

AAR Professional Conduct Procedures
FAQs
1 January 2020

What is the first thing I should do if I am considering filing a complaint?

The first thing you should do is contact an AAR Ombudsperson by emailing AAR_Ombudsperson@aarweb.org.

How long will it be before I get a response from an AAR Ombudsperson?

Usually the AAR Ombudsperson will be able to respond to an inquiry within 24 hours.

What will happen after I contact an AAR Ombudsperson?

The AAR Ombudsperson will review the policy with you to help you understand your options.

What are the options if I have a possible complaint?

Options include:

- Contacting law enforcement
- Seeking to pursue alternative dispute resolution (ADR)
- Filing a formal complaint with the AAR Committee on Professional Conduct

Will my potential complaint be kept confidential?

Confidentiality will be maintained in all cases to the extent possible. The AAR Ombudsperson has a responsibility to confer with the AAR Committee on Professional Conduct about any matter raised. The Committee on Professional Conduct will hold the matter in confidence unless it has obligations, such as contacting law enforcement authorities, to do otherwise. The Committee on Professional Conduct may also decide, based on the severity of the matter, to proceed with a formal investigation even if the potential complainant has not made a decision about proceeding.

Who decides if law enforcement is contacted?

The decision to report a matter to local law enforcement authorities is yours, as potential complainant, 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.

What happens to my AAR complaint process if the matter has been referred to law enforcement authorities?

If there is a pending criminal investigation, 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.

What happens if I decide to pursue the informal alternative dispute resolution process?

If a potential complainant decides to pursue the informal alternative dispute resolution process, the AAR Ombudsperson will consult with the Committee on Professional Conduct about the matter. If the Committee on Professional Conduct agrees that the matter is appropriate for ADR, the Ombudsperson will notify the respondent of the allegations, review the policy with the respondent, make referrals to appropriate resources, and provide the respondent the opportunity to respond to the allegations.

If the respondent agrees to resolve the complaint through the ADR process, 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 to 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 the policy and procedures.

The Ombudsperson will 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.

Is there a time limit on when I can file a complaint?

There is no time limit for filing a formal complaint 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.

How do I file a formal complaint?

A formal complaint is filed through the AAR Ombudsperson who will give the complaint to the AAR Committee on Professional Conduct.

What happens once I file a formal complaint?

The AAR Ombudsperson submits the complaint to the AAR Committee on Professional Conduct. The Committee on Professional Conduct will determine whether or not to open an investigation.

If the AAR Committee on Professional Conduct decides not to investigate my formal complaint, can I appeal?

Yes, if the Committee on Professional Conduct determines an investigation will not commence, you 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. The decision of the Appeals Panel is final.

What happens if the Committee on Professional Conduct decides to open an investigation?

Several things will happen:

- One or two professional investigators from outside the AAR will be appointed by the Executive Director.
- The Executive Director will notify the complainant(s) and the respondent(s). The notification will include the specific allegations, the specific standards that were allegedly violated, and the name and contact information of the investigator(s).
- If necessary, the Ombudsperson will also be available to communicate with the parties on such matters as procedural questions, scheduling and other administrative matters of oversight related to the case.

What happens if the respondent does not cooperate with the investigation?

The investigation may proceed, a finding may be reached, and action may be taken based on the information available.

What happens after the investigator completes the investigation?

The investigator will provide the Committee on Professional Conduct Chair with a dossier of the case which will include a copy of the original complaint, 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.

What happens once the investigator submits the material to the Committee on Professional Conduct?

The Committee on Professional Conduct will meet to make a determination. The Committee on Professional Conduct will decide one of the following:

- No violation of the Professional Conduct Policy occurred.
- 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. The letter is not considered a disciplinary action. The letter of information may be shared at the committee's discretion with the complainant.)
- A violation of the Professional Conduct Policy did occur and the Committee on Professional Conduct will consider sanctions.

What happens if I disagree with the determination of the Committee on Professional Conduct?

If you disagree with the decision of the Committee on Professional Conduct, you 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. The decision of the Appeals Panel is final.

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

- The party was refused reasonable opportunity to obtain and/or present evidence to the Committee on Professional Conduct within the procedure guidelines and that could have substantially altered the outcome;
- 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 is not grounds for appeal;
- Procedural error where the error prevented fundamental fairness and could have substantially altered the outcome;
- Abuse of discretion in the determination or issuance of the sanction (e.g., the sanction is significantly disproportionate to the offense.

What should I do if I file a complaint and am then pressured to drop it?

You should consult with any personal advisers. You could also consult with the AAR Ombudsperson.

Is the identity of the respondent protected?

Confidentiality will be maintained in all cases to the extent possible. The AAR Ombudsperson has a responsibility to confer with the AAR Committee on Professional Conduct about any matter raised. The Committee on Professional Conduct will hold the matter in confidence unless it has obligations, such as contacting law enforcement authorities, to do otherwise. The Committee on Professional Conduct may also decide, based on the severity of the matter, to proceed with a formal investigation even if the potential complainant has not made a decision about proceeding.

What records does the AAR maintain on past complaints?

Records of all complaints are kept in the AAR Executive Offices.

Who are the investigators?

The AAR Executive Offices maintain a pool of external investigators. These investigators are professional investigators, usually human resources attorneys.

Is the AAR requiring members to agree to these procedures separate from the Professional Conduct Policy?

AAR members are required to agree to the AAR Professional Conduct Policy and Procedures.

What will the AAR do about inappropriate behavior by members at non-AAR events / programming?

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 taking place in conjunction with AAR programming. Thus, the AAR Professional Conduct Policy and Procedures apply to the behavior of AAR members at all events held in conjunction with AAR events and programming.

What will the AAR do if a member is disciplined by their institution for code of ethics violations?

The AAR, normally, does not take action based solely on actions of other institutions. However, the AAR reserves the right, notwithstanding and apart from the Professional Conduct Procedures, 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.

What happens if an incident occurs at a reception sponsored by another group at the Annual Meeting, such as a publisher, RSO, or university?

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 taking place in conjunction with AAR programming. Thus, the AAR Professional Conduct Policy and Procedures apply to the behavior of AAR members at all events held in conjunction with AAR events and programming.

What sanctions apply to non-AAR members who engage in inappropriate behavior at an AAR event?

The AAR has no standing to apply the AAR Professional Conduct Policy and Procedures to non-AAR members. A complaint could be filed with the person's institution or, if applicable, professional association.

I am not an AAR member but experienced inappropriate behavior at an AAR event or an event held in conjunction with an AAR event / programming. What should I do?

Any person who has experienced or witnessed inappropriate behavior on the part of an AAR member may pursue recourse under the AAR Professional Conduct Policy and Procedures.