

# **Pacific Seabird Group Code of Conduct Committee Terms of Reference**

*Approved by vote of the PSG Executive Council on April 14, 2022*

## **Duties of the Code of Conduct Committee**

The primary duty of the Pacific Seabird Group (PSG) Code of Conduct Committee (hereafter, Committee) is to review and recommend action for cases of potential violation of the PSG Code of Conduct.

## **Composition of the Code of Conduct Committee**

The Committee shall be composed of members of PSG in good standing. Committee members should have diverse representation. A minimum of three and up to eight members may serve concurrently, to ensure adequate numbers to review cases in a timely manner. Each member will serve for three years per term with a maximum of two terms served. Membership will be staggered so that no more than two members are replaced within a six-month period.

All cases will be reviewed by a minimum of three Committee members. No member with a conflict of interest (see below) may participate in a case review.

All members will be invited and appointed by the Executive Council (ExCo), with open appointments filled at the PSG annual meeting or during monthly meetings, if needed.

## **Conflicts of Interest**

### **Committee Members**

Members of the Committee must recuse themselves from a case if they have a conflict of interest with individuals bringing or named in the complaint, specifically:

- any active academic or work direct report relationship such as supervisor/ee, member of a thesis or dissertation graduate committee
- co-author on a published report or journal article within the last 48 months
- co-PI or key personnel on a grant or contract within the last 48 months

Additional factors which may require recusal include all close personal relationships which would hamper or prevent impartiality, familial relationships, and/or co-worker relationships (e.g., working in the same office or in the same academic lab).

However, prior knowledge of and interaction with person(s) filing or named in the complaint does not, in and of itself, constitute a conflict of interest.

### **Executive Council Members**

Any member of the ExCo of the PSG named in a complaint, or lodging a complaint, or participating directly in the complaint that has a conflict of interest (see definition above), must recuse themselves entirely from the process, including but not limited to:

- participating in ExCo meetings or conversations about the complaint

- participating in the decision process, should the Committee find the complaint valid and thus recommend action(s) on the part of the ExCo

If the entire voting membership of ExCo is named in the complaint, the senior member of the Committee, defined by length of time on the Committee and number of cases they have participated in as a seated review committee member, shall receive the complaint.

In addition, all members of the ExCo participating in the decision process following the recommendation(s) of the Committee must preserve confidentiality, and not discuss the case outside of official ExCo meetings with anyone, including members of the ExCo and the Conduct Committee.

### **Limits of Authority**

The Committee shall have authority to review the conduct of individuals during PSG activities, including but not limited to: regular events, scheduled meetings, and other work of PSG involving some/all members. The Committee's authority includes PSG communication venues, platforms, and social media, and extends to private communications involving PSG work and/or seabird science and conservation presented in/on PSG venues.

The Committee does not have legal authority over members, including but not limited to reporting actions to employers or to legal authorities. If alleged conduct may have violated state or federal laws, complaints should be filed directly with the statutory authority. However, the Committee may recommend actions on the part of PSG to mitigate, minimize, or prevent conduct violations occurring outside of its jurisdiction from spilling into official PSG activities and venues.

### **Case Review Process**

**The PSG Secretary** will receive complaints of potential Code of Conduct violations through his/her/their official PSG email account. In the case of conflict of interest, including if the Secretary brings or is named in a complaint, one of the three chairs (PSG Chair, Past Chair, or Chair-Elect) will stand in to receive and review the complaint. If all three chairs are also named in a complaint, the complaint can be submitted directly to the Committee. Information about the complaint submission process will be posted on the PSG website.

Complaints should be submitted within six (6) months of the incident. If the incident is discovered more than six months after occurring, then the complaint should be submitted within 30 days after discovery. For incidents beyond a year, the PSG Chairs and the Committee will decide whether the complaint can be effectively considered.

**If a complaint is filed by a bystander** rather than the alleged victim, the alleged victim must be contacted by the ExCo and give permission to take further action on the complaint.

**All complaints related to the Code of Conduct will be referred to the Committee for review.** The Committee will decide whether a detailed review is warranted.

**The ExCo may implement short-term measures** to keep all participants in a PSG-sponsored activity or venue safe and free from harassment until a verdict can be reached by the Committee.

**The PSG Past Chair will lead the effort** to compile materials for the Committee to review, and will act as point of contact for the Committee. In the case of conflict of interest, this duty will pass to the PSG Chair, then the Chair-

Elect. If none of these persons is without conflict, the ExCo will meet to determine the sequence of ExCo members appointed for initial case review including the member responsible for gathering necessary materials and acting as point of contact for the Committee.

Case materials should be well organized to simplify and expedite review by the Committee and should include:

1. The original complaint.
2. Notification to the respondent of the complaint, the intention to refer the complaint to the Committee, and inclusion of any response the respondent has at the time.
3. A brief summary of the case and suspected violation of the Code of Conduct specifying the tenet(s) violated. The summary should be written by the Chairs.
4. All other primary (written) materials that are relevant to the case.

It is recommended that these materials be compiled into a single PDF document for review by the Committee.

The Committee will first review named individuals, including the complainant(s) and the respondent(s) relative to conflict of interest of Committee members. Once a Committee of at least three persons has been seated, **the Committee will:**

1. Review the written material. Each seated member of the Committee will review the material independently, taking written notes on violations and potential decisions. These notes will form the basis of the Committee's written report. The Committee may return to any/all involved individuals to request additional information.
2. Meet (in-person or virtually) to discuss the case. During this meeting, the Committee will act as a team of equals (i.e., without a Chair) in which all voices carry equal weight. Although a goal of the Committee is to reach consensus, a majority/minority report is also possible.
3. Create a written report that details the Findings (evidence of violation(s) of the PSG Code of Conduct) and Recommendations (actions to be taken regardless of whether the Findings concur that violations have occurred):
  - a. which action(s) on the part of the respondent, as a part of which PSG-owned, sponsored, or managed activities or venues, constitute a violation of which specific tenet(s), currently 1–9, of the PSG Code of Conduct.
  - b. which person(s) or groups suffered harm as a function of any violations of the Code.
  - c. recommendations to the ExCo regarding resolution of the case.
4. Within one month of receiving the full case packet from the Chairs, deliver the report including recommendation(s) to be taken by the PSG ExCo that may include, but is/are not limited to:
  - a. **No action against the Respondent**
  - b. **Warning to the Respondent:** A written response to the respondent indicating the ExCo concurs with the Committee that a violation of the PSG Code of Conduct has occurred, including documentation of the specific objective(s) violated, and warning of potential corrective action(s) if there is repetition of the violation(s).
  - c. **Action against the Respondent:** In addition to documentation of the violation(s), corrective action by the PSG ExCo against the respondent relevant to the Code of Conduct infraction. Examples might include preventing the respondent from engaging in one or more of the PSG public activities (e.g., posting to the PSG listserv, presentation or attendance at the PSG annual meeting) for a given period of time ranging from a temporary basis to permanent loss of PSG membership and expulsion from the organization and all PSG activities (see above).

- d. **Action regarding the PSG:** Recommended action(s) the ExCo should immediately take to ensure that future violations of the Code of Conduct are prevented, and where these actions do not harm the scholarly work of the members and/or the organization's support of such work.
5. On an annual basis, and at the Annual meeting, the Committee will report to the membership on how many complaints have been received, their status (ongoing, resolved), and the number in which actions were taken against respondents. Confidentiality of all parties (complainant, respondent) will be maintained.

**The PSG Chairs point of contact** (default is the Past Chair) will receive the written report, and will lead a meeting of the Chairs to discuss concurrence or divergence with the Committee's recommendations. The decision of the Committee (majority rules) as to whether violation(s) occurred (the Findings) shall stand. Should the Chairs diverge from the decisions of the Committee regarding recommendations to be taken by the ExCo, a meeting (in-person or virtual) of the ExCo to review and vote (majority rules) on the final action(s) will be required. In this case, all materials, including the report of the Committee will be provided to the ExCo in advance of this meeting.

A final decision will be provided, in writing, to all named individuals in the case within three months of the date of the original complaint submission, or if additional time is needed, the complainant will be alerted in writing by the Chairs.

#### **Case Appeal Process**

If the respondent or complainant disagrees with the decision of the Committee and ExCo or the final action(s) recommended, they may submit an appeal in writing to the Past Chair within 30 days of receiving the decision. The ExCo Chairs and the Committee will review the appeal and vote (majority rules) on whether to uphold or change the decision and uphold or modify the recommended final action(s). One appeal per case is allowed.

#### **Terms of Reference Amendment Process**

Amendments to the Terms of Reference can be made by the Committee and ExCo Chairs and require a vote by the Committee (majority rules with a minimum of three participating) and a separate vote by the full ExCo (majority rules).