

Procedures for Responding to Allegations of Ethical Misconduct

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Purpose

The American Institute of Aeronautics and Astronautics (AIAA) is committed to upholding the highest standards of conduct as set forth the AIAA Code of Ethics (hereinafter referred to as the “Code”) adopted May 9, 2013.¹ The Code is intended to protect the safety, health and welfare of the public and our customers, to promote responsible conduct of research and scholarship, to foster the professional development of our membership, and to maintain the integrity of our profession. AIAA members agree to foster a safe, responsible, and ethical environment through upholding the code, discouraging ethical misconduct, and reporting observed ethical misconduct when it occurs within our professional community and especially when it involves AIAA activities or its interests. All allegations of ethical misconduct are to be considered, and, when appropriate, investigated and resolved in accordance with the procedures established herein.

Definitions

Allegation: A disclosure of possible misconduct through any means of communication. The disclosure may be by written or oral statement or other communication to the AIAA Ethics Committee (EC) Liaison.

Complainant: A person who in good faith makes an allegation of an AIAA Code of Ethics violation.

Ethical misconduct proceeding: Any actions related to alleged ethical misconduct including but not limited to, allegation assessments, inquiries, investigations, hearings and appeals.

Evidence: Any document, tangible item, or testimony offered or obtained during a misconduct proceeding that tends to prove or disprove the existence of an alleged fact.

Executive Ethics Panel: This three-member body is composed of the current Ethic Committee Chair and the next two successive chairs as designated and defined by the AIAA By-Laws. During an ethical misconduct proceeding, this panel will serve as the Inquiry Committee

Good faith (as applied to a Complainant, witness, or Committee Member): Having a belief in the truth of one’s allegation or testimony that a reasonable person in the Complainant’s or witness’s position could have based on the information known to the Complainant or witness at the time.

Inquiry: Preliminary information-gathering and preliminary fact-finding.

Inquiry Committee: The three-member committee that performs the Inquiry. The Executive Ethics Panel, shall act as the Inquiry Committee (IC) under normal order of business. If a conflict of interest is identified among the members of the Executive Ethics Panel, the Chair will designate a committee member from among the members of the EC to serve in the Executive Ethics Panel member’s place.

Investigation: The process engaged after Inquiry if the Inquiry Committee determines that there is sufficient evidence to warrant investigation of the Allegation. In the investigation phase there is a formal

¹ <https://www.aiaa.org/CodeOfEthics/?terms=Ethics>

development of a factual record and the examination of that record leading to a finding of ethical misconduct or of no ethical misconduct.

Investigative Subcommittee: The subcommittee, usually consisting of three members, appointed by the Ethics Committee chair that performs the Investigation.

Misconduct in Ethics (or Ethical Misconduct): An action that is in violation of any section of the Code, as set forth by the AIAA Code of Ethics then in effect as approved by the AIAA Board of Directors.²

Plagiarism: The appropriation of another person's ideas, processes, results, or words, including those of a student, colleague or mentor, without giving appropriate credit. Article 4 of the Code addresses plagiarism as a violation as follows: "Properly credit the contribution of others."

Preponderance of the evidence: Proof by information that, compared with that opposing it, leads to the conclusion that the fact at issue is more probably true than not.

Records of misconduct proceedings: Such documentation includes (1) the research, records, and evidence secured for the misconduct proceeding pursuant to this policy, except to the extent the Ethics Committee Chair determines and documents that those records are not relevant to the proceeding or that the records duplicate other records that have been retained; (2) the documentation of the determination of irrelevant or duplicate records; (3) the inquiry report and final documents (not drafts) produced in the course of preparing that report, including the documentation of any decision not to investigate; (4) the investigative report and all records (other than drafts of the report) in support of the report, including any recordings or transcripts of each interview conducted; and (5) the complete record of any appeal from the finding of ethical misconduct.

Respondent: The person against whom an allegation of ethical misconduct is directed or who is the subject of an ethical misconduct proceeding.

Responsibility to Report Ethical Misconduct

All AIAA members will report observed, suspected, or apparent ethical misconduct in accordance with the Code and these procedures. If an individual is unsure whether a suspected incident falls within the definition of ethical misconduct, he or she may meet with or contact the Ethics Committee (EC) Staff Liaison to discuss the suspected misconduct informally, which may include discussing it anonymously and/or hypothetically. If the circumstances described by the individual do not meet the definition of ethical misconduct, the individual or allegation will be referred to other offices or officials with responsibility for resolving the problem if appropriate. At any time, an AIAA member or non-member may have confidential discussions and consultations about concerns of possible misconduct with the EC Staff Liaison and will be counseled about appropriate procedures for reporting allegations.

² <https://www.aiaa.org/CodeOfEthics/?terms=Ethics>. If there is any question regarding the currency of the posted Code of Ethics, contact the AIAA Ethics Committee Staff Liaison for clarification.

Any AIAA member or non-member may file a written ethics complaint or allegation. The complaint shall specify the section of the AIAA Code of Ethics that is alleged to have been violated. It shall state the facts of the alleged violation and provide any available evidence in support of its allegations.

All complaints, criticism of, and questions concerning the AIAA Code of Ethics should be addressed in writing to the Chair of the AIAA EC. These may be submitted either by email or post to the AIAA EC Liaison, for whom e-mail and physical mail addresses are provided on the AIAA website.

Cooperation with Ethical Misconduct Proceedings

AIAA members will cooperate with the EC in the review of allegations and the conduct of inquiries and investigations. AIAA members have an obligation to provide evidence relevant to ethical misconduct allegations.

Confidentiality

AIAA members implementing this policy, or in any way involved in an ethics case, shall limit disclosure of identities and information regarding misconduct allegations and proceedings to those with a need to know, consistent with a thorough, competent, objective and fair ethical misconduct proceeding.

Ethical Misconduct Procedures

The procedure consists of four parts: (1) inquiry, (2) investigation, (3) final decision, and (4) appeal. It is the intent of this policy to establish basic principles that will apply to all ethical misconduct. If possible and practical, these four procedures should be enacted, conducted and concluded within a 120-day time frame.

Inquiry

Complaints of AIAA Ethics Code violations from individual complainants, anonymous sources, or AIAA Standing Committees shall be recorded as being received, acknowledged, and forwarded to the current Chair of the AIAA EC for consideration. The EC Chair is charged with administering misconduct procedures, and is sensitive to the varied demands made on those who conduct research, those accused of misconduct, and those serving on inquiry and investigative committees.

The EC Chair will convene the Inquiry Committee (IC) upon receipt of an allegation. The IC will assess each allegation to determine whether it falls within the definition of ethical misconduct as set forth in the Code.

If the IC determines that the allegation does not fall within the definition of ethical misconduct as set forth in the Code, the allegation will be dismissed. The EC Chair will provide written notification as necessary to the complainant and others as appropriate. The EC Chair shall consider reasonable and practical steps to assist in protecting or restoring the reputation of persons alleged to have engaged in ethical misconduct, but against whom no finding of ethical misconduct is made. The Executive Director of the AIAA or his/her designee will file copies of correspondence confirming dismissal of complaints with AIAA Headquarters. Documentation will be retained for 3 years following the close of the investigation.

If the IC determines that the allegation falls within the scope of the Code of Ethics, is appropriate for AIAA to address, and is sufficiently credible and specific, an investigation is initiated.

The inquiry process, including the decision regarding whether an investigation is warranted, should be completed within 15 business days of receipt of the allegation, if possible.

Investigation

The purpose of the investigation is to develop a factual record by exploring the allegations in detail and examining the evidence in depth, leading to recommended findings on whether ethical misconduct has been committed, by whom, and to what extent. The investigation should begin within 10 business days after the determination that an investigation is warranted.

The EC Chair is responsible for forming an Investigative Subcommittee (IS) usually made up of three members and appointing a subcommittee chair. In the process of forming the Investigative Subcommittee, the EC is expected to take reasonable steps to ensure an impartial and unbiased investigation to the maximum extent practical, avoiding or mitigating identified or perceived conflicts of interest.

The Chair of the IS initiates the investigative process by giving written notification to both complainant and respondent that an investigation will occur and requesting any additional information deemed by either party to be needed or relevant to the investigation. The notice to the respondent will include an explanation of the allegations and a copy of any evidence and other materials submitted as part of the complaint.

The IS will exercise diligence to ensure that the investigation is thorough and sufficiently documented and includes examination of such available research records and evidence deemed relevant to reaching a decision on the merits of each allegation. The IS will seek to interview each respondent, complainant, and any other available person who has been reasonably identified as having probative/pertinent information regarding any relevant aspects of the investigation, including witnesses identified by the respondent.

Should the investigation discover additional evidence that may be used in support of the complaint, this will be shared with the respondent, who will be given an opportunity to submit information or comment regarding such evidence.

Following completion of the investigative process, the IS will discuss preliminary findings and recommendations. The IS Chair is responsible for developing a written draft report of the investigation that:

- Describes the allegation(s) of ethical misconduct;
- Identifies the respondent;
- Identifies and summarizes the records and evidence;
- Includes a statement of findings for each allegation;
- Indicates which element of the Code was violated in each offense found.

The IS Chair is responsible for reviewing the draft with the Chair of the EC, upon whose approval the draft is sent to all EC members. The EC Chair will then convene the full EC for the purposes of discussing the draft investigative report and comments as well as identifying any additional investigation to be undertaken. Action related to an ethical misconduct case requires a quorum of 2/3 of the EC membership. The IS will edit the report as needed based on the input of the EC as well as any additional investigations conducted at the request of the EC. The IS will then prepare the final investigative report.

Final Decision

Once the EC has reviewed and discussed the final investigative report, the committee findings will be confirmed via a majority of the voting committee members. If no ethics violations are found to have occurred as a result of the vote, the EC Chair will provide written notification as necessary to the AIAA President, acting in the capacity as chair of the AIAA Board of Directors and the respondent, as well as to the complainant and others as appropriate. The EC Chair shall consider reasonable and practical steps to assist in protecting or restoring the reputation of persons alleged to have engaged in ethical misconduct, but against whom no finding of ethical misconduct is made.

If the EC vote confirms that a violation or violations of the Code has occurred, the EC discusses and determines any sanctions to be imposed as a result

When the EC agrees on the appropriate sanction(s), the EC Chair will send the final report and recommendations to the AIAA Legal Counsel for review and comment. Upon review by the AIAA Legal Counsel, the EC Chair will send a notice of findings and sanctions to the respondent and the AIAA President, acting in the capacity as chair of the AIAA Board of Directors, as well as the complainant and others as appropriate. The Executive Director of the AIAA or his/her designee must file copies of all pertinent documents and correspondence with AIAA Headquarters. Documentation will be retained for 3 years following the close of the investigation.

Appeals

A respondent found to have engaged in ethical misconduct may initiate an appeal process within 10 business days of his/her receipt of the Final Decision by providing written notice. An appeal may be either based upon procedural issues, factual issues or upon the findings or administrative sanctions imposed. The written notice shall specifically identify the subject matter of the appeal and provide basis or evidence to support the appeal. The first level of appeal shall be to the chair of the EC. The EC Chair shall consult with the Executive Ethics Panel. The EC chair may send the appeal to the Investigation Committee for input or seek input from the EC committee as a whole. The chair will either then revise the finding and sanction or determine that no changes are warranted based on the appeal and its review. The chair of the EC should, if possible, report her/his findings to the respondent and the AIAA President, acting in the capacity as chair of the AIAA Board of Directors, as well as the complainant and others as appropriate, within 30 days.

The second and final level of appeal shall be the AIAA Board of Directors. This must be made by the respondent within 10 business days of receiving the decision of the Chair of the EC on the initial appeal. The Board of Directors may establish such procedures as it deems appropriate to review and act on an

appeal. The decision of the AIAA Board of Directors is the final resolution of the appeal and will be communicated to parties as appropriate.

The Executive Director of the AIAA and staff delegates will impose and administer sanctions. The Executive Director of the AIAA or his/her designee must file copies of all pertinent appeals documents and correspondence with AIAA Headquarters. Documentation will be retained for 3 years following the close of the appeal.

Approval and Revisions

The EC Chair is charged with the responsibility to review periodically these policies and to propose changes and/or clarifications to the full EC as needed.

Approved by The AIAA Ethics Committee on 10 December 2014.