



## The Catholic Biblical Association of America

# PROFESSIONAL CONDUCT INVESTIGATION PROCEDURES

To assist CBA members in resolving discrimination and harassment complaints in regard to its [Professional Conduct Policy](#), CBA has established these Investigation Procedures pertaining to informal and formal resolution processes. A person seeking more detailed information should consult these Procedures, which are available on the CBA website, from the Executive Director, or from any member of the [Professional Conduct Committee](#) (hereafter, PCC). These Investigation Procedures apply to harassment and sexual harassment at a CBA sanctioned event as these terms are defined in the Professional Conduct Policy. For purposes of these Investigation Procedures all forms of harassment and sexual harassment as defined in CBA's Personal Conduct Policy are hereinafter called "professional misconduct." CBA's internal process for resolving professional misconduct issues is independent of processes of other outside entities, such as institutions, judicial bodies, or governmental agencies.

### Summary of Procedures

CBA's Professional Conduct Policy applies to conduct at CBA regional, annual, and international meetings, sponsored events and programmatic activities, and committee and editorial board meetings. Complaints involving professional misconduct should be addressed to the Executive Director or any member of the PCC. The Executive Director acts only as a contact person to convey the information to the PCC. CBA members have recourse to reporting and resolving incidents of professional misconduct through The Resolution Process (see below). Only people who have standing (i.e., members who believe they have experienced some form of harassment or a person they have designated to act on their behalf and will confirm in writing that the appointee's testimony is accurate) can make a complaint. It will be conducted by the PCC which is composed of five (5) people who are not members of the Executive Board, one of whom is elected by the Committee as Chair.<sup>1</sup> The PCC encourages members to report incidences of professional misconduct in an environment that highlights dialogue and discretion.

### Importance of Prompt Reporting

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

CBA members who believe they are victims of professional misconduct at CBA sanctioned events should notify the Executive Director or any member of the PCC immediately, although CBA may be limited in action it can take regarding an accused person who is not affiliated with CBA. If contacted first by the complainant, the Executive Director will immediately convey the report to the members of the PCC to evaluate.

CBA is in the best position to take effective action against professional misconduct when both parties to the complaint have a current affiliation with CBA and when an alleged incident took place at a CBA sanctioned event. If a complainant waits to report professional misconduct until after the accused person is no longer affiliated with CBA, this can hinder and, in some cases, completely prevent CBA from taking effective action.

<sup>1</sup> Ideally, of the five members, three would be women and two would be men, with one person being from outside the CBA. All members of the PCC would receive some essential instruction on handling accusations of harassment.

## PROCESSES TO ADDRESS PROFESSIONAL MISCONDUCT

The Executive Director receives a complaint. This is forwarded to the Professional Conduct Committee (PCC). The Executive Director is an ex officio member of the PCC, who attends all meetings but does not vote on any decisions. The PCC is comprised by five active members of the CBA who are invited to serve on an ad hoc basis. At least 50% of the PCC should be female.

The chair of the PCC interviews the complainant about what happened. The chair informs the complainant that there are two options for a formal complaint:

- Option 1. It is possible for the complainant to submit a report, while remaining anonymous.
  - No penalty will be made for these complaints.
  - The complaint would be kept on file and used to establish a history of worrisome behavior if future violations are made by the accused.
  
- Option 2. The complaint is formally submitted. The procedures for option 2 are below.
  - The chair convenes a meeting of the PCC and presents the complainant's story to the PCC.
  - The Executive Director (ex officio) interviews the accused and presents the story of the accused to the PCC. The complainant's identity would become known to the accused.
  - Based on all information, the PCC formulates a decision and the members of the PCC votes on this; the Executive Director does not vote.
  
- Some examples of possible decisions:
  - No fault has happened.
  - PCC takes an active role in mediating a discussion between the complainant and the accused.
  - The accused is ineligible to hold office in the organization.
  - The accused is ineligible to receive grant monies from the CBA.
  - The accused is not permitted attend the annual meeting.
  - Revoke membership.

The following are the responsibilities of the Executive Committee (EC):

- The EC receives the recommendation of the PCC and decides if the PCC decision is fair to all parties.
- The EC communicates the decision to the offender.
- The EC informs the offender that he/she may appeal to the decision within a set period of time.
- The EC hears the appeal and makes the decision to uphold the PCC recommendation or not.
- The EC is the party that enforces the decision, including any penalties.
- The Executive Committee is responsible for monitoring and reminding the general membership about what constitutes acceptable professional conduct.

### Appeal

A recommendation of disciplinary action may be appealed to the Executive Board, provided that the respondent submits an appeal in writing to the Executive Director or any other member of the PCC within ten (10) days after receiving the PCC's initial decision. Grounds for appeal must be specified and include new evidence, demonstration of a flawed procedure, or proof of bias.

If an appeal of the PCC's final decision is submitted, then the Executive Director or Chair of the Executive Board will contact the respondent and prepare a timeline for resolution of the appeal. The appeal shall be based on the written record of findings by the PCC (which has been archived at the CBA Office). The appeal can be sustained, rejected or lessened by the Executive Board. An absolute majority of all of the

members of the Executive Board shall be required to effect any of the disciplinary action imposed by the PCC. The Executive Board may not impose a more severe or onerous sanction than the sanction imposed by the PCC.

### **Reinstatement**

Individuals who are expelled from CBA may be reinstated if the recommended actions by the Panel are fulfilled as determined by the PCC and approved of by the Executive Board. All individuals who fulfill the recommendations of the Panel will be considered in good standing.

### **Confidentiality**

CBA endeavors to keep a professional misconduct complaint and information obtained during an investigation of a professional misconduct complaint confidential; however, CBA cannot guarantee complete confidentiality, for example, where it would conflict with CBA's investigation, or its efforts to take corrective action, or to otherwise comply with the intent of this policy or its legal obligations. Nevertheless, everyone within the organization must strive for appropriate confidentiality to protect the good reputation of all. Members of the PCC and the Executive Board are prohibited from communicating about the existence of, or information learned during, or outcome of, any internal professional misconduct investigation under the Policy, except as provided otherwise by law or as necessary to effectuate the Policy or these Procedures.

Information about a professional misconduct investigation or its results will ordinarily not be disseminated to the CBA membership or to the public, except as provided otherwise by law or as necessary to effectuate the Policy or these Procedures.

At the end of each calendar year the Chair of the PCC will report to the Executive Board of CBA whether any formal or informal professional misconduct investigations have been completed during the year.

### **Records**

All other records pertaining to professional misconduct allegations, including the notes of the informal and formal investigation will be confidentially retained by the Executive Director until the later of the following: five years after the investigation is concluded, until the parties are no longer affiliated with CBA, or such other later period required by law.

It is intended that the Executive Director will periodically review its files for ones that are outside this retention period, so that these files can be destroyed. These records are CBA's confidential work-product and not available to other entities except where provided otherwise by law or CBA's Policy or these Procedures.

Approved by the Executive Board March 3, 2021  
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