

Conduct Claim and Investigation Policy – Behavior Genetics Association

Who Does this Policy Apply to?

Any concern about conduct by a BGA member, or conduct on the part of any individual at the BGA meeting, can be brought to the BGA IDEA committee* regardless of where the conduct took place. We expect BGA members to uphold standards of conduct across situations and acknowledge that behavior at or outside of BGA events can influence the culture of both the society and the annual meeting. Concerns about conduct on the part of any individual attending the BGA annual meeting can be brought to the committee.

**Throughout this document all reference to the BGA IDEA Committee/members refers explicitly to elected members of the committee (or additional ad hoc members appointed by the Executive committee as detailed below), not volunteer members.*

Purpose and Possible Consequences Associated with Filing a Complaint

The Conduct Claim and Investigation policy provides an avenue for individuals to report concerns about conduct that is not in keeping with the Behavior Genetics Association's intention to create an environment that is welcoming to all, and free of harassment and discrimination. The BGA IDEA Committee will evaluate concerns that are raised, conduct investigations, and make recommendations to the Executive Committee about potential consequences as related to society membership and attendance at the annual meeting of the Behavior Genetics Association. All conduct concerns brought to the BGA IDEA Committee will be reported to the home institution(s) of the accused party(ies), so that the appropriate individuals at that university can take additional action as they see fit.

How to Raise a Conduct Concern

If you witness, experience, or are made aware of misconduct by a BGA member and wish to raise a concern, you can follow one of the following avenues.

1. Informally raising a conduct concern.

- I. **How to Raise an Informal Complaint:** To raise an informal complaint you may contact any member of the BGA IDEA Committee (contact information for members listed below). While the information needed for a formal complaint may be helpful for the Committee to act on informal concerns, information may be provided in a meeting or over the phone. It does not have to be in writing.
- II. **When to Raise an Informal Complaint:**
 - i. When an individual seeks to explore resolution options before deciding to identify the accused or pursue a formal complaint.
 - ii. When an individual's primary need is to elevate understanding that harm was experienced and what conduct caused it, and to avoid recurrence, build community and ownership of the Community Standards, repair relationships, and, where implicated, restore safety and inclusion, rather than focusing on punishment for the accused.
 - iii. When the concern arises largely from misunderstandings that have been corrected or lessons that needed to be learned and have been learned
 - iv. When there has been an authentic commitment to avoid a repetition of the cause of the concern and there is no reason to believe recurrence is likely

The BGA IDEA Committee will consider the wishes of the individual making a complaint as well as the nature and severity of the conduct concern to determine if safety and inclusion can be restored without the need for further action (i.e., filing a formal complaint).

2. Filing a formal complaint.

- I. How to File a Formal Complaint:** Contact any elected member of the BGA IDEA Committee (contact information provided below) and submit the following information in writing (marked CONFIDENTIAL):
 - i. name of the accused(s) and contact information and affiliation with BGA, if known;
 - ii. if the conduct concern is of a type that involves a target, the name of the identified target and contact information, if known;
 - iii. name and contact information of the person raising the concern and how the person became aware of the concern
 - iv. names of any witnesses or others with pertinent information, and contact information, if known;
 - v. description of the conduct concern, with the date, approximate time, location/setting/activity, and all known relevant facts and circumstances;
 - vi. a clear statement of any facts that may indicate any ongoing concern of imminent threat to safety of any person(s) or safety or condition of property, and the sources of such facts, with contact information if known;
 - vii. any relevant documents available to the person filing the complaint;
 - viii. any other information that would help the BGA IDEA Committee understand the full nature of the conduct concern; who was involved and who and what may be affected; who may have pertinent information and related context; and what responses the BGA IDEA Committee may want to consider; **and**
 - ix. any request for confidentiality (see below for further information on confidentiality)
- II. When to File a Formal Complaint:**
 - i. When an individual seeks a formal resolution to their concern.

When the BGA IDEA Committee believes that the nature and severity of the conduct concern requires formal action to restore safety and inclusion, the committee can decide to elevate a complaint to a formal complaint and initiate the associated investigation process.

A Note on Confidentiality

All reasonable steps will be taken to maintain confidentiality of all parties involved in a complaint made to the BGA IDEA Committee. The Committee may not maintain confidentiality if, in the Committee's judgment and discretion, safety or law requires otherwise. Limited disclosure of the identity of individuals most directly involved may also be needed for the Committee to carry out various options to resolve a conduct concern. ***All Society Members and other Society***

Affiliates are required to respect confidentiality of the identities of each individual most directly involved in a conduct concern while it is being reviewed and resolved.

A Note on Conflicts of Interest

When a complaint (informal or formal) is raised with an elected member of the BGA IDEA committee, that member will immediately notify the other elected committee members that a complaint has been filed and the names of the individual(s) involved. At that point, all members of the committee have the option to recuse themselves from the investigation process if they believe they have a conflict of interest. Conflicts of interest may include, but are not limited to, a close personal or professional working relationship. Members of the committee make the decision as to whether they wish to recuse themselves from the investigation. In the event that a member recuses him or herself from an investigation, a member of the BGA executive committee, or an individual appointed by them for this purpose, will stand in as an ad hoc member of the investigation. Ad hoc members must abide by all of the confidentiality and professional standards expected of the elected members of the committee.

The Investigation and Resolution Process

Note: the BGA IDEA Committee reserves the right to bring in external fact-finders to assist with the investigation, e.g., in the event that multiple committee members have conflicts of interest with the accused party. The decision to involve external individuals in the investigation process will be made in consultation with the Executive Committee.

If an informal concern is raised, the process will follow the steps below:

1. The BGA IDEA Committee will conduct a review (i.e. limited fact-finding to understand the basics of the situation—and informally documenting the facts)
2. The BGA IDEA Committee will engage with any target and the accused informally in some manner to inform them of the nature of the conduct concern, gain their respective perspectives, and gather any relevant facts about the situation (with flexibility of means and sensitivity to any desire of a target not to engage directly with the accused)
3. The BGA IDEA Committee may engage with other individuals most directly involved as needed
4. The BGA IDEA Committee will present their findings to the Executive Committee, who will determine whether an informal resolution will suffice and notify the accused, any identified target, and any other individual who reported the concern of the proposed resolution

Timing: Informal resolutions should be pursued diligently by the BGA IDEA Committee and individuals most directly involved with a goal of completing the process in 90-120 days from the date of submission of a concern to a completion of the informal resolution. However, the timing for an informal resolution must be flexible (e.g., to provide an opportunity for any identified target or the accused to decide whether they want an informal resolution, without being pressured).

If a formal complaint is filed, the process will follow the steps below:

1. Written notification will be provided to the accused party (with a copy provided to any other individual(s) directly involved in the filing of the complaint). The written notice will include
 - a. A summary of the allegations and potential violations of the BGA Conduct Policy;

- b. a copy of the BGA Conduct Claim and Investigation Policy, which contains details about the investigative process and anticipated timeline
 - c. a reminder of the confidentiality clause and admonition against intimidation or retaliation.
2. A member (or members) of the BGA IDEA Committee finds the relevant facts and documents them, gathering any documents and notes of any communications supporting the facts.
3. Before finalizing the documentation of facts, the member(s) of the BGA IDEA Committee engages with any target and the accused in some manner (with flexibility of means) to discuss the nature of the conduct concern and to understand the facts from their perspectives.
 - a. The Committee member(s) may confer separately with any target and the accused, or may confer with these parties together. In cases of concerns about sexual and intersecting bases of harassment, the Committee member(s) will confer in writing or separately with these parties when that will help to avoid the risk of retraumatizing a target.
 - b. However, if the Committee member(s) confers in writing or separately with these parties, the Committee member(s) [a] will provide an opportunity to each of the parties to access the factual record separately (including submissions by them to, and answers to questions asked of them by, the Committee member(s)); and [b] then will provide an opportunity for each of these parties to raise questions for the Committee member(s) to ask of the other party; and [c] the Committee member(s) will ask those requested questions that the Committee member(s) determines are likely to elicit relevant facts for resolution of the conduct concern or to surface issues of credibility (but need not ask duplicative or immaterial questions, as determined in the Committee).
4. The entire BGA IDEA Committee reviews the documented facts and notes to determine if a violation has occurred. They pass on this information to the Executive Committee.
5. The Executive Committee provides a copy of the preliminary determination and supporting facts to the accused and any identified target ("preliminary determination notice").
6. Any identified target and the accused have an opportunity during a 14-day period that begins when the preliminary determination notice is given to them, to again access the factual record and respond in writing, providing the BGA IDEA Committee with any relevant facts or circumstances that the responder believes should inform the final determination and any consequences.
7. The BGA IDEA Committee and Executive Committee review any submissions received.
8. Upon expiration of that 14-day period, whether or not response(s) are submitted, the Executive Committee makes a final determination and, if a violation is found, imposes consequences.
9. The Executive Committee notifies (in writing or electronically) the accused, any identified target, any other individual who reported the concern, and the home institution(s) of the accused of the final determination and any consequences.

Timing: The goal for timing to complete a formal process is 90-120 days from the submission of the conduct concern to the final determination (prior to any appeal). However, the BGA IDEA Committee and/or Executive Committee may extend the period for good cause, such as due to limited availability of individuals most directly involved, difficulty of obtaining needed information, complexity of issues, exceedingly voluminous information, or resource capacity. The BGA IDEA Committee will inform the accused and any identified target of any extension.

Standard of Proof: The Executive Committee will make a determination of whether there is a violation using a preponderance of the evidence standard. This standard means that it is more likely than not that the facts are as that which the individual who filed the complaint claims.

Note: This is the burden of proof used in most civil cases.

BGA IDEA Committee Additional Responsibilities During the Investigation Process

1. **Human concern.** Attend to the human aspects of conduct concerns; lend an empathetic ear to anyone who is in distress and refer them to resources for assistance if needed. Respect choices made by any identified target regarding the target's participation to the extent possible without violating applicable legal requirements. Avoid pressuring targets and those accused about choices. Prioritize safety, as well as inclusion.
2. **Confidentiality obligations of BGA.** To the extent feasible and not at odds with Title IX, and other applicable law, regulations, policies, funders' and other authorities' requirements, including, but not limited to, those relating to discrimination and harassment, the BGA IDEA Committee will maintain confidentiality about any conduct concern raised and the individuals most directly involved, while carrying out the resolution process, to enable a fair review and meaningful resolution of the concern.
 - a. Confidentiality of the name of the identified target. The BGA IDEA Committee will not name any identified target in communications about a conduct concern having been raised, a review or investigation having been initiated or concluded, or a violation having been determined, unless:
 - i. the target consents;
 - ii. the Committee determines there is a legal, regulatory, safety, insurance coverage or other contractual requirement to do so; or
 - iii. under the other exceptions below.
 - b. Confidentiality of the name of the accused. Until a final determination is made, the BGA IDEA Committee will not name the accused in any communication that may become necessary about the matter to the public or particular individuals, unless:
 - i. the Committee determines there is a legal, regulatory, safety, or insurance coverage requirement to do so
 - ii. it is part of the notice to the accused home and certain other institutions where the accused has an affiliation; or
 - iii. under the exceptions below
 - c. Other exceptions. The other exceptions that permit naming any identified target or the accused are when the BGA IDEA Committee determines there is a need to do so:
 - i. in confidential communications with those who are involved in or advising (a) the investigation or (b) determination of needed action or consequences or (c) implementation of temporary safety measures **and** (d) who are reminded of their confidentiality obligation or bound by a professional ethical standard to maintain confidentiality;
 - ii. to those who have a fiduciary or oversight function for BGA, including a fiduciary duty to maintain confidentiality; or in a notice to the target and accused of the Committee's final determination of a violation.
3. **Record of review/investigations.** Document a record of steps taken, sources and substance of information and documents obtained, and communications with individuals as part of review, investigation and resolution of a conduct concern. Include in the record names, relevant affiliations and titles, dates and times.

4. **Internal Reporting.** Report to BGA on the conduct concerns raised and how they were resolved on at least an annual basis.
5. **Taking short-term actions as needed to ensure safety.** After engaging with the individuals most directly involved, the Executive Committee may effectively immediately, require temporary separation of any individuals, require an accused or other individual to temporarily not participate in some or all BGA-associated activities, or take other temporary action to address safety concerns. The Committee will give notice of the decision to the accused, the target, and affected individuals. Note that these actions can be adjusted. When giving notice, the Committee will assert that these measures do not reflect the Committee making a judgment or determination one way or the other on the claim.
6. **Notifying Home Institutions.** The Executive Committee will share details about the report and subsequent investigation, as well as the final determination with the university(ies) of the accused party.
7. **Police Involvement.** The BGA IDEA Committee will ensure that any identified target of sexual harassment that may be a criminal act is aware of how to pursue police involvement (apart from any action by the Committee) and will not discourage such pursuit.

Consequences That May be Imposed for Violations

Potential Consequences (may be used in combination):

- Private reprimand
- Public reprimand or statement
- Revocation of membership status (either permanently or for a specified period of time)
- Suspension from attending annual meeting (either indefinitely or for a specified period of time).
- Removal or suspension from a volunteer and/or leadership position
- Denial or revocations of honors or awards
- Temporary or fixed-term no-contact requirements for the accused and the identified target

Consequences imposed will be proportional to the severity of the violation, and the corresponding harm caused or threatened to individuals (any identified target and/or others), BGA, the field of behavior genetics, or society-at-large. Considerations to determine severity of the harm include, but are not limited to:

- The nature of the violation
- Whether the violation is repetitive
- The frequency of the violation
- Whether the violation reinforces longstanding barriers or creates barriers to inclusion of all talent in the field of behavior genetics
- The other actual effects or threatened effects of the violation (harm or threatened harm to individuals, BGA and/or the field of behavior genetics, including, e.g., regarding reputation, operations, legal exposure, finances or other resources);
- Whether the violations implicate safety interests
- The stage of career and role of the accused*
- Whether the accused, in a first-time violation situation, has taken responsibility, demonstrated an appreciation of the severity of the violation, and taken or committed to action to remedy the adverse effects

*While all facts and circumstances are considered, a violation perpetrated by an accused who is in a senior stage of career, or in a leadership role, is generally considered more severe than the same violation perpetrated by an accused who is in a junior stage of career and is not in a leadership role. However, some violations, by nature, are severe in any event.

Elected members of the BGA IDEA Committee 2020-2021:

Carol Franz: (Chair), elected 2018

Danielle Dick: elected 2018

Abdel Abdellaoui: elected 2019

Sara Hart: elected 2020