

## **SMA Code of Ethical Conduct**

**Approved February 2013 (with Revisions Approved November 2013 and February 2014)**

### **INTRODUCTION**

This Code of Ethical Conduct is put forth for members of the SMA and nonmembers who participate in SMA activities (e.g., authors, job seekers, etc.). This Code is based upon the Code of Ethics put into effect in 2006 by our national affiliate association, the Academy of Management (AOM). While the Academy of Management has also provided inspirational goals to guide AOM members toward the highest ideal in behaviors associated with research, teaching, service and practice, unless explicitly noted otherwise, this Code of Ethical Conduct for SMA pertains only to enforceable rules for conduct for participation in SMA activities.

Most of the Ethical Standards are written broadly in order to apply to members in varied roles and activities. The Ethical Standards are not exhaustive. General rules of participation also exist at various levels in SMA (e.g., program submission, manuscript submission, placement, governance activities, etc.). Any conduct that is not specifically addressed by this Code of Ethics is not necessarily ethical or unethical.

Membership in SMA commits members to uphold the Code of Ethics, and to adhere to the enforced standards and their accompanying Rules and Procedures. Members are advised of this obligation upon joining and renewing membership in the Association. Non-members are advised of the Code of Ethics upon submission for participation in SMA activities. Violations of the Ethical Standards may lead to the imposition of sanctions, including termination of membership and prohibition from future participation in SMA sponsored activities.

### **ETHICAL STANDARDS**

*(Except where explicitly noted otherwise, sections 1 through 5 of this code contain enforceable standards of conduct applying only to members in official SMA roles, and members and non-members participating directly in SMA sponsored activities).*

Preface: The SMA is an association whose existence and operations are dependent on cooperation, involvement, and leadership from its members. SMA members adhere to the highest ethical standards when interacting with others in the association, participating in SMA activities and assuming official roles. Members also abide by the rules and policies pertaining to the specific SMA activities they engage in (e.g., program submission, division bylaws, board requirements, etc).

#### **1. Human relations**

- 1.1. Unfair Discrimination SMA members do not engage in unfair discrimination based on age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, socioeconomic status, or any basis proscribed by law.
- 1.2. Sexual Harassment SMA members do not engage in sexual harassment. Sexual harassment is sexual solicitation, physical advances, or verbal or nonverbal conduct that is sexual in nature, that occurs in connection with the member's activities that either (1) is unwelcome, is offensive, or creates a hostile environment and the member knows this or is told this or (2) is sufficiently severe or intense as to be abusive to a reasonable

person in the context. Sexual harassment can consist of a single intense or severe act or of multiple persistent or pervasive acts.

- 1.3. Other Harassment SMA members do not knowingly engage in behavior that is harassing or demeaning to others with whom they interact, including behavior conducted electronically (e.g. spamming, spoofing, mail bombing, etc)
  - 1.4. Avoiding Harm SMA members take reasonable steps to avoid harming others with whom they interact in the course of SMA activities and to minimize harm where it is foreseeable and unavoidable.
  - 1.5. Conflicts of Interest SMA members take appropriate steps to avoid conflicts of interest or the appearance of conflicts,
    - 1.5.1. Roles SMA members refrain from taking roles when their interests or relationships could reasonably be expected to (1) impair their objectivity, competence, or effectiveness (2) expose the person or organization with whom the relationship exists to harm or exploitation.
    - 1.5.2. Disclosure SMA members disclose relevant information and personal or professional relationships that may have the appearance of or potential for a conflict of interest.
    - 1.5.3. Decision-making SMA members carefully scrutinize potentially biasing affiliations or relationships, including those with whom SMA members have had strong conflict or disagreement.
  - 1.6. Exploitative Relationships SMA members do not exploit persons over whom they have evaluative or other authority such as authors, job seekers, or student members.
  - 1.7. Informed Consent When SMA members conduct research, including on behalf of the SMA, they obtain appropriate informed consent of the individual or individuals using language that is reasonably understandable to that person or persons. Written or oral consent, permission, and assent is appropriately documented.
  - 1.8. Fiduciary Responsibility
    - 1.8.1. SMA Best Interests Members in official SMA roles (e.g., chairs, board members, committee members, track chairs, etc.) act in a manner that is trustworthy and which inspires confidence that the member is acting in the SMA's best interest.
    - 1.8.2. Duty of Accounting Members who receive or handle SMA funds provide a true accounting of the money and/or property entrusted to them and do not cheat, steal, misappropriate SMA resources or circumvent financial policies.
    - 1.8.3. Personal Gain Members in official SMA roles do not receive compensation, gifts, or other special considerations in return for the promise of SMA business.
2. **Privacy and confidentiality** SMA members have an obligation to ensure that confidential information they possess because of their SMA activities is protected. When gathering confidential information, SMA members should take into account the long-term uses of the information, including its potential placement in public archives or the examination of the information by others.
- 2.1. Maintaining Confidentiality
    - 2.1.1. SMA members take reasonable precautions to protect the confidentiality rights of others.

- 2.1.2. SMA members maintain the integrity of confidential deliberations, activities, or roles, including, where applicable, that of committees, review panels, or advisory groups
- 2.2. Avoidance of Personal Gain
  - 2.2.1. Under all circumstances, SMA members do not use or otherwise seek to gain from information or material received in a confidential context (e.g., knowledge obtained from reviewing a manuscript or serving on a review panel), unless they have authorization to do so or until that information is otherwise made publicly available.
- 2.3. Limits of Confidentiality
  - 2.3.1. SMA members determine their ability to guarantee absolute confidentiality at the outset and, as appropriate, inform others of (1) the relevant limitations on confidentiality, and (2) the foreseeable uses of the information generated.
  - 2.3.2. SMA members may confront unanticipated circumstances where they become aware of information that is clearly threatening to others. In these cases, SMA members balance the importance of guarantees of confidentiality with other principles in this Code of Ethical conduct, and applicable law.
  - 2.3.3. Confidentiality is not required with respect to observations in public places, activities conducted in public, or other settings where no rules of privacy are provided by law or custom. Similarly, confidentiality is not required in the case of information available from public records.
- 2.4. Anticipation of Possible Uses of Information
  - 2.4.1. When maintaining or accessing personal identifiers in data bases or systems of records, such as SMA membership rosters, annual meeting submissions, or manuscript review systems, SMA members delete such identifiers before the information is made publicly available or by employing other techniques that mask or control disclosure of individual identities.
  - 2.4.2. When deletion of personal identifiers is not feasible, SMA members take reasonable steps to determine that appropriate consent of personally-identifiable individuals has been obtained before they transfer such data to others or review such data collected by others.
- 2.5. Electronic Transmission of Confidential SMA members are attentive to the problems of maintaining confidentiality and control over sensitive material and data when use of technological innovations, such as public computer networks, may open their communication to unauthorized persons.

### **3. Public Statements**

- 3.1. SMA members do not make public statements pertaining to SMA or their activities within SMA, that are false, deceptive, misleading, or fraudulent, either because of what they state, convey, or suggest or because of what they omit, including, but not limited to, false or deceptive statements concerning other SMA members.
- 3.2. When, at the request of the society, SMA members provide public comment on behalf of SMA, they take reasonable precautions to ensure that (1) the statements are based on appropriate research, literature, and practice; (2) the SMA is credited and (3) the statements are otherwise consistent with this Code of Ethical Conduct.

- 3.3. SMA members do not formally or legally speak for or represent the SMA unless authorized by the President to do so.

#### **4. Research and Publication at SMA Meetings or in SMA Proceedings**

- 4.1. Reporting on Research SMA members adhere to the highest ethical standards when disseminating their research findings such as at the annual meeting or in SMA publications.
  - 4.1.1. SMA members do not fabricate data or falsify results in their publications or presentations.
  - 4.1.2. SMA members explicitly identify, credit, and reference the author when they take data or material verbatim from another person's written work, including their own, whether it is published, unpublished, or electronically available.
  - 4.1.3. SMA members provide acknowledgment of and reference to the use of others' work, including their own, even if the work is not quoted verbatim or paraphrased. They do not present others' work as their own whether it is published, unpublished, or electronically available.
  - 4.1.4. SMA members take responsibility and credit, including authorship credit, only for work they have actually performed or to which they have contributed.
  - 4.1.5. SMA members take special care to report accurately the results of others' scholarship by using correct information and citations when presenting the work of others.
  - 4.1.6. SMA members who use data from others for further analyses explicitly acknowledge the contribution of the initial researchers.
  - 4.1.7. SMA members ensure that principal authorship and other publication credits are based on the relative scientific or professional contributions of the individuals involved, regardless of their status. In claiming or determining the ordering of authorship, SMA members seek to reflect accurately the contributions of main participants in the research and writing process.
  - 4.1.8. A student is usually listed as principal author on any multiple authored publications that substantially derives from the student's dissertation or thesis.
  - 4.1.9. In presenting their work, SMA members report their findings fully and do not omit relevant data.
  - 4.1.10. SMA members take particular care to state all relevant qualifications on the findings and interpretation of their research. Consistent with the spirit of full disclosure of methods and analyses, once findings are publicly disseminated, SMA members permit their open assessment and verification by other responsible researchers in a manner consistent with the standards of the profession, with appropriate safeguards, where applicable, to protect the anonymity of research participants.
  - 4.1.11. If SMA members discover significant errors in their publication or presentation of data, they take reasonable steps to correct such errors in a correction, a retraction, published errata, or other public forum as appropriate.
  - 4.1.12. SMA members report sources of financial support in their written papers and note any special relations to any sponsor. In special circumstances, SMA members may withhold the names of specific sponsors if they provide an adequate and full description of the nature and interest of the sponsor.

- 4.2. Submission of Manuscripts and Proposals to the SMA Annual Conference
  - 4.2.1. SMA members report sources of financial support in their written papers and note any special relations to any sponsor. In special circumstances, SMA members may withhold the names of specific sponsors if they provide an adequate and full description of the nature and interest of the sponsor.
  - 4.2.2. In cases of multiple authors, SMA members confer with all other authors prior to submitting work to the conference and establish mutually acceptable agreements regarding submission.
  - 4.2.3. When submitting a manuscript or proposal to the annual conference, authors will submit the paper to only one track.
  - 4.2.4. When submitting a manuscript or proposal to the SMA conference, submitters are agreeing to insure that one of the authors will present the manuscript or proposal should it be accepted. Violations of this agreement are acceptable only in extenuating circumstances and with notification to and approval of the SMA Program Chair.
  - 4.2.5. In cases of multiple authors, SMA members confer with all other authors prior to submitting work to the conference and establish mutually acceptable agreements regarding submission.
  
- 4.3. Submission of Manuscripts for Publication (Standards in section 4.3 are non-enforceable inspirational goals for SMA members engaged in submitting manuscripts for publication)
  - 4.3.1. In submitting a manuscript, SMA members grant that publication first claim to publication except where explicit policies allow multiple submissions. SMA members do not submit a manuscript to a second publication until after an official decision has been received from the first publication or until the manuscript is withdrawn. SMA members submitting a manuscript for publication in a journal, book series, or edited book can withdraw a manuscript from consideration until an official acceptance is made.
  - 4.3.2. Duplicate Publication of Data. When SMA members present, or otherwise publish data or findings that they have previously presented or published elsewhere, they explicitly include proper acknowledgment in their submission of these works.
  
- 4.4. Responsibilities of Editors (Standards in section 4.4 are non-enforceable inspirational goals for SMA members who are engaged as journal or book editors).
  - 4.4.1. When serving as editors of journals or book series, SMA members are fair in the application of standards and operate without personal or ideological favoritism or malice. As editors, SMA members are cognizant of and make others aware of any potential conflicts of interest.
  - 4.4.2. When serving as editors of journals or book series, SMA members ensure the confidential nature of the review process and supervise editorial office staff, including students, in accordance with practices that maintain confidentiality.
  - 4.4.3. When serving as editors of journals or book series, SMA members are bound to publish all manuscripts accepted for publication unless major errors or ethical

violations are discovered after acceptance (e.g., plagiarism or scientific misconduct).

- 4.4.4. When serving as editors of journals or book series, SMA members ensure the anonymity of reviewers unless they otherwise receive permission from reviewers to reveal their identity. Editors ensure that their staff conforms to this practice.
  - 4.4.5. When serving as journal editors, SMA members ensure the anonymity of authors unless and until a manuscript is accepted for publication or unless the established practices of the journal are known to be otherwise.
  - 4.4.6. When serving as journal editors, SMA members take steps to provide for the timely review of all manuscripts and respond promptly to inquiries about the status of the review.
- 4.5. Responsibilities of Reviewers (Standards in section 4.5 are non-enforceable inspirational goals for SMA members who are engaged as journal reviewers).
- 4.5.1. In reviewing material submitted for publication or other evaluation purposes, SMA members respect the confidentiality of the process and the proprietary rights in such information of those who submitted it.
  - 4.5.2. SMA members disclose conflicts of interest or decline requests for reviews of the work of others where conflicts of interest are involved.
  - 4.5.3. SMA members decline requests for reviews of the work of others when they believe that the review process may be biased or when they have questions about the integrity of the process.
  - 4.5.4. If asked to review a manuscript, book, or proposal they have previously reviewed, SMA members make it known to the person making the request (e.g., editor, program officer) unless it is clear that they are being asked to provide a reappraisal.
5. **Ascribing to the Code of Ethical Conduct.** Upon joining SMA members agree to uphold and promote the principles of this Code of Ethical Conducts.
- 5.1. Familiarity with the Code of Ethical Conduct. SMA members have an obligation to be familiar with this Code of Ethical Conduct. Lack of awareness or misunderstanding of an ethical standard is not, in itself, a defense to a charge of unethical conduct.
  - 5.2. Confronting Ethical Issues
    - 5.2.1 When SMA members are uncertain whether a particular situation or course of action would violate the Code of Ethical Conduct, they may consult with the SMA President or Program Chair for guidance.
    - 5.2.2 When SMA members take actions or are confronted with choices where there is a conflict between ethical standards enunciated in the Code of Ethical Conduct and laws or legal requirements, they make known their commitment to the Code and take steps to resolve the conflict in a responsible manner.
  - 5.3. Fair Treatment of Parties in Ethical Disputes
    - 5.3.1. SMA members do not discriminate against a person on the basis of his or her having made an ethical complaint or having been the subject of an ethical complaint. This does not preclude taking action based upon the outcome of an ethical complaint.

- 5.4. Reporting Ethical Violations of Others When SMA members have substantial reason to believe that there may have been an ethical violation by another SMA member engaged directly in an SMA-sponsored activity, they attempt to resolve the issue by bringing it to the attention of that individual. If an informal resolution appears appropriate or possible, or SMA members seek advice about whether or how to proceed based on this belief, they may contact the SMA President or Program Chair for guidance.
- 5.5. Cooperating with Ethics Committees SMA members cooperate in ethics investigations, proceedings, and resulting requirements of the SMA. In doing so, they make reasonable efforts to resolve any issues of confidentiality. Failure to cooperate may be an ethics violation.
- 5.6. Improper Complaints SMA members do not file or encourage the filing of ethics complaints that are frivolous and are intended to harm the alleged violator.

## **Appendix: Rules and Procedures for Enforcement of the Code of Ethical Conduct**

### **Introduction**

This document outlines the rules and procedures for handling charges that the standards of the SMA Code of Ethical Conduct have been violated. The SMA Code of Ethical Conduct outlines enforceable rules that pertain only to participation in SMA activities. The rules and procedures are intended to reinforce the highest standards of professional ethics and practice through a process that is fair and procedurally just. These rules and procedures are periodically reviewed by the Ethics Committee, and all recommended changes are approved by the SMA Board.

### **Principles**

The rules and procedures are guided by the following principles:

- *Predictable*: Each individual complaint is handled in a consistent, orderly, and fair manner.
- *Transparent*: The Code of Ethics and Rules and Procedures for Enforcement are made available to members. Charges and responses are made known to the parties, and decisions are explained and documented.
- *Professional and impartial*: Each case is approached on the basis of good will and with a belief that there is no malicious intent on the part of anyone involved. All parties are treated equally and impartially.
- *Democratic*: Both parties have a voice and an opportunity to be heard. The process includes checks and balances.
- *Confidential*: The process is confidential, but within the process all involved individuals, their complaints, and responses are known to each other.
- *Efficient*: Every effort is made to resolve issues swiftly, while allowing time for quality deliberation.
- *Educative*: The process is intended to be educative with regard to ethics and positive professional practice for all involved parties.

### **Section A**

#### **Governance Structure**

Those appointed to the various roles that implement the SMA's ethics procedures have an obligation to act in an unbiased manner, to work expeditiously, to safeguard the confidentiality of the adjudication process, and to follow the procedures established to protect the rights of all involved individuals. They are expected to act only to uphold the Standards of the Code of Ethical Conduct while honoring the principles that guide the Rules and Procedures. Individuals appointed to Ethics roles are expected to possess the ability to act with clarity and independence, be perceived as fair and objective, have experience in scholarly publishing, and be members in good standing that reflect the SMA's professional norms and standards.

## **Ethics Committee Role, Composition and Function**

**Role:** The Ethics Committee (EC) is the enforcement body for the Code of Ethical Conduct. This committee also serves in an advisory and educational capacity to the Board and SMA members and provides the initial screening for charges to determine if ethical issues should move forward.

**Composition:** Chair and two at large members appointed by the President from among the general SMA membership for an indefinite term. Members with expertise in the subject matter of publications and ethics as well as tenure as an SMA member that would provide for an understanding of the organization are preferred. Members must be in good standing. In a case where an EC member is a party related to the complaint, has a relationship with any party in the dispute or is conflicted, s/he shall recuse herself/himself and the President shall appoint a different individual to fulfill the role.

Responsible for:

1. Receiving complaints of possible ethics violations
2. Screening initial ethical charges to determine if criteria for filing a complaint are met
3. Dismissing complaints not covered explicitly by the enforceable standards in the Code of Ethical Conduct
4. Explaining the process for filing the complaint and the adjudication procedure
- 5.. Receiving and processing requests for interpretations
6. Providing advice on ethics matters to the SMA Board
7. Receiving and processing complaints of alleged violations of the Code
8. Notifying involved parties when a complaint is received
9. Soliciting additional information as needed
10. Reviewing complaints and recommending remedial requirements, penalties, sanctions, and/or corrective actions to the SMA President.
11. Providing a written summary of deliberations and decisions to the President for inclusion in the archive of ethics inquiries and complaints
12. Convening and helping officers and other volunteers who address ethics matters in the course of handling SMA activities; providing support mechanisms and tools to facilitate their work.
13. Receiving reports from all ethics-related activity and conveying reports to the Board on an annual basis
14. Periodically reviewing and recommending changes in the Code and in procedures and policies for enforcing the Code
15. Preparing summaries, while protecting individual identities and only after Board approval, of decisions regarding ethical questions for membership where educational opportunities are identified.
16. Providing informal counsel to the Complainant and Respondent, without making judgments on the merits of the complaint.
17. Maintaining an archive of ethics inquiries and complaints

## **Ethics Appeals Panel Role, Composition and Function**

Role: The Ethics Appeals Panel (EAP) hears and reviews appeals of the decisions made by the EC.

Composition: Chair and two at large members appointed by the President from among the general SMA membership for an indefinite term. Members with expertise in the subject matter of publications and ethics as well as tenure as an SMA member that would provide for an understanding of the organization are preferred. Members must be in good standing. In a case where an EAP member is a party related to the complaint, has a relationship with any party in the dispute or is conflicted, s/he shall recuse herself/himself and the President shall appoint a different individual to fulfill the role.

Responsible for:

1. Accepting and reviewing, at the discretion of the EAP Chair, appeals from the respondent
2. Soliciting additional information as needed
3. Determining the appropriateness of decisions and actions arrived at by the EC
4. Recommending alternative actions, where warranted

## **Section B**

### **Operating Procedures**

#### Quorum and Voting

The full EC or EAP shall constitute a quorum. All decisions shall be by two-thirds vote of those appointed members. Voting can occur in person, via a conference call, or by email. In the event that an EC or EAP member must recuse herself/himself from a complaint, the President shall appoint a temporary replacement.

#### Conflicts of Interest

If the complainant or respondent challenges the composition of the EC or EAP, s/he must inform the President in writing before the adjudication or appeals process begins. Challenges are for alleged bias, prejudice or conflict of interest. Notwithstanding the foregoing, members of the EC and EAP shall be vigilant in assessing their own impartiality, as well as any questionable appearances due to relationships, and shall take appropriate action to eliminate any appearance of impropriety.

#### Means for Handling Complaints

Two principal means for handling ethics complaints are telephone consultations and electronic mail. Final determinations must be completed in hardcopy but can be electronically mailed to all necessary parties. Questions or issues that arise during the course of an adjudicated complaint must be forwarded to the EC Chair. Questions or clarifications about the process or the determination, from either the complainant or respondent, must be directed towards the EC Chair and not directed towards the Chairs or members of the EC or EAP. Some issues may not be resolved while the process is going forward but rather at the conclusion of the adjudication process.

### Confidentiality

At the point of original suspicion or informal inquiry, members are urged to avoid public disclosure of the situation. Once a formal complaint is filed with the EC, both the complainant and the respondent shall avoid public disclosure and discussion of the complaint until 30 days after the final determination. Breach of this requirement by the complainant may result in dismissal of the complaint by the EC and or EAP Chair and itself may constitute a violation of the Code of Ethical Conduct. Throughout the process, the EC members, EAP members, complainant, and respondent are all expected to respect the confidentiality of the process as well as its outcome. Communication to parties outside the process is inappropriate and will be deemed a violation of due process. The SMA's Code of Ethical Conduct and its Rules and Procedures apply only to SMA activities and the SMA community and thus have no jurisdiction outside the SMA.

### Use of Counsel

Adjudication proceedings are not legal proceedings and are closed to legal counsel of all parties.

### Informal Protocols and Queries

In all cases, members are first encouraged to resolve disputes directly and informally with the other party involved. If information resolution is not possible, the complainant has the option to file a formal complaint. The EC Chair shall also assess whether informal resolution is possible at the point in the adjudication process where the response is received and both parties have provided complete information.

### Amendment

The Rule and Procedures for handling charges of ethical-standards violations may be amended by a vote of the Board of Governors. All changes will be given appropriate publicity through SMA outlets (e.g., newsletter, website, email, etc.).

### Time Limits for the Filing of Formal Complaints

Complaints regarding conference submissions and publications must be filed within 3 years of the alleged incident. Complaints regarding personal conduct must be filed within 6 months of the

alleged incident. Complaints regarding fiduciary or other issues must be filed within 18 months of the alleged incident. The EC may accept formal complaints outside of the above time frames under exceptional circumstances.

### Timelines for Adjudication

The EC or EAP chairs may, at their discretion, accept documentation submitted late, and also may delay or postpone review of a case for good cause. Additionally, respondents may request that the EC or EAP delay or postpone its review of a case for good cause if done so in writing. Otherwise, all timelines for submittal and response must be adhered to for matters to be resolved efficiently and in good faith. The EC or EAP as composed at the initiation of a complaint will see the process surrounding that complaint through to its conclusion. If a member of the EC or EAP is not able to see a complaint through to its conclusion, the President shall appoint a replacement.

### Notice of Legal Action

If complainants or respondents know of any legal action, whether civil or criminal, related to the complaint, they are required to notify the EC Chair. In the event of any legal action, all EC and/or EAP activity related to the complaint will be stayed until the conclusion of the legal action. At the conclusion of the legal action, it is the responsibility of the complainant to re-initiate the SMA process, if desired, by notifying the EC Chair.

### Filing of Formal Records

Final written reports of the EC and of the EAP will be archived by EC. A copy of the report can be shared, with all names or identifying marks removed, with the Board and/or the SMA membership where doing so would be deemed to serve educational purposes or facilitate the improvement of SMA processes surrounding the Rules and Procedures for Enforcement of the Code of Ethical Conduct.

### Retaliation

Retaliation against any individual for inquiring about or filing a complaint is prohibited. If the respondent is determined to have taken any adverse actions against the complainant (or vice versa), the individual has violated these Rules and Procedures and stands in violation of the Code of Ethical Conduct. This may result in sanctions up to and including expulsion from the SMA.

### Record Retention Policy

The records retained on file for each adjudicated ethics case will be the following:

- Original complaint (including any supporting documents)
- Response to complaint (including any supporting documents)
- Final determination of the EC (which may include any documentation relevant to the final determination)

- Final determination of the EAP, where relevant (which may include any documentation relevant to the final determination)
- Other documents requested of the complainant and/or respondent by the EC and/or EAP that are added to the original complaint or response

Accordingly, it is SMA's policy that following each case, members of the EC and the EAP, where relevant, shall delete email correspondence on the case. Email represents inconclusive and internal dialogue between the parties. Only the official determination, which culminates from the dialogue and the final consensus, shall be filed for the record. Where learnings have been gained from the email dialogue, the EC and/or EAP Chair shall prepare a separate internal document for purposes of improving the ethics process. In the matter of dismissed complaints, the EC retains the formal complaint and supporting documents. However, the EC Chair may determine that records can be destroyed or minimal records retained. This document will be made generic (without names or other identifying information) and kept apart from the official ethics files. Any learnings documents will be shared with the EC in order to educate members. All final files for adjudicated cases are to be held by the EC, in perpetuity, except where the final determination reflects a sanction of "Private Reprimand," in which case records are retained for a period of 10 years.

The records retained for ethics inquiries shall consist of a generalized recording of the types and nature of inquiries (without names or other identifying information) received by the EC Chair for the purpose of education and process improvement. Since time may lapse between an inquiry and a formal complaint, the EC Chair may retain email communication and supporting documentation for up to one year after an inquiry is made while awaiting the filing of a formal complaint.

### Anonymity

A fundamental underpinning of the SMA Code of Ethical Conduct revolves around the concept of transparency and the notion that parties to the process should be known to each other. In ethical inquiries where the individual wishes to remain anonymous, the EC may counsel individuals to identify themselves so that both parties become known to one another. However, the EC Chair may invoke an anonymous complaint if **all** criteria are met in that: the EC Chair has determined that the complaint is reasonable and worthy of investigation despite the anonymity of the source; where clear evidence exists of the misconduct; and if there exists obvious evidence of a power imbalance between the anonymous source and the accused. In such a case, the EC Chair acts as proxy for the anonymous complainant and files a formal complaint on behalf of the anonymous complainant.

### Appeals

Upon completion of an ethics adjudication process, the respondent involved in the complaint has a right to appeal the determination and/or sanction. The respondent must contact the EC Chair and provide a written appeal and submit it to the EC Chair within 30 days of the dated "Final Determination" letter. Appeals are not allowed for dismissals or on matters of due process by the

EC. The filing of an appeal automatically stays the implementation of the final determination by the EC until the appeal is resolved.

## **Section C**

### **Adjudication Procedures**

#### **Screening of Inquiries and Eligibility to File Complaints**

All ethics inquiries are first screened by the EC Chair to determine whether the issue is potentially a violation of the Code of Ethical Conduct. To be considered a potential violation, the incident must have occurred within the domain of an SMA activity, the incident must be covered under the Code of Ethical Conduct, and the incident must have occurred within the specified time limits. If these conditions are met, the complainant will be informed that a formal complaint can be filed and the EC Chair will inform the EC that a complaint may be forthcoming. In such a case, the EC Chair will forward to the complainant an Ethics Complaint Form and a copy of the Code of Ethical Conduct. If the conditions are not met, the ECC Chair will communicate to the complainant why the issue is not eligible to be filed as a formal complaint.

1. After initial screening, the EC will receive complaints that an SMA member or members has or have violated one or more sections of the Code of Ethical Conduct from the following individuals:
  - a. Any SMA member who has reason to believe that another SMA member has violated the standards of the Code of Ethical Conduct.
  - b. The Chair of the EC on behalf of the SMA membership when the Chair has reason to believe through information received by the Committee that an SMA member or members has or have violated the SMA Code of Ethical Conduct.
  - c. The Chair of the EC on behalf of an anonymous complainant where anonymity is deemed necessary by the EC per the conditions identified in Section B.
2. If possible, individuals should attempt to resolve complaints directly with charged members before filing ethical complaints.
3. Issue or complaints involving two non-members are not eligible for filing formal ethics complaints.

#### **Filing Complaints**

1. All formal complaints are received by the EC Chair.
2. Only written complaints, signed by complainants, will be considered.
3. Members filing complaints will send a signed Ethics Complaint Form, detailing the nature of the complaint, including the specific standards that have been violated with reference to the Code of Ethical Conduct, and any supporting documentation to the EC Chair

4. The EC Chair will screen the formal complaint to determine if the written complaint is signed, the incident occurred within the domain of an SMA activity, the incident is covered under the Code of Ethical Conduct, the incident occurred within the specified time limits detailed in Section B, the complaint is a matter of potential violation that has sufficient grounds to warrant a violation if proven, it is not trivial, and there is sufficient evidence to proceed. The EC Chair verifies the specific standard(s) that has (have) been violated and determines if any others not identified in the formal complaint have been violated. If these conditions are met, the EC Chair sends a formal notice of complaint to the respondent to include the formal complaint and the SMA Code of Ethical Conduct. The EC Chair then informs the EC that a complaint is in process and will be adjudicated. If the conditions are not met, the EC Chair notifies the complainant that the formal complaint is being dismissed and provides the reason(s) for the decision. The EC Chair then notifies the President of the decision to dismiss and forwards all relevant material for the ethics archive. If these conditions are met, the formal complaint will be forwarded to the full EC.

#### **Notice to Charged Member(s), Informal Resolution, and Investigation**

1. Where formal complaint are not dismissed through screening by the EC Chair, the EC Chair will promptly inform and send the charged member(s), or respondent(s), a copy of the completed Ethical Complaint Form, any supporting documentation, and a copy of the SMA Code of Ethical Conduct. The respondent must acknowledge receipt of the complaint as soon as possible.
2. Charged members will be asked to respond to the EC Chair, in writing, to the complaint against them within 30 days of the receipt of the complaint. They will be asked to address each ethical standard of the SMA Code of Ethical Conduct they have been accused of having violated. Any evidence or supporting documentation the respondent wishes to have considered should also be submitted as part of the response.
3. If the respondent fails to respond to the complaint within the time allowed or does not respond to the inquiry in a suitable manner, the EC Chair can forward the matter directly to the EC to adjudicate the matter without participation by the respondent.
4. Once the EC Chair receives the response, a copy is shared with the complainant. For transparency of the process, the parties involved and the EC members will become known to each other. The parties may be asked by the EC to provide additional information in writing that also will be shared.
5. The EC Chair will ask the complainant and respondent if they would like to resolve the matter informally before adjudication begins. If not, the case moves forward. If the complainant and respondent both agree to discontinue the complaint process, the case will be dismissed with the approval of the EC Chair.
6. If the case moves forward, the EC Chair assembles the EC to start the formal process. If a member of the EC is unavailable, the President shall appoint a replacement to participate in the process to its completion.

7. The EC Chair will provide the following to the EC: a copy of the completed Ethics Complaint Form, the written response and any supporting documentation from both parties.
8. The EC will dismiss, defer, or deliberate the case within 60 days. The EC will request or allow information from either or both parties to be presented. The EC will render a final written determination.
9. If the case is dismissed or deferred, the complainant and respondent are notified in writing of the reasons for dismissal or deferral. A complaint can be dismissed by the EC if the respondent agrees to the fact that ethical negligence occurred and is willing to immediately take corrective action deemed sufficient by the EC.

### **Final Determination**

1. The EC renders a final written determination within 60 days from the start of the adjudication process that is initiated when the EC Chair forwards the complaint, response and all documents to the EC.
2. The final written determination includes findings of fact and conclusions as to whether a violation occurred as alleged in the complaint, along with the ruling and/or sanctions. If no violation was proven, the EC report recommends dismissal of the complaint. The EC Chair notifies both the complainant and respondent regarding the outcome of the complaint and notice of final determination. The EC Chair forwards a copy of the report both to the complainant and respondent. All final determination reports are filed with the EC Chair.
3. If the EC dismisses the complaint, the dismissal is noted in the final written determination.
4. If the EC renders a determination of violation of an ethical standard, the EC may impose corrective action with or without sanctions. Corrective action can include educational requirements or other actions as may be necessary to remedy a violation or protect the interest of the SMA.
5. It is not possible to anticipate all forms of ethical violations. As such, it is not possible to proscribe a specific sanction for each form of ethical violation. The EC is entrusted to consider the specifics of each situation and to apply any warranted sanctions in a considerate and, where relevant, consistent manner. Possible sanctions may include, but are not limited to:
  - a. Remedial requirements stipulated by the EC.
  - b. Private reprimand: For ethics violations not likely to cause harm to another person or to the profession. A private reprimand serves as an official rebuke in which the names and facts of the case are not disclosed to the SMA membership. Names and facts of the case are maintained as part of the internal ethics files and considered if further ethics complaints against the individual(s) are raised. However, the nature of the case without identifying information may be made available to the SMA membership for educational purposes. Names and facts of the complaint are known only to ethics volunteers and Board members carrying out their official duties under the processes outlined in the Code of Ethical Conduct. The SMA's Code of Ethical

Conduct and its Rules and Procedures apply only to SMA activities and the SMA community and thus have no jurisdiction outside of the SMA.

c. Public reprimand: For ethics violations that have been distributed or made visible to the public. The ethics violation is not likely to cause harm to another person but may harm the profession. A public reprimand serves as an official rebuke that is publically announced by the SMA to the SMA membership. Names and facts of the case are also maintained as part of the internal ethics record and considered if further ethics complaints against the individual(s) are raised.

d. Denial of SMA privileges: For violations likely to cause harm to individuals and/or the profession. Remedial requirements may be imposed to be completed within a specified period of time. Subject to review of the EC for compliance.

e. Suspension of SMA membership for a specified period of time: For violations likely to cause harm to individuals and/or the profession. Remedial requirements may be imposed to be completed within a specified period of time. Subject to review of the EC for compliance.

f. Termination of membership: For violations likely to cause substantial harm to another person and/or to the profession or that are of sufficient gravity to warrant such action.

i. Reinstatement: Persons whose membership has been terminated may apply for reinstatement after two years of notice of the final written determination.

ii. Reinstatement requires a 2/3 vote of the EC.

6. In all complaints where the EC has determined that plagiarism of the SMA's copyrighted material has occurred, the respondent will be required to remedy the violation by notifying the publisher in which the work originally appeared. The respondent is responsible for making the plagiarism known to the publisher and remedies the error (i.e., correction in next edition, retroactive payment for permission, etc.).
7. The penalties for failing to fulfill either corrective actions or sanctions in a satisfactory manner may result in automatic suspension of membership until the requirement is met.
8. A copy of the EC report is sent to the President, with all identifying remarks removed from the report, and may be shared with the SMA Board for the purpose of learning and refinement of policies, procedures and documents surrounding ethics issues.

## **Notice of Appeal**

1. If a respondent want to contest the determination of sanction imposed by the EC, an appeal may be initiated within 30 days of the dated determination letter. The respondent must contact the EC Chair to request an appeal. The EC Chair screens the request for an appeal and sends an Appeal Form to the respondent.
2. The respondent submits a completed and signed Appeal Form to the EC Chair detailing the basis for the appeal. Only written and signed appeals will be considered.
3. Appeals to the EC Chair are only permitted on the basis of determination and/or sanctions. Appeals are not allowed for dismissals or on matters of due process by the EC.

The filing of an appeal automatically stays the implementation of the final determination by the EC until the appeal is received.

4. Once the EC Chair receives the written and signed appeal and any supporting documentation, s/he contacts the EAP Chair.
5. The EAP Chair is sent the written and signed appeal and any supporting documentation.
6. The EAP Chair contacts the complainant to make the fact known that an appeal has been forwarded and the EAP is being convened. The complainant will be given a copy of the appeal and asked if s/he wishes to provide a written response within 30 days to the EAP regarding the nature of the appeal. The complainant should be made aware that an appeal stays the original determinations and any sanctions.
7. The EAP Chair forwards all of the materials, including any response from the complainant, to the EAP.
8. The EAP will use the prior documentation, including the notice of determination, to inform its processes. The respondent can submit additional documentation if necessary.
9. The appeals process must conclude within 120 days of the official appeal being sent to the EAP, with a written determination and report.
10. The decision by the EAP is final, and limited to: upholding the determination of the EC, upholding the determination of the EC but altering the sanctions, or reversing the determination of the EC.
11. The EC Chair files a final decision and notifies the respondent and original complainant regarding the outcome.

### **Filing of Completed Adjudication Cases**

A completed file containing all documents is forwarded confidential and secure storage at the close of the case, with identifying information removed.

#### Timetable

Preliminary screening of formal complaint by EC Chair	
Time limit for response by respondent to formal complaint	30 days
Adjudication:	60 days
• Convene EC	
• Dismiss, defer or deliberate case	
• Request or allow for addition comments or documents by parties	
• Render final determination report to parties	
Option to appeal from receipt of final determination	30 days
Appeals process	120 days