

## **Bibliographical Society of America**

### **Procedures for Adjudication of Reports of Professional Misconduct**

To assist BSA members in resolving professional misconduct complaints under its Professional Conduct Policy, the BSA has established these Procedures outlining how reports of professional misconduct will be handled and adjudicated. These Procedures apply to professional misconduct at BSA regional, annual, and international meetings, sponsored events and programmatic activities, including publication, and committees and board meetings (BSA activities). The BSA's procedures for resolving professional misconduct issues are independent of processes of other outside entities, such as institutions, judicial bodies, or governmental agencies.

#### **Definitions**

**Anonymous report:** reporter's or target's name or other identifying information is not recorded as part of the report

**BSA Activity:** an event or meeting, including online or virtual events or meeting; annual, regional, and international meetings; BSA-sponsored events and programmatic activities, including publications; and committee and board meetings

**Consultant:** also known as the "Accountability Officer". This individual, retained by the Society, serves as a confidential resource on violations of professional conduct policy.

**Confidential report:** reporter's or target's name is recorded as part of the report and, as far as possible, is known only to the Consultant and those who make the decision on sanctions

**Incident:** any occurrence of unacceptable behavior that violates the professional conduct policy

**Organizers:** volunteers who are responsible for running events or activities for the association

**Participants:** any person or group who is present at a BSA activity, including BSA members, other attendees, staff, contractors, temporary staff, vendors, exhibitors, and venue staff

**Reporter:** anyone who contacts staff or the investigator(s) to report an incident of unacceptable behavior, including witnesses and bystanders

**Target:** any person or group to whom any person or group directs unacceptable behavior that violates the professional conduct policy

**Violator:** anyone who has been identified by a reporter as having violated the professional conduct policy

Volunteers: any person with a leadership role in the association and who is not a paid staff member or contractor. For example: officers, board members, committee members, session chairs, moderators

Witness: any person or group who sees an incident that violates the professional conduct policy; a bystander

### ***Reporting Incidents***

The BSA retains a Consultant to serve as a confidential resource on violations of professional conduct policy. Any person who is subjected to, or notices that someone else is being subjected to, behavior that violates this Professional Conduct policy may report the incident to the Consultant by completing an online form (<https://bit.ly/BSAConductReport>), by reaching out to her by email at [safeconference@gmail.com](mailto:safeconference@gmail.com), or by phone at 202-688-7297.

Any person who is subjected to, or notices that someone else is being subjected to, behavior that violates this Professional Conduct policy may also contact the BSA President or Executive Director.

If contacted first by the reporter or target:

- With the reporter's permission, the Consultant or the Executive Director will immediately notify the President that a report has been received
- If the reporter requests that BSA take action on the report, the Executive Director or the President will put the reporter in contact with the Consultant

### **When to Involve Emergency Services, Police, or Venue Security**

Police or venue security should be notified ONLY in the following circumstances:

- The report indicates an imminent or emergent threat to the safety of participants, such as an active shooter, or a bomb threat.
- The target has explicitly requested that police or security be notified.

Emergency services (but not the police) should be contacted if a participant has suffered a serious injury requiring immediate medical attention

### **Information Gathering**

The Consultant will interview the reporter to determine if the reporter would prefer to remain anonymous or would prefer to make a confidential report, and to obtain details about the incident, including:

- Date, time, and location of the incident
- Identity of the target if the reporter is not the target
- Identity of the violator (if known)
- Identities of any witnesses (if known)
- Details of what happened (what was said, what was done)

- Any available documentation (e.g., emails, screen shots)

If the reporter is not the target, the Consultant will then interview the target to determine if the target wishes to proceed with a report, would prefer to remain anonymous, or would prefer to make a confidential report, and to confirm details about the incident as listed above.

The Consultant will interview witnesses identified by either the reporter or the target.

If the violator has been identified, the Consultant will then interview the violator. During this interview, the Consultant will make every effort to keep the identities of the reporter, target, and witnesses confidential. The Consultant will make a record of the violator's response to the incident report, and will ask for the identities of any additional witnesses provided by the violator.

If the violator identifies new witnesses, the Consultant will interview those witnesses.

The Consultant will compile the information from these interviews, along with a recommendation for action, in a written report, and will provide that report to the President.

### **Reviewing and Acting on Incident Reports**

When the President or Executive Director receives an incident report from the Consultant, or is notified by the Consultant that they have completed an incident report, the President will name three BSA members to a review panel. Members of this panel will review incident reports prepared by the Consultant, may contact the Consultant if they have questions or require further information, and will make recommendations for action to the President.

Members appointed to the review panel, who should not currently be in any other BSA leadership role, should not have any conflict of interest, which includes (but is not limited to) any of the following connections with the target, the reporter, or the violator.

- Current employment at the same institution or organization (including adjunct, sabbatical, or guest research appointments)
- Current or former subordinate supervisory relationship
- Current or former mentoring relationship
- Current or former research or scholarly collaboration
- Current or former close personal relationship

Panel members serve for the duration of the review and resolution of the Incident Report for which they were appointed.

Panel members should:

- include people with relevant knowledge about and experience with the type of incident involved in the complaint
- have reputations for fairness and support for the BSA's policy on diversity, equity, and inclusion
- be committed to enforcing the Professional Conduct Policy and must commit to upholding the confidentiality of the committee's work.
- include people with scholarly or professional experience relevant to the nature of the complaint.

Panel members should familiarize themselves with the Professional Conduct Policy and Procedures and follow up as a group with the President on any questions they have.

At the end of its deliberation, the panel will present a written report and make a recommendation to the President.

The President will review the panel's written report and recommendations and make a written report to the Executive Committee about the appropriate course of action.

The Executive Committee will review the recommendation of the President, consult as needed with the panel, and make the final decision as to the appropriate course of action.

The President shall notify the two parties of the decision in writing. The notification shall include notice to the alleged violator of the right to appeal to the Committee, provided that the appeal is filed in writing with the President within ten (10) days of receipt of the decision of the Executive Committee.

### ***Appeal***

Actions taken to enforce the Professional Conduct Policy may be appealed to the Executive Committee, provided that the violator submits an appeal in writing to the President within ten (10) days after receiving the initial decision. Grounds for appeal must be specified and include new information, demonstration of a flawed procedure, or proof of bias.

If an appeal of the final decision of the Executive Committee is submitted, then the President will contact the alleged violator (or may request that the Consultant contact the violator) and prepare a timeline for resolution of the appeal. The appeal shall be based on the written record of findings by the Consultant and the panel, the report of the President, and the findings and decision of the Executive Committee. A majority of all of the members of the Executive Committee shall be required to sustain the sanction. The Executive Committee may not impose a more severe or onerous sanction than the original sanction.

The decision of the Executive Committee is final in all matters of professional misconduct.

### ***Options for Action on Violations of the Professional Conduct Policy***

Anyone who is found to have engaged in professional misconduct will be subject to sanction, which may include, but is not limited to:

- reprimand and warning that future violations will result in more severe sanction
- immediate removal from the BSA activity without warning or refund
- prohibition from attendance at future BSA activities
- prohibition from serving as an elected or volunteer leader of BSA, including service on committees
- prohibition from receipt of any BSA award or commendation
- rescission of previous BSA awards or commendations
- suspension or termination of BSA membership
- reporting of the incident to the violator's employer

Individuals who are removed from BSA membership may be reinstated as members in good standing if the actions required by the Executive Committee are fulfilled.

If civil or criminal legal proceedings related to alleged professional misconduct are initiated, the BSA, in its sole discretion, may indefinitely suspend or postpone any pending professional misconduct policy procedure.

### **Confidentiality**

The BSA endeavors to keep confidential all professional misconduct incidents and subsequent actions by BSA; however, the BSA cannot guarantee complete confidentiality, for example, where it would conflict with the BSA's investigation, or its efforts to take corrective action or to otherwise comply with the intent of this policy.

Members of the Panel, BSA officers, and the Executive Director are prohibited from communicating about the existence of, information learned during, or outcome of, any investigation or action taken under the Policy.

Information about a professional misconduct investigation or its results will ordinarily not be disseminated to the BSA membership or to the public, except as aggregate data on the number of incidents and the number of types of outcomes. An exception may be made for incidents that occur in a public setting with numerous witnesses, for example disruption of a presentation.

At the end of each calendar year, the Executive Committee will report to the BSA membership whether any professional conduct policy violations have been reported during the year.

### **Records**

All records pertaining to professional misconduct allegations, including the notes of the panel investigation, will be confidentially retained by the Executive Director until: five years after the investigation is concluded; or until the parties are no longer affiliated with the BSA if that occurs sooner. It is intended that the Executive Director will periodically review their files so that those that are outside this retention period can be destroyed. These records are the BSA's confidential work-product and not available to other entities except where provided otherwise by law or the BSA's Policy or these Procedures.

The president will issue an annual call for volunteers who are willing to be considered for service on a review panel as needed. Responses should include a description of the areas of the code that prospective appointees feel qualified to adjudicate.

***This procedural document was approved by the BSA Council January 23, 2021.***