

## INTERNATIONAL SOCIETY FOR BAYESIAN ANALYSIS (ISBA) CODE OF CONDUCT PROCEDURES

**Overview.** The purpose of this document is to establish the procedures that will be followed by ISBA in the event of a report of a violation of the ISBA Code of Conduct (<https://bayesian.org>).

ISBA expects all members to work proactively to promote good professional conduct, prevent violations of the ISBA Code of Conduct and to help each other to resolve violations if they occur. Minor concerns that do not rise to the level of a violation of the Code can often be resolved by discussion with the perpetrator. If the affected member is not able or does not feel empowered to do this, they are encouraged to seek help from a trusted colleague or the activity organizer, or report the incident to ISBA. If a violation cannot be resolved immediately or satisfactorily, it should be reported in accordance with the procedures described below.

These Procedures provide details about the following topics:

1. The Professional Conduct Committee
2. Reporting a violation
3. The conduct review process
4. Potential outcomes of a review
5. Decision making process
6. Communication of decisions
7. Appeal process
8. Retention of information
9. Revision of the Code of Conduct documents

**1. Professional Conduct Committee.** A designated ISBA Committee (“Committee”) will be responsible for administering the Code of Conduct, handling reports of violations, and managing the review of any reported conduct and recommended actions.

The Professional Conduct Committee will be composed as per the ISBA Bylaws (F5b). Members will serve a five year term, with one new person appointed per year by the Past President and approved by the ISBA Board of Directors. The President and Past President will be ex-officio members. The Committee will be chaired by the Past President.

Reported violations of the Code of Conduct will be brought to the Committee in the first instance for consideration<sup>1</sup>.

Real or perceived conflicts of interest between any Committee member and the alleged offender or the person making the formal Conduct Statement will be declared to the Committee Chair. Persons who are involved in a case may also raise with the Chair any concerns about conflict of interest of any Committee member. The Chair will deal with these reported conflicts on a case by case basis<sup>2</sup>.

The Committee will determine the circumstances under which a reported violation of the Code is reviewed, including whether a conduct review process will be conducted internally by the Committee or by engagement of a third party ombudsperson. Reported conduct may be reviewed internally by the Committee, either initially, in part or in whole, if it is a minor violation or, if deemed appropriate, when this is the request of the affected member who made the report. All other matters will be referred to an independent ombudsperson to administer a conduct review on behalf of the Committee. A report may be referred by the Committee to the ombudsperson for review on behalf of the Committee at any time before a final decision on an Outcome.

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<sup>1</sup> If it is considered necessary, an application can be made to the ISBA President to raise any issues directly with the ombudsperson or attorney rather than going through the Committee.

<sup>2</sup> If the conflict of interest is with the Chair, then another member of the Committee will be nominated to make a determination and, if necessary, take over the role of Committee Chair for that case.

The ombudsperson will be an attorney or professional consultant with experience in the type of conduct under consideration. They will be approved by the ISBA Board of Directors prior to engagement by the Committee.

The ombudsperson will provide findings to the Committee for decision on the Outcome by the Committee or referral by the Committee to the Board for decision, as provided below.

**2. Reporting a Violation.** Anyone who experiences, observes, or has knowledge of a violation of the ISBA Code of Conduct may bring it to the attention of a member of the Professional Conduct Committee. If warranted, it should also be reported to other relevant authorities, such as a conference or workshop organizer, an employer or the Police.

While this should be done as soon as possible, the fact that there has been a delay should not be used as a reason not to take action or report a violation.

If a report is made to the Committee, the person will be invited to discuss their concern with the Committee, explore possible avenues for resolving the issue and, if appropriate, make a formal Conduct Statement ("Statement") to the Committee.

It is acknowledged that a person may find it difficult to discuss a concern or make a Statement, in which case they are encouraged to seek the help of a trusted friend and/or seek professional help from their workplace or university, trained counsellor, or another source. The ISBA Committee commits to supporting anyone who raises a concern by listening to them, taking their concern seriously, considering their wishes, taking action according to the procedures described below, and keeping them informed throughout any applicable review process. In the same manner, the Committee commits to being as fair and considerate as reasonable for all persons involved in a report or review.

**3. Conduct Review Process.** All Statements received by the Committee will be reviewed by the Committee and, if deemed appropriate, by an external ombudsperson as described above. Concerns may be reviewed without a Statement when the concern may impact more than just the person who raises it. Where appropriate, advice of legal counsel may be sought. The timing, scope, and actions to be taken in each conduct review process will be determined on a case-by-case basis. ISBA will make reasonable efforts to conduct review processes as promptly as the scope of each review dictates.

The Committee will provide notice to the member whose conduct is under review, as well as any other members who may be contacted as part of the conduct review. The Committee will let these members know that a conduct review has commenced and that their participation is requested, and will provide information regarding the nature of their requested participation and any related timing. Notices will be emailed using the contact details available on the ISBA database. A printed copy will be sent to the physical address on file, if provided by the member, via certified mail, where available. It is acknowledged that it is the prerogative of members to respond to these notices; hence the conduct of a review is not contingent on response or consent from all parties.

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

The Committee will inform other members regarding the conduct review on a need to know basis, and will take such other interim measures as the Committee deems appropriate under the circumstances, such as asking or requiring alleged offenders to abstain from participating in certain or all ISBA activities until the conduct review process has concluded, at which time they will be informed that conduct review has been completed.

Where warranted, all conduct reviews will include but not be limited to: interviews with the reporting party, other involved parties and material witnesses; and review of relevant documents and other information. Any party interested in a conduct review may submit to the Committee (or the third party ombudsperson when applicable) any information, materials or tangible evidence that he/she believes to be relevant, including without limitation names of potential witnesses; documents, digital media, tangible things and other evidence; character

references; and, mitigating factors. It must be acknowledged that the extent of a review is limited by access to relevant information, the quality and quantity of information obtained, the financial resources of the Society, privacy issues, Committee members' time and other constraints.

Conduct reviews will be conducted with professionalism and fairness to all parties, and any mitigating or aggravating factors that are brought to the attention of the reviewer(s) will be considered. Mitigating factors may include without limitation: consent by the receiving party, severity of the offense, the extent of harm caused or that could have been caused, discrepancies in evidence, length of time since the offense, history before or after the offense, acceptance of responsibility and commitment to change unacceptable behavior, and character references. Aggravating factors may include without limitation the foregoing factors, as well as the circumstances of any prior offense(s).

*It is a violation of the Code for any person to retaliate in any way against a person for making a good faith Statement or participating in a conduct review or decision-making under the Code.* Of course, an intentional false accusation or defense 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 these procedures and may be subject to action under the Code of Conduct.

A conduct review, whether conducted internally by the Committee or externally by an ombudsperson, will conclude with a written Conduct Review Summary which will comprise the Statement, activities undertaken during the conduct review, evidence and findings of fact, any relevant witness credibility and mitigation factors, and a recommended Outcome with supporting justification. The outcomes are described below.

#### **4. Potential Outcomes of a Review.** Four outcomes are possible (each, an “**Outcome**”):

1. *No action.*

*This means that the Statement and Conduct Review Summary will be filed and no further action will take place.*

Note that this recommendation does not mean that the incident did not occur or that anyone involved in the reporting or investigation process is not believed. This recommendation might be made, for example, if there is insufficient evidence to justify any action; if it is felt that actions already taken voluntarily or through an informal process were sufficient to address the reported conduct; or if the reporter withdraws permission for the conduct review to continue and requests this Outcome and the Committee or Board decides that such Outcome is appropriate under the circumstances.

2. *Information Escrow.*

*This means that the Statement and Conduct Review Summary will be retained<sup>3</sup> but no other action will be taken unless further evidence about the alleged offender emerges.*

This recommendation might be made, for example, if there is insufficient evidence about an alleged offender to justify other action but there is sufficient concern to warrant action if a subsequent corroborating report or additional report about that person is received; or if the reporter requests this Outcome with no further action at this stage and the Committee or Board decides that such Outcome is appropriate under the circumstances.

3. *Further investigation.*

This recommendation might be made, for example, if the Committee has undertaken an internal investigation and decides that an investigation by an ombudsperson is warranted; if a third party review has been undertaken but more time is required to reach a satisfactory conclusion; or if review by another party is required.

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<sup>3</sup> See section on Retention of Information.

#### 4. *Action.*

An Action will aim to address a violation, remedy harm caused, and/or to otherwise enforce and promote the ISBA Code of Conduct. Actions may include but are not restricted to any combination of the following:

- i. Verbal or written warning or counseling.
- ii. Requirement of conciliatory efforts that may include a verbal or written apology, informal mediation, or other steps intended to facilitate restoration of relationships.
- iii. Coaching by a designated mentor or professional training at the offender's expense.
- iv. Service to the ISBA community or the profession.
- v. Restitution for damage caused to another's person, property, impairment of opportunity or professional reputation.
- vi. Suspension of eligibility for certain ISBA benefits, e.g.:
  - Attendance and/or participation in specified ISBA activities.
  - Holding a leadership position or other position of trust within ISBA or representing ISBA
  - Awards, to be a presenter, to be published in ISBA materials, or other opportunities
  - Travel grants or similar funding
- vii. Revocation of past awards or honors.
- viii. Suspension of ISBA membership, subject to review for reactivation.
- ix. Expulsion from ISBA membership.
- x. Referral to the police, university, workplace or other relevant authority.

Any Action may be offered as voluntary or imposed as mandatory for a specified period of time, or, in severe cases, for an unspecified period of time subject to periodic review, or permanently.

**5. Decision-making Process.** The Board has delegated to the Committee the authority to make a final Outcome decision in matters involving violations of the Code for Action Outcomes that are the same or similar to 4(i) – 4(iv) above. For these cases, based on the available information the Committee will: (a) make a final decision, ratifying the recommended Outcome in the Conduct Review Summary; *or* (b) decide on a different Outcome and provide justification for this decision; *or* (c) refer the case to the Board if the Committee is unable to reach a decision or if there is a substantial level of concern about the case. A decision (a) or (b) made by the Committee will require a two thirds majority vote; otherwise decision (c) will apply.

In the case of any set of circumstances that may warrant an Action Outcome that is the same or similar to 4(v) – 4(x) above, or in any case where the Committee in its discretion feels that a Board decision is warranted, the Committee will provide a report to the Board, which will make the final decision.

Although the Committee and the Board should take reasonable note of any recommendation presented in a Conduct Review Summary, neither the Committee nor the Board are limited by such recommendations or by the list of Actions above. Further information, including legal counsel, may also be sought before a decision is made.

ISBA will take care to impose Actions that are in proportion to the offense(s), that consider the professional and personal implications for all parties involved, and that further ISBA's purpose for the Code of Conduct. Continued ISBA membership is contingent upon full compliance with all Actions imposed as mandatory by the Board and ongoing adherence to the ISBA Code of Conduct.

Actions available to ISBA to address violations of this Code are necessarily limited by ISBA's jurisdiction (ISBA membership and benefits) and resources. As a result, ISBA cannot guarantee good conduct outside ISBA activities. *In addition to reporting violations of the ISBA Code of Conduct, individuals are expected to take such other actions as they deem necessary to promote ethical, equitable and harassment-free behavior, and protect themselves, their property and their professional reputation.*

In all cases, ISBA reserves the right to report conduct to any applicable law enforcement agency, event staff or other authorities.

**6. Appeal Process.** A person may appeal against an Action taken against them by the Committee or Board.

The person may *appeal to have the Action overturned*. Such an appeal may be made on the following grounds: if the Procedures were not followed, if the complainant felt that they were not able to present a full account of themselves in their interview, or if there is new or other information that wasn't included in the report of their interview.

The person may also acknowledge the charge against them but *appeal to have the severity of the Action reduced*. In this case, the person may offer to take appropriate measures to promote restitution and healing. Such measures will be relevant to the offence and determined on a case by case basis.

An appeal must be in the form of a written document with supporting material if warranted. In-person presentations, social media or other forms of appeal will not be accepted.

An appeal will be brought to the Committee in the first instance, which will assess whether it meets the above conditions. If so, the appeal will be considered as follows.

If the original action was taken by the Committee, then the Committee will consider it in light of previous information. The Committee may choose to seek additional information, including legal counsel. The Committee will then vote to: (a) accept the appeal in full and revoke the decision and corresponding action; (b) accept the appeal in part and amend the decision and/or corresponding action; (c) reject the appeal; or (d) refer the appeal to the Board. A decision (a), (b) or (c) will require a two thirds majority vote; otherwise decision (d) will apply.

If the original action was taken by the Board or if the Committee chooses to refer an appeal to the Board, then the Committee will submit a document to the Board summarizing the case, the appeal, deliberations by the Committee and any other relevant information, the proposed recommendation, and the Board will make the final decision.

Where it is deemed appropriate by the Committee or the Board, ISBA members who were involved in the original conduct review or who are named in the appeal will be given the opportunity to provide comment on the information provided in the appeal and/or the proposed decisions.

A person can appeal at any time and as many times as they see fit, but subsequent appeals must provide new information.

**7. Communication of Decisions.** ISBA's decision and any details related to a conduct review will be promptly communicated to the parties involved in the conduct at issue, on a need to know basis taking into account 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 case has been completed. ISBA reserves the right in its sole discretion to make an announcement at any time to its members or to the public regarding a conduct review and/or outcome of any matter reported pursuant to this Code of Conduct, upon a determination by the Board that it is in the best interest of the Society to do so. Notices will be emailed using the contact details available on the ISBA database.

**8. Retention of Information.** For reasons of privacy and confidentiality, all information about completed cases will be held by ISBA's Attorney. This information will typically include Statements, Conduct Review Reports, Committee and Board decisions. No information will be held by ISBA or its members.

Information held by the Attorney about past cases will be held for at least six (6) years or until the completion of any Action imposed or voluntarily agreed to.

Information held by the Attorney about past cases will only be able to be accessed by the Chair of the Professional Conduct Committee or the ISBA President, unless otherwise decided by the Board.

**9. Revision of the Code of Conduct documents.** The Committee will conduct an annual review of the Code of Conduct, these Procedures and associated documents. Proposed revisions will require support first from the Committee by 2/3 majority vote and then by the Board by 2/3 majority vote.