

NAPS Professional Conduct Investigation Procedure

To support the implementation of the [Standards of Professional Conduct Statement](#), the NAPS Board of Directors has adopted the following procedures for resolving discrimination and harassment complaints through informal and formal resolution processes. These procedures address discrimination, harassment, and sexual harassment at a NAPS-sanctioned event. (For the definition of these terms, please refer to the Standards of Professional Conduct Statement <[link to statement here](#)>.) All forms of discrimination, harassment, and sexual harassment will be subsumed under the term “professional misconduct.” The procedures for resolving professional misconduct issues outlined below describe a process internal to NAPS and independent of processes within outside entities, such as institutions, judicial bodies, or governmental agencies.

These processes will surely evolve in light of feedback from the Society’s members and emerging best practices. What remains constant is the commitment of the NAPS Board and the Society to the protection, well-being, and comfort of those members who experience discrimination and harassment in any form.

Summary of Procedures

The Professional Conduct Policy of NAPS pertains to conduct at NAPS annual meetings, sponsored events and programmatic activities, and committee and editorial board meetings. Complaints involving professional misconduct should be addressed in writing to the NAPS’ President and the Professional Conduct Committee Chair (Chair). The Professional Conduct Committee (PCC) consists of five members, including its Chair. Members of NAPS may take recourse by electing one of the following three procedures for reporting and resolving incidents of professional misconduct: (1) a fully anonymous report to the Chair of the Professional Conduct Committee; (2) an Informal Resolution Process; or (3) a Formal Resolution Process. These processes, as outlined below, urge members to report and address instances of professional misconduct in ways that promote productive dialogue, meaningful reparations, and discretion.

The first option allows the complainant to remain anonymous while notifying the PCC of the incident. This will enable the Chair of the PCC to provide support and track potential patterns of behavior. The second allows the complainant to pursue an Informal Resolution Process, which will be overseen by the PCC Chair with the cooperation of the NAPS President. Exercise of the third option will initiate the Chair and the Professional Conduct Panel (PCP), consisting of all members of the PCC, the Formal Resolution Process.

Professional Conduct Committee

The Professional Conduct Committee of NAPS is composed of five members of the society. The Committee shall be balanced and represent the diversity of the Society. The Nominating Committee shall agree on a slate of nominees for this standing committee according to its normal procedures in advance of the annual meeting in May, taking into consideration previous experience in the area of resolving professional misconduct. Potential nominees should have no unresolved accusations pending against them, and no member found guilty in previous incidents is eligible.

The Members of the PCC shall serve up to a three-year term, but efforts shall be made in the first three years after the establishment of the PCC to stagger the terms of members through asking some members to voluntarily cycle off the council before the passage of three full years. This shall help ensure institutional memory to accrue over time. PCC members may renew for a second term.

Timing of the Report

If you or someone you know is in imminent danger or experiencing verbal or physical assault, contact local police or law enforcement immediately.

Any member of NAPS who believes themselves to have experienced professional misconduct at NAPS sanctioned events should notify the President, Vice President, or the Chair of the PCC within 180 calendar days of the alleged offense. If the President or Vice President is contacted first by the complainant, they shall report the incident to the Chair of the PCC in a timely manner.

NAPS may refrain from conducting an investigation of a complaint of professional misconduct unless the member provides notification of such according to the defined procedure(s) and within the requisite time frame. To make sure that communication is clear, complaints shall be made in writing. NAPS may be limited in available actions against a respondent if the accused person is not affiliated with NAPS.

When both the complainant and the respondent are both affiliated with NAPS and the reported incident occurred at a NAPS-sanctioned event, the PCC is in the strongest position to initiate effective action. The immediate reporting of the incident further aids the work of the PCC to achieve a favorable outcome to the complainant since the PCC will be at a disadvantage if either party ends their affiliation with NAPS.

Processes to Address Professional Misconduct

I. Anonymous Reporting Process

For many vulnerable populations within the society (graduate students, contingent faculty, early career scholars, etc.), reporting cases of misconduct compounds the experience of trauma with worries about professional and personal fallout from speaking out. As a result, many incidents go unreported, and patterns of harmful action go unchecked. Despite the best intentions of official institutional policies, the fear of retaliation may exist.

A complainant may decide to file a record of an alleged incident with the Chair of the PCC without pursuing additional sanctions against a respondent. The goal of this process is to create a written record of such incidents (which may be of use in light of subsequent complaints against the same respondent) and to provide support to all complainants and survivors.

To make an anonymous report, the complainant shall submit a written report to the Chair of the PCC either from an anonymous email account or from their own email account with a request that their identity be redacted from any records kept by the Chair. The Chair shall review the options open to the complainant, including the Informal and Formal Processes outlined below. The Chair may also discuss with the complainant arrangements that could make them feel safer while participating in future NAPS-sponsored events.

Due to the anonymous nature of the complaint and the lack of investigative procedure, this process does not allow for the same level of responsiveness as the other processes. The complainant may decide to escalate their anonymous complaint to an informal or formal Process.

II. Informal Resolution Process

When professional misconduct consists of an isolated event or may be the result of a misunderstanding or differing interpretations, or the complainant simply wants the behavior to cease, an informal process may be preferable. If they choose the informal process, the complainant is always empowered to change their decision and request a formal process instead.

In consultation with the complainant to avoid conflicts of interest, the Chair shall assign two members of the PCC (Committee Representatives) to undertake an initial investigation. These Committee Representatives shall listen to the complainant's concerns, review the options for seeking redress, and assist the complainant in committing their report to writing. They may also ask the complainant what an ideal resolution might look like in their case. The committee representatives handling the case shall reach out to the person responding to the complaint (the respondent) to mediate a resolution. Throughout this process, the Committee Representatives shall be in conversation with the Chair to ensure the quality of the investigation.

If a satisfactory resolution is reached, the Committee Representatives shall notify the Chair of the PCC in writing, identifying the parties involved, outlining the allegations, and describing the resolution reached. The Representatives in collaboration with the Chair shall provide both parties to the complaint a letter outlining the resolution steps. Each party shall be asked to sign a copy of the letter which will become a part of the file retained by the Chair of the PCC.

If allegations are not resolved to the satisfaction of the complainant or the respondent, the committee representatives overseeing the process shall notify the rest of the Professional Conduct Committee who will offer the complainant the opportunity to initiate a formal resolution process. If the complainant would prefer not to go ahead with the formal resolution process, the PCC shall abide by their decision.

III. Formal Resolution Process

The formal resolution process may be initiated to address any instance of professional misconduct. The complainant initiates the process by reaching out to the Chair of the PCC; if the Chair is unavailable, another member of the PCC may conduct this initial conversation. The Chair or representative shall interview the complainant to understand the allegations and ask the complainant to compose an account of the professional misconduct, signing and dating the document. The complainant should identify any witnesses and any pertinent evidence (documents, e-mails, texts, social media posts, etc.). If a representative conducts the initial interview, they shall apprise the Chair of the allegations.

The Chair shall contact the respondent and arrange a conversation along with one other representative of the PCC. During this conversation, the Chair shall inform the respondent about the nature of the complaint and share relevant portions of the complainant's written allegations. The Chair shall encourage the respondent to compose a written response to the allegations.

The Chair shall ask three members from the PCC, previously uninvolved in the proceedings, to serve as a Professional Conduct Panel (PCP). After reviewing the written materials, the PCP shall interview the complainant and the respondent separately and they shall endeavor to speak with any witnesses or other individuals who might assist the PCP to establish the facts of the case. The number of interviews is up to the discretion of the PCP.

Interviews may take place in person or via telephone or video conferencing, but they may not be taped. Members of the PCP may take confidential personal notes which shall become part of the file maintained by the Chair. If necessary, the PCP may recall the parties or witnesses for additional interviews.

At the end of its investigation, the PCP shall present its findings and make a recommendation to the Chair of the PCC. If it is determined that the respondent has engaged in professional misconduct, the PCC shall recommend that they be subject to disciplinary action. Disciplinary actions may include, but are not limited to:

- Formal reprimand
- Suspension or permanent termination of the individual's membership
- Prohibition from engagement, and/or participation in current and/or future NAPS operated, sponsored and/or affiliated events.

The PCC may also include recommendations for reinstatement predicated on subsequent actions undertaken by the respondent. Before submitting the report and recommendation, the Chair shall summarize orally the report for both parties.

The Chair shall make a recommendation to the NAPS Board of Directors about the appropriate course of action. The Board shall call a special meeting to review the recommendation of the PCC, ask any follow up questions to the PCC, reach a decision as to the appropriate course of action, and notify the two parties in writing. Any members of the board with a conflict of interest should recuse themselves from the deliberations. The decision of the Board shall include notice to the respondent of the right to appeal to the Board of Directors (see below on appeals process).

Neither the complainant nor any witness shall face retaliation for making a complaint in good faith or assisting with an investigation in good faith. False claims, however, made in bad faith may also be considered a form of professional misconduct and may be subject to complaint and investigation by the PCC.

Individuals expelled from NAPS may be reinstated if the recommended actions by the PCC are fulfilled, and they shall be considered in good standing. Requests for reinstatement shall be sent in writing to the President of NAPS and shall include a copy of the initial Board decision and a demonstration that they have completed the recommended actions.

In the event that the complainant or the respondent responds to the findings with verbal attacks or physical assault, it is important that the President advise the target of such reprisal to contact local police or law enforcement. If the President, Chair of the PCC, or any member of the PCC suffer verbal attack or physical assault, it is important that these parties contact the local police or law enforcement.

If civil or criminal legal proceedings related to alleged professional misconduct are initiated, NAPS, in its sole discretion, may indefinitely suspend or postpone any pending informal or

formal professional misconduct resolution process. Such resolution process may be reinstated at any time in the sole discretion of NAPS.

Appeal

The respondent may submit a written appeal to the President of NAPS within ten (10) days after receiving the initial decision regarding any recommendation of disciplinary action. The written appeal must specify the grounds for the requested appeal: new evidence, demonstration of a flawed procedure, and/or proof of bias. Upon receipt of the appeal, the President shall reach out to the respondent to establish a schedule for resolving the appeal. The President may convene an *ad hoc* committee of members of the Board of Directors to evaluate the appeal and make a recommendation to the full Board of Directors. The assessment of the appeal shall rely on the written record of findings by the PCC and the report of the Chair of the PCC. The Board of Directors shall meet in a timely fashion to consider the appeal. A majority of Board of Directors must agree to sustain the disciplinary action imposed by the Board and may not impose a more severe or burdensome sanction than the original determination.

Confidentiality

While NAPS intends to keep a professional misconduct complaint and any information gathered during the investigation of alleged professional misconduct confidential, NAPS cannot ensure complete confidentiality. Certain situations may compromise the confidentiality of parties involved such as (but not limited to) instances when confidentiality would impede NAPS's investigation or circumvent its efforts to implement corrective action. Nevertheless, all NAPS members must prioritize confidentiality when appropriate. Confidentiality protects the complainant as well as the respondent, and the Board asks members to refrain from rumor and innuendo. Members of the PCC are prohibited from engaging in any communication with parties not immediately involved in the investigation concerning the existence of, the information learned during, or the outcome of any internal professional misconduct investigation unless required by law or as necessary to effectuate the Policy or these Procedures.

Information and records concerning a professional misconduct investigation or its results shall not be disseminated to the membership or to the public, except as required by law. At the end of each calendar year the Professional Conduct Committee Chair shall report to the NAPS Board on all work by the PCC during the previous year (anonymous complaints, informal processes, and formal processes completed or in progress).

Records

The Chair of the PCC shall retain all records pertaining to allegations and investigations of professional misconduct confidentially until one of the following events: five years has passed since the resolution of the investigation or such other later period required by law. The Chair of the Professional Conduct Committee should review their files on a yearly basis to identify files which fall outside this retention period and promptly destroy them. All such records are confidential products of NAPS and are not available to other entities except in cases dictated by law.

Approved by the NAPS Board May 22, 2024.