



## AAEA Ethics Procedures

Approved by AAEA Board of Directors, April 2015

### **Part I. Objectives and Authority of the Ethics Committee**

#### **1. Objectives**

The fundamental objectives of the Ethics Committee (hereinafter the Committee) shall be to assist the AAEA Board of Directors to maintain ethical conduct by editors at the highest professional level, to educate AAEA members concerning ethical standards, to endeavor to protect the public against harmful conduct by editors, and to aid the Association in achieving its objectives as reflected in its Constitution.

#### **2. Authority**

The Committee is authorized to

- 2.1 Formulate rules or principles of ethics for adoption by the Association;
- 2.2 Investigate allegations of unethical conduct of members (to include fellows) and associates (hereinafter members) and, in certain instances, student affiliates and applicants for membership;
- 2.3 Work with the AAEA Advisory Committee and AAEA Board to resolve allegations of unethical conduct and recommend such action as is necessary to achieve the objectives of the Association;
- 2.4 Report types of complaints investigated to the AAEA Advisory Committee, with special description of difficult cases;
- 2.5 Work with the AAEA Advisory Committee and AAEA Board to adopt rules and procedures governing the conduct of all the matters within its jurisdiction;
- 2.6 Work with the AAEA Advisory Committee and AAEA Board to take such other actions as are consistent with the Constitution of the Association, the Association Rules, the Association's Ethics Code, and these Rules and Procedures, and as are necessary and appropriate to achieving the objectives of the Committee;

## **Part II. General Operating Rules**

### **1. General Provisions**

**1.1 AAEA Documents.** The Committee shall base its actions on applicable governmental laws and regulations, the Constitution of the Association, the Association Rules, the Association's Ethics Code, and these Rules and Procedures.

**1.2 Applicable Ethics Code.** Conduct is subject to the Ethics Code in effect at the time the conduct occurred. If a course of conduct continued over a period of time during which more than one Ethics Code was in effect, each Ethics Code will be applicable to conduct that occurred during the time period it was in effect.

**1.3 Rules and Procedures.** The Committee, working with the AAEA Advisory Committee, may recommend the AAEA Board adopt rules and procedures governing the conduct of all matters within its jurisdiction, and may suggest that the Board amend such rules from time to time, provided that no amendment shall adversely affect the rights of a member of the Association whose conduct is being investigated by the Ethics Committee or against whom the Ethics Committee has recommended expulsion, stipulated resignation, voiding membership, censure, or reprimand at the time of amendment. Changes to the Rules and Procedures must be ratified by the Board of Directors acting for the Council of Representatives.

**1.4 Compliance With Time Requirements.** The AAEA and the respondent shall use their best efforts to adhere strictly to the time requirements specified in these Rules and Procedures. Failure to do so will not prohibit final resolution unless such failure was unduly prejudicial. Upon request, the AAEA Advisory Committee may extend time limits stated in these Rules for submitting statements or responses if there is good cause to do so. In all cases in which a time limit for submitting a response is stated in these Rules and Procedures, the period specified is the number of days allowed for receipt of the response by the Ethics Committee.

### **2. Confidentiality and Notifications**

**2.1 Requirement of Confidentiality.** All information concerning complaints against members shall be confidential to the Ethics Committee and the AAEA Advisory Committee, except that the chair(s) may disclose such information (with approval by the Advisory Committee) to the AAEA Board when compelled by the following: release of that information is necessary to protect the interests of (a) the complainant or respondent; (b) other investigative or adjudicative bodies; (c) the Association; or (d) members of the public.

**2.2 Respondent.** The AAEA President shall inform the respondent of the final disposition in a matter. This notification shall include the rationale for the Association's actions. As used in these Rules and Procedures, the term respondent includes any member, student affiliate, or membership applicant who is under the scrutiny of the Ethics Committee.

**2.3 Complainant.** The AAEA President shall inform the complainant of the final disposition in a matter and of the respondent's resignation while under ethics investigation. The AAEA President may also at any time, as a matter of discretion, provide such information as is necessary to notify the complainant of the status of a case.

**2.4 Membership.** The AAEA President shall report annually to the membership the names of members who have lost membership due to unethical behavior and the names of members who have resigned their membership while under ethics investigation. For those members who lost their membership, the President will also report the ethical standard(s) violated or the type of underlying action for a show cause case or that membership was voided because it was obtained on the basis of false or fraudulent information. No report to membership shall be made for other stipulated resignations in which such a report was not stipulated.

### **3. Jurisdiction**

The AAEA Board has jurisdiction over individual members (to include fellows), associate members, and applicants for membership in the American Agricultural Editors' Association. The AAEA Board shall also have jurisdiction over student affiliates, but only to the extent that the conduct at issue is not under the direct supervision of the student's educational program or of a training site that is officially approved by the program as part of the student's supervised training.

## **Part III. Complaints Alleging Violations of Ethics Code**

### **1. Complaints**

Complaints must be submitted within specified time periods or allege serious misconduct for which a waiver of the time limit may be granted. The Committee may not find violations for behavior that occurred 3 years or more before the complaint was filed.

Complaints are evaluated initially by the Ethics Committee Chair(s), regarding jurisdictional issues such as whether the subject of the complaint, the respondent, is a member, whether the complaint form is correctly completed, and whether the time limits for filing have been met. Then the Chair(s) determine whether there are grounds for action to be taken by the Committee. If necessary, the Chair(s) conduct a preliminary investigation to assist in making these threshold determinations. If the Committee has no jurisdiction or if cause for action does not exist, the complaint is dismissed. If the Committee determines cause for action exists, the Chair(s) will consult with the AAEA Advisory Committee to issue a specific charge letter and conduct an investigation. The respondent is afforded an opportunity to comment on all evidence that will be considered by the Committee and upon which the Committee may rely in its review of the complaint. At the conclusion of the investigation, the case is referred to the Committee for review.

In resolving a case, the Committee (in consult with the Advisory Committee) may dismiss it; recommend that it be resolved with a reprimand or censure, with or without supplemental directives; recommend to the Board of Directors that the respondent be expelled from membership; or offer the member the option of resigning subject to stipulated conditions and subject to approval by the Board of Directors.

If the AAEA Board recommends any action other than dismissal or stipulated resignation, the respondent has a right to an independent case review and evaluation, or a formal hearing. In an independent review, the respondent provides a rationale for unacceptance of the Board's recommendation, and a three member panel, selected by the respondent from six members of the Board of Directors, provides the final adjudication based on the written record. The AAEA President implements the final adjudication, whether based on the panel's decision or the respondent's acceptance of the Committee's recommendation.

At the outset of the case, instead of contesting the charges, the respondent may offer a withdrawal from AAEA membership.

## **1. Procedures for Filing Complaints**

A complaint by a member shall be comprised of a completed AAEA Ethics Complaint Form.

**1.1 Time Limits.** For purposes of determining time limits, a complaint shall be considered filed with AAEA as soon as a completed complaint form has been received by the Committee Chair(s). A deficiency or omission in the preparation of the complaint form may, at the discretion of the Chair(s), be disregarded for purposes of determining compliance with time limits.

**1.2 Complaints Submitted by Members.** Complaints may be submitted by members only of the Association.

**1.3 Action Based Upon a Member's Filing of a Capricious or Malicious Complaint.** To prevent abuse of the ethics process, the Committee is empowered to make recommendations against a complainant (in consult with the Advisory Committee) to the AAEA Board, who will make all final decisions. The filing of such a complaint constitutes a violation of the Ethics Code.

**1.4 Countercomplaints.** The Committee will not consider a complaint from a respondent member against a complainant member during the course of its investigation and resolution of the initial complaint. Rather, the Committee shall study all sides of the matter leading to the first complaint and consider countercharges only after the initial complaint is finally resolved.

**1.5 Anonymous Complaints.** The Committee shall not act upon anonymous complaints. If material in the public domain is provided anonymously, the Committee may choose to consider such material only if the respondent has been provided with a copy of the material and afforded an opportunity to respond to the material.

**1.6 Consecutive Complaints.** When a complaint is lodged against a member with respect to whom a case involving similar alleged behavior was previously closed, materials in the prior case may be considered in connection with the new case and may be considered as evidence as long as the Ethics Committee and/or the Board of Directors is informed of the final disposition of the original case.

**1.7 Simultaneous Complaints.** When more than one complaint is simultaneously pending against the same member, the Committee (in consult with the Advisory Committee) may advise the AAEA Board to combine the cases or to keep them separate. In the event the cases are combined, the Committee shall take reasonable steps to ensure that the legitimate confidentiality interests of any complainant, witness, or respondent are not compromised by combination.

**1.8 Insufficient Information.** If the information is not sufficient to determine whether a case should be opened, the Chair(s) may so inform the complainant, who will be given 30 days from receipt of the request to supplement the complaint.

**1.9 Charge Letter.** If a case is opened, the Chair(s) and AAEA President shall so inform the respondent in a charge letter. The charge letter shall contain a concise description of the alleged

behaviors at issue and identify the specific section(s) of the Ethics Code that the respondent is alleged to have violated. The Chair(s) and AAEA President shall enclose a copy of any completed Ethics Complaint Form and any materials submitted to date by the complainant or on the complainant's behalf that will be included in the record before the Committee; a copy of the APA Ethics Code and the Committee's Rules and Procedures; and a statement that information submitted by the respondent shall become a part of the record, and can be used if further proceedings ensue.

## **2. Available Sanctions**

On the basis of circumstances that aggravate or mitigate the culpability of the member, including prior sanctions, directives, or educative letters from the Association or state or local boards or similar entities, a sanction more or less severe, respectively, than would be warranted on the basis of the factors set forth below, may be appropriate.

**2.1 Remand.** The Committee (in consult with the Advisory Committee) may remand the matter to the AAEA Board for continued investigation or issuance of a new charge letter according to Subsection 6.1.3 of this part.

## **2.2 Dismiss the Charges**

**2.2.1 No Violation.** The Committee (in consult with the Advisory Committee) may dismiss a charge if it finds the respondent has not violated the ethical standard as charged.

**2.2.2 Violation Would Not Warrant Further Action.** The Committee (in consult with the Advisory Committee) may dismiss the complaint if it concludes that any violation it might find (a) would constitute only a minor or technical violation that would not warrant further action, (b) has already been adequately addressed in another forum, or (c) is likely to be corrected.

**2.2.3 Insufficient Evidence.** The Committee (in consult with the Advisory Committee) may dismiss a charge if it finds insufficient evidence to support a finding of an ethics violation.

**2.3 Educative Letter.** Where the Committee deems it appropriate, the Committee (in consult with the Advisory Committee) may issue an educative letter, to be shared only with the respondent, concerning the behaviors charged or other matters. An educative letter may be issued whether the Board dismisses the charges or recommends finding violations.

**2.4 Reprimand.** Reprimand is the appropriate sanction if there has been an ethics violation but the violation was not of a kind likely to cause harm to another person or to cause substantial harm to the profession and was not otherwise of sufficient gravity as to warrant a more severe sanction.

**2.5 Censure.** Censure is the appropriate sanction if there has been an ethics violation and the violation was of a kind likely to cause harm to another person, but the violation was not of a kind likely to cause substantial harm to another person or to the profession and was not otherwise of sufficient gravity as to warrant a more severe sanction.

**2.6 Expulsion.** Expulsion from membership is the appropriate sanction if there has been an ethics violation and the violation was of a kind likely to cause substantial harm to another person or the profession or was otherwise of sufficient gravity as to warrant such action.

### **3. Respondent's Response to Recommendation**

Within 15 business days of receipt of notification of the Board's recommendation, the respondent may file a written response with the Board of Directors. The response should be in writing (postal or email).

### **4. Committee's Statement**

The Ethics Committee and AAEA Board shall have 15 business days from the time it receives the respondent's written response, or from the time such response was due, to file a written statement, if any. A copy will be provided to the respondent.

### **5. Respondent's Final Response**

Within 15 business days of receipt of the Board's statement, if any, the respondent may submit to the President a written response to that statement.

### **6. Review by the Board of Directors**

Within 180 days after receiving the record, the Board's recommendation, any written response by the respondent, any written statement by the Committee, and any final response from the respondent, the Board of Directors shall vote whether to accept the Committee's recommended sanction, to issue a different sanction, or to dismiss the case. The Board may select a sanction more or less severe than that recommended by the Committee, or it may remand the matter to the Ethics Committee for further consideration.

\*A copy of the Ethics Complaint Form follows. To access a fillable form, go to <http://www.ageditors.com/index.php/ethics> or contact the AAEA office.



## AAEA Ethics Complaint Form

As stated in the AAEA Ethics Procedures, approved April 2015

DATE: \_\_\_\_\_

Have you verified that the person you want to file against is an AAEA member?  
\_\_\_ Yes \_\_\_ No

(If no, please contact the AAEA office. The Ethics Committee cannot process complaints against non-members.)

Person making complaint: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Member you are filing a complaint against: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Note: You must file a separate form for each individual you wish to file a complaint against.

When did the alleged unethical behavior begin?

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What is the most recent date of the alleged unethical behavior?

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Have you discussed this situation with the member you are complaining about?  
\_\_\_Yes \_\_\_No

Please answer the following questions to help us to understand your complaint:

Summarize for us in 2-3 sentences the nature of the alleged ethical misconduct:

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List the journalistic Ethical Standards or specific portions of the AAEA Code of Ethics you believe have been violated:

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Provide/attach any additional supporting evidence of ethical violation including URLs, pdfs, emails, etc.