

AAR PROFESSIONAL CONDUCT PROCEDURES

In keeping with the AAR values of professional responsibility, diversity, inclusion, respect, free inquiry, critical examination, transparency, and academic excellence, these procedures build upon the [AAR Professional Conduct Policy](#), setting out specific professional obligations and related processes. The AAR and its members expect professional conduct in scholarship and research, in teaching and advising, in service responsibilities to the guild, and in all AAR programs and activities, including activities in conjunction with AAR programming. These procedures are applicable for AAR programs and activities. These procedures, along with the policy, replace the [Sexual Harassment Policy](#) and the [Sexual Harassment Procedures](#) and expand expectations around professional conduct beyond sexual harassment to include harassment and discrimination.

The AAR shall tolerate no discrimination on the basis of race, ancestry, place of origin, color, ethnicity, citizenship, immigration status, sex, gender expression or identification, sexual orientation, disability, religion, culture, political convictions, socioeconomic status, age, health conditions or marital, domestic, or parental status, or any other applicable basis proscribed by law.¹

Preamble

In recent years, there has been a sea change in the way that our society views discrimination. Those who have experienced discrimination and their allies have been speaking out against all forms of workplace harassment and unprofessional conduct. Behavior that was once tolerated is no longer tolerated, but instead actively named. Perpetrators are being held accountable. The AAR believes that this change is a large-scale, long-overdue, and welcome cultural shift. Many organizations, including academic institutions, non-profit organizations, and scholarly societies, are working on improving their conduct procedures in order to create a fair, open, and compassionate process that encourages reporting and provides support for all those involved.

The American Academy of Religion is no exception. It has undertaken an extensive overhauling of its procedures, including those pertaining to sexual harassment, to reflect its values. These new procedures below reflect best practices adopted by voluntary organizations across the country. Additionally, they go a step further in providing alternatives for dispute resolution, an active ombudsperson to support the process, and an elected Committee on Professional Conduct. A summary of all the changes (17 in all) are

¹ <https://www.aarweb.org/AARMBR/Who-We-Are-/Policies-and-Key-Documents-/AAR-Bylaws.aspx>

listed in the Appendix to this procedure. While some may find the language of these procedures quite formal in nature, the document is written with thoroughness, clarity and transparency in mind, and follows several existing models for similar organizations. We hope that the presence of these procedures provides a better AAR experience for everyone.

Definitions and Descriptions

Unprofessional Conduct

Unprofessional conduct involves any violation of the [AAR Professional Conduct Policy](#) such as discrimination, harassment, the abuse of power for professional or personal advantage, exploitation, intimidation, threats, or violence. Unprofessional conduct can include capricious or arbitrary decisions affecting working conditions, professional status, or academic freedom; misuse of confidential information; plagiarizing the work of others; and practicing deceit or fraud on the academic community or the public. Physical or verbal abuse or harassment of any attendee, speaker, volunteer, exhibitor, staff member, service provider, or other activity or program guest, also will not be tolerated.

Harassment

Harassment is defined as verbal, non-verbal, written, visual, or physical conduct based on an individual's actual or perceived sex, sexual orientation, gender identity or expression, race, creed, color, place of birth, ancestry, ethnicity, religion, national origin, age, disability, marital status, or other characteristics as defined and protected by law in the location where a particular program is operating, that has the purpose or effect, from the point of view of a reasonable person, of objectively and substantially:

- a. undermining and detracting from or interfering with an individual's educational or work performance while participating in activities in conjunction with AAR programming.
- b. creating an intimidating, hostile, or offensive work environment while participating in activities in conjunction with AAR programming.

Harassment may include repeated slurs, or taunts in the guise of jokes, or disparaging references to others, use of epithets, stereotypes, comments, gestures, threats, graffiti, display or circulation of written or visual materials, taunts on manner of speech, giving diminishing nicknames, and negative reference to customs when such conduct is based

on or motivated by one or more of the protected characteristics identified above, or other characteristics as defined and protected by applicable law.

Harassment (including sexual harassment) in the context of the AAR could include: intimidation, stalking, or following; harassing photography or recording; sustained disruption of talks or other events; inappropriate physical contact; unwelcome sexual attention; or advocating for, or encouraging, any of the above behavior.

Further examples of unacceptable behavior include, but are not limited to, offensive verbal comments related to gender, sexual orientation, disability, physical appearance, body size, race, religion, national origin, or socioeconomic class; or threatening any attendee, speaker, volunteer, exhibitor, AAR staff member, service provider, or other meeting guest.

Sexual Harassment

Harassment may also include so-called *quid pro quo* sexual harassment, meaning unwelcome sexual advances, requests for sexual favors, and other verbal, written, visual or physical conduct of a sexual nature when:

- a. submission to that conduct is made either explicitly or implicitly a term or condition of collegiality while conducting AAR business or participating in activities in conjunction with AAR programming.
- b. submission to or rejection of such conduct is used as a component of or as the basis for AAR-related decisions affecting an individual.

Other examples of sexual harassment include, but are not limited to, the following:

- touching or grabbing a sexual part of a member's body;
- touching or grabbing any part of a member's body after that person has indicated, or it is known or reasonably should be known by the context, that such physical contact was inappropriate, unwelcome, or both;
- continuing to ask a member to socialize on or off-duty when that person has already indicated no interest;
- displaying or transmitting sexually suggestive pictures, objects, cartoons, or posters if it is known or reasonably should be known by the context that the behavior is outside the bounds of workplace expectations;
- continuing to write sexually suggestive notes or letters if it is known or reasonably should be known by the context that the behavior is inappropriate or that the person does not welcome such behavior;

- referring to or calling a person a sexualized name if it is known or reasonably should be known by the context that the behavior is inappropriate or that the person does not welcome such behavior;
- regularly telling sexual jokes or using sexually vulgar or explicit language in the presence of a person if it is known or reasonably should be known by the context that the behavior is inappropriate or that the person does not welcome such behavior;
- derogatory or provoking remarks about or relating to a member's sex, gender, or sexual orientation;
- harassing acts or behavior directed against a person on the basis of sex, gender or sexual orientation.

Discrimination

The AAR complies with all applicable provisions of state and federal law that prohibit discrimination in employment, or in admission or access to its programs, activities, or facilities. Discrimination is defined as conduct directed at an individual based on that person's race, creed, color, place of birth, ancestry, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, marital status, service in the armed forces of the United States, positive HIV-related blood test results, genetic information, or against qualified individuals with disabilities on the basis of disability and/or any other status or characteristic as defined and to the extent protected by applicable law.

Complainant

A complainant is usually an individual filing a complaint of a violation of AAR policies. In some cases, the AAR may pursue an investigation and adjudication under this policy without a designated complainant. In these cases, the AAR may extend some or all of the rights of a complainant as defined in this policy to affected parties as deemed appropriate by the Committee on Professional Conduct.

For ease of reference, the term "complainant" is also used throughout this policy to refer generally to an individual who was allegedly subjected to prohibited conduct as defined in this policy.

Respondent

A respondent is an individual (AAR member or former member) whose alleged conduct is being investigated to determine if it is in violation of the AAR's policies.

For ease of reference, the term "respondent" is also used throughout this policy to refer generally to an individual who allegedly engaged in prohibited conduct as defined in this policy.

The AAR Committee on Professional Conduct

The AAR Committee on Professional Conduct is responsible for promoting ethical conduct by scholars in the study of religion at the highest professional level through development and sponsorship of educational activities for AAR members and investigation of formal complaints concerning the ethical conduct of members of the AAR (as described in the Professional Conduct Policy and Procedures). The Committee on Professional Conduct supervises the work of the Ombudspersons, receives and reviews the Ombudspersons' annual reports, adjudicates formal complaints under this policy, and reviews and makes recommendations to the AAR Board of Directors about modifications of the Professional Conduct Procedures.

The Committee on Professional Conduct is composed of seven members, each serving a staggered three-year term. Three of these members are appointed by the President with the approval of the Executive Committee. The other four members are the President-Elect, the Status Committee Director, the Student Director, and the Regions Director. The chair of the Committee on Professional Conduct will be elected by the Committee on Professional Conduct from amongst the Committee on Professional Conduct membership.

The AAR Ombudspersons

The AAR Ombudspersons are elected AAR members who are charged with representing the interests of the AAR membership by addressing complaints of a violation of AAR policies. They will receive training appropriate to their role. The Ombudspersons are responsible for receiving reports of professional misconduct and facilitating the investigation, adjudication and informal resolution processes under this policy. An Ombudsperson communicates with the parties to explain the applicable procedures under this policy and will provide information and updates to the parties throughout the process.

The AAR will elect three Ombudspersons that serve in staggered three-year terms. Only one Ombudsperson will handle a complaint.

An AAR Ombudsperson apprises the Executive Director of the complaint, and consults with the AAR Committee on Professional Conduct to determine whether a complaint

should be addressed through this policy or dismissed on the grounds that that allegations, even if substantiated, would not constitute a violation of this policy or on other grounds, as appropriate. The Ombudsperson also consults with the AAR Committee on Professional Conduct to recommend the complaint to the AAR Committee on Professional Conduct for formal investigation or to pursue facilitating an informal resolution process as described herein. Once it has deliberated with the Ombudsperson on a particular case, the AAR Committee on Professional Conduct will also inform the AAR Executive Director of these deliberations. The AAR Committee on Professional Conduct, in consultation with the AAR Executive Director, has the final authority to determine the appropriate path of any case.

An AAR Ombudsperson does not serve as an advocate and cannot provide legal advice to the parties and/or witnesses in any matter arising under this policy. Parties and witnesses who need legal advice are encouraged to consult their own attorneys.

An AAR Ombudsperson does not provide assistance to individuals in situations where complaints are addressed through separate processes outside of this policy. This includes situations where the individual's employer has internal mechanisms that would apply to the individual's specific complaint (e.g., harassment, discrimination or misconduct that occurs outside the context of AAR programs and activities, or where there is a criminal complaint).

Absent extenuating circumstances, an AAR Ombudsperson will communicate with the complainant within a reasonable time frame ranging from as soon as possible to no more than a week of receiving the report. If neither AAR Ombudsperson is available within this time-period, the Ombudsperson will designate a proxy.

Confidentiality

Individuals who have concerns about discrimination, harassment, related retaliation or other professional misconduct often ask for assurances about confidentiality. AAR members are encouraged to report these incidents so that they can obtain support and information and so that the AAR can respond appropriately. Because these matters must be addressed to ensure that the AAR can maintain a safe and inclusive environment, strict confidentiality is not guaranteed. However, in all cases, the AAR will endeavor to protect the privacy of individuals and maintain confidentiality to the extent possible consistent with its obligations to respond to reports of professional misconduct under this policy. For example, the AAR may need to disclose information relating to an incident (including the identity of parties, witnesses or others) to the

extent necessary to conduct a thorough, fair, and impartial investigation and adjudication process for all involved parties.

Those involved in investigations, mediations, adjudications, appeals, and record keeping shall respect the parties' confidentiality and privacy to the extent possible without impeding the pursuit of the truth of the allegations or violating state reporting laws or evidentiary procedures. Parties and witnesses who participate in any process under this policy are expected to respect the need for confidentiality in order to protect privacy and fair process for everyone involved. To obtain guidance and support, the parties to the complaint may discuss the complaint with their families and health-care professionals; however, all must respect the need for privacy and are subject to the confidentiality restrictions in this section.

If there is an independent investigation, lawsuit, or criminal proceeding related to a matter arising under this policy, those involved or others may be required by law to provide testimony or documents (e.g., emails, texts, phone messages, transcripts of conversations, investigation reports, witness statements, determinations issued under this policy and any other information gathered or obtained in the course of a particular matter).

Retaliation

Retaliating directly or indirectly against a person because they have made a report or complaint with the AAR, and/or an outside agency, or because they participated in an investigation is prohibited. Retaliation includes but is not limited to ostracizing the person, pressuring the person to drop or not support the complaint or to provide false or misleading information, engaging in conduct that may reasonably be perceived to affect adversely that person's participation in AAR activities and programs, threatening, intimidating or coercing the person, or otherwise discriminating against any person for exercising their rights or responsibilities under this policy. Retaliation under this policy may be found whether or not the underlying complaint is ultimately found to have merit. Complaints of retaliation should be reported under the procedures described below.

Emergency Removal

The AAR reserves the right, notwithstanding and apart from the procedures described in this policy, to suspend or remove any AAR member who poses a significant threat or danger to the AAR community or its members or whose conduct is unduly disruptive to the AAR community or its members. The decision will be made by the AAR

Committee on Professional Conduct. In such circumstances, actions taken under this section will be subject to review by the AAR Committee on Professional Conduct within 7 days of the decision.

Complaint Procedures **Regarding Alleged Violation(s) of the Professional Conduct Policy:**

The following procedures apply to all members of the AAR. AAR staff members are subject to the separate policies and procedures of Emory University and their reports should be made to Emory University's Office of Equity and Inclusion (<http://equityandinclusion.emory.edu>).

1. Reports

Any AAR member who has experienced or witnessed a violation of the Professional Conduct Policy in the context of AAR programs or activities may report the matter to an AAR Ombudsperson. They can be contacted at AAR_Ombudsperson@aarweb.org. The Ombudsperson, in consultation with the AAR Committee on Professional Conduct Chair, will promptly determine initially whether the report or complaint alleges conduct that is prohibited by this policy. If so, the AAR Ombudsperson will communicate with the affected party ("the complainant") to review this policy, including the complaint resolution procedures; make referrals to appropriate resources; and provide information about the following options for resolution of the complaint as set forth in Section 2, below.

If the AAR Committee on Professional Conduct, in consultation with the AAR Ombudsperson, determines by simple majority vote that the report or complaint does not merit further review or action under this policy, the complaint will be dismissed and the complainant will be notified. The complainant may submit an appeal to the Appeals Panel through the AAR Executive Director. The Appeals Panel consists of the AAR Executive Committee, chaired by the AAR President, with the Executive Director serving as case manager. The Appeals Panel will determine either that further review and action is required or that the complaint does not merit further review or action. The Ombudsperson may refer the complainant to other resources, as appropriate.

There is no time limit for filing formal complaints regarding prohibited conduct of any kind in the context of AAR programs and activities. However, in cases where there has been a significant passage of time, the AAR Committee on Professional Conduct will have the discretion to dismiss the case. In considering whether dismissal is warranted, the AAR Committee on Professional Conduct may consider such factors as the nature,

frequency, severity, and pervasiveness of the conduct, the level of threat that it currently represents, the availability of witnesses and other relevant evidence, and whether other complaints have been made against the same individual.

2. Referral to Law Enforcement

a) If the incident involves potential criminal conduct, the complainant may choose to report the matter to local law enforcement authorities. The decision to report to law enforcement is the complainant's – unless there is an immediate and ongoing safety threat to AAR members or the community. In certain circumstances, the AAR may need to report an incident to law enforcement. These circumstances include, but are not limited to, incidents that warrant the need for safety and security measures for the protection of the complainant or other AAR members, or where there is a clear and imminent danger or threat to safety.

If there is a pending criminal investigation while the matter is pending under this policy, the AAR will cooperate with law enforcement authorities and comply with valid law enforcement requests. As such, the AAR may need to temporarily delay the complaint resolution process while law enforcement investigates the matter.

3. Informal and Formal Complaint Resolution Procedures

(a) The complainant may choose to pursue a formal complaint under this policy.

(b) The complainant may choose alternative methods of dispute resolution, including restorative practices, mediation or other forms of alternative dispute resolution (collectively referred to as "ADR") in cases where both parties agree and with the consent of the AAR Committee on Professional Conduct chair, who has been in consultation with the AAR Ombudsperson.

(c) If the complainant does not want to pursue a formal complaint or the alternative dispute resolution process and/or the matter is not appropriate for alternative dispute resolution, the AAR Ombudsperson, in consultation with the AAR Committee on Professional Conduct, will evaluate the complainant's concerns in the context of promoting a safe and nondiscriminatory environment for the complainant and all AAR members. Factors considered may include but are not limited to the seriousness of the alleged conduct; circumstances that suggest that there is a risk of repeated conduct; whether there have been other allegations against the same respondent; and the extent of any impact or threat to the complainant and/or AAR members.

(i) Alternative Dispute Resolution Procedures

If the complainant wishes to proceed with an alternative resolution process (“ADR”) in lieu of a formal investigation and adjudication under this policy, and if the AAR Committee on Professional Conduct, after consulting with the AAR Ombudsperson, agrees that the alleged facts and circumstances are such that the matter is appropriate for ADR, the Ombudsperson will notify the respondent of the allegations and provide an opportunity for the respondent to respond to the allegations. The Ombudsperson will review this policy with the respondent, including the complaint resolution procedures and options for complaint resolution; and make referrals to appropriate resources, as applicable.

If the respondent agrees to resolve the complaint through the ADR process, in lieu of a formal investigation and adjudication under this policy, the Ombudsperson will work with the parties to facilitate a resolution through mediation, restorative practices or other informal dispute resolution procedures, as appropriate to the circumstances. ADR could involve outside mediators or other individuals trained in restorative practices, as appropriate. The Ombudsperson could also actively participate in ADR if both parties agree.

The goal of ADR is to achieve an informal resolution that is acceptable to the parties and the AAR. The outcome is binding on the parties and there is no right of appeal. If, prior to resolution through ADR, either party chooses to discontinue the process, the Ombudsperson, in consultation with the AAR Committee on Professional Conduct Chair, will determine whether to proceed with a formal investigation and adjudication under this policy.

The Ombudsperson shall record the dates, times, and facts of the incident and the results of the ADR process. All such records are kept in confidential files at the AAR executive office.

(ii) Formal Investigation and Adjudication Procedures

Both parties will be treated with sensitivity and respect, and they will be afforded the same rights and opportunities throughout the process.

The investigation and adjudication will be conducted in a fair, impartial, equitable and thorough manner.

The parties are entitled to have an advisor of their choosing present for all phases of the process. The advisor may advise the complainant or respondent privately but is not permitted to have a speaking role at any meeting during the investigation or adjudication process. An investigator or other AAR representative may terminate meetings, remove or dismiss advisors, and/or proceed with the investigation or adjudication based on otherwise-available information if an advisor is disruptive or otherwise refuses to comply with the requirements of this policy.

Advisors may not discuss or disclose the content of any meetings, interviews, or evidence related to the investigation and adjudication process other than with the party they are supporting, the investigator, or AAR representative, unless they are otherwise required by law to do so.

Bias or conflict of interest: It is expected that anyone invited to participate in any aspect of reviewing, mediating, investigating or adjudicating a complaint will decline if they have a conflict of interest or personal or professional relationship with a party or entity that would lead to bias or the perception thereof. The complainant or respondent may challenge the appointment of any person to any of these positions if that member can demonstrate reasonable cause for a conflict of interest or bias. Challenges, however, are not unlimited, and the AAR Committee on Professional Conduct in consultation with the Executive Director makes the final judgment about whether or not a conflict or bias exists.

As stated above, upon receipt of the complaint via the Ombudsperson, the AAR Committee on Professional Conduct, in consultation with the Executive Director, may:

- refer materials to another relevant standing committee of the AAR as needed to understand the details of the case.
- hold the investigation and adjudication in abeyance pending completion of another investigation or adjudication;
- conclude there is cause for an investigation to commence;
- conclude there is no cause for an investigation and dismiss the complaint. The AAR Committee on Professional Conduct may suggest other avenues for addressing situation alleged);
- implement the determined option(s) and notify the parties of the next steps in the case.

If the Committee on Professional Conduct determines an investigation will not commence, the complainant may refer the matter to the Appeals Panel. The Appeals Panel will determine either that further review and action is required or that the complaint does not merit further review or action.

If the Committee on Professional Conduct determines an investigation will commence, one or two professional investigators from outside the organization will be appointed by the Executive Director.

If it is determined that the investigation and adjudication will proceed, the Executive Director will notify the parties. The notification will include the specific allegations, the specific standards that were allegedly violated, and the name and contact information of the investigator(s). Notification will normally be by email unless a party has requested certified U.S. mail or specified another means of notification. Once the parties have received notice, all contact with the parties is through the investigator(s) until the investigation is complete. If necessary, the Ombudsperson should also will be available to communicate with the parties on such matters as procedural questions, scheduling or other administrative matters of oversight related to the case.

If the respondent fails to cooperate with the investigator, the investigation may proceed, a finding may be reached, and action may be taken based on the information available.

Formal Investigation Procedures:

The investigation should be thorough, impartial, and fair to both parties.

- The investigator(s) will conduct the investigation according to the processes set forth below. The investigation may be conducted under the guidance of a legal or ethics consultant appointed by the AAR for this purpose.
- The investigator(s) will contact the complainant and respondent as soon as reasonably possible after being appointed.
- Each party will be asked to identify, preserve, and submit all relevant evidence regarding the matter and provide a list of witnesses who may have relevant information within a reasonable time established by the investigator(s). The parties must provide contact information for the witnesses, as well as a brief statement of what information the party expects the witness to provide. The investigator(s) has the sole discretion to consider the evidence submitted or interview particular witnesses.
- All parties and witnesses are expected to cooperate in the investigation by providing accurate, truthful and timely information.
- Interviews will be held with each party and witnesses according to the timing determined by the investigator. Interviews can occur in person, by telephone video conferencing and may be recorded and transcribed.
- The investigator(s) and/or investigator's designees will function as information gatherers. They will assemble information in order to allow the Committee on

Professional Conduct to determine the facts on which a decision will be made as to whether a violation of the Professional Conduct Policy occurred as alleged.

- If, during the course of the investigation, the investigator(s) becomes aware of additional alleged violation(s) of the Professional Conduct Policy, the Committee on Professional Conduct will determine whether the matter will be investigated and adjudicated as part of the pending matter (with notification to the parties), or be addressed separately under this policy. The decision to investigate additional alleged violations is within the sole discretion of the AAR Committee on Professional Conduct.

- Neither party has a burden of proof. Rather, the investigator's task is to assemble information so that the Committee on Professional Conduct can make a determination, based on substantive evidence, as to whether the respondent violated the Professional Conduct Policy.

- The investigator(s) will spend as much time as they determine is reasonably necessary to gather enough information for the Committee on Professional Conduct to make an informed decision. The investigator(s) may contact as many people as they determine necessary. These may be people suggested by the parties, by other sources, or originate with the investigator(s). Some people may be interviewed more than once.

- The investigator(s) is not required to inform either party of people with whom they have spoken or materials collected.

- At the close of the investigation, the investigator will provide the Committee on Professional Conduct chair with the dossier of the case: a copy of the original complaint form, any written response, a chronology of the investigation, a summary of each interview, relevant correspondence, and any exhibits submitted. The investigator will write a brief report to the Committee on Professional Conduct that contains, among other information, recommended factual findings based on the preponderance of the evidence, an analysis of the credibility of the parties and witnesses, as appropriate, and a recommended finding as to whether the Professional Conduct Policy was violated.

- The Committee on Professional Conduct chair will share these materials with the Committee on Professional Conduct and the Executive Director. At their discretion, a report of the investigation will be sent to the complainant and respondent. Some information may be withheld from the parties on the grounds that it is irrelevant, unduly prejudicial, or may seriously jeopardize the physical safety of a party or a witness. Any information sent to one party will be sent to the other.

Determination

A. At least five Committee on Professional Conduct members must be present in order for a determination to be made.

- B. The Committee on Professional Conduct Chair convenes all meetings of the committee and submits the official notes for the minutes. The Chair may vote only to break a tie.
- C. The investigator(s) and an ethics or legal consultant may be present during the meeting but will not vote on final actions taken.
- D. If an investigation report has been sent to the complainant and respondent, each party may submit to the Chair a written response to the materials it receives from the investigator. The response must be sent to the Chair within twenty-one calendar days from when the material is sent to the party. The committee may then solicit additional information from a party or any other source but will not accept information provided at either party's initiative after the twenty-one-day period unless the Chair determines that there are exceptional circumstances that warrant consideration of the information.
- E. New information obtained from a party will be shared with the other party at least two weeks prior to the meeting, if time permits. The party receiving the information will have the opportunity to respond to it, if time permits.
- F. If the committee discovers additional violations of standards previously not cited based on new information or reasonable interpretation of existing information, the respondent will be given notice not less than two weeks prior to the meeting. The additional allegations will be considered part of the current investigation.
- G. The meeting will be held in executive session and may occur in person or virtually.
- H. The meeting will usually be held within three months of the Chair's receipt of the investigator's report and the parties' written responses.
- I. The committee will issue a written determination based on the preponderance of the evidence. This means that the committee must determine whether it is more likely than not that the Professional Conduct Policy was violated.
- J. When issuing its determination, the committee will act in a reasonable, non-arbitrary, non-capricious, fair and unbiased manner.
- K. The committee will issue its determination, including the sanction determination, if applicable, to the parties within twenty-one calendar days of the meeting. No new evidence may be submitted or solicited at a party's initiative after the final determination. The committee at its discretion may seek clarification from any source. If additional evidence is gathered by the committee, the parties will have an opportunity to review the evidence and submit written responses.
- L. After reviewing the evidence and deliberating, the committee shall decide one of the following:
1. no violation of the Professional Conduct Policy occurred.
 2. no violation of the Professional Conduct Policy occurred, but the Committee on Professional Conduct has concerns about the respondent's behavior. These concerns may be set forth in a letter of information that may offer suggestions for further action on the part of the respondent to address the concerns. This letter is not considered a

disciplinary action. The letter of information may be shared at the committee's discretion with the complainant.

3. a violation of the Professional Conduct Policy did occur and the Committee on Professional Conduct will consider sanctions.

Sanctions

When the Committee on Professional Conduct finds that the respondent violated the Professional Conduct Policy, it may proceed to impose sanctions. Sanctions may include the following:

1. Admonishment: The Committee on Professional Conduct finds that the member violated the Professional Conduct Policy, acknowledges the violation, and decides that education regarding appropriate ethical conduct is proportionally responsive to the violation and is reasonably calculated to ensure future compliance with the Professional Conduct Policy.

2. Reprimand: This is a serious rebuke of the member. It is based upon an assessment that the member has accepted full responsibility for the violation, articulates and understands the consequences of the violation, and that the reprimand is proportionally responsive to the violation and reasonably calculated to ensure future compliance with the Professional Conduct Policy. It may include supervision or other stipulations for continued membership as recommended by the Committee on Professional Conduct.

3. Probation: Probation is appropriate in circumstances where it is unclear whether the member fully understands the serious nature of their conduct and/or can articulate empathically the impact of the behavior on the persons involved, and accept responsibility for the violation and its consequences. For a designated period of time, the member will remain an AAR member but will follow specific instructions under the direction of the Chair of the Committee on Professional Conduct or designee. Before the member is restored to full membership status, the member will meet all the terms specified by the Committee on Professional Conduct and appear before it to demonstrate fulfillment of the terms to its satisfaction.

4. Suspension of membership: Suspension is appropriate when the respondent commits a serious policy violation, or repeatedly violates the Professional Conduct Policy and/or where the Committee on Professional Conduct finds that the respondent does not understand and/or accept responsibility nor appreciate the serious nature and/or consequences of the violation. Suspension of membership is not disproportionate to the violation. The suspension may be imposed for any length of time and will remain in place until a specifically identified problem or condition is addressed to the satisfaction of the Committee on Professional Conduct.

5. Revocation of Membership: Revocation of membership is appropriate in particularly serious policy violations and/or where in the Committee on Professional Conduct' judgment, the member demonstrates an essential lack of professionalism, knowledge of the procedures, character, or conduct consistent with membership in the AAR. This sanction may also represent the judgment of the Committee on Professional Conduct that the member's conduct constitutes a threat to the well-being of the complainant, the AAR community, and/or the public.

Each of the above sanctions could include banning from AAR events and activities.

Notification of Findings:

A. The Chair informs the Executive Director and the President of the Committee on Professional Conduct' decision and recommended sanction. These same individuals will receive a copy of the deliberations, as well as the final disposition of the complaint and the sanction(s), if any.

B. The Chair will notify the respondent and complainant simultaneously, in writing, of the determination and sanction, if any, action taken by the Committee on Professional Conduct, as well as information about the appeals process. The notification to both parties will be sent by email and by certified U.S. mail or specified another means of notification that provides notice of delivery and shall include notification that either may appeal the decision. The limited grounds for appeal will be stated. The sanction will be stayed pending the appeal unless the Committee on Professional Conduct finds the respondent to be a potential threat to AAR members or to the public.

C. When no appeal is filed, an appeal is denied, or after the appeal process is completed, both parties will be simultaneously notified. If sanctions result in suspension or revocation of membership, the parties shall be notified within 24 hours of the decision. The Executive Director shall inform the Board.

Process for Appealing the Committee on Professional Conduct Findings and/or Sanctions:

A. Basis: An appeal must be based on one or all of these grounds:

(a) the party was refused reasonable opportunity to obtain and/or present evidence to the Committee on Professional Conduct within these guidelines and that could have substantially altered the outcome;

(b) discovery of significant new material evidence that could have affected the original result; however, prior omission of factual information that the appealing party knew or reasonably should have known about is not grounds for appeal;

(c) procedural error where the error prevented fundamental fairness and could have substantially altered the outcome.

(d) abuse of discretion in the determination or the issuance of the sanction (e.g., the sanction is significantly disproportionate to the offense);

B. Time Requirements: An appeal must be submitted in writing to the Executive Director within 30 days of the party's receipt of notice of the Committee on Professional Conduct decision. The appeal must state the grounds (A. above) and provide any written material to the Committee on Professional Conduct that the appealing party believes supports any of the grounds for appeal listed above. The written material shall be shared with the other party who may respond, but in no more than 5 business days. The appellee's response may be shared with the appealing party, who may submit a final response only to the matters raised by the appellee.

Regardless of which party appeals, both parties may participate in the appeals process, and both parties will be notified the appeal.

The Executive Director has sole discretion to extend the 30-day appeal deadline for extraordinary circumstances. If the extension is denied, the appealing party must meet the 30-day deadline or the decision of the Committee on Professional Conduct remains in full force and effect as the final action of the AAR.

C. Action: The Executive Director will forward the appeal and the written information used by the Committee on Professional Conduct in its determination to the Executive Committee of the Board.

D. Panel: The AAR President will chair the Appeals Panel, which consists of the Executive Committee of the Board of Directors. The Executive Director will continue as case manager. The Executive Committee will serve as the Appeals Panel.

E. Action: The Appeals Panel will give substantial deference to the factual findings of the Committee on Professional Conduct.

The Appeals panel may deny the appeal or, if the appeal is granted, the Appeals Panel may, in its sole discretion:

a. Return the case to the Committee on Professional Conduct for further deliberations and reconsideration based on the identified appeal grounds

b. Appoint an alternate adjudicator or investigator, as warranted by the circumstances, to review the case, which will ordinarily occur where the original outcome was based on an abuse of discretion.

c. Impose a different sanction based on a finding that the sanction issued by the Committee on Professional Conduct was significantly disproportionate to the offense. Parties, Committee on Professional Conduct members, investigators and others may be contacted for information to assist the Appeals Panel in this determination. Absent extenuating circumstances, the Appeals Panel will notify the complainant and the respondent of the appeal decision simultaneously in writing usually within 20 business

days of the appeal receipt deadline unless the case has been referred to an adjudicator or investigator or sent back to the Committee on Professional Conduct.

F. Finality: The decision made by the Appeals Panel is final, is not subject to any further appeal and constitutes final and binding action by the AAR, except in circumstances where the appeal is granted and the matter is returned to the Committee on Professional Conduct for reconsideration or another adjudicator or investigator is appointed. In such circumstances, the subsequent findings by the Committee on Professional Conduct or other adjudicator is final and there is no further appeal.

Time Frames for Investigation and Adjudication

The time frames in this policy may be extended for good cause, which may exist if additional time is necessary to ensure the integrity and completeness of the investigation, to comply with a request by external law enforcement for temporary delay to gather evidence for a criminal investigation, to accommodate the availability of witnesses, to account for complexities of a case, including the number of witnesses and volume of information provided by the parties, or for other legitimate reasons.