

AIUSA Ethics Committee Complaint Review Protocol

Adopted 2/12/24

(originally adopted
10/22/20)

This document is intended for use by the AIUSA Ethics Committee (“Committee”) to outline the action it shall take to address any formal complaint submitted to the Committee (“Complaint”) in the event that any informal or voluntary process for addressing the matter, such as direct communication between the Parties, mediation conducted by a third party or any other comparable approach, is unsuccessful or unsuitable (voluntary efforts at resolution are strongly encouraged but a complainant is not required to pursue any such voluntary efforts before filing a Complaint under the Code of Conduct).

This procedure applies to all Parties except in relation to the following: (a) if a Complaint involves Parties to any collective bargaining agreement between AIUSA and any employees, any applicable provision of that agreement which provides for addressing any Complaint involving such employee will control over any conflicting provision of the AIUSA Complaint Review Protocol; (b) if any federal, state or local statute applies to disposition of any Complaint, it will control over any conflicting provision of the AIUSA Complaint Review Protocol, and/or (c) if upon its initial review of the Complaint, the Committee determines that review and resolution would best be handled by a third party not associated with or affiliated to AIUSA, in which event such third party will be instructed to conduct its investigation and other actions consistent with the principles of confidentiality, transparency and fairness to all parties reflected in the AIUSA Complaint Review Protocol.

During any period of review, Committee members shall keep all information confidential, except to the extent otherwise required by applicable law and consistent with any legal obligations AIUSA may have. The Committee Chair shall only inform the AIUSA Board of Directors (“Board”) that a Complaint has been filed and provide updates on the status of review as feasible or as required to the extent necessary to comply with legal or ethical requirements as determined by the Chief Legal Officer.

All aspects of the review should be kept confidential by the Parties without, however, limiting any Party from collecting evidence and interviewing or presenting witnesses in support of their positions with respect to any Complaint. All Parties should recognize that, if formal legal action is taken, all aspects of the review may be subject to legal

discovery.

All Parties will refrain from communicating at anytime during the review process with any other body which may later be called upon to review the matter – i.e., while a complaint is pending before the Ethics Committee (or its designated independent investigator as described herein) no Party shall communicate with either any Ombudsperson or any Board member about the matter under review, and while the matter is under review by any Ombudsperson no Party shall communicate about it with any member of the Board. Violation of this limitation could result in a determination adverse to the noncomplying Party, up to and including dismissal of their Complaint or a decision on the merits adverse to the noncomplying Party.

1. Filing a Complaint

Any person who is subject to behavior they believe violates this Code, has witnessed such behavior or otherwise has reason to believe that an individual has violated this Code should:

- Promptly report their concerns to (where applicable) their supervisor or a representative of Human Resources and/or complete the [AIUSA Complaint Form](#) (Appendix A) in as much detail as possible;
- Email the completed form to the Chair of the AIUSA Ethics Committee at ethics@aiusa.org or, if preserving anonymity is a concern, mail the completed form to the Chair of the AIUSA Ethics Committee addressed to the New York City office of AIUSA; and
- Reference any supporting documentation related to the Complaint and include it as an attachment at the time of submission of the Complaint

2. Complaint Review

The Committee shall investigate all alleged violations of the Code of Conduct. During its review, the Committee shall act within its Terms of Reference and consistent with the AIUSA Code of Conduct.

Investigations of all Complaints will be handled in as timely and confidential a manner as possible, consistent with the need to conduct a fair and thorough investigation of the allegations. The Committee shall strive to complete its review within 30 days of a Complaint's receipt. Reasons for extending the review period beyond 30 days should be fully documented on the Complaint Review Form.

The investigation shall include at its outset conferences with the complainant and any parties named in the Complaint as the subject(s) of the Complaint (“respondents”). In doing so, the Committee shall provide the respondents an opportunity to address any matter raised by the Complaint including being informed of (a) the identity of the complainant (excepting instances where valid privacy interests of the complainant or other compelling circumstances require that information to be kept confidential) and (b)

any evidence offered in support of the Complaint. In addition, the respondent(s) shall be offered an opportunity at the outset of the investigation and at any time(s) thereafter during the Committee's complaint review process to submit or supplement a written response to the Complaint and evidence in support of that response.

The Committee may consider the refusal to provide information on the part of any person when deciding how to proceed with the Complaint.

During the investigation process, the Committee shall not disclose any information to any non-involved party beyond what is necessary to conduct a meaningful and fair investigation that affords full due process to both the complainant and the respondent(s), such as with respect to witness interviews. In conducting its investigation, the Committee may retain the services of outside counsel or investigators.

3. Complaint Resolution

Upon completing its review of the Complaint, the Committee shall send a written report of its findings to the Parties. Such report shall include a detailed summary of the Complaint, any attachments deemed necessary and appropriate by the Committee, and the Committee's decision (by majority vote), which may include a recommendation for further, third-party investigation.

4. Request for Reconsideration by Ombudsperson and by the Board

If either the complainant or any respondent is not satisfied with the Committee's decision, that Party may, within 30 days of receipt of that decision, file a request for reconsideration by the Ombudsperson, who shall, within 30 days of receipt of such request, conduct a review of the matter, including the procedure by which a decision was reached by the Committee, and thereafter issue a written report and recommendation. If the Ombudsperson requires additional time within which to conclude any such review, they shall so inform the Parties and the Committee and keep them apprised of their efforts to complete any such review as promptly as is reasonably possible. If either the complainant or any respondent is not satisfied with the Ombudsperson's decision, that Party may file a request for reconsideration by the Board by emailing the request to the Chair of the Committee at ethics@aiusa.org, who shall promptly forward that request to the entire Board. That request must be filed within thirty days after the Ombudsperson sends their decision to the Parties.

Upon its receipt of a request for reconsideration, the Board shall, within thirty days of such receipt, conduct a review of the Ombudsperson's decision and, if deemed necessary by the Board, schedule a hearing via telephone, videoconference or other electronic means before the full Board. If the Board requires additional time within which to conclude any such review, it shall so inform the Parties and the Committee and keep them apprised of its efforts to complete any such review as promptly as is reasonably possible. At the close of any such hearing, the Board shall decide whether to (a) uphold

the decision of the Ombudsperson or (b) instruct the Committee to re-open its investigation into the Complaint pursuant to whatever guidelines the Board may determine, in which event the Committee's ultimate determination following such consideration will be final.

Complaint Review Tracking Handling/Checklist

Date Complaint received (copy of Complaint and transmittal email or letter should be attached)

Review Steps (give dates and details as appropriate)

1. **Initial (intake) review** (by Committee Chair):
 - A. Is the Complaint within the Committee's jurisdiction/has the Code of Conduct alleged to have been violated?
 - B. Is the Complaint form fully completed or has all necessary information been received from the Party initiating the Complaint? If not, what additional information is needed?
 - C. Assign internal tracking/case number to the Complaint.
 - D. Is there any immediate action that appears necessary? If so, what and how should it be accomplished? (e.g., does it appear that a lack of immediate action may lead to health, well-being, safety or legal concerns?)
 - E. Does the Complaint present a potential conflict of interest for any Committee/Board member? If so, regardless of when it is raised or by whom, the conflict of interest should be documented and the affected individual shall be excluded from any involvement in the review process. If the affected individual objects to being excluded from any involvement in the review process, the question of whether such exclusion shall occur shall be decided by a majority vote of the unaffected members of the Committee.
 - F. The Chair should send an email or letter (as applicable) to the complainant and to the respondent(s), acknowledging receipt of the Complaint, referencing the specific provision(s) of the AIUSA Code of Conduct allegedly violated and giving a clear guideline on how the Complaint review process will move forward and concerning the rights and responsibilities of the complainant and the respondent(s) during and following the completion of the Complaint review process. Standard language to include (at a minimum and to be revised to

reflect the particulars of the Complaint):

- i. The Committee will take this matter seriously and will review it as promptly as possible.
- ii. The current members of the Committee reviewing complaints are identified on the AIUSA website, www.amnestyusa.org and Member Center.
- iii. The complainant and respondent(s) shall have certain rights and responsibilities during the complaint review process, including (a) the right to request an independent third party to be chosen, at its discretion, by the Committee either to participate with the Committee in the investigation or to conduct an investigation wholly independent of the Committee; (b) the obligation to cooperate fully with the Committee's investigation; and (c) the responsibility to be honest and forthcoming throughout the review process and to listen and evaluate with an open mind the evidence and opposing party's viewpoint(s).
- iv. The Committee may request additional information to assist with its review.
- v. Upon completion of its review, the Committee will submit a report and final decision.
- vi. If the complainant wishes to remain anonymous, the Chair should inform them that this may limit both the review and any potential action by the Committee and any subsequent review by the Ombudsperson or the Board of the Committee's decision. In any event, the respondent(s) on any Complaint shall be entitled to know the identity of the complainant, except where vital privacy interests of the complainant or other compelling circumstances require otherwise.
- vii. If the complainant believes they have been or may be subject to retaliation by virtue of having filed the Complaint, the complainant should inform the Committee Chair about the details of those actions.
- viii. The Parties will be informed when the Committee has made its decision. That communication may not include specific information that the Committee has determined to be confidential. The Parties will be reminded (a) that there is a 30-day deadline to make a

request for reconsideration to the Ombudsperson and that such a request must be sent in writing to the Committee Chair and to the Ombudsperson and (b) that there is a separate 30-day deadline for a request for reconsideration to the full Board of any decision of the Ombudsperson.

- ix. The Committee Chair shall promptly inform the full Committee of the filing of any Complaint and shall thereupon schedule further actions to be taken by the full Committee with respect to any such Complaint.

2. Committee Review

- A. Meeting(s) should be documented (minutes taken, and all documentation relating to the Committee's review maintained in its permanent records) and generally should include, among other things:
 - i. Members in attendance / confirmation that quorum was met.
 - ii. Resolution of any issues regarding any possible conflict-of-interest involving a Committee member's participation in the investigation.
 - iii. Whether the Committee feels that additional information is needed from any Party or from any non-party witness.
 - iv. The date a request for additional information was sent to any Party and the date (and content) of response.
 - v. Whether there is any potentially relevant information that the Committee is unable to obtain on its own and, if so, how it could obtain that information.
 - vi. Whether at any point in the investigation there arises an opportunity for voluntary means of resolving the matter raised by the Complaint (such as by mediation) and, if so, how best to carry out such alternative dispute measures while suspending the investigation pending the outcome of such efforts.

- B. Complainant/Respondent/Witness Interviews
 - i. For any interviews conducted as part of the review, there should be at least two (2) Committee members in attendance as well as any third-party investigator who may be participating in the investigation. The interviewer should document the time, date, and content of the interview and request permission to record the interview. In addition, prior to any interview, the interviewer shall inform the interviewee in writing that:
 1. The interview is part of the Committee's review of an Ethics Complaint that has been filed.
 2. The interviewee has the right to ask that the interview not be recorded or ask how it will be used in the future if recorded.

3. Due to confidentiality concerns, the interviewer may be limited as to what information they can give to the interviewee but shall provide a summary of the nature of the Complaint under investigation and the identity of the Parties (unless any are entitled to anonymity due to vital privacy issues or other compelling circumstances).
4. A prospective witness has rights and responsibilities, including the right not to provide any testimony or other information.
5. The Committee review (including interviews like this) is part of the Ethics Complaint Review Protocol adopted by the Board.
6. The purpose of the interview is to help the Committee obtain facts to aid in its review of the Complaint.
7. The interviewee is asked to give as truthful and complete information as possible.
8. The interview will be kept confidential to the maximum extent consistent with a full and complete investigation.
9. The interviewee will be provided with a copy of the interview recording. If the interview was not recorded, a copy of the notes taken will be provided to the interviewee to sign or to make any correction or elaboration of the summary of the interview provided to the interviewee within a stipulated time.
10. Upon completion of its review, the Committee shall issue a report of its findings to the Parties.
11. The interviewee is asked to keep confidential all information relating to their testimony or the investigation (including that a Complaint was made or the identities of the Parties).
12. The interviewer should confirm to the interviewee that AIUSA has zero tolerance for retaliation and that, should the

interviewee experience any retaliatory act or threat, they should contact the interviewer about the details of those events.

- ii. During the interview, the interviewer should act as an objective, neutral fact-finder. The interviewer should generally consider all of the following:
 1. Ask open-ended questions (who/what/where/when/how/why).
 2. Ask questions that may provide relevant information, based on the Complaint and its potential consequences.
 3. Listen carefully to help determine that the questions are fully answered.
 4. Ask follow-up questions.
 5. Identify/clarify any potentially conflicting information.
 6. Be careful about revealing any confidential information.
 7. Before concluding, ask (a) if there is any additional information that the interviewee would like to give and (b) if the interviewee may know of additional persons who could assist in the Committee's review.
 8. Encourage interviewees to forward any additional information they may recall/discover at a later date to the interviewer.

C. Review Completion

When the Committee feels that its review of the Complaint is fully completed, the Chair shall draft and send a written report to the Committee for review, proposed modifications from any member(s) of the Committee and approval by a majority vote in final form, all to be done as promptly as is reasonably possible. When the Committee has approved the report, the Chair shall forward it to the Parties and to the Board.

3. Committee Report to Board and the Parties

The Committee in its report to the Board and the Parties shall:

- A. Include a copy of the original Complaint, subject to redaction for anonymity where vital privacy concerns or other compelling circumstances apply.
- B. Summarize the facts as discovered by the Committee's review.
- C. State whether or not the facts indicate that an ethics violation occurred.
- D. Mitigate and/or avoid biases, assumptions, characterizations, and legal conclusions.

- E. Include a recommendation for an outside investigator or outside legal counsel to undertake any additional review or action (regardless of whether another such outside investigator has previously undertaken an independent review or assisted the Ethics Committee with its own deliberations and decision).
- F. Include recommendations for action/resolution, as feasible and appropriate.
- G. Follow the following format for its report:
 - i. Date Complaint received and tracking number assigned.
 - ii. Summary of issues/questions investigated by the Committee.
 - iii. Summary of steps taken during the investigation. This includes a list of Parties/witnesses (and the content of their interviews) and of any relevant documents.
 - iv. Summary of the Committee's findings/conclusions and of the key facts that support them. In the event the Committee is unable to reach a sufficient conclusion based on the greater weight of the evidence as to the merits of the Complaint, the Committee's report shall so state.
 - v. Summary of any aggravating / mitigating factors.
 - vi. Committee recommendations for action (except in instances where the Committee is unable to reach a sufficient conclusion as to the merits of the Complaint), including but not limited to:
 - 1. anti-harassment/diversity training;
 - 2. improvement plans setting forth expectations, progress indicators and consequences for not achieving compliance or fulfillment of required behavior changes;
 - 3. where the Complaint has been found to be credible, a recommendation that a copy of the Committee's investigation and report (if ultimately upheld in any form following completion of the appeal process outlined in this protocol) be included in the file of the respondent(s), whether it be a personnel file for employees or member file for members;
 - 4. where the Complaint has been found to have no good faith basis in fact, a recommendation that a copy of the Committee's investigation and report (if ultimately upheld in any form following completion of the appeal process outlined in this protocol) be included in the file of the complainant, whether it be a personnel file for employees or member file for members;
 - 5. removal or suspension from any AIUSA role or privilege, where all the criteria for such an action have been met;
 - 6. referral to legal counsel (whether the Chief Legal Officer or outside counsel) for further action.

- H. Include the timeline for reconsideration requests to the Ombudsperson (within 30 days of the Committee's report and decision) and, thereafter for reconsideration requests to the Board (within 30 days of the Ombudsperson's report and decision).

4. Closing a Complaint

A Complaint shall be considered closed: (a) after the Committee completes its review and submits its report and decision to the Board and to the Parties; (b) after the Ombudsperson (i) completes their review (if requested) of the Committee report and decision and (ii) submits their own report and recommendation to the Board; and (c) after any final decision is made by the Board following and based upon any review (if requested) of, and a full hearing completed as to, any report and decision by the Ombudsperson whereby the Board either (i) upholds the decision of the Ombudsperson or (b) instructs the Committee to re-open its investigation into the Complaint pursuant to whatever guidelines the Board may determine, in which event the Committee's ultimate determination following such consideration will be final.