

## **SBL Professional Conduct Investigation Procedures**

To assist SBL members in resolving discrimination and harassment complaints in regards to its [Professional Conduct Policy](#), SBL has established these Investigation Procedures pertaining to informal and formal resolution processes. A person seeking more detailed information should consult these Procedures, which are available from the [Executive Director](#), the [Professional Conduct Committee Chair](#), or the [Chair of Council](#). These Investigation Procedures apply to discrimination, harassment and sexual harassment at an SBL sanctioned event as these terms are defined in the Professional Conduct Policy. For purposes of these Investigation Procedures all forms of discrimination, harassment and sexual harassment are hereinafter called “professional misconduct.” SBL’s internal process for resolving professional misconduct issues is independent of processes of other outside entities, such as institutions, judicial bodies or governmental agencies.

### **Summary of Procedures**

SBL’s Professional Conduct Policy applies to conduct at SBL regional, annual, and international meetings, sponsored events and programmatic activities, and committee and editorial board meetings. Complaints involving professional misconduct should be addressed to the Executive Director, the Professional Conduct Committee Chair (Chair), or the Chair of Council. SBL maintains a Professional Conduct Committee (Committee), with six members, including its Chair. SBL members have recourse to two procedures for reporting and resolving incidents of professional misconduct: an Informal Resolution Process and a Formal Resolution Process. The Informal Resolution Process will be conducted by the Professional Conduct Committee Chair in conjunction with the Executive Director, and it encourages members to report incidences of professional misconduct in an environment that highlights dialogue and discretion. The Formal Resolution Process will be conducted by the Chair and a Professional Conduct Panel (Panel) consisting of two members of the Committee.

### **Importance of Prompt Reporting**

If you or someone you know is in imminent danger or experiencing verbal or physical assault, contact local police or law enforcement immediately.

An SBL member who believes herself or himself to be a victim of professional misconduct at SBL sanctioned events should notify the Executive Director, the Professional Conduct Committee Chair, or the Chair of Council immediately, although SBL may be limited in action it can take regarding an accused person who is not affiliated with SBL. If contacted first by the complainant, the Executive Director or Chair of Council will immediately convey the report to the Professional Conduct Committee Chair.

SBL is in the best position to take effective action against professional misconduct when both parties to the complaint have a current affiliation with SBL and when an incident took place at an SBL sanctioned event. If a complainant waits to report professional misconduct until after the accused person is no longer affiliated with SBL, this can hinder and in some cases completely prevent SBL from taking effective action.

### **Professional Conduct Committee**

SBL maintains a Professional Conduct Committee which is composed of six members of the SBL: two from the Underrepresented Racial and Ethnic Minorities in the Profession Committee; two from the Status of Women in the Profession Committee; one from the Professional Development Committee, and one from the Student Advisory Board. Council appoints members to this committee, including its Chair. Nominations for the Committee will occur annually at the spring SBL Council meeting and take effect at the beginning of the next calendar year (January 1). SBL Council will take into consideration for nominations those members with experience in the area of resolving professional misconduct and those members who have not been involved in cases of professional misconduct. The Committee will be balanced and represent various, relevant forms of diversity including gender.

Members of the Committee serve three-year, staggered terms, renewable for a second term, and are responsible to review the Professional Conduct Policy and the Investigation Procedures.

### **Informal and Formal Processes to Address Professional Misconduct**

#### **1. Informal Resolution Process**

There are a variety of response options for dealing with professional misconduct. Depending on the situation, some persons wish initially to confront the person who is engaging in the objectionable conduct. However, it is not necessary for a person to confront harassing or objectionable conduct before reporting it to SBL.

In certain cases, where the harassing or objectionable conduct may be isolated, subject to misunderstanding or differing interpretations, or the complainant simply wants the professional misconduct to stop, an informal resolution may be the preferred way to handle the complaint. The informal process encourages members to report incidences of professional misconduct in an environment that highlights dialogue and discretion.

Informal resolution must always be voluntarily agreed to in writing by the complainant with no requirement that the complainant use the informal process before filing a formal complaint. If a complainant is not sure, she/he can always initially request informal resolution through SBL and later request the formal resolution process. The informal process, too, is meant to establish trust in the system and encourage voluntary reporting by victims and witnesses of professional misconduct. Other examples of behaviors that could sometimes be appropriate for SBL's informal resolution process include isolated instances of sexual innuendo; inappropriate materials, pictures or jokes; or comments with sexual content.

Individuals who wish to pursue SBL's informal resolution process should promptly report the incident, and ask for informal resolution from the Professional Conduct Committee Chair designated by Council. The Professional Conduct Committee Chair

and/or the person handling the complaint should consult the Professional Conduct Investigation Guide.

To ensure accurate communication of the allegations, the person reporting professional misconduct is strongly encouraged to submit a written account to SBL. However, reporting the incident should take precedence over completing a written account.

During the informal resolution process, the Professional Conduct Committee Chair should take appropriate action consistent with the intent of the Professional Conduct Policy. Ordinarily, this may involve providing a copy of the Policy and these Procedures to the complainant, discussing these, listening to the complainant's concern, discussing options, encouraging the complainant to submit a written account, and attempting to learn the complainant's desired resolution. The person handling the complaint then would ordinarily attempt to communicate with the person responding to the complaint (respondent) to mediate a resolution, involving others on the Committee as necessary to promote resolution. If a satisfactory resolution occurs, the person handling the complaint should notify the Executive Director and/or Chair of Council in writing, identifying the parties and, in general terms, the allegations and how the situation was resolved.

When the Professional Conduct Committee Chair resolves the complaint through the informal process, the Professional Conduct Committee Chair ordinarily will provide both parties to the complaint a document outlining the resolution. Each party will be asked to sign a copy of the document that will become a part of the file in General Administration category in the SBL office for five years after the investigation is concluded, until the parties are no longer affiliated with SBL, or such other later period required by law.

If allegations are not informally resolved satisfactorily to the complainant or the respondent, the person receiving/handling the matter must notify the Professional Conduct Committee who will then determine whether to begin the formal resolution process.

## 2. Formal Resolution Process

When a person desires formal resolution of his/her concern over professional misconduct, that person should promptly contact the SBL Professional Conduct Committee Chair. In the event the Professional Conduct Committee Chair is not available, contact a member of the Committee or the Executive Director. A person experiencing professional misconduct involving violence, threat of violence, sexual assault, unwelcome sexual or other inappropriate touching or unwelcome sexual advance or "come-on," should report this to the Professional Conduct Committee Chair. If you or someone you know is in imminent danger or experiencing verbal or physical assault, contact local police or law enforcement immediately. The Professional Conduct Committee Chair and/or the person handling the complaint should consult the Professional Conduct Investigation Guide for Investigating Harassment for guidance.

The Professional Conduct Committee Chair will attempt to interview the complainant (the person bringing the complaint) to understand the allegations and ask the complainant

to put in writing, date, and sign off on the details of the complaint. The complainant should identify for the Professional Conduct Committee Chair any witnesses and any pertinent evidence (such as documents, e-mails, etc.).

The Professional Conduct Committee Chair will attempt to contact the respondent (the person responding to the complaint), apprise that person of the nature of the complaint, and share with the respondent relevant portions of the complainant's written allegations.

Two individuals, one male and one female, will be chosen by the Professional Conduct Committee Chair from the SBL Professional Conduct Committee to serve as the Professional Conduct Panel. The Professional Conduct Committee Chair will choose, provided there are no conflicts of interests, panelists whom the Professional Conduct Committee Chair believes can be fair and impartial to particular parties involved.

In addition to interviewing the complainant and the respondent, the Panel will attempt to interview other individuals or witnesses, who might be able to assist the Panel in determining the facts. Failure of permission to interview other individuals or witnesses may make it more difficult to evaluate the validity of the complaint or respondent's response.

During the process, the complainant and the respondent may each consult with legal counsel.

The Panel should ordinarily schedule interviews reasonably promptly (ordinarily, schedules permitting, within 10 days of the initial complaint to the Professional Conduct Committee Chair, unless SBL is closed for holiday). Interviews will be scheduled by any means necessary to gather the necessary information to find a resolution. Interviews are not to be taped; however, members of the Panel may take confidential personal notes. Those notes will become part of the file maintained by the Professional Conduct Committee Chair. The Panel may recall the parties or witnesses for more than one interview.

During Panel interviews, the complainant and the respondent may have legal counsel with them. Legal counsel is not to communicate directly with the Panel.

The complainant and the respondent will not be interviewed at the same time. Neither party nor their legal counsel will be allowed to attend any interviews of others involved in the investigation.

If an individual wishes to bring legal counsel present during his/her interview by the Panel, the Professional Conduct Committee Chair must be notified well in advance. No Panel investigation with legal counsel will take place unless SBL legal counsel is available.

The Panel has discretion to determine how many and which interviews are appropriate. The Panel and the Professional Conduct Committee Chair may consult, and at the end of

its investigation, the Panel will present its findings and make a recommendation to the Professional Conduct Committee Chair. Anyone who is found to have engaged in professional misconduct will be subject to disciplinary action, which may include, but are not limited to, reprimand and/or suspension termination of the individual's membership, engagement, and/or participation in current and/or future SBL operated, sponsored and/or affiliated events. No individual will be retaliated against for making a complaint or assisting with the investigation of a complaint. Individuals who are expelled from SBL may be reinstated if the recommended actions by the Panel are fulfilled. All individuals who fulfill the recommendations of the Panel will be considered in good standing.

The Professional Conduct Committee Chair will review the findings and recommendation, and make a report to the Executive Director. In the case the Executive Director is the complainant or the respondent, the report the Professional Conduct Committee Chair makes a report to the Chair of Council. Prior to submitting the report, the Professional Conduct Committee Chair will orally summarize the report and the action recommended to both parties.

The Professional Conduct Committee Chair will make a recommendation to the Executive Director about the appropriate course of action. The Executive Director will review the recommendation of the Panel, consult as needed with the Panel, make a decision as to the appropriate course of action, and notify the two parties in writing. The decision of the Executive Director shall include notice to the respondent of the right to appeal to the Council, provided that the appeal is filed in writing with the Chair of the Council within ten (10) days of receipt of the decision of the Executive Director.

If the reporting of the findings lead to verbal or physical assault by either the complainant or the respondent upon the other it is incumbent that the Executive Director advise that individual to contact the local police or law enforcement. If the reporting of the findings lead to verbal or physical assault by either the complainant or the respondent upon the Executive Director, Chair of Council, or any member of the Professional Conduct Committee, it is incumbent that these parties contact the local police or law enforcement. The decision of the Executive Director is final in all matters of professional misconduct.

If civil or criminal legal proceedings related to alleged professional misconduct are initiated, SBL, in its sole discretion, may indefinitely suspend or postpone any pending informal or formal professional misconduct resolution process. Such resolution process may be reinstated at any time in the sole discretion of SBL.

### **Appeal**

A recommendation of disciplinary action may be appealed to the Council, provided that the respondent submits an appeal in writing to the Chair of the Council within ten (10) days after receiving the initial decision of the Executive Director. Grounds for appeal must be specified and include new evidence, demonstration of a flawed procedure, or proof of bias.

If an appeal of the final decision of the Executive Director is submitted then the Chair of Council will contact the respondent and prepare a time-line for resolution of the appeal. The appeal shall be based on the written record of findings by the Professional Conduct Panel, the report of the Professional Conduct Committee Chair, and the findings and decision of the Executive Director. The appeal shall be determined in an executive session of the Council. A majority of all of the members of the Council shall be required to sustain the disciplinary action imposed by the Executive Director. The Council may not impose a more severe or onerous sanction than the sanction imposed by the Executive Director.

### **Confidentiality**

SBL endeavors to keep a professional misconduct complaint and information obtained during an investigation of a professional misconduct complaint confidential; however, SBL cannot guarantee complete confidentiality, for example, where it would conflict with SBL's investigation, or its efforts to take corrective action, or to otherwise comply with the intent of this policy or its legal obligations. Nevertheless, everyone within the organization must strive for appropriate confidentiality. Rumor and innuendo are not productive, and appropriate confidentiality protects the complainant as well as the respondent.

Committee members are prohibited from communicating about the existence of, or information learned during, or outcome of, any internal professional misconduct investigation under the Policy, except as provided otherwise by law or as necessary to effectuate the Policy or these Procedures.

Information about a professional misconduct investigation or its results will ordinarily not be disseminated to the SBL membership or to the public, except as provided otherwise by law or as necessary to effectuate the Policy or these Procedures.

At the end of each calendar year the Professional Conduct Committee Chair will report to the Executive committee of SBL Council whether any formal professional misconduct investigations have been completed during the year.

### **Records**

All other records pertaining to professional misconduct allegations, including the notes of the Panel investigation will be confidentially retained by the Professional Conduct Committee Chair until the later of the following: five years after the investigation is concluded, until the parties are no long affiliated with SBL, or such other later period required by law. It is intended that the Professional Conduct Committee Chair will periodically review its files for ones that are outside this retention period, so that these files can be destroyed. These records are SBL's confidential work-product and not available to other entities except where provided otherwise by law or SBL's Policy or these Procedures.

*This policy was approved by the SBL Council October 2019.*