Professional Ethics Group Reviews Guidelines

for Misconduct Investigations

In recent years, professional science and engineering societies have become increasingly involved in litigation related to their codes of ethics. In some cases, certain sections of the codes were alleged to violate antitrust laws, and in one case, a society was held accountable for an informal opinion memorandum prepared by two members serving on an association standard-setting committee.

Individual scientists and engineers, too, have been involved in litigation related to professional codes of ethics. Members of professional groups who are caught in a situation where they believe their employer may be engaged in an activity that threatens the public interest may be fired or demoted as a result of their refusal to comply with a particular directive by their supervisor. Some scientists and engineers have brought suit against employers for "wrongful discharge" as a result of such actions, and in a few cases, state courts have used the professional code of ethics as a standard protecting the professional employee's right to refuse to go along with or to speak out against an order that threatens public health or safety.

These two phenomena—antitrust rulings against professional codes and individual efforts to use the codes as a basis for protecting professional conduct in the workplace—have prompted many societies to reevaluate ethical standards and case review procedures. Various societies are revising their codes to comply with antitrust standards, to provide specific guidance to members in addressing public health and safety concerns, and to identify general ethical standards to guide the profession. Societies drafting codes for the first time hope to learn from the experiences of others and to avoid costly code-related litigation.

At the same time, many societies also are exploring ways to investigate complaints of misconduct involving their members. Here too, the issue of legal standards becomes important. What forms of due process are members and complainants entitled to in the course of a complaint investigation and adjudication? If societies conduct case-related

procedures, to what extent are they required to disclose to others the outcome of a misconduct investigation? What costs are associated with such activities?

To explore these questions further, last spring the office of the AAAS Committee on Scientific Freedom and Responsibility convened an informal meeting of some 25 affiliated societies that comprise the AAAS Professional Ethics Group. Two speakers outlined general standards and examples of activities which might be of use to the societies.

Attorney Claire Guthrie of the Washington-based law firm Hogan and Hartson described the experiences of several university-based committees charged with investigating complaints of professional misconduct by faculty or research personnel. She noted that fact-finding procedures must be separated from adjudicatory proceedings, and many conflicts in misconduct investigations have occurred as a result of merging these two functions.

Guthrie indicated that academic institutions which have sponsored misconduct investigations have adopted many different approaches, and fewer than one-half of 1 percent of all American colleges and universities have adopted formal policies and procedures for misconduct investigations. However, many major research universities are considering developing such policies in light of recent disclosure of professional misconduct within several prestigious institutions. Jonathan Knight from the American Association of University Professors (AAUP) noted that while he agrees that there is a need for a uniform procedure to replace the current ad hoc system, the AAUP prefers an informal resolution of these problems rather than a formal procedure in response to each complaint.

Guthrie suggested that the experiences of university misconduct committees might serve as a model for professional groups. She described the conflict between the need to preserve confidentiality in the proceedings, and protection for third party complainants. She discussed the duty of the institution to inform others, including colleagues, students, and

funding sources, of the nature and findings of an investigatory proceeding.

Other questions concerning misconduct proceedings include at what point should a faculty member be informed that a complaint has been received by the administration and at what point should such information be made available to others? If the accused individual resigns prior to the completion of the investigatory or adjudicatory proceedings, should others be informed of the reasons for the resignation?

Fred Ordway from the American Institute of Chemists noted that his society offers professional liability insurance to provide protection to members who might be accused of misconduct in the course of their professional activities. The American Chemical Society and the AAUP have similar insurance plans available for their members.

Attorney Robert McLaughlin of the Boston law firm of Gilman, McLaughlin & Hanrahan, legal counsel for the American Meteorological Society (AMS), described that society's efforts to revise their code of ethics which have included both interim changes to avoid a rapidly evolving antitrust threat as well as a study to revise the entire code. He noted that AMS was divided in deciding whether the new code should be a statement of high ideals or a set of rules that could be implemented through a review process. General guidelines might give the impression of a lack of concern for ethics, while specific and enforceable standards of conduct would require substantial time and financial commitment by AMS.

McLaughlin suggested that the professions which are not regulated or licensed by state authority, such as meteorologists, have a greater duty to the public to insure a high standard of conduct of their members. He explained that the AMS has instituted programs for certifying high competence for consulting meteorologists and similarly for granting AMS seals of approval to proven quality radio and television meteorologists.

He described the elements of the due process procedure in reviewing complaints within both certification programs. McLaughlin explained the importance of an impartial panel in granting the seal of approval or the certification to a consulting meteorologist. In reviewing complaints he identified several important elements necessary for a fair and objective evaluation: impartial panel; a

clear statement of charges; the right to present a defense, including witnesses; access to counsel; the right to crossexamine; and finally, the right to appeal.

The AAAS Professional Society Ethics Group will meet again in the fall. All affiliated scientific and engineering societies are invited to participate in the Group. Further information about the Group may be obtained by writing Sally Painter, CSFR, 1515 Massachusetts Avenue, NW, Washington, D.C. 20005.

SALLY PAINTER

Office of the Committee on Scientific Freedom and Responsibility

Lecture Describes Use of Genetics to Establish Grandpaternity

A lecture on "Genetic screening techniques for reuniting Argentina's 'Disappeared' children with their grandparents," will be held at 11:00 a.m. on 18 September 1984 at the ACRF Amphitheater, Building 10, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland.

Speakers will be Mary-Claire King, Department of Epidemiology and International Health, University of California, Berkeley, and Cristian Orrego, National Institutes of Health and AAAS Committee on Scientific Freedom and Responsibility. King and Orrego were members of the AAAS delegation that traveled to Argentina in June 1984 at the request of that country's National Commission on Disappeared Persons (see *Science*, 27 July 1984, p. 397).

The lecture is sponsored by the NIH Foundation for Advanced Education in the Sciences, the Amnesty International Medical Scientists Committee, and the AAAS Committee on Scientific Freedom and Responsibility. For more information, contact Pat McKinley at 301-496-9285.

Scientific Freedom and Responsibility Award: Call for Nominations

Submission of entries in the 1985 selection of the AAAS Award for Scientific Freedom and Responsibility is invited. Established in 1980, the \$1000 prize is awarded annually to honor scientists and engineers whose exemplary actions, often taken at significant personal cost,

have served to foster scientific freedom and responsibility.

The AAAS prize recognizes scientists and engineers who have acted to protect the public's health, safety, or welfare; or focused public attention on important potential impacts of science and technology on society by their responsible participation in public policy debates; or established important new precedents in carrying out the social responsibilities or in defending the professional freedoms of scientists and engineers.

A candidate for the award is selected by a panel of judges appointed by the AAAS Board of Directors. *The deadline* for receipt of entries is 30 November 1984. Nominations and requests for information should be sent to Scientific Freedom and Responsibility Award, 1515 Masschusetts Avenue, NW, Washington, D.C. 20005.

Call for Nominations: 1985 General Election

The Committee on Nominations will meet this fall to select candidates for the 1985 general election. The Committee invites AAAS members to submit nominations, including self-nominations, for the positions of President-Elect and members of the Board of Directors.

Current Board members are listed on the contents page of *Science*. Candidates for terms to start 1 June 1985 are listed in the 1 June 1984 issue.

Nominations should be sent to the Executive Officer, AAAS, 1776 Massachusetts Avenue, NW, Washington, D.C. 20036, no later than 12 October 1984. Each nomination must be accompanied by a curriculum vitae of the proposed candidate.

Help AAAS Membership Office Stop Repetition

Some AAAS members occasionally receive promotional materials encouraging them to join the Association when they are already members, some for a long period of time. When this happens members are confused and we are embarrassed. We take great pains to try to ensure that this does not happen and we are now asking for your assistance in making our system more effective.

The AAAS, like other membership organizations, is not static. To maintain our member base, we must continually recruit new members, more than 25,000 each year. During our yearly Member Nomination Drive, for example, many of you have provided the names of colleagues who might benefit from AAAS membership. We then write to these people and invite them to join.

By far the largest and most effective AAAS recruitment tool we have is the direct mail membership campaign, conducted three times a year. For these campaigns AAAS rents or exchanges lists of names, primarily of scientists and engineers, to contact about AAAS membership. Even though we make every effort to screen out current members' names from the lists we use, the system is not foolproof. One reason for this is the variation between names and addresses as they appear on our membership file and how they appear on the lists we acquire. Another reason is that our member files contain either a home or business address for each member but not both. This means that if we send *Science* and other membership material to a home address, we have no way of knowing the business address of that individual and no way of deleting that business address from our promotional mailings.

We are concerned about the problem and about avoiding unnecessary inconvenience for our members. We also want to keep our process as costeffective as possible.

We would appreciate your helping us to reduce further the likelihood that you receive promotional mailings. To do that we need for you to provide us with a current mailing label from *Science* and your "other" address(es). These other addresses will be *for internal use only* and will not be used for purposes other than our own screening process described above.

The merging/purging system will never be perfect. However, we believe that the above procedure is one more step toward avoiding inconvenience to you and toward further controlling our costs. Please direct your responses and any questions or comments to Carol L. Rogers, head, Office of Communications and Membership, AAAS, 1776 Massachusetts Avenue, NW, Washington, D.C. 20036; telephone: 202-467-4460.