

## **Appendix 1**

### **Association of American State Geologists Code of Conduct**

#### **Vision, Purpose, and Persons to Whom the Code Applies**

The Association of American State Geologists (AASG) promotes collective efforts to share information, options, and opportunities for its members to enhance the research and service functions of their organizations to their states and the nation. They do so by organizing meetings to foster collaboration between staff from individual State Geological Surveys, and between State Geological Surveys and the U.S. Geological Survey and other Federal Agencies. They primarily do so (1) at their Annual Meeting, (2) at a Fall meeting held in conjunction with the Annual Meeting of the Geological Society of America, (3) organizing a liaison twice per year with Congress, Federal Agencies, and other entities in Washington DC, and (4) numerous formal (e.g., sanctioned committee meetings) and informal interactions, including numerous one-on-one interactions amongst its Members, Associates, Honoraries, and Emeriti and between said group and various Federal partners. Since meaningful and trusted collaboration and information sharing requires open and respected communication, it is imperative that we, as AASG Members, Associates, Honoraries, Emeriti and adhere to the highest ethical standards in all of our professional activities.

#### **Promoting a Culture of Respect, Fairness, and Inclusivity**

The AASG promotes a culture of respect, fairness, and inclusivity. It does not tolerate discrimination or harassment, and particularly when based on race, ethnicity, color, national origin, ancestry, sex, creed, religion, age, genetic information, sexual orientation, gender identity or expression, disability, veteran status, marital status, medical condition, pregnancy, education, class, political affiliation, parental status, nor does it tolerate bullying of any kind. All people deserve to work in a safe, supportive, respectful, inclusive, and welcoming environment that encourages diverse points of view and backgrounds in order to engage in open and honest communication.

It is also important to acknowledge that each AASG Member, Associate, Honorary, and Emeritus is an individual and that their home agencies are independently organized under a particular State administrative structure, and therefore its Members, Associates, Honoraries, and Emeriti interact independently on a regular basis with Federal partners on a variety of topics. However, independent interactions that adversely affect the image of AASG as a whole also may be considered a violation of AASG's Code of Conduct.

#### **AASG Aspirational Ethical Standards**

- A. We listen to others' points of view, seek to understand them, and conduct ourselves in a professional manner even when it is not reciprocated;

- B. We exemplify high standards in science, service, management, and interactions with others, particularly when we are in a position of power or privilege;
- C. We treat supervisors, colleagues, and subordinates respectfully, without exploitation, and provide a safe, supportive environment to encourage learning and professional development;

### **Policy and Procedures for Handling Potential Code of Conduct Violations**

The AASG adopts this Policy and Procedures for Handling Potential Code of Conduct Violations as the only rules for processing possible violations of this Code. This Policy is applicable to AASG Members, Associates, Honoraries, and Emeriti who understand and agree that this Policy contains a fair process for resolving all matters and that they will be bound by decisions made pursuant to this Policy. They will also accept the exclusive authority of the AASG to apply this Code to resolve code of conduct matters. This Policy does not follow a formal legal process and the procedures described are designed to operate without the assistance of attorneys.

AASG is committed to promoting a professional and ethical culture. This Policy is designed to encourage all Members, Associates, Honoraries, and Emeriti to be compliant with this Code of Conduct. AASG is committed to applying discipline in a fair and consistent manner, and in no event shall AASG take disciplinary action under this policy based on considerations of race, religion, age, sex, sexual orientation, or any other legally protected characteristic.

### **I. AASG Code of Conduct Responsibilities**

- A. **Authority.** It is hereby established that AASG can terminate the membership of any Member, Associate, Honorary, or Emeritus, suspend involvement with AASG activities, or take other appropriate disciplinary action, such as censure or reprimand, after a hearing or opportunity to be heard, for conduct deemed detrimental to the interests of the AASG.
- B. **Purpose.** The AASG Executive Committee (ExCom), comprised on the President, Past President, Vice President, Treasurer, and Secretary recognizes that when a Member, Associate, Honorary, or Emeritus engages in conduct that violates this Code of Conduct, such conduct may be prejudicial to AASG's goals and interests. Accordingly, ExCom is authorized to receive and review each complaint alleging a violation of this Code of Conduct. ExCom will act in good faith, exercise honest judgment in furtherance of AASG's interests, and avoid conflicts of interest pursuant to AASG's Conflict of Interest Policy. If a real or perceived conflict of interest prevents an ExCom member from serving as an ethics review committee participant, the AASG President shall have the discretion to find a replacement drawing from AASG's Non-Executive Officers.

### **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;
  - iii. and Witness: An individual who provides written or oral testimony in connection with a Complaint.
- B. **Timing.** AASG will make every reasonable effort to follow the time requirements noted in this Policy and, yet AASG’s failure to meet a time requirement will not prohibit the final resolution of any ethics matter, or otherwise prevent AASG 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 AASG is made aware that a Member, Associate, Honorary, or Emeritus is the subject of an investigation and/or civil, criminal, or other proceedings before a court, regulatory agency, or other third party, ExCom may determine, in its sole discretion, to reject, dismiss, begin, continue, or hold processing of a Complaint. Furthermore, ExCom 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 ExCom rejects or dismisses a Complaint, a Complainant may refile a Complaint upon the completion and closure of the other proceeding.
- D. **Confidentiality.** AASG will strive to maintain the confidentiality of Complaints without compromising AASG’s ability to complete an investigation process. While AASG will make a reasonable effort to safeguard the privacy of Complainants, Respondents, and other witnesses, it may be necessary, as AASG may determine in its sole judgment, for AASG to share information about Complaints to complete a Complaint investigation. Participants are required to maintain the confidentiality of materials submitted to or received by AASG 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, AASG may determine that some case-related materials and information are 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 AASG concerning matters arising under this Policy without good cause, ExCom may (1) terminate the Complaint of an uncooperative Complainant, or (2) 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, ExCom 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, Associate, Honorary, or Emeritus, the AASG may, at the sole discretion of ExCom, cease to consider the Complaint.
- G. **Records.** AASG shall maintain all official records. All other records including, but not limited to, records and notes, of ExCom, 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, Associate, Honorary, or Emeritus conduct that may violate the AASG's Code of Conduct, may file a Complaint with the AASG President.
- B. If the complaint is against the AASG President, the complaint will be filed with the current Past President, who will assume all of the AASG Presidents responsibilities regarding the complaint.
- C. Prior to filing a Complaint, AASG encourages, but does not require, potential Complainants to get in touch with the AASG President to clarify whether the concerns raise an issue covered by AASG's Code of Conduct and whether mediation or another form of alternative dispute resolution appears appropriate.
- D. Complaints must be made in good faith by using and providing a written description of all allegations and information. "Good faith" means that there is a reasonable factual basis for the allegations in the Complaint. The written complaint should indicate the identity and/or affiliation of the individual, group, or organization making the complaint.
- E. Upon receipt of a Complaint, the AASG President 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. Frivolous or trivial; or
  - iii. Directed against an individual who is not a Member, Associate, Honorary, or Emeritus.
- F. The AASG President, or Past President, if the complaint is against the current President, reaches a conclusion that the Complaint is covered under Section III (E) 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.

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

- A. After an initial review pursuant to Section III (E)-(F) of this Policy, the AASG President will review each Complaint to determine whether the alleged conduct is covered by the AASG Code of Conduct. If the complaint is against the President, then this task is forwarded to the Past President, who will act as a Hearing Officer. If the complaint is also against the Past President, then this task is forwarded to the President Elect, who will act as a Hearing Officer.
- B. For complete Complaints, a case will be initiated, and an investigation opened pursuant to this Policy when the AASG president determines that the Complaint raises issues covered by this Code. In making such evaluations, the AASG President will consider whether:
  - i. a proven Complaint would constitute a violation of one or more specific AASG Code of Conduct provisions, and
  - ii. relevant and reliable information will be available concerning the Complaint upon reasonable investigation.
- C. If the AASG President determines that the Complaint does not satisfy the considerations in Section IV (B) of this Policy, the Complaint will be dismissed. The AASG President will notify the Complainant that the Complaint is being dismissed and the reason for the dismissal.

## **V. Notice of Complaint**

- A. If the AASG President determines the Complaint will result in the opening of a case and investigation pursuant to Section IV (B) of this Policy, the AASG President shall involve ExCom.
- B. ExCom 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, AASG may choose to redact the names of individuals named in a Complaint before sending this information to the Respondent where ExCom, 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. 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), ExCom shall take steps as provided for in Section II (E).

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

- A. Upon receipt of a Complaint, the AASG President 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, Associate, Honorary, or Emeritus, of his or her consideration for receiving an award or leadership role, or of the privilege of attending AASG events.
- B. The AASG President shall make a recommendation to ExCom regarding any proposed interim action(s); ExCom shall review such recommendations and take or reject any such interim action(s) in its sole discretion. In reaching a decision regarding interim action(s), ExCom will reasonably balance AASG'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, ExCom 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, ExCom will manage an investigation of the Complaint, which may include the information or findings of a third-party investigator.
- B. AASG 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. ExCom, 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 good faith, and in compliance with this Policy. An investigator may be an ExCom member, or ExCom may select another qualified individual(s), including, but not limited to, individuals who have served in leadership capacities as Members, Associates, Honoraries, or Emeriti, or third parties trained as attorneys or investigators.
- D. ExCom 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, ExCom 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 AASG's Code of Conduct. If ExCom finds that the Respondent's conduct violated the AASG Code of Conduct, the report also will include recommended disciplinary actions.
- B. Once ExCom reaches a decision on any disciplinary action, the AASG President will notify the Complainant and the Respondent of the findings, determination, and any discipline in writing.

## **IX. Appeals**

- A. A Respondent who believes that a decision has been reached in error due to a) a procedural error; b) new or previously undiscovered information; or c) an investigation or process conducted in an arbitrary and capricious manner may submit a written appeal within thirty (30) calendar days of receiving the determination in writing. Any appeal must be sent to the AASG President.
- B. ExCom shall review timely appeals requests as promptly as practicable and make a final decision. The Respondent will be notified in writing of the 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 ExCom, 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 AASG Code of Conduct, ExCom may order one or more of the following disciplinary or remedial actions:

- i. Private reprimand and censure, including any appropriate conditions or directives;
- ii. AASG Membership (as full Member, Associate, Honorary, or Emeritus status) probation for a specified period of time, including any appropriate restrictions or conditions concerning membership and any other conditions or directives;
- iii. Suspension of AASG membership (as full Member, Associate, Honorary, or Emeritus status) for a specified period of time, including any appropriate conditions or directives;
- iv. Suspension of voting rights;

- v. Removal from ExCom;
- vi. Revocation of honors and awards;
- vii. Termination of AASG membership (as full Member, Associate, Honorary, or Emeritus status);
- viii. Prohibition against serving on any AASG committee;
- ix. Suspension of admittance to participating in AASG-hosted events;
- x. Suspension of ability to represent AASG at meetings;
- xi. Creation of a “member not in good standing” class of membership;
- xii. Undergoing ethics education; and
- xiii. Issuing a private apology.

Disciplinary actions only apply to the Respondent and not to the Respondent’s state or other Members, or Associate Members, Honorary Members, or Emeritus Members from the Respondent’s state.

Adopted by AASG on *5/14/2021*.