

INTERNATIONAL SOCIETY OF BAYESIAN ANALYSIS (ISBA) REPORTING VIOLATIONS OF THE CODE OF CONDUCT FREQUENTLY ASKED QUESTIONS (“FAQs”)

Question: How do I report a violation of the Code of Conduct?

Answer: The ISBA Professional Conduct Committee is responsible for administering the Code of Conduct and handling reports of violations. The Committee members include the ISBA Past President (Chair), the current President and five other ISBA members who are listed on the ISBA website (<https://bayesian.org>). You can make a report by contacting any Committee member. If a violation occurs at an ISBA event and immediate action is warranted, it can be reported to another ISBA member to relay to the Committee, an event organizer, the police and/or other relevant authority, as the circumstances may require.

Question: What will happen if I contact the Professional Conduct Committee?

A member of the Committee will discuss the concern with you and talk about ways in which the matter might be handled. If appropriate, you will be asked to submit a formal Conduct Statement (“Statement”) that will then be considered by the Committee according to the Code of Conduct Procedures (<https://bayesian.org>).

Question: To whom does the ISBA Code of Conduct apply?

Answer: The ISBA Code of Conduct automatically applies to all ISBA members. Depending on the circumstances, it can also apply to non-members who attend ISBA activities (events organized or sponsored by ISBA).

Question: Will ISBA only consider violations that occur at ISBA activities (events organized and sponsored by ISBA)?

Answer: Violations do not have to occur at ISBA activities in order to be reported and reviewed. However, ISBA may not be able to review or take action against all complaints, depending on who is involved and where the violation occurred. Where reasonable, the reporting party may be encouraged or assisted to report their complaint to another authority.

Question: Do I have to be a member of ISBA to make a complaint? Does the party about whom the complaint is made have to be an ISBA member?

Answer: The Committee is willing to listen to any complaints made by anyone against anyone if it involves ISBA. However, ISBA may not be able to review or take action on all complaints. Where reasonable, the reporting party may be encouraged or assisted to report their complaint to another authority.

Question: Who should report a violation? Does it have to be the person directly affected by any such violation?

Answer: Anyone who experiences, observes, or has knowledge of a violation of the ISBA Code of Conduct can bring it to the attention of the Professional Conduct Committee.

Question: Is there a deadline for reporting a violation?

Answer: A report should be made as soon as possible, but the fact that there has been a delay should not be used as a reason not to take action or report a violation.

Question: Can the Statement be verbal, or must it be written?

Answer: As described above, anyone can contact a member of the Committee to have a verbal discussion about a violation or any other concern about the Code of Conduct. A formal Statement about a violation can be verbal or written, but a written Statement is preferred. The reporter and others involved in the matter may be requested to participate in an interview, as described in the Code of Conduct Procedures.

Question: Can a Statement be made anonymously?

Answer: Yes, but to be used as credible evidence supporting an action recommendation, a Statement typically will need to be validated through an interview. At a minimum, the Committee member coordinating the investigation, and the ombudsperson if applicable, will need to know the identity of and contact information for the person providing the information, to confirm that the information comes from a member or other credible source.

Question: **How will anonymity be protected?**

Answer: We cannot guarantee anonymity, because sometimes members will be able to discern identities from circumstances reviewed, and sometimes it may be impossible to conduct a full and fair investigation without disclosing identities. However, our Code of Conduct Procedures provide that information disclosed pursuant to the Procedures will only be shared on a need-to-know basis in the discretion of ISBA. We expect to only need to disclose names of witnesses to the Professional Conduct Committee and the ombudsperson, and when necessary the Board, in order to conduct a full and fair investigation and reach a decision; when necessary for a report to a law enforcement agency; or when required by law, subpoena or court order. If a person declines to have his/her name shared at least with the Committee and the ombudsperson, the report may not be able to be used to support an action recommendation.

Question: **Will the reporter's name be released to the person charged?**

Answer: It is much easier to conduct a full and fair investigation if the reporter's name can be released to the person charged, since this allows an opportunity for the accused to respond more fully. However, if a reporter does not want their name released, then it may still be possible to conduct an investigation but the Committee may be constrained in the decision they can make.

Question: **Will ISBA ever release someone's name to the press?**

Answer: ISBA may release a name to the press for all kinds of positive reasons, such as for promotional purposes like publication of an award. While we cannot currently envisage a circumstance where ISBA would release a name to the press in relation to a Code of Conduct review, we are not able to commit that ISBA never will do that. For example, a report to a law enforcement agency could be released to the press by that agency.

Question: **If someone's name is ever released, will they be told first?**

Answer: While we cannot currently envisage ISBA releasing someone's name in relation to a conduct review, the circumstances would determine whether the person receives prior notice before such a release. For example, in the case of a report to a law enforcement agency or to other authorities, it might not be appropriate to give advance notice.

Question: **Is there recourse against ISBA if they share a person's information?**

Answer: Only if there is a violation of law or contract guaranteeing non-disclosure.

Question: **Will in-person testimony be required?**

Answer: Typically, interviews will be conducted by phone or videoconference, but could be in person, if local.

Question: **Will an interview be taped? If so, how will they be recorded?**

Answer: We have no present intent to do so, but cannot rule out recording an interview, as it could be useful in circumstances that we cannot now predict. In such a case, the interviewee will be asked for permission to record the interview, and interviews will only be released on a need-to-know basis or pursuant to a subpoena or court order.

Question: **Can a spouse/friend listen to or verify the account at a later time? Who is best in this situation? (e.g. A lawyer? Is a spouse considered a credible witness?)**

Answer: An interviewee may have a personal representative present during an interview, if desired. That person can be a spouse, colleague or lawyer. Preferably, it would not be a person who is a witness in the conduct review.

Question: **Would a reporter have to sign a non-disclosure agreement at any point in the process?**

Answer: Participants in an investigation may be asked to keep information shared by them or with them confidential and not share it outside the context of the investigation, unless disclosure is necessary for a report to a law enforcement agency or required by law, subpoena or court order. Under some circumstances, disclosing such information could be a violation of the Code of Conduct.

Question: **What will ISBA do if the alleged offender tries to malign the reporter?**

Answer: ISBA is committed to not allowing or condoning retaliation against anyone who reports information or participates in a conduct review under the Code of Conduct. Retaliation is itself a violation of the Code. Like any other Code violation, allegations of retaliation will be investigated and may result in action by ISBA against the perpetrator.

Question: **What recourse does ISBA have against retaliation?**

Answer: See the types of actions set forth in the Code of Conduct Procedures.

Question: **Can a reporter be sued for slander? If so, under what circumstances, and under which jurisdiction?**

Answer: Slander (a false spoken statement damaging to a person's reputation) is a violation of law. Any person can be sued for a violation of law in many jurisdictions. Typically, the law that applies would be the law where the bad act is accomplished and/or where it has a negative effect on the victim. In US jurisdictions, truth is one of several defenses that may be available to defend against a claim of slander.

Question: **What will ISBA do if a person makes an intentionally false statement in a Conduct Review?**

Answer: An intentional false accusation or defense in the context of a Conduct Review would itself be a violation of the Code, the intent of which is to promote safety for everyone. Information suggesting that an accusation or defense is intentionally false will be reviewed pursuant to the Code of Conduct Procedures and may result in action under the Code of Conduct.

Question: **What aspects of the process will depend on local law?**

Answer: All aspects of the conduct review process and any actions taken will need to comply with local laws in the jurisdictions where they are conducted.

Question: **Will ISBA notify the reporter of any decision?**

Answer: ISBA's decision and any details related to a conduct review will be promptly communicated to the parties involved in the investigation, on a need-to-know basis, considering legal and other considerations, the professional and personal implications for all parties involved, and the purpose of the Code of Conduct. At a minimum, ISBA will inform the reporting party, and potential offenders if they were contacted, that the conduct review has been completed.