

BSG PROPOSED IMPLEMENTATION OF COMPLAINTS AGAINST ETHICS POLICY

The following document provides a proposed method for investigating complaints against members of our society. The document is seeking to develop a procedure that can be implemented by the Executive Committee consistently, understanding that the nature of each case is different. This document contains two parts:

Part 1: This reviews the relevant areas of our constitution and our Ethics Policy.

Part 2: This proposes the specific steps that should be part of an investigation.

PART 1: RELEVANT BRITISH SOCIETY FOR GEOMORPHOLOGY DOCUMENTATION

1.1 EXCERPT OF CONSTITUTION

Note that in the below excerpts, CIO is the Charitable incorporated organisation, which in this case is the British Society for Geomorphology.

Duty of members

It is the duty of each member of the CIO to exercise their powers as a member of the CIO in the way they decide in good faith would be most likely to further the purposes of the CIO.

Termination of membership

- (a) Membership of the CIO comes to an end if:
 - (i) the member dies, or, in the case of an organisation (or the representative of an organisation) that organisation ceases to exist; or
 - (ii) the member sends a notice of resignation to the charity trustees; or
 - (iii) any sum of money owed by the member to the CIO is not paid in full within six months of its falling due; or
 - (iv) the charity trustees decide that it is in the best interests of the CIO that the member in question should be removed from membership, and pass a resolution to that effect.
- (b) Before the charity trustees take any decision to remove someone from membership of the CIO they must:
 - (i) inform the member of the reasons why it is proposed to remove that member from the society;
 - (ii) give the member at least 21 clear days' notice in which to make representations to the charity trustees as to why that member should not be removed from membership;

- (iii) at a duly constituted meeting of the charity trustees, consider whether or not the member should be removed from membership;
- (iv) consider at that meeting any representations which the member makes as to why the member should not be removed; and
- (v) allow the member, or the member's representative, to make those representations in person at that meeting, if the member so chooses.

1.2 GUIDING PRINCIPLES IN CONSTITUTION AND ETHICS POLICY

All BSG members are expected to aspire and adhere to these Guiding Principles:

- Excellence, integrity, and honesty in all aspects of professional practice
- Professional courtesy, equity, and fairness in working with others
- Freedom to responsibly pursue science without interference or coercion
- Legal compliance in all aspects of research, including intellectual property
- Humane approach in evaluating the implications of research on humans and animals

Harassment, Bullying, and Discrimination

BSG members are expected to work to maintain an environment that allows science and scientific careers to flourish through respectful, inclusive, and equitable treatment of others. As a statement of principle, the BSG therefore rejects discrimination and harassment by any means, based on factors such as ethnic or national origin, race, religion, citizenship, language, political or other opinion, sex, gender identity, sexual orientation, disability, physical appearance, age, or economic class. In addition, the BSG also firmly opposes all forms of bullying including threatening, humiliating, coercive, or intimidating conduct that causes harm to, interferes with, or sabotages scientific activity and careers. Discrimination, harassment (in any form), and bullying create a hostile environment that reduces the quality, integrity, and pace of the advancement of science by marginalizing individuals and communities. It also damages productivity and career advancement, and prevents the healthy exchange of ideas.

The BSG affirms that discrimination, harassment (including sexual harassment), or bullying in any scientific or learning environment is unacceptable, and constitutes serious misconduct under this Policy. Such behaviour should be reported and addressed with potential consequences for the offender, including but not limited to BSG sanctions or expulsion as outlined below.

Definitions

Bullying may be characterised as: Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

Harassment as defined in the Equality Act 2010 is Unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

Examples:

- spreading malicious rumours, or insulting someone by word or behaviour

- copying memos that are critical about someone to others who do not need to know
- ridiculing or demeaning someone – picking on them or setting them up to fail
- exclusion or victimisation
- unfair treatment
- overbearing supervision or other misuse of power or position
- unwelcome sexual advances – touching, standing too close, display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected
- making threats or comments about job security without foundation
- deliberately undermining a competent worker by overloading and constant criticism
- preventing individuals progressing by intentionally blocking promotion or training opportunities.

Further examples may be found in the BSG code of conduct for meetings.

Scope of the BSG Professional Ethics Policy

The policy covers activity that is conducted on BSG business. That includes attendance at BSG conferences and workshops, outreach activities on behalf of BSG, on any committee business, and on any activity funded by a BSG grant.

Complaints that cover activity not under these circumstances may be forwarded to the relevant employer on a case-by-case basis. The decision to forward a complaint to an employer will be taken by ethics panel (see procedure below).

If the named person is made aware of a formal finding of misconduct by another organisation, the BSG reserves the right to impose sanctions. These can include withdrawal of awards and fellowships.

1.3 PROCEDURES AND SANCTIONS AND APPEALS AS OUTLINED IN ETHICS POLICY

In the event that concerns are raised over violations of this policy, the BSG will follow the **principles [emphasis added]** for investigating the alleged misconduct by following the UK Research Integrity Office's (2008) guidelines, which are available in full online here: <http://ukrio.org/wp-content/uploads/UKRIO-Procedure-for-the-Investigation-of-Misconduct-in-Research.pdf>. This is a lengthy document and full details are not reproduced here. We have adapted this procedure for the context of the British Society of Geomorphology.

The Procedure (as it is referred to in section 2 of this document) allows allegations of misconduct to be investigated once those allegations have been submitted to the Named Person (the Named Person is normally the society secretary, but this can change if there are conflicts of interest, see below) in writing. It is then the responsibility of the Named Person to execute the Procedure outlined in our procedure document. It is important to note that the procedure requires confidentiality (of the alleged victims where relevant and also those making a complaint) to be maintained throughout, while enabling those who are alleged to have been responsible for misconduct to answer the allegations fairly and in confidence.

Confidentiality:

All allegations will be investigated in confidence. All those who are involved in the investigation of an allegation, including witnesses, representatives and persons providing information, evidence and/or advice, have a duty to maintain confidentiality. At the screening stage the allegations will be anonymised so that the Ethics panel will not know the identities of the person(s) making the allegation (the “Complainant”) and the person(s) who is/are the subject of the complaint (the “Respondent”). The procedure aims to maintain anonymity throughout the process for both the Complainant and the Respondent unless there are extenuating circumstances. The Ethics Panel will judge if the case requires the identity of either party to be revealed and will not do so without explicit permission of either the complainant or the respondent.

BSG Named Person:

The BSG Named Person is the person to whom allegations of misconduct should be directed to in writing. The BSG Named Person is the current Secretary of the Society. In instances where there is a potential conflict of interest, the Named Person will be the Senior Vice Chair. The Chair of the Society will normally convene the Ethics panel. This system ensures the Ethics Panel can make a first assessment of any allegations without breaching anonymity.

BSG Ethics Panel:

The BSG will maintain a rotation of potential members of the Ethics Panel, which will be composed of 8-10 people. The rotating members of this panel will be drawn from the BSG Executive Committee and/or BSG Fellowship. When a case is brought forward by the Named Person, a sitting Ethics Panel, composed of four people from the rotation, will be convened. The panel will be gender balanced, and its role will be to review cases. Before reviewing any case all members of the Ethics Panel would need to verify that there are no conflicts of interest. Moreover the Society President will not be called upon to serve, as the President is the authority to whom any appeals may be directed.

The Ethics Panel will receive anonymised complaints from the Named Person. They will first determine if the allegations raised are assessed to be mistaken, frivolous, and/or malicious. They will then determine if the complaints are within the scope of the ethics policy.

If the allegations are not assessed to be mistaken, frivolous, and/or malicious, but fall outside the scope of the policy, then the panel may opt to notify the employer of the Respondent. This option will proceed on a case by case basis as outlined in the procedure document.

If the Ethics Panel determines the allegations are not mistaken, frivolous, and/or malicious, and that they fall within the scope of the BSG ethics policy, they will progress the case to a full investigation. The Respondent will be notified of the complaint and will be allowed to provide an anonymised response to the allegations. Witness statements may be solicited from the Respondent and Complainant. The Named Person will conduct all correspondence with both Complainant and Respondent, and anonymise their statements, so the Ethics Panel will not normally know the identities of either the Respondent or the Complainant.

The Ethics Panel must conclude, based on the evidence, whether allegations of misconduct

are: (i) upheld in full, (ii) upheld in part, or (iii) not upheld. The standard of proof used is that of “on the balance of probabilities”. The Ethics Panel will recommend if the matter requires disciplinary action, including such sanctions as the revocation of awards, funding, suspension and/or expulsion from the Society. The Ethics Panel can also recommend the Respondent provides proof of ethics or bias training in less serious cases. The Ethics Panel will not normally notify the employer of the Respondent but if the complaint is upheld they can recommend the Complainant submits a formal complaint to the employer.

If a complaint is upheld, all Respondents have a right of appeal, which should be directed to the President of the Society. The president would then convene a gender balanced panel, drawn from the EC and fellowship and not containing a member of the Ethics Panel, to review the case under the same conditions as the original Ethics Panel.

A key principle of the BSG Procedure is Fairness. This means that when anyone is accused of misconduct, that person must be given full details of the allegations in writing, and they must be given the opportunity to respond to allegations raised. They must also be allowed to ask questions, present information in their defence, adduce evidence of witnesses, etc. The Respondent and/or Complainant and any other witnesses may be accompanied by representatives if the Ethics Panel deems an interview necessary. Interviews will normally be conducted remotely. Because the procedure aims to maintain anonymity, the Respondent and Complainant can also solicit witness statements that are anonymised by the Named Person. The Procedure seeks to preserve confidentiality and not reveal identities of Complainants or Respondents.

Sanctions:

In many cases of minor to moderate misconduct the BSG would normally seek to facilitate training and education and/or arbitration between the Complainant and Respondent. However, in more severe cases sanctions could include suspension or expulsion (the process of expulsion being governed under clause 9.4 iv of the BSG Constitution) from the Society, as well as revocation of funding and/or awards where relevant. In very serious cases, the BSG is obliged to notify legal or regulatory authorities.

Data protection:

Documents and correspondence relating to any ethics case should be treated with the strictest confidence and neither electronic nor paper copies of any documents should be distributed beyond the Named Person, Ethics Panel, Appeal Panel (if needed), Respondent or Complainant. At no point should documents be stored on a portable storage device (e.g., USB disk) and documents must always be transferred in their encrypted form. If the complaint is not upheld, then all documents relating to the complaint should be permanently deleted. If the complaint is upheld, then only the Named Person should retain access to the documents. Documents will be encrypted and stored in a data repository. Only the Named Person will retain the encryption password. When the Named Person changes, the new Named Person will re-encrypt the data using a new password so that at all times only the Named Person has access to the data. Upheld complaints are retained to ensure that the Ethics Panel can be made aware of multiple complaints.

1.4 THE CHARITY COMMISSION: TRUSTEE REPORTING RESPONSIBILITIES

This guidance helps trustees identify serious incidents and ensure that they are reported to the Charity Commission. It also explains how to report them.

The Commission requires charities to report serious incidents. A serious incident is an adverse event, whether actual or alleged, which results in or risks significant:

- loss of your charity's money or assets
- damage to your charity's property
- harm to your charity's work, beneficiaries or reputation

The most common type of incidents are frauds, thefts, significant financial losses, criminal breaches, terrorism or extremism allegations, and safeguarding issues.

If a serious incident takes place, the named person must report what happened to the charity commission and explain how they are dealing with it, even if the named person has reported it to the police, donors or another regulator.

PART 2: PROPOSED PROCEDURE FOR THE INVESTIGATION OF CLAIMS OF MISCONDUCT

2.1 DEFINING SERIOUS MISCONDUCT AND POSSIBLE SANCTIONS

One of our implementation challenges is that we have mixed definitions of misconduct amongst the guiding documents above. The key statement within the Guiding Principles document is "*The BSG affirms that discrimination, harassment (including sexual harassment), or bullying in any scientific, networking, or learning environment is unacceptable, and constitutes serious misconduct under this Policy.*". In addition, we have a duty as trustees of a charitable society to report to The Charity Commission if and event (actual or alleged) results in or risks "*loss of your charity's money or assets, damage to your charity's property, harm your charity's work, beneficiaries or reputation*".

As a society, there are two possible levels of sanction that we can impose on a member for whom there is evidence of misconduct

1. Facilitate training and education and/or arbitration between the Complainant and Respondent for minor to moderate breaches of conduct. Note, we currently have no mechanism for implementing this training. Instead, the BSG will ask for documentary evidence that the Respondent has completed training at their home institution or independently, at their expense. The nature of the training required will be supplied to the Respondent in writing. Failure to provide documentary evidence of completion of training within one year will result in expulsion from the society.
2. Suspension or expulsion (the process of expulsion being governed under clause 9.4 iv of the BSG Constitution) from the Society, as well as revocation of funding and/or awards where relevant.
 - a. We can also inform the home institution of the reasons for the expulsion.

- b. If the misconduct is deemed to risk serious harm to the charity's reputation, work, property, assets or beneficiaries, then the Named Person is obligated to inform the Charity Commission.

2.2 A PROPOSED PROCEDURE FOR INVESTIGATING ACCUSATIONS OF MISCONDUCT

1. Reception of an accusation of misconduct

- a. Any accusation of misconduct by a Complainant must be provided, in writing, to the BSG Named Person, who is the current Secretary of the Society. In instances where there is a potential conflict of interest, the Named Person will be the Senior Vice Chair.
- b. The BSG shall have a secure email address for complaint to which only the Named Person has access.
- c. There will be clear instructions as to an alternative Named Person so the Complainant will have an alternative person to notify if they feel the Named Person has a conflict of interest. This second named person will also have a secure email address.

2. Role of the Named Person

- a. Upon receipt of the complainant letter, the Named Person will acknowledge receipt of the complaint, within a week of its receipt, and inform the Complainant of the process outlined in this document.
- b. The Named Person must forward the list of members of the Ethics Panel to the Complainant and ask the Complainant to identify any members with a conflict of interest. If the Named Person is aware of a conflict of interest they must ask the Ethics Panel to rotate the person(s) in question.
- c. Our policy is for both Complainant and Respondent to remain anonymous through the process. The Named Person will then anonymise the complaint and forward it to the BSG Ethics Panel. The Named Person shall not judge the merit of the complaint.

3. BSG Ethics Panel

- a. The BSG will maintain an Ethics Panel, made up of four members of the Executive committee and/or the BSG fellowship. The Panel will be gender balanced.
- b. The Ethics Panel will first assess whether the allegations to not be mistaken, frivolous, and/or malicious by referring to the definition in Section 1.2 of the ethics policy. The Ethics Panel can consult with the Named Person if they suspect mistaken identity.
 - i. When the allegations are considered mistaken, frivolous, vexatious and/or malicious, they will be dismissed. The Named Person should then take such steps, as are appropriate in the light of seriousness of the allegations, to sustain the reputation of the Respondent and the relevant research project(s) (see Annex 6).
 - ii. In addition, the Named Person should consider recommending sanctions (suspension or expulsion, the process of expulsion being

governed under clause 9.4 iv of the BSG Constitution from the Society, as well as revocation of funding and/or awards where relevant) against anyone who is found to have made frivolous, vexatious and/or malicious allegations of misconduct.

- iii. Those who have made allegations in good faith should not be penalised and might require support (see Annex 6).
- c. If the Ethics Panel determines the accusations are not mistaken, frivolous, and/or malicious, then the Ethics Panel will determine if they are within the scope of the BSG Ethics Policy.
- d. Where the allegations are outside the scope of the BSG Professional Ethics Policy, the Named Person should communicate to the Complainant in writing:
 - i. the reasons why the allegations cannot be investigated using this Procedure;
 - ii. which process for dealing with complaints might be appropriate for handling the allegations (if any); and
 - iii. to whom the allegations should be reported.
 - iv. The Ethics Panel may inform the employer of the Respondent: this will be decided on a case by case basis.
- e. If the allegations are within the scope of the policy
 - i. If the Ethics Panel determines the allegations are within the scope of the policy, the Named Person will inform the Respondent that a complaint has been filed against them, the specifics of the complaint, and the process outlined in this document. The Respondent will be allowed the opportunity to provide an initial response to the complaint (within 2 weeks).
 - 1. All correspondence will be anonymised so that the Ethics Panel will not know the identities of the Respondent or Complainant.
 - 2. It should be stressed that the allegations of misconduct that are to be investigated are as yet unproven and that the information is confidential.
 - ii. The nature of the allegations may mean that it is necessary to notify legal or regulatory authorities, where an activity is potentially or actually illegal and/or a danger to persons, animals and/or the environment. As a consequence of such notification, the Organisation may be required to comply with an investigation led by a legal or regulatory body, which will ordinarily take precedence over this Procedure. The Procedure may continue in parallel but may have to be suspended, to be concluded later, or may have to be declared void by the Named Person.

4. Full investigation of complaints

- a. This stage of the procedure shall fully investigate the allegations and make recommendations about the actions to be taken by the Trustees of the Society in light of the allegations. The standard of proof used by the Ethics Panel is that of “on the balance of probabilities”.
- b. The Ethics Panel will review written evidence from the Complainant and Respondent.

- i. If the Ethics Panel feels that further evidence is required, they may request to interview both the Complainant and the Respondent, and any other persons, whose evidence may, in the Panel's view, assist the Ethics Panel in reaching a conclusion. Any person attending for interview (which will typically be conducted via conference call) may be accompanied by another person.
 - ii. In such an event anonymity will be breached: the Ethics Panel will not breach anonymity with express permission of the person being interviewed.
 - c. The Ethics Panel shall prepare a report, setting out the evidence which has been evaluated, accounts of interviews, if any, its conclusions as to whether the allegation is upheld in full, upheld in part or not upheld.
 - d. The Ethics Panel should provide a draft report of its findings to the Named Person, who should forward it to the Respondent and the Complainant (and their representatives by agreement) for comment on the factual accuracy of the report.
 - i. Only when the report contains errors of fact and matters that have bearing on the facts as indicated by the Respondent and/or the Complainant, and accepted by the Ethics Panel, should the Chair of the Ethics Panel (typically the Chair of the BSG) modify the report. The Chair should judge the validity of such comments and seek the agreement of the Panel before making amendments to the Panel's report.
 - e. Should any evidence of Misconduct be brought to light during the course of the investigation that suggests:
 - i. further, distinct instances of misconduct defined by the BSG code of conduct by the Respondent, unconnected to the allegations under investigation; or
 - ii. Misconduct defined by the BSG code of conduct by another person or persons, then the Ethics Panel should submit these new allegations of misconduct in research to the Named Person in writing, along with all supporting evidence, for consideration under the initial steps of the Procedure.
 - f. The Ethics Panel should then produce a final report that:
 - i. summarises the conduct of the investigation;
 - ii. states whether the allegations of misconduct in research have been upheld in whole, in part, or not at all, giving the reasons for its decision and recording any differing views;
 - iii. makes recommendations in relation to any matters relating to any other misconduct identified during the investigation; and
 - iv. addresses any procedural matters that the investigation has brought to light within the BSG.
 - v. Recommend sanctions, including suspension or expulsion from the society, or other formal actions, should be applied. If the Panel determines that the allegation has merit but can be addressed through a non-disciplinary mechanism, it can request proof of training or education in ethics. The panel will provide written feedback to the Respondent and Complainant, delivered via the Named Person. The

Panel can recommend further sanctions if the Respondent does not supply evidence of education or training.

- g. The Named Person should inform the Respondent and the Complainant (and their representatives by agreement); of the conclusion of the investigation. The following areas of support should be provided where possible.
- i. Support provided to the Complainant: Where allegations have been upheld (in full or in part), or found to be mistaken but not frivolous, vexatious and/or malicious, then appropriate support, guidance and acknowledgment should be given to the Complainant, given that their role in the process will most likely have been stressful and may well have caused friction with colleagues. The Named Person should take whatever steps they consider necessary to support the reputation of the Complainant.
 - ii. Support provided to the Respondent: Where allegations have not been upheld (in full or in part), the Named Person should take such steps as are appropriate, given the seriousness of the allegations, to support the reputation of the Respondent and any relevant research project(s). Appropriate support and guidance should be given to the Respondent, given that his/her role in the process will most likely have been stressful and may well have caused friction with colleagues.
 - iii. Handling wrongful allegations: If the Ethics Panel has found that the Complainant's allegations were frivolous, vexatious and/or malicious, the Named Person may consider recommending that action be taken against the Complainant, under the Society's disciplinary process.
- h. Questions relating to the report of the Ethics Panel can only be raised with the Chair of the panel over matters of fact.

5. Appeal process

- a. The Respondent and Complainant have a right to appeal.
- b. Appeals can be requested, in writing, to the Named Person.
- c. Under normal circumstances, appeals will only be considered from the Respondent if the sanction is expulsion from the society.
- d. If an appeal is launched then the Society President (or other member of the fellowship, if the president has a conflict of interest) will initiate an appeal panel, made up of 4 members, drawn from the EC and fellowship, and gender balanced.
- e. The appeal panel will follow the steps outlined in section 4 but with a newly constituted Ethics Panel. The decision of this panel will be final and no further appeals will be considered.