

# **Code of Ethics**

## **Committee on Professional Ethics (COPE) Policies and Procedures**

*Approved by the ASA Council, Amended March 2020*

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## **INTRODUCTION**

The ASA Code of Ethics contains both educational and aspirational elements, as well as Ethical Standards. These Policies and Procedures describe the responsibilities of the ASA Committee on Professional Ethics (COPE), the general operating rules of COPE, and the policies and procedures related to the submission and resolution of complaints of violations of the Code of Ethics.

## **PART I. RESPONSIBILITIES AND AUTHORITY**

### **1. Responsibilities of COPE**

COPE has been established by the ASA Council to promote ethical conduct by sociologists at the highest professional level through development and sponsorship of educational activities for ASA members and other sociologists, investigation of complaints concerning the possible unethical conduct by members of the ASA, and determination of sanctions when a violation of the Ethical Standards has occurred.

### **2. Authority of COPE**

COPE is authorized to:

- (a) Publicize the Code of Ethics to the members of the ASA and other interested persons.
- (b) Educate the members of the ASA and other interested persons concerning the ethical obligations of sociologists under the Code of Ethics through articles, seminars, lectures, casebooks, or other materials.
- (c) Recommend changes in the Code of Ethics and these Policies and Procedures to the ASA Council.
- (d) Provide advice regarding their ethical obligations under the Code of Ethics to members of the ASA on an informal and confidential basis.
- (e) Seek to resolve allegations of violations of the Ethical Standards by members of the ASA informally through mediation or other means.
- (f) Investigate allegations of violations of the Ethical Standards, determine if violations of the Ethical Standards have occurred and, where appropriate, impose sanctions.
- (g) Adopt such rules and procedures governing the conduct of all matters within its jurisdiction as are consistent with the governing documents of the Association, the Code of Ethics, and these Policies and Procedures.

### **3. Responsibilities of the Executive Director**

- (a) Work with COPE in the administration of items 2(a)-(g) above.
- (b) Report to COPE on an annual basis the number and types of complaints received, the number recommended for informal resolution, and any other pertinent information regarding the involvement of the Executive Director in ethics inquiries.

## **PART II. OPERATING RULES OF COPE**

### **1. Membership**

The members of COPE shall be appointed in accordance with the By-Laws of the Association. After the end of his or her term of office, a member of COPE may continue to participate in the investigation of a matter to which he or she was previously assigned. Such member may also participate in reaching the findings and recommendation of the Investigation Panel with respect to that matter.

## **2. Officers**

The Chair or Co-Chairs of COPE shall serve a term of one year beginning on January 1. The Chair or Co-Chairs shall have primary responsibility for carrying out the mandate of COPE.

## **3. Meetings**

A regular meeting of COPE shall be held annually at the Annual Meeting of the Association. Additional meetings may be held, upon the call of the Chair or a Co-Chair, from time to time electronically, in person, or by telephone conference call.

## **4. Quorum and Voting**

A quorum for the transaction of business at any meeting of COPE shall consist of a majority of the members then in office. All decisions shall be by majority vote of the members of COPE present at a meeting at which a quorum is present.

## **5. Voting by Mail/Electronically**

Any action of COPE which could be taken at a meeting may be taken without a meeting upon the affirmative vote, in writing, including by electronic communication, of all members of COPE then in office.

## **6. Conflicts of Interest**

No member of COPE shall participate in the deliberations or decision of any matter with respect to which the member has a conflict of interest as outlined in the Code of Ethics. In the event of such a conflict, the member should inform COPE and recuse himself or herself from any deliberation or decision on the matter. This provision will not apply when COPE itself is the complainant.

# **PART III. ENFORCEMENT OF THE CODE OF ETHICS**

## **1. Jurisdiction**

- (a) COPE shall have jurisdiction to receive and determine the resolution of any complaint of a violation of the Ethical Standards in the ASA Code of Ethics by a member of the ASA in any category of membership. All current members of ASA are subject to the Code of Ethics. In situations where the alleged violation of the Ethical Standards occurred when the subject of the complaint was not a member of the ASA, COPE shall have jurisdiction if the subject of the complaint is currently a member. In situations where the alleged violation of the Ethical Standards occurred when the subject of the complaint was a member, but is currently no longer a member of the ASA, COPE shall have discretion to resolve the complaint as if the subject of the complaint were still a member.
- (b) If a complaint alleges conduct which is, or may be, the subject of other legal or institutional proceedings, COPE may, at its discretion, defer further COPE proceedings with respect to the complaint until the conclusion of the other legal or institutional proceedings.

## **2. Filing a Complaint**

- (a) Any ASA member who has a good faith reason to believe that a current ASA member or other person subject to the Code of Ethics has violated the Ethical Standards in the Code of Ethics may file a complaint with COPE.

- (b) A complaint may also be initiated by COPE on its own behalf.
- (c) Potential complainants are encouraged to make an initial contact with the ASA Executive Director or his or her designee to clarify whether concerns about a possible ethical violation are covered by the Ethical Standards. If it appears that a situation may be covered by the Ethical Standards, a copy of the Code of Ethics and these Policies and Procedures shall be sent to the potential complainant. Informal dispute resolution and use of other avenues of investigation will be encouraged.
- (d) A complaint may not be accepted or initiated if it is received more than 18 months after the alleged conduct either occurred or was discovered, except as set forth below. A complaint received after the 18-month time limit set forth in this paragraph may only be accepted if the Chair or a Co-Chair of COPE determines that there is good cause for the complaint not to have been filed within the 18-month time limit. No complaint will be considered if it is received more than five years after the alleged conduct occurred or was discovered. The five-year time limit will be waived for complaints of harassment.
- (e) A complaint shall include all of the following: 1) the name and address of the complainant; 2) the name and address of the subject of the complaint; 3) the specific Ethical Standard(s) alleged to have been violated; 4) a statement that other legal or institutional proceedings involving the alleged conduct have not been initiated or, if initiated, the status of such proceedings; 5) a full description of the conduct alleged to have violated the Ethical Standards in the Code of Ethics, including the sources of all information on which the allegations are based; 6) copies of any documents supporting the allegations; and, 7) if necessary, a request that the 18-month time limit be waived. Anonymous complaints shall not be accepted. However, if material in the public domain is provided anonymously, COPE may choose to use such material in support of its own complaint.

### **3. Preliminary Screening of a Complaint**

- (a) The Executive Director or his or her designee shall screen each complaint to determine whether the Ethical Standards apply to the subject of the complaint and whether the alleged conduct is covered by the Ethical Standards. If the complaint does not include all the information required by 2(e), the Executive Director or his or her designee shall so inform the complainant, who will be given the opportunity to provide additional information. If no response is received from the complainant within 30 days, or such longer period as is appropriate for good cause shown, the matter will be closed and the complainant so notified.
- (b) If the complaint is complete as set forth in 2(e), the Executive Director or his or her designee shall notify the Chair or one of the Co-Chairs of COPE and provide relevant materials regarding the complaint. The Chair or such Co-Chair of COPE and the Executive Director or his or her designee shall evaluate whether there is cause for action by COPE. Cause for action by COPE shall exist when the subject of the complaint's alleged actions and/or omissions, if proved, would in the judgment of the Chair or Co-Chair of COPE and the Executive Director or his or her designee constitute a breach of the Ethical Standards in the Code of Ethics. For purposes of determining whether cause for action exists, incredible, speculative, and/or internally inconsistent allegations may be disregarded. If cause for action is determined to exist a formal case is initiated, as set forth in 4(a). If cause for action is determined not to exist, the complaint will be dismissed at this stage and the complainant so notified.

#### **4. Notice of a Complaint and Informal Resolution**

- (a) If cause for action by COPE is found, the Executive Director or his or her designee shall provide a copy of the complaint and all supporting materials, and a copy of the Code of Ethics and these Policies and Procedures, to the subject of the complaint and encourage, where appropriate in the discretion of the Executive Director (or his or her designee), a settlement through informal means of dispute resolution. If informal means of dispute settlement are not otherwise available to the complainant and the subject of the complaint, a mediator who is not a current member of COPE may be recommended by the Executive Director or his or her designee. Such mediation services will in most cases be by written correspondence or telephone. If informal means of dispute resolution are declined by either party, the members of COPE shall not be informed which party declined.
- (b) Any person appointed to serve as a mediator shall agree to maintain the confidentiality of the proceedings as set forth in the Code of Ethics and these Policies and Procedures. The mediator shall report to the Executive Director or his or her designee only whether a matter has been resolved to the satisfaction of the parties involved.

#### **5. Response to a Complaint**

If either or both the complainant and the subject of the complaint decline informal means of dispute resolution, or if informal means of dispute resolution fail to resolve the complaint, or if informal resolution is not deemed appropriate in the discretion of the Executive Director or his or her designee, the subject of the complaint shall be notified that the case will go forward in accordance with these Policies and Procedures. The subject of the complaint shall have 30 days after receipt of this notice to respond in writing to the complaint. An extension may be granted by the Executive Director if good cause is shown, but the extension shall not exceed 90 days.

#### **6. Initial Determination by a Chair**

The complaint and any response to it shall be submitted to the Chair or a Co-Chair of COPE for an initial determination of whether there is sufficient evidence to proceed with an investigation. The Chair or a Co-Chair may, in his or her discretion, request additional information from the complainant and/or any other appropriate source before making the initial determination, provided, however, that the Chair or a Co-Chair shall not rely on such additional information unless it has been shared with the subject of the complaint, and she or he has been afforded an opportunity to respond. If the Chair or a Co-Chair decides there is insufficient evidence to proceed, the matter will be closed and the complainant and the subject of the complaint will be notified in writing.

#### **7. Investigation and Recommendation**

If the Chair or a Co-Chair determines that there is sufficient evidence to proceed with the complaint, he or she shall appoint an Investigation Panel composed of the Chair or a Co-Chair and two members of COPE (the "Panel"). The Panel may communicate with the complainant, the subject of the complaint, witnesses, or other sources of information as necessary to carry out its functions. The Panel shall conduct as much of its business as is practical through written correspondence or verbal communication. Complainants and subjects of complaints have the right to consult or retain legal counsel at their own expense. The Panel shall submit a written report of its findings and any recommendations for sanction to the full COPE within 90 days, unless a longer period is necessary in the opinion of the Chair or Co-Chair. A copy of the Panel's findings and recommendation shall be provided

to the complainant and the subject of the complaint, each of whom may submit a response in writing within 30 days.

## **8. Determination of a Violation**

COPE shall determine whether a violation of the Ethical Standards in the Code of Ethics has occurred based on the complaint, the response, any other information provided to the Panel, the recommendation and findings of the Panel, and the responses of the parties thereto, provided, however, that COPE may hear the testimony of witnesses where, in its view, it is essential to the fairness of the proceeding. COPE may return any matter to the Panel for further investigation. Upon completion of its review, COPE shall issue a determination of whether one or more violations of the Ethical Standards in the Code of Ethics have occurred, including a summary of the factual basis for this determination and, if deemed necessary, the appropriate sanction.

## **9. Sanctions**

In any case in which it has determined that a violation of the Ethical Standards in the Code of Ethics has occurred, COPE may impose no sanction or it may impose one or more of the following, as appropriate:

- (a) ***Private Reprimand.*** In cases where there has been an ethics 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, may be sent to the subject of the complaint. Failure to comply with stipulated conditions of redress in a reprimand may result in the imposition of a more severe sanction.
- (b) ***Denial of Privileges.*** COPE may determine that a subject of a complaint shall be denied one or more of the privileges of ASA membership and/or the opportunity to participate in ASA activities.
- (c) ***Public Reprimand.*** Where COPE determines that the seriousness of the violation warrants a stronger response, it may direct that a copy of the letter of reprimand be made public in an appropriate manner.
- (d) ***Termination of Membership.*** In cases where there has been an ethics violation and the violation caused serious personal and/or professional harm, the ASA membership of the subject of the complaint may be terminated. The eligibility to reinstate membership at the expiration of a period to be determined by COPE may be automatic or may be conditioned on a future determination by COPE that eligibility is appropriate.

## **10. Notice of Determination**

The Chair or a Co-Chair of COPE shall notify the complainant and the subject of the complaint of the determination by COPE (the "Notice of Determination"). If a sanction is imposed, COPE shall instruct the Executive Director to take the appropriate actions called for under COPE's determination, except that such instruction shall be postponed if an appeal is filed as set forth in paragraph 11.

## **11. Appeal of Determination**

A subject of a complaint who is determined by COPE to have violated the Ethical Standards in the Code of Ethics and who receives a sanction under 9(a) through 9(d) may appeal this determination by filing a Notice of Appeal, including a statement of reason for the appeal, with the Executive Director of the ASA, no later than 30 days after receipt of the Notice of Determination. The Executive Director will forward the appeal to the President of ASA. An extension may be granted by the President if good cause is shown, but the extension may not exceed 90 days. If an appeal is filed, the President shall convene the Council

to serve as an Appeal Panel to review all information considered by COPE and, within 90 days, make a decision to uphold or reverse the determination. The Appeal Panel may affirm COPE's decision, set aside COPE's determination that a violation has occurred, or it may determine that the sanction imposed by COPE is not appropriate and impose a different sanction. The decision of the Appeal Panel shall constitute the final decision of the ASA with respect to all matters subject to this paragraph.

## **12. Confidentiality**

- (a) The filing of a complaint against a current or former ASA member and all proceedings held under this Part III shall be kept confidential to the fullest extent under applicable laws by COPE, the Investigation Panel, the Appeal Panel, and the President of the ASA prior to a final determination of the matter, except that information regarding the complaint may be shared with the Executive Director, any staff designated by the Executive Director to assist COPE, ASA legal counsel, the complainant, the subject of the complaint, and third party sources of information. Determinations of violations of the Ethical Standards in the Code of Ethics by COPE or by an Appeal Panel shall be kept confidential, except in the case of sections 9(b), 9(c), or 9(d), or as otherwise required under applicable legal requirement.
- (b) The name of each individual whose membership is terminated and a brief statement of the reason for termination shall be reported annually to ASA Council. Such information may otherwise be disclosed only when compelled by an applicable legal requirement.
- (c) Notwithstanding the foregoing, COPE may publish reports of its determinations to educate the membership about the requirements of the Code of Ethics, but will not make the identity of the parties public unless otherwise provided for in Part III.
- (d) Initiation of legal action against the ASA or its officers or employees shall constitute a waiver of confidentiality by the person initiating such action.
- (e) Records relating to the investigation of complaints of violations of the Ethical Standards in the Code of Ethics, whether or not COPE determined that a violation occurred, shall be maintained in a secure place. These records should always remain confidential, unless otherwise provided for in this Part III. Permission to use these materials for research and educational purposes may be granted by the Executive Director within the first 50 years of the closing of the complaint, as long as the materials do not identify the individuals involved. After 50 years, these materials are available for research or educational purposes without special approval as long as the commitment to confidentiality is honored and the materials do not identify the individuals involved.