigations, the Adjudication Committee may temporarily suspend its adjudication, pending those outcomes. However, the IA and Key Persons will take steps to preserve information and other evidence to avoid loss during any delay, and all determinations of the SSB and related recommendations will be made entirely by the Adjudication Committee and SSB Executive Committee of the SSB. The ERC may rely on a determination made by an outside authority, in

addition to, or rather than, directing the IA to conduct SSB's own investigation, as provided in the Preamble in Part 3, but the recommendation of a decision on whether the Code of Ethics has been violated and any consequences should be imposed will be entirely SSB's.

4. If the IA recommends an IA-led resolution under the criteria in Appendix B, the ERC Chair will make the decision (whether that process or an Adjudication Committee will resolve the matter) and inform the IA, Complainant (and any identified target of the unethical conduct who is not the Complainant), and the Respondent of how the conduct concern will be resolved. The IA will then follow the ERC Chair's decision.
- B. If an Adjudication Committee has been formed, when the Adjudication Committee is satisfied it has the information needed to make a recommendation, it will consider the information found in the investigation and the provisions of this Enforcement Policy and, applying a preponderance of the evidence standard (more likely than not), first vote on a recommendation of a finding whether the Respondent is or is not responsible for the alleged violation. If it votes to recommend a finding of responsibility, the Adjudication Committee will then vote on a recommendation of sanctions against the Respondent, if any. The Chair will forward these recommendations, along with supporting documentation, to the SSB Executive Committee and the IA.
  - C. Upon receiving a recommendation from the Adjudication Committee, the SSB Executive Committee will make the final determination on both whether the Respondent is responsible for the alleged violation (applying the preponderance of the evidence standard) and on the actual community-building, remedial, and/or disciplinary actions to be imposed. As appropriate, the SSB Executive Committee may direct the Adjudication Committee to conduct further investigations, and/or the Committee may consult with legal counsel, before determining actions. When these decisions have been made, the SSB President will inform the IA, the Complainant (and any identified target of the unethical conduct who is not the Complainant) and the Respondent of the decisions and will provide for any sanctions to be carried out. The SSB President may also notify the home institution of a Respondent who has been found responsible of a violation of the Code of Ethics; and, if the home institution was previously notified, will also notify that institution of a finding of no responsibility.
  - D. The IA or Adjudication Committee may follow the guidelines outlined in Appendix C to recommend short-term actions at any time during the review, IA-led resolution process, investigation, or adjudication process, based on considerations including but not limited to safety and non-disruption, as outlined in Appendix C.
  - E. Records relating to the investigation, adjudication or IA-led resolution of any complaint or concerns of violation of the Code of Ethics, and the name of the Complainant, identified target if different, Respondent, and witnesses, whether or not it was determined that a violation occurred, shall be maintained by the IA in a secure,

confidential format, and the IA will adhere to the confidentiality requirements of this Enforcement Policy respecting that information (see Part 2 and Section VII of Part 3). Upon the end of an IA's contract that is not being renewed, or at any time upon request of the Chair of the ERC or SSB Executive Committee, or either Chair's designee, the IA will transfer all records (or any subset specified) to the chair of the ERC. It is not a violation of confidentiality for the IA to provide confidential information to others involved in any capacity in an investigation or review under this Enforcement Policy, for purposes of conducting the investigation or review; in doing so, the IA will remind those who receive the information of their confidentiality obligation under this Enforcement Policy. Current IAs will have access to all records from current and past IAs and should ensure passing these on to future IAs.

- F. Retaliation for filing a complaint, reporting unethical conduct concerns, serving as a witness, or otherwise aiding in the resolution of potential unethical conduct is a serious violation of the SSB Code of Ethics, as is making a knowingly false report or otherwise reporting an incident in bad faith.

## **V. Appeals**

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

Appeals will be considered by an Appeal Board, which shall consist of five people appointed by the SSB President from amongst the members of the SSB Council at the beginning of the President's term. Members of the Appeal Board will serve for a one-year term, but may be re-appointed for successive terms. If a member of the Appeal Board has a conflict of interest (as defined in Appendix A) with any authorized appeal party or other Key Person involved in the incident or resolution process, then they will recuse themselves from that appeal and the SSB President will appoint a temporary replacement from the Executive Committee.

To pursue an appeal, a written statement of appeal, including a statement of the permitted bases for the appeal that apply and supporting facts and documents, must be sent to the SSB President

within 30 calendar days after receipt of notification of the decision.<sup>4</sup> The President will notify all other authorized appeal parties of the receipt of an appeal and will provide them an opportunity to respond to the appeal within 30 days of their notification of the appeal. If the appeal is of a dismissal of a complaint and a Respondent has not previously been notified of the complaint, the President will provide the Respondent an opportunity to respond to the complaint and appeal in that 30-day period. An extension for filing an appeal or responding to a complaint and appeal may be granted by the SSB President if good cause is shown, but the extension may not exceed 90 days unless the SSB President determines that there is strong justification to do so. All authorized appeal parties will be given access to all written materials that will be considered by the Appeal Board (which may be on a password-protected web page) and a simultaneous final opportunity to respond in writing.

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

If no authorized appeal party files an appeal within the required thirty (30) calendar day period (or any extended period if granted), the determination and disciplinary action authorized by the SSB Executive Committee, if any, shall go into effect and no authorized appeal party shall have further rights to request review or any other appeal; the decision and disciplinary action determinations will be final.

## **VI. Remedial and disciplinary outcomes**

Many complaints are likely to result in an IA-led resolution (see Appendix B).

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<sup>4</sup> Receipt is deemed to occur when SSB sends notice via email to an authorized appeal party's last email address on file at SSB; when hand delivered to the authorized appeal party's office or home; or when received at that office or home address (as evidenced by the delivery service), if delivered by the U.S. postal service or commercial overnight or expedited courier service, as evidenced by a return receipt or tracking receipt, whichever occurs first.

When a Respondent is found responsible for a violation of the SSB Code of Ethics after adjudication (or, in the case of a nominee or holder of any honor or award, holder of any elected or appointed governance, leadership or committee role, or editorial role, when credible questions exist), the SSB Executive Committee may impose one or more of the following disciplinary or remedial actions. Outcomes should be decided in view of the primary goals of these procedures, to promote inclusion, excellence, and integrity for all who participate in our field. The guiding philosophy should be that disciplinary and remedial actions should be proportional to considerations such as the severity of the violation, its impact, and risk of future recurrence.

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

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

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

## VII. Confidentiality Exceptions

While SSB seeks to maintain confidentiality of the substance and process for resolving Complaints and conduct concerns, as provided in Part 2, the following exceptions apply, and may be exercised at the discretion of the authorized official:

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

Also by the Chair of the ERC or IA as necessary in either of their judgment to implement initial or ultimate temporary safety or nondisruption measures under Appendix C—or, by the SSB President, to the extent practicable after

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

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

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

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

Complainant, and any witnesses or third-party sources of relevant information will not be disclosed in such notice to the home institution unless another exception applies.

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

## **VIII. Ratification and Amendment**

- A. The Code of Ethics and this Enforcement Policy shall become effective and binding upon a favourable vote of the two-thirds of SSB members voting.

- B. The Code of Ethics and this Enforcement Policy may be amended by following the bylaw change process dictated in the SSB Constitution. Major changes should only be made following consultation of the membership.

### **Acknowledgements**

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

## **Appendix A to the SSB Code of Ethics Enforcement Policy; Conflicts of Interest**

If a member of the ERC or a person otherwise involved in adjudicating a complaint (SSB Executive Committee members and the IA) has a conflict of interest with a Key Person, they must be recused from dealing with that complaint. Actual or potential conflicts of interest that would require disclosure and recusal from service on the ERC or involvement in addressing a particular complaint include when the member (or potential member) of the ERC (or that individual's spouse/domestic partner or person living in the individual's household—or the individual's or spouse's/domestic partner's child, sibling, parent, or grandparent): (a) have a shared institutional affiliation, present or past graduate student/advisor relationship, collaboration within the past 48 months, or co-editing or editorial/author relationship within the past 24 months with, a Key Person involved in a complaint or (b) have a dispute within the past 60 months with any such Key Person or any member of the SSB Executive Committee or ERC, or (c) have a financial, employment or other interest that could be affected (positively or negatively) by the outcome or handling of the complaint or service on the ERC. Actual or potential conflicts of interest also include any other conflicts defined by NSF policy at <https://www.nsf.gov/cise/iis/panelist/coi.jsp>, as in effect at the relevant time. The terms used, but not defined, in this Appendix shall have the meanings given them in the main body of the SSB Enforcement Policy.

*Actual or potential conflicts of interest between ERC members and Key Persons.* Each SSB member who is nominated to serve as an ERC member, prior to being appointed, and each ERC member on an annual basis during their service on the ERC, shall disclose actual and potential conflicts of interest for their service on the ERC to the IA, and shall update these disclosures promptly if relevant changes occur during the year. Each ERC member shall also confirm and make and update disclosures to the IA of any actual or potential conflict of interest with any Key Person prior to accepting appointment to an Adjudication Committee for any particular complaint.

The IA shall perform an initial screen for actual or potential conflicts of interest annually and prior to final selection of the members of an Adjudication Committee for a complaint. The IA shall inform the ERC Chair of the actual or potential conflict and make a recommendation to resolve or manage the conflict if that is possible, or to disqualify the ERC member from service on the ERC or for appointment to the Adjudication Committee for the particular complaint. ERC members who have an actual or potential conflict of interest in connection with a particular complaint shall fully recuse themselves from all aspects of the complaint or fully adhere to any conflict resolution or management requirements imposed by the ERC Chair. Those who have a conflict relating to service on the ERC will fully adhere to any management requirements or will not serve on the ERC and fully recuse themselves from the ERC. A person who is disqualified from service on the ERC, SSB Executive Committee (relating to the determination of a violation of this Code of Ethics), or the Appeals Board, may still file a complaint or serve as a witness regarding the subject matter of a complaint, but may not serve on the ERC or have any ERC, SSB Executive Committee, or Appeals Board role as an investigator or maker or recommender of decisions on behalf of SSB.

*Actual or potential conflicts of interest of the SSB Executive Committee.* Similarly, each member of the SSB Executive Committee on an annual basis shall also disclose to the IA their actual and potential conflicts of interest, if any, relating to their current or potential service on the SSB Executive Committee (regarding determinations of violations of the Code of Ethics) or on the Appeals Board, and shall update their disclosures prior to serving in connection with a particular complaint or conduct concern. The IA will also review these disclosures and updates and make recommendations to the SSB President for resolution, management or disqualification and full recusal to serve on the SSB Executive Committee or Appeals Board. The SSB President shall make the decision about the conditions that must be met to resolve or manage any conflict or potential conflict relating to service on the SSB Executive Committee (relating to determination of a Code of Ethics violation) or Appeals Board, or whether to disqualify any person from such service, after consulting with the IA if feasible. Executive Committee members who have an actual or potential conflict of interest in connection with a particular complaint or conduct concern shall fully recuse themselves from all aspects of the complaint or conduct concern or fully adhere to any conflict resolution or management requirements imposed by the SSB President. Those who have a conflict relating to service on the Appeals Board will fully adhere to any management requirements or will not serve on the Appeals Board and fully recuse themselves from the matters it reviews.

*Actual or potential conflicts of interest of the ERC Chair, SSB President, and IAs.*

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

from performing the stipulated duties for the duration of their term. Procedures outlined to handle a conflict of interest would be followed in that case.

All IAs shall annually file with the ERC Chair conflict and potential conflict disclosures, and shall update these disclosures promptly upon any change of circumstances that could give rise to a conflict or potential conflict. The disclosures shall address any conflicts or potential conflicts of interest of the IA with SSB, any member of the ERC, SSB Executive Committee, or any Key Person in a particular complaint. If an IA has a conflict with SSB or any member of the ERC, SSB Executive Committee, or Appeal Board, the IA may be terminated by the ERC or SSB Executive Committee Chair at such person's discretion. If an IA has a conflict or potential conflict with any Key Person in a particular complaint, the IA will disclose the conflict to the ERC Chair and fully recuse themselves from the relevant complaint. However, if the ERC Chair determines, after consulting with the ERC, that the conflict or potential conflict can be resolved or managed if conditions are met, the Chair will impose those conditions and the IA will accept the conditions in writing and fully satisfy their requirements or fully recuse themselves from the particular complaint. Upon recusal, the other IA will serve in connection with the complaint.

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

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

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

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

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

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

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

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

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

- (i) *typically involves the IA conducting a review*—i.e., limited fact-finding to understand the basics of the situation—and informally documenting the facts;
- (ii) *requires the IA to engage with any target and the Respondent, as well as the Complainant if not the target*, informally in some manner to inform them of the nature of the conduct concern, gain their respective perspectives, and gather any relevant facts about the situation (with flexibility of means and sensitivity to any desire of a target not to engage directly with the accused);
- (iii) *may (but need not) involve the IA engaging with other Key Persons* and/or the Chair of the ERC engaging with any such individuals;
- (iv) *involves the IA recommending an informal resolution* to the Chair of the ERC, applying the **criteria** in Appendix B(a), above;
- (v) *requires the Chair of the ERC to—*
  - *determine whether the fact-finding and its informal documentation are adequate* (directing the IA to supplement fact-finding and/or the documentation, if needed—with the IA following up);
  - *determine whether an IA-led resolution will suffice*, and decide whether to adopt such a resolution under the **criteria** in Appendix B(a), above; and
  - *notify* (or direct IA to notify) the accused, any identified target, and Complainant (if not the target), of the Chair’s decision;
- (vi) *may involve the Chair also notifying (or directing the IA to notify) other Key Persons*; and
- (vii) *requires agreement (without coercion) among the Chair (or the IA for the Chair), any identified target, the accused, and any other Key Persons whom the Chair identifies as needed for a resolution to*
  - *participate in a restorative or community-building practice*;<sup>5</sup> and
  - *that an informal IA-led resolution is preferred to a formal resolution via committee adjudication.*

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

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<sup>5</sup> This may be a conversation among individuals most directly involved to raise awareness of the cause of harm, learn lessons, enhance ownership of community standards and conduct requirements under the Code of Ethics, determine how to prevent recurrence, repair relationships and restore a sense of safety and welcome for everyone.

## Appendix C to the SSB Code of Ethics Enforcement Policy; Short-term Actions

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

- a. **Safety.** The IA must, if the known facts warrant, ask all then-known Key Persons if they need help to feel safe, or have reason to believe that any individual or Property<sup>6</sup> needs to be made safe or protected from damage, on a temporary basis.
- **Initial temporary safety measures:** After engaging with the then-known Key Persons or persons known to be most directly affected with whom the IA is able to connect promptly, the IA may, effective immediately, require temporary separation of any individuals, require a Respondent or other individual to temporarily not participate in some or all SSB-associated activities, or take other temporary action to address concerns about safety of individuals or safety or protection of Property.
    - This engagement may be done promptly after implementing the initial temporary safety measure, if it wasn't feasible to do so before. (Information gleaned in such engagement may be a basis for the ERC Chair to adjust the initial measure.)
  - **ERC Chair oversight:** The IA must follow up with the Chair of the ERC promptly (generally within 48 hours of deciding whether or not to implement an initial temporary safety measure). The Chair will determine the ultimate temporary safety measure—confirming or “adjusting” (meaning changing, supplementing, replacing or terminating) the IA’s initial measure—and will do so in writing.
    - *Initial temporary safety measures.* The Chair of the ERC may take the initial steps typically taken by the IA (and may adjust the IA’s initial steps), coordinating with the IA if feasible, prior to determining the ultimate temporary safety measures.
    - *Notice of intended ultimate temporary safety measures.* Before acting to implement ultimate temporary safety measures, the Chair of the ERC will give notice to the Respondent, any identified target, and any other then-known person who would be uniquely subject to a restriction under (or need protection of) the ultimate temporary measures (“affected individuals”). (Such a notice need not be given to all individuals who would be affected by a generally applicable restriction, such as closure of a building or cancellation of an event.) The notice of the ultimate, temporary safety measures will include the following statement: ***“No determination (one way or the other) has been made about the allegation leading to this notice. In determining the initial and intended ultimate temporary safety measure(s), giving this notice, and implementing temporary safety measure(s), SSB 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 SSB. In these circumstances, before a determination is made of whether a violation of the Code of Ethics Policy or***

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<sup>6</sup> “Property” as used in this Code of Ethics includes tangible and intangible property including, but not limited to, buildings, equipment, research, research specimens, intellectual property, animals, chemicals, radioactive and biological materials, etc.

*any other policies occurred, SSB prioritizes preventative safety measures in the interest of SSB's mission and the many it serves, over the interests of one or a few, if the two must be weighed."*

- *14-day opportunity to respond.* The affected individuals will have 14 days after receiving notice to respond by submitting to the Chair of the ERC a written statement of information relevant to the appropriateness of the terms of the intended ultimate temporary safety measures.
- *Temporary adjustments during response period.* With notice to the affected individuals, the Chair of the ERC may adjust the initial temporary safety measures during the 14-day response period, if they determine that action is warranted for safety of people, or safety or protection of Property, pending consideration of additional information.
- *Decision on ultimate temporary safety measures.* Upon expiration of the 14-day response period, the Chair of the ERC will finalize the ultimate temporary safety measures, including the original period of application (not to exceed 180 days), and any triggers and processes for extension, and will notify all then-known affected individuals.
- **Notice to other institutions:** The Chair of the ERC also may notify a Respondent's home employing or educating institution (and any other institutions or professional scientific societies where the Respondent has an affiliation) of the alleged conduct concern that has been raised and the temporary safety measure(s) that have been taken until SSB makes a determination, if these criteria are satisfied:
  - an initial or ultimate temporary safety measure applies;
  - the Chair of the ERC has determined that there is a credible question of a conduct concern that would be a serious violation of the SSB Code of Ethics **and** constitutes a substantial threat to the safety of people or Property, not only in SSB-associated activities, but also in other roles and activities in the Field or beyond (e.g., rape or other sexual assault, another act of violence, IACUC or IRB violations, destruction of research), if the violation ultimately were determined to have occurred;
  - In any such notice that is given, the notice will state: *"The Society of Systematic Biologists received an allegation that [name] violated the Society's Code of Ethics Policy by [Insert a brief, purely factual summary of the allegation]. SSB has implemented temporary safety measure(s) [specify]. No determination (one way or the other) has been made about the allegation. In taking that action and giving this notice, SSB is not making a judgment that the accused violated the Code of Ethics. Any statement or action to the contrary is not authorized by the Society. In these circumstances, before a determination is made, SSB prioritizes preventative safety measures based on the nature of an allegation in the interest of SSB's mission and the many it serves, over the interests of one or a few, if the two must be weighed;"*
    - The names of the other Key Persons will not be disclosed to the accused's home or other institutions; and

- Until a final determination is made (i.e., in an appeal or with the appeal period having expired without an appeal being filed), SSB will be clear about these points.
- b. *Non-disruption.*** The Chair of the ERC may take any other short-term actions, and may periodically adjust or end any short-term actions, when they determine such action(s) are in the best interests of SSB and its mission, pending a final decision resolving the conduct concern.
- The engagement and oversight processes relating to Chair oversight for temporary safety measures addressed above will apply.
  - However, in the case of an emergency imminently threatening harm to people or Property, those engagement and oversight processes may occur in lieu of, or promptly after, a temporary safety measure is implemented by the IA. Any needed adjustment will then be made as soon as reasonably feasible under the circumstances.
- c. *Police Involvement.*** The IA will ensure that any identified target of sexual harassment or other behavior that may be a criminal act is aware of how to pursue police involvement (apart from any action by SSB) and will not discourage the identified target from pursuing it.
- d. *Timing.*** Short-term actions are generally taken around the same time as, or within a few days or weeks of, a conduct concern being raised. Other timing may apply, depending on the facts and circumstances.