

## Policy & Procedures for Handling Potential Ethical Violations

The Geological Society of America, Inc. (“**GSA**”) adopts this Policy & Procedures for Handling Potential Ethical Violations (the “**Policy**”) as the only rules for processing possible violations of, upon its adoption and approval, the GSA Code of Ethics and, in the meantime, the provisions of the GSA Bylaws related to conduct of Members.

This Policy is applicable to GSA members, who, pursuant to the GSA Bylaws, are categorized as Honorary Fellows, Fellows, Members, or Affiliates (herein, each a “**Member**” and collectively, the “**Members**”). The Members understand and agree that this Policy contains a fair process for resolving all matters under the GSA Code of Ethics and that they will be bound by decisions made pursuant to this Policy. As Members, individuals accept that they will accept the exclusive authority of GSA to apply the GSA Code of Ethics, this Policy, and other relevant GSA policies to resolve ethics matters.

This Policy is not a formal legal process and the procedures described are designed to operate without the assistance of attorneys.

GSA is committed to promoting a professional, ethical culture across the geosciences. This Policy is designed to encourage all Members’ compliance with the GSA Code of Ethics. In addition to protecting the interests of GSA, the GSA Code of Ethics and this Policy are also designed to protect Members through the use of reasonable due process procedures against patently false, malicious, or groundless accusations. Recognizing that each case is different, GSA is committed to applying discipline in a fair and consistent manner. In no event shall GSA take disciplinary action under this policy base on considerations of race, religion, age, sex, sexual orientation, or any other legally-protected characteristic.

### **I. GSA Ethics Committee**

- a. **Authority.** GSA’s Bylaws, Article IV, Section 8, governs Member discipline, and reads in pertinent part as follows: “Any fellowship, membership, or affiliation in the Society may be terminated or suspended by the Council, after a hearing or opportunity to be heard, for conduct deemed prejudicial to the interests of the Society.”
- b. **Purpose.** The GSA Council (the “**Council**”) recognizes that when a Member engages in conduct that violates the GSA Code of Ethics, such conduct may be prejudicial to the Society’s interests. Accordingly, and pursuant to the GSA Bylaws, the GSA Ethics Committee (the “**Committee**”) was constituted and authorized to receive and review each complaint alleging a violation of the GSA Code of Ethics (a “**Complaint**”). The Committee will act in good faith, exercise honest judgment in furtherance of GSA’s interests, and avoid conflicts of interest pursuant to GSA’s Conflict of Interest Policy.
- c. **Composition.** The Committee will be comprised of three individuals: GSA’s Past Past President, GSA’s Executive Director (“**Executive Director**”), and GSA’s Ethics & Compliance Officer (“**Ethics Officer**”) or another member of GSA’s management staff appointed by the Executive Director. In the case of a real or perceived conflict of interest, GSA’s President shall nominate alternate individual(s) to the Committee for the Council’s consideration; the Council shall appoint replacement members to the

Committee in situations involving a real or perceived conflict of interest in its sole and final discretion.

- d. **Other Complaints.** The Committee shall handle all Complaints unless it defers action in accordance with Section II(c) or Section III(e) of this Policy.
  - a. In the case of complaints about conduct at GSA-sponsored meetings or activities, the GSA Procedures for Events Code of Conduct Violations will be applied rather than this Policy.
  - b. In the case of complaints about publishing, the GSA Ethical Guidelines for Publication will be applied rather than this Policy.

## II. General Provisions

- a. The following individuals may be referenced in this Policy collectively as “**Participants:**”
  - i. **Respondent:** A Member who is the subject of a Complaint or investigation;
  - ii. **Complainant:** An individual, group, or organization that initiates a Complaint; and
  - iii. **Witness:** An individual who provides written or oral testimony in connection with a Complaint.
- b. **Timing.** GSA will make every reasonable effort to follow the time requirements noted in this Policy and yet, GSA’s failure to meet a time requirement will not prohibit the final resolution of any ethics matter, or otherwise prevent GSA from acting under this Policy. Participants are required to comply with all time requirements specified in these Procedures. The Committee may grant time extensions or postponements at their discretion, as applicable, in response to a Participant’s timely request.
- c. **Other Proceedings.** If GSA is made aware that a Member is the subject of an investigation and/or civil, criminal, or other proceedings before a court, regulatory agency, or other third party, the Committee may determine, in its sole discretion, to reject, dismiss, begin, continue, or hold processing a Complaint. Furthermore, the Committee may rely upon information collected by a third-party investigation and/or the findings in another proceeding for use in its review of a Complaint for matters that are substantially related to such third-party investigations or proceedings. In the event that the Committee rejects or dismisses a Complaint under this subsection II(c), a Complainant may refile a Complaint upon the completion and closure of the other proceeding.
- d. **Confidentiality.** GSA will strive to maintain the confidentiality of Complaints without compromising GSA’s ability to complete the investigation process in the Policy. While GSA will make a reasonable effort to safeguard the privacy of Complainants, Respondents, and other witnesses, it may be necessary, as GSA may determine in its sole judgment, for GSA to share information about Complaints to complete a Complaint investigation. Participants are required to maintain the confidentiality of materials submitted to or received by GSA as part of this Policy, however, Respondents are permitted to disclose such information to Witnesses and third parties as is reasonably necessary for a defense. In its sole discretion and at any time during the Complaint process, GSA may determine that some case-related materials and information is not confidential and shall be disclosed or noticed to the

appropriate governmental, professional, similar bodies of any action concerning a Respondent, or other third parties as appropriate to address a Complaint.

- e. **Failure to Cooperate.** If any Participant refuses to fully cooperate with GSA concerning matters arising under this Policy without good cause, the Committee or the Council, as applicable, may: terminate the Complaint of an uncooperative Complainant; or impose any preliminary sanction or requirement included within this Policy if a Respondent is uncooperative. In the event that a Respondent fails to provide a response, the Committee may proceed without the Respondent's participation and the Respondent will forfeit any right to an appeal.
- f. **Withdrawal.** During the course of any Complaint review process, should a Respondent withdraw as a Member, the GSA may, at the sole discretion of the Council, cease to consider the Complaint.
- g. **Records.** GSA shall maintain all official records, including Complaints, developed pursuant to this Policy in accordance with GSA records retention and destruction practices. All other records including, but not limited to, records and notes, of Committee members, investigators, and other third parties shall be destroyed after the closure of any case.

### **III. Filing a Complaint and Initial Review**

- a. Any individual, group, or organization that experiences, observes, or is otherwise aware of Member conduct that may violate the GSA Code of Ethics or related policies, may file a Complaint with the Executive Director, the Ethics Officer, or any GSA Officer.
- b. Prior to filing a Complaint, GSA encourages, but does not require, potential Complainants to get in touch with the Ethics Officer or the Executive Director to clarify whether the concerns raise an issue covered by the GSA Code of Ethics and whether mediation or another form of alternative dispute resolution appears appropriate.
- c. Complaints must be made in good faith by using and providing all information requested on the GSA's [Ethics Complaint Form](#). "Good faith" means there is a reasonable factual basis for the allegations in the Complaint. A Complainant who files a Complaint in bad faith may be subject to review and discipline for violation of the GSA Code of Ethics pursuant to this Policy.
- d. Upon receipt of a Complaint, the Ethics Officer or the Executive Director will first assess a Complaint in his or her sole discretion to determine whether the Complaint is:
  - i. Incomplete (e.g., filed anonymously) or contains factually unreliable or insufficient information;
  - ii. Patently frivolous or trivial;
  - iii. The subject of a proceeding described in Section II(c) of this Policy; or
  - iv. Directed against an individual who is not a Member.

- e. If the Ethics Officer or the Executive Director reaches a conclusion that the Complaint is covered under Section III (d) of this Policy, then he or she may, in his or her sole discretion, reject or dismiss the Complaint and may re-initiate the Complaint at a later time. In a situation in which the Complaint is incomplete, the Complainant may resubmit a complete Complaint for consideration. The Executive Director shall inform the Council of all determinations reached under this Section III(e).

#### **IV. Preliminary Review of Complaint**

- a. After an initial review pursuant to Section III(d)-(e) of this Policy, the Ethics Officer or the Executive Director will review each Complaint to determine whether the alleged conduct is covered by the GSA Code of Ethics.
- b. For complete Complaints, a case will be initiated, and an investigation opened pursuant to this Policy when the Ethics Officer or the Executive Director determines, in his or her sole discretion, the Complaint raises issues covered by the GSA Code of Ethics. In making such evaluations, the Ethics Officer or the Executive Director will consider whether:
  - i. a proven Complaint would constitute a violation of one or more specific GSA Code of Ethics provisions, and
  - ii. relevant and reliable information will be available concerning the Complaint upon reasonable investigation.
- c. If the Ethics Officer or the Executive Director determines that the Complaint does not satisfy the considerations in Section IV (b) of this Policy, the Complaint will be dismissed. The Executive Director will notify the Complainant that the Complaint is being dismissed and the reason for the dismissal.

#### **V. Notice of Complaint**

- a. If the Complaint will result in the opening of a case and investigation pursuant to Section IV (b) of this Policy, the Executive Director shall initiate the Committee by forwarding the Complaint to the Committee.
- b. The Committee shall notify the Respondent of the Complaint so that the Respondent has an opportunity to be heard. Notice will consist of sending the Respondent a copy of the Complaint and relevant supporting materials, if any. Where appropriate, GSA may choose to redact the names of individuals named in a Complaint before sending this information to the Respondent where the Committee, in its sole discretion, determines that withholding that information is appropriate.
- c. The Respondent shall have thirty (30) calendar days from the date of receipt of the Complaint to provide a written response to the Committee (the "**Response**"). In a Response, the Respondent shall disclose all relevant information about the existence and status of any other legal or other proceedings, whether closed or open, concerning the subject of the Complaint and any other information relevant in a defense against the allegations in the Complaint.
- d. In the event that the Respondent fails to cooperate as defined in Section II (e), the Committee shall take steps as provided for in Section II (e).

## **VI. Interim Action to Prevent Harm**

- a. Upon receipt of a Complaint, the Executive Director may evaluate whether interim action(s) are appropriate to prevent the possibility of further alleged harm, pending the outcome of an investigation. Examples of such steps may include, but are not limited to, temporary suspension of a Member, his or her consideration for an honor or leadership role, or the privilege of attending GSA events.
- b. The Executive Director shall make a recommendation to the Ethics Committee regarding any proposed interim action(s); the Ethics Committee shall review such recommendations and take such interim action(s) in its sole discretion. In reaching a decision regarding interim action(s), the Ethics Committee will reasonably balance GSA's legitimate interest with the Respondent's right to due process, fairness, and confidentiality.
- c. For a Respondent subject to any interim action(s), if an investigation is completed and results in a finding that no violation has occurred, the Ethics Committee will restore the status or privileges removed as part of any interim action(s) to the extent reasonably possible.

## **VII. Investigations**

- a. Upon receipt of a timely Response, the Committee will manage the investigation of the Complaint, which such investigation may include the information or findings of a third-party investigator.
- b. GSA is committed to completing investigations that are prompt, thorough, and impartial. However, because every Complaint is different, there is no set time period by which an investigation must be completed under this Policy.
- c. The Committee, in managing the investigation, may engage any investigator it deems qualified, provided that the investigator is capable of reviewing the allegations and information presented in a good faith, objective manner in compliance with this Policy. An investigator may be the Ethics Officer, or the Committee may select another qualified individual(s), including, but not limited to, individuals who have served in leadership capacities as Members or third parties trained as attorneys or investigators.
- d. The Committee shall oversee the objective gathering and analysis of pertinent evidence. An investigation may include a review of the allegations in the Complaint; interviews with the Complainant, the Respondent, and any other relevant witnesses; and the collection and analysis of relevant documents.
- e. The Respondent will be given a fair opportunity to prepare and respond to any new information that is learned during the investigation and present evidence to refute it in writing.

### **VIII. Reaching a Determination**

- a. At the conclusion of the investigation, the Committee shall, within a reasonable period of time, using the information provided by the investigator (which may include a draft report), prepare a written investigation report summarizing the findings of fact, the evidentiary basis for these findings, and a conclusion as to whether the Respondent's conduct violated the GSA Code of Ethics.
- b. The Committee shall submit to the Council its written report together with a copy of any materials prepared by the investigator that informed the Committee's report. The Committee's report will incorporate the investigator's findings of fact and set forth the Committee's analysis and conclusion as to whether the Respondent's conduct violated the GSA Code of Ethics. If the Committee finds that the Respondent's conduct violated the GSA Code of Ethics, the report also will include the Committee's recommended disciplinary action for the Council's consideration.
- c. The Council will review the Committee report as soon as practicable. While the Council may not change any findings of fact, the Council may seek additional information from the Committee as appropriate to reach a determination. The Council shall make the determination for GSA as to whether the Respondent's conduct violated the GSA Code of Ethics. If the conduct constitutes a violation, the Council shall take appropriate disciplinary action.
- d. Once the Council has made a determination and reached a decision on any disciplinary action, it will direct the Executive Director to notify the Complainant and the Respondent of the findings, determination, and any discipline in writing.

### **IX. Appeals**

- a. A Respondent who believes that the Council has reached its decision in error due to: a) a procedural error; b) new or previously undiscovered information; or c) an arbitrary and capricious manner may submit a written appeal within thirty (30) calendar days of receiving the Council's determination in writing. Any appeal must be sent to the Ethics Officer or the Executive Director, who will forward the request for appeal to the Council.
- b. The Council shall review timely appeals requests as promptly as practicable and make a final decision. Once the Council completes the appeal review using any information provided by the Respondent and collecting any additional responsive information from the Complainant or others as needed in the Council's sole discretion, the Council will make a final determination. The Respondent will be notified in writing of the Council's final decision and any applicable disciplinary action. The Respondent shall have no further right to an appeal.
- c. If a Respondent fails to file an appeal within thirty (30) calendar days, the disciplinary action authorized by the Council, if any, shall go into effect and the Respondent has no further rights to request review or any other appeal; the decision and disciplinary action determinations are final.

## **X. Disciplinary Actions Available**

When a Respondent is found to have violated the GSA Code of Ethics, the Council may order one or more of the following disciplinary or remedial actions:

- a. Private reprimand and censure, including any appropriate conditions or directives;
- b. Membership probation for specified period of time, including any appropriate restrictions or conditions concerning membership and any other conditions or directives;
- c. Suspension of membership for a specified period of time, including any appropriate conditions or directives;
- d. Revocation of honors and awards, including but not limited to medals and fellowships, and
- e. Termination of membership.

Appropriate conditions, restrictions, or directives may include, but are not limited to: prohibition against serving on a particular GSA committee; no admittance to participating in a particular GSA-hosted event; undergoing ethics education; and issuing a private apology. For each of the above-listed disciplinary actions except (b), the Council shall determine whether and, if so, how, to publicize the disciplinary action(s).

***Duly Adopted:*** May 4, 2019  
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