



## **2.9 CODE OF PROFESSIONAL CONDUCT AT SOCIETY ACTIVITIES POLICY**

### **Purpose**

The Sleep Research Society (SRS) Code of Professional Conduct at Society Activities Policy (the “Policy”) is intended to advance the mission of the Society through the open and honest communication of research and exchange of ideas; to promote equality of opportunity and treatment for all members in a respectful and professional manner; to assure appropriate accessibility of accurate and reliable information to colleagues, policy makers, and the public; and to encourage the effective professional development of researchers in sleep and circadian science.

The SRS is dedicated to providing a safe, hospitable, and productive environment for everyone participating in SRS activities regardless of gender, race, ethnic or national origin, religion, age, marital status, pregnancy or parental status, sexual orientation, gender expression, disability status, physical appearance, socioeconomic level, or other protected status. The SRS acknowledges that effective communication requires that we treat each other with respect and courtesy in face-to-face, video, written and electronic interactions and that we respect the intellectual property of our colleagues.

### **Policy Statement**

It is the policy of the SRS to require professional conduct and to sanction Prohibited Conduct, as defined below, by all Society Members, defined below. Society Members engaging in these behaviors are in violation of the Policy, whether the conduct is intentional or unintentional, or implicit or explicit.

### **Applicability**

This Policy applies to all directors, officers, members, employees, volunteers, consultants, and contractors (collectively referred to as “Society Members”). The Policy is applicable to all activities carried out under the SRS's name, including but not limited to events, conferences, seminars, research activities, outreach programs, and any other activities wherein the SRS has a reputational, sponsorship, financial, or other material interest (collectively “Society Activities”).

It is each Society Member's responsibility to read, understand, and adhere to the standards set out in this Policy and to conduct their activities for or on behalf of the SRS in a manner that upholds and promotes the highest standards of professional conduct and integrity. The SRS reserves the right to take appropriate actions, up to and including termination of the relationship and legal action, in case of breach of this Policy.

This Policy will be presented and made available before and during all Society Activities.

This Policy is subject to periodic review and may be amended at any time with approval from the SRS Board of Directors. Society Members will be notified of any changes and are expected to comply with the Policy as amended.

### **Prohibited Conduct**

“Prohibited Conduct” means any of the following types of behaviors, actions, or conduct:

1. **Discrimination:** “Discrimination” means treatment of an individual or group that results in unfair, unequal, or differential professional opportunities or benefits based on that individual or group’s gender, race, ethnic or national origin, religion, age, marital status, pregnancy or parental status, sexual orientation, gender expression, disability status, physical appearance, socioeconomic level, or other protected status.
2. **Harassment:** “Harassment” means any conduct that involves unwelcome or unwanted, or persistently offensive, denigrating, or hostile behavior that is directed toward a person or group based on gender, race, ethnic or national origin, religion, age, marital status, pregnancy or parental status, sexual orientation, gender expression, disability status, physical appearance, socioeconomic level, or other protected status. Harassment can be manifested by, but not limited to, verbal or written abuse such as slurs, epithets, denigrating jokes, abusive direct messaging online, or negative stereotyping; and by non-verbal behavior such as obscene gestures or the display of denigrating or insulting written or graphic materials.
3. **Sexual Harassment:** “Sexual Harassment” means a particular type of harassment that includes unwelcome conduct such as sexual advances, requests for sexual favors or dates, remarks about an individual’s appearance, discussions, remarks or jokes of a sexual nature, and/or other verbal or physical harassment of a sexual nature. Sexual Harassment can also include non-verbal behavior such as unwanted physical contact or violations of personal space that are of a sexual nature. Behavior involving “quid pro quo” offers of professional opportunities or the creation of a

hostile professional environment are two of the many examples of Sexual Harassment.

4. **Bullying:** “Bullying” means unwelcome or unreasonable verbal or non-verbal behavior by an individual or group that demeans, intimidates, humiliates, abuses, or sabotages the work of people and causes physical or emotional harm in a professional environment. Bullying behavior is most often aggressive, persistent, and part of a pattern, but it can also occur as a single egregious incident. Bullying often involves abuse of professional or supervisory authority or position. Exercising appropriate authority, directing the work of others pursuant to their job responsibilities, an honest error, and respectful scientific debate over differences of opinion are not considered Bullying.
5. **Disruptive Behavior:** “Disruptive Behavior” means inappropriate behavior, such as, but not necessarily limited to, shouting, interrupting, and using profanity that interferes with the functioning and flow of the Society Activity. Disruptive Behavior hinders or prevents faculty and staff members from carrying out their professional responsibilities or prevents attendees from obtaining the Society Activity’s objective.

During Society Activities, the SRS has the right to take any action deemed necessary and appropriate, including immediate removal from the Society Activity without warning or refund, in response to any incident of Prohibited Conduct.

Society Members’ research of subjects, theories, or scientific conclusions that other persons may deem offensive is not inherently a violation of this Policy. In the pursuit of science, individuals have the freedom to disagree with or dispute wider community-held positions.

The SRS expects Society Members to fully comply with the guidelines set forth in this Policy. Society Members’ continued participation in SRS programs is contingent on compliance with this Policy.

## **Handling Alleged Breaches of the Policy**

Upon receiving notice of a complaint about an alleged breach of this Policy (“Complaint”), the SRS President will appoint a Chair and other members of an SRS Professional Conduct Task Force whose responsibility will be to investigate the complaint of a breach of this Policy. The number and background of appointees will be dependent upon the complaint. The Professional Conduct Task Force must comprise at least three (3)

appointees including the Chair. Final decisions on responses to Complaints will be made by the SRS Board of Directors.

The following sections provide details on the process and procedures for handling Complaints about breaches of the Policy.

### **SRS Professional Conduct Task Force**

The SRS Professional Conduct Task Force, in consultation with the SRS President and the SRS Executive Director, shall have authority to receive and determine the handling of any Complaint of a Policy violation by an alleged offender (“Respondent”) filed by a Society Member or other participant in Society Activities (the “Complainant”).

If a Respondent resigns their membership from the SRS subsequent to the filing of a Complaint against them, the Professional Conduct Task Force shall continue to have authority to investigate and resolve the Complaint as if the Respondent was still a member or other individual covered by the SRS Policy.

### **Submitting a Complaint**

Any Society Member or other participant in Society Activities who experiences or witnesses a Society Member or other participant in Society Activities engaging in Prohibited Conduct may submit a complaint using the SRS online complaint form found here [insert link to online form]. At the time the complaint is submitted, it is only available to the SRS Executive Director (or designee). In the case a violation is reported verbally to any officer of the Society, the person making the report should be directed to file a written complaint using the SRS online complaint form.

The SRS encourages individuals to submit Complaints as near in time as possible to the occurrence of the underlying conduct violation to facilitate an investigation. The SRS will not process Complaints that are not submitted through the online complaint form.

- The online complaint form includes:
  - Name, email, phone number, and mailing address of the Complainant. This information will not be mandatory to allow for anonymous complaints.
  - Name and (where known) professional address of the Respondent.
  - As much detailed information as is available of the Policy violation, including the date, approximate time, location/setting/activity, alleged Prohibited Conduct and all known relevant facts and circumstances.
  - A statement that other legal or institutional proceedings involving the alleged Prohibited Conduct have not been initiated or, if initiated, the status of such

- proceedings.
- Any relevant supporting documents available to the Complainant (e.g., emails, notes, publications, posts, etc.).
- Names of any witnesses or others with pertinent information, and contact information, if known.
- The Society Members involved in processing or investigating the Complaint shall keep the information in the completed online complaint form and the identities of the Complainant and Respondent confidential during the investigation pursuant to the Confidentiality provision below.
- Individuals who make allegations of a Policy breach in bad faith will be subject to the same types of disciplinary action to which violators of this Policy are subject.

## **Confidentiality**

The details of a filed Complaint and all proceedings will be kept confidential by all Society Members involved in the processing or investigation of a Complaint prior to a final determination of the matter. The SRS Professional Conduct Task Force may reveal information only to the extent that it must in order to complete a thorough investigation. Details of determinations of violations of this Policy shall be kept confidential. The SRS may disclose such information when compelled by a valid subpoena or by a court order. Individuals who fail to maintain confidentiality may be subject to the sanctions described in this Policy.

Initiation of legal action against the SRS or Society Members shall constitute a waiver of confidentiality by the person initiating such action.

## **Preliminary Evaluation of a Complaint**

Once a written Complaint is received, the SRS President and the SRS Executive Director, or their respective designee, will evaluate the Complaint for investigation using the process described below.

### Considerations for Evaluating a Complaint for Investigation:

A Complaint will be evaluated and proceed to the investigation stage if the following conditions are met:

- The SRS is the entity with primary jurisdiction over the matters raised in the Complaint and is the primary entity where investigative and/or corrective measures are best taken;
- The Complaint pertains to a violation(s) of the Policy;

- The Complaint is attributed to an individual or group of individuals; and
- The Complaint lists at least one witness to the incident if the Complaint is anonymous.

A Complaint will **not** be evaluated and proceed to the investigation stage if:

- The Complaint is currently under investigation by the Society, or it has been investigated previously.
- There are other factors that would not merit investigation of the Complaint.

### **Notice of Complaint**

The SRS President or designee will notify the Complainant when their Complaint has been evaluated, will provide an outline of the investigation procedures to the Complainant and will inform the Complainant whether or not the Complaint will be investigated. If after evaluation, a determination has been made that the Complaint will not be investigated, the Complainant may submit a written appeal of a decision declining an investigation to the SRS Executive Committee within thirty (30) calendar days of notification that an investigation will not occur.

After review of the appeal, the President or designee will notify the Respondent of the decision regarding the appeal of the Complaint. An outline of the investigation procedures will be provided to the Respondent if the appeal is successful.

The President will appoint a Professional Conduct Task Force to oversee investigation of the Complaint. The President or designee may take interim steps after evaluating a Complaint to require a Respondent to leave the meeting/event before an investigation has begun or during an open investigation to avoid disruption of, or to ensure the safety of, other participants at the meeting/event.

### **Investigation and Report**

The investigation of a Complaint will be conducted as determined by the Professional Conduct Task Force, in their sole and exclusive discretion. The investigation will generally involve interviews with the Complainant, the Respondent, and relevant witnesses, and the review of relevant documents and of other materials and communications provided by the Complainant and witnesses. The Respondent will receive sufficient information about the Complaint and its allegations, as determined by the Professional Conduct Task Force, to allow an adequate opportunity to respond to the Complaint and to present their own evidence to the Professional Conduct Task Force. All

interviews must be attended by at least two members of the Professional Conduct Task Force.

The Chair of the Professional Conduct Task Force shall establish a proposed timeline for completion of the investigation and submission of an investigation report. Where possible, the investigation will be completed and the Chair of the Professional Conduct Task Force will summarize the Professional Conduct Task Force investigation and submit a confidential investigation report to the Professional Conduct Task Force for their review and final approval within sixty (60) calendar days of their assignment to investigate the Complaint.

The confidential investigation report will generally include the following content:

- A summary report of the investigation process and the Task Force's findings, including: the alleged violations of the Policy; whether the investigation finds that the Respondent violated any provision of the Policy; the basis for such findings; any recommendations for resolution; and any recommendations for disciplinary action.
- The written Complaint and any written response of the Respondent.
- Notes summarizing the interviews conducted by the Task Force.
- Written documentation provided by the parties and any witnesses.
- Written documentation independently gathered by the Task Force.
- If the Complaint has been resolved by informal resolution or mediation between the parties during the investigation, a summary of that resolution will be included in the summary report.

The Professional Conduct Task Force will review the investigation report and determine whether to accept, modify, or reject, in whole or in part, the findings. The Professional Conduct Task Force will develop recommendations for disciplinary action, if any. Based on such review, the Professional Conduct Task Force shall finalize the confidential investigation report and submit it to the SRS Board of Directors within thirty (30) calendar days of receiving the investigation report from the Chair. The Board of Directors, in consultation with the Professional Conduct Task Force Chair as necessary, will accept, modify, or reject the Professional Conduct Task Force's recommendation. The SRS President or designee will notify the Complainant and the Respondent of the findings, determination, and any sanctions by written report. The Complainant and the Respondent may submit a response in writing within thirty (30) calendar days. After the end of the 30-day period, the President or designee shall instruct the Executive Director to take the appropriate actions if a sanction is imposed, except that such notice will be postponed if an appeal is filed.

## **Resolutions**

A resolution of a Complaint without sanctions may be appropriate based on consideration of such factors as: (1) no laws were broken; (2) a misunderstanding occurred and was corrected; (3) lessons were learned by those in need of education; (4) there was an authentic commitment to avoid a repetition of the cause of the Complaint; (5) such a resolution is consistent with the values of the Society and goals of this Policy, which is to deter unprofessional behavior; and (6) considering the above and the nature of the Complaint, a sense of safety and inclusion was successfully restored without the need for further action. In such cases, the final outcome will be reported to the SRS Board of Directors and the Complaint will be considered resolved without sanctions.

When the finding of a Policy violation cannot be resolved without sanctions, the recommended disciplinary action will be given to the Respondent in writing. An explanation of the parties' rights to appeal the Professional Conduct Task Force's determination to the SRS Board of Directors will also be provided.

One or more of the following forms of disciplinary action are available for violations of the Policy. The range of available disciplinary actions is intended to be as broad and flexible as possible so as to be appropriate to remedy and redress any violation that has occurred.

1. Private Reprimand. In cases where there has been a policy violation, but the violation did not cause serious personal and/or professional harm, an educative letter concerning the violation, including any stipulated conditions of redress, will be sent to the Respondent. Failure to comply with stipulated conditions of redress in a reprimand may result in the imposition of a more severe sanction.
2. Denial of Privileges. In appropriate cases, findings may suggest that the Respondent should be denied one or more of the privileges of SRS membership and/or the opportunity to participate in Society Activities, including but not limited to appointment to the editorial boards of any SRS publications, election or appointment to any SRS offices and committees, receipt of any SRS awards, publishing in or serving as an editor of one or more SRS-sponsored journals, presenting a paper or otherwise participating at one or more meetings sponsored by the SRS, or receiving research or scholarship assistance from any program sponsored by the SRS.
3. Termination of Membership. In cases where there has been a policy violation and the violation has caused serious personal and/or professional harm, the SRS membership of the Respondent may be terminated for a period to be determined with respect to the findings of the investigation and recommendations. Termination of membership must be voted on by the SRS Board of Directors in accordance with the SRS Bylaws. Eligibility



to renew membership at the expiration of this period may be automatic or may be conditioned on a future review by the Board to determine that eligibility is appropriate.

### **Appeal of Determination**

A Respondent who is found to have violated this Policy and who receives a sanction may appeal this determination by filing a written notice of appeal and statement of reasons for appeal with the SRS Executive Director no later than thirty (30) calendar days after receipt of the notice of determination.

An appeal may only be filed under the following conditions:

1. Newly surfaced, consequential facts that were not previously available when the decision was made become known or available.
2. Consequences are grossly disproportionate (in leniency or stringency) to the violation found, considering how similar situations were handled, if any, under current Society policies (i.e., not under prior policies).
3. Lack of facts to support the decision.
4. A newly surfaced or previously unknown conflict of interest emerges for a decision-maker.

The Executive Director will immediately notify the SRS Executive Committee of the appeal. The appeal must specify in what respect the determination was wrong and why, in accordance with the conditions set forth above. In the absence of a timely appeal, the decision will stand as the final decision of SRS and neither the Complainant nor the Respondent will have any further right of appeal to the Board of Directors.

An appeal hearing will be informal and held on an online meeting platform. Disciplinary action will not take effect while the appeal is pending. At the hearing, the person who submitted the appeal shall be entitled to make a written statement or to present new evidence and/or to call witnesses not previously interviewed. The names and addresses of all new witnesses who will appear at the hearing shall be provided to the SRS Executive Committee at least fifteen (15) calendar days before the hearing.

At the SRS Executive Committee's sole and exclusive discretion, it may request the presence of the Complainant, or other witnesses at the hearing, and/or engage its own legal counsel to advise the Committee at the hearing.

The SRS Executive Committee may decide, at its discretion, to create a transcript and make this available to the person(s) appealing the determination, and other parties involved. The Respondent may request a transcript, at their own expense, in the event the SRS Executive Committee does not choose to create a transcript.

The SRS Executive Committee will summarize and report the information presented during the hearing to the SRS Board of Directors. If the evidence presented at the hearing warrants, the SRS Board of Directors may affirm or modify the findings regarding a Policy violation or increase or decrease the severity of the disciplinary action.

### **Retaliation and Bad Faith Reporting**

The Society will not tolerate any form of retaliation against individuals who in good faith file a Complaint or assist in an investigation of reported misconduct or violations covered by this Policy. Retaliation is defined as: punishing or otherwise engaging in differential adverse treatment of someone in response to that person raising a concern about a violation or possible violation of the Policy. Retaliation includes, but is not limited to, any activity that would discourage someone from resisting or reporting misconduct in the future, such as: transfer to a less desirable position or assignment; verbal or physical abuse; increased scrutiny; spreading false statements; or making the person's work more difficult.

Similarly, bad faith accusations in which there has been intentionally false, frivolous, and/or malicious reporting of violations will not be tolerated.

Retaliation and bad faith reporting violate this Policy and will be subject to investigation and the same types of disciplinary action as other forms of misconduct.