



## **Preamble**

The Society of Behavioral Medicine (SBM) exists to foster the development and growth of professionals who study and apply behavioral medicine as a means to improve the health and well-being of individuals, families, communities, and populations. SBM also exists to promote the field of behavioral medicine at large. The SBM Code of Ethics and Enforcement Procedures (together, the “Code”) applies to SBM members; directors; officers; council, committee, and working group chairpersons and members; event or program participants and presenters; and SBM award winners (“Covered Persons”), and is enforceable solely by SBM. The primary purpose is to support and protect SBM’s mission, which can be advanced only if SBM has integrity in the scientific and medical communities and with the general public, and is viewed as a reputable, credible, objective, and unbiased force whose statements, activities, and relationships are beyond reproach.

To that end, SBM requires and encourages professionalism and ethical conduct, and therefore affirms the Code and its enforcement procedures.

Covered Persons are required to adopt and comply with all provisions of the Code as a condition of membership, acceptance of a position or duty, or acceptance of an award, as the case may be. Covered Persons, by virtue of so doing, thus agree, as a condition thereof, that the enforcement actions described herein, including the suspension or termination of membership, may be taken against them for failure to comply with the Code as determined in the sole discretion of the SBM Board of Directors.

Although SBM is not a licensing, certifying, accrediting, or policing body, it does determine who is eligible for membership in its professional association and participation in its various events and programs. Membership in SBM; appointment as a director, officer, or council, committee, or working group chair or member; participation in an event; or the granting of an award, are each a privilege and not a right, and they require ethical practices and adherence to the Code. SBM shall, therefore, receive and investigate Complaints against Covered Persons for alleged violations of the Code, and SBM may also initiate its own invocation of the Code in any given instance (in which event such invocation shall, for purposes of the Code, be considered a Complaint). Covered Persons are required, as a condition of membership, acceptance of a position or duty, participation in an event, or acceptance of an award, as the case may be, to not only comply with the Code, but also to fully cooperate with any such investigation under the Code and any enforcement proceeding in connection therewith.

## **Code of Ethics**

Violations of the Code may lead to actions by SBM as detailed in the Enforcement Procedures section.

### **A. Rules**

#### **a. Compliance with Applicable Rules.**

- i. Covered Persons shall at all times comply with stated rules, policies, and other requirements of SBM, including, without limitation, all provisions of its Articles of Incorporation, Bylaws, regulations, procedures, and policies, including but not limited to SBM’s Event Discrimination and Harassment Policy, all of which are subject to the Code as if fully set forth herein. Members of the Board of Directors as well as Council, Committee, and Special Interest Group Chairs shall at all times additionally comply with SBM’s Leadership Code of Ethics, which is also similarly incorporated herein by this reference. Covered Persons shall also comply with applicable requirements under federal and state laws and regulations relating to such Covered Person’s status as a psychologist,

physician, nurse, researcher, and/or other healthcare worker or licensed individual, and applicable rules and requirements of the governmental, administrative, regulatory, self-regulatory, employer-based, and other bodies to which the Covered Person is subject (“a governing body”), including, without limitation, the following bodies:

1. Healthcare entities and their governing bodies and committees which conduct professional review activities;
  2. Boards of medical examiners and comparable bodies with responsibility for licensing and/or regulating healthcare professionals;
  3. Employer-based or other self-regulatory organizations and professional societies governing the professional activities of Covered Persons; and/or
  4. Government bodies or agencies administering or enforcing applicable federal or state laws and regulations.
- ii. Discipline by Governing Bodies.  
Any of the following actions by a governing body:
1. Censure or reprimand;
  2. Suspension or involuntary termination of a license, permit, approval, authorization, degree or membership;
  3. Suspension, probation, or revocation of duties or privileges; and/or
  4. Any type of prosecution, fine, proceeding, suit, or other enforcement action.

b. Commercial and Other Relationships Affecting Objectivity.

A Covered Person’s actions for or on behalf of SBM should not be affected by an economic interest in, commitment to, or benefit from commercial enterprises, or otherwise by any other family or other relationship or interest that could affect such member’s actions and, in connection therewith, reasonably cause such member to take into consideration interests other than those of SBM.

c. Relationship with the Press and Public

No Covered Person shall, when dealing with the press or otherwise in making a public statement, use the imprimatur of SBM in a manner which would give rise to the impression that the Covered Person is an official spokesperson of SBM or that SBM has endorsed any product, service, person, or idea. No Covered Person may use SBM name or logo in any manner without the prior written consent of SBM.

B. Disclosure of Interests

- a. SBM requires disclosure of certain information from individuals including leaders, presenters of programs or events sponsored by SBM and offering continuing education credits, participants of certain councils or committees, and authors of manuscripts submitted for any SBM publication. The specifics for disclosure of interests are in the following SBM documents:
- i. Board of Directors Conflict of Interest and Confidentiality Policy;
  - ii. Journal Instructions for Authors;
  - iii. Intellectual Property Release Agreement and Conflict of Interest Disclosure Policy for authors of policy, website, or other SBM content;
  - iv. Financial Conflicts of Interest Policy for NIH Grant Investigators; and
  - v. Annual Meeting Financial Disclosures Policies for authors, sponsors, and select others.

Underlying the Code is the principle that, in many cases, disclosure of all relevant relationships and interests will of itself suffice to protect the integrity of SBM and its interests. In such cases, once such interests are fully disclosed to SBM and other relevant parties, they will generally be able to evaluate and adjust for any possible influence of the disclosed interests. A reasonable test for determining whether disclosure is necessary in a particular instance is whether the relationship, interest, or circumstance in question, if made known to a member, director, or officer of SBM or to the general public, would be likely to cause embarrassment for SBM and/or the individual involved or give rise to a question about the motivation, purpose, or interest underlying any action taken or not taken for or on behalf of SBM.

b. Conduct at Meetings

At the beginning of each meeting of the SBM Board of Directors, the SBM President (or designee who is leading the meeting) will review the requirements of the Board of Directors Conflict of Interest and Confidentiality Policy and an opportunity to declare new disclosures is provided. In the event that at any time a meeting participant abstains from discussing or voting on a particular matter on account of a disclosed relationship, interest, or circumstance described herein, such notice of his or her abstention shall be placed in the official record or minutes of the proceedings.

c. Authority and Action Beyond Disclosure

Some conflict situations may require action beyond mere disclosure. In such cases, the SBM President or SBM Board of Directors shall have the authority to determine whether a particular affiliation requires a member to abstain from voting on or participating in an SBM action or whether, in addition, additional action is required, including, without limitation, resignation from an SBM office or other position, or divestiture of the interest which gives rise to the conflict.

## Enforcement Procedures

### A. Introduction

A Covered Person may be subject to action under the Code if such Covered Person's conduct violates the Code or other standards and principles of SBM. Such conduct may include, without limitation, the following:

- a. Conduct that is in violation of a provision of the Code;
- b. Conviction of any crime relating to or arising out of the practice of medicine or research or otherwise arising out of such Covered Person's professional conduct, affiliations, or employment, including, without limitation, acts involving moral turpitude or illegal or unethical conduct;
- c. Limitation or termination of any right associated with the practice of medicine or research or otherwise pertaining to such Covered Person's professional or employment-based conduct, including the imposition of any requirement for surveillance, supervision, or review, by reason of violation of a medical practice act, statute, or governmental regulation, or disciplinary action by any medical licensing authority;
- d. Unlawful financial dealings related to the practice of medicine or research or otherwise to such Covered Person's professional or employment-based conduct, including but not limited to, fee splitting or the payment or acceptance of kickbacks;
- e. The use of false or deliberately misleading advertisements, testimonials, or other instruments of misinformation related to the practice of medicine or research;
- f. Public conduct prejudicial to the best interests or reputation of SBM;
- g. Representation of membership in SBM as certification to engage in any professional activity or function;
- h. Evidence of misrepresentation of information on the SBM membership application form; and
- i. Unauthorized use of SBM's name, trademarks, or other property.

### B. Definitions

- a. Complaint: a written charge submitted by a Complainant, alleging that a Covered Person engaged in conduct that violates the Code, including, without limitation, Section A thereof of this Enforcement Procedures section.
- b. Complainant: the person who brings a Complaint against a Covered Person hereunder. The Complainant does not have to be a Covered Person.
- c. Executive Committee: a subset of the Board of Directors as defined in SBM's Bylaws. Among other duties, the Executive Committee receives and evaluates Complaints hereunder and, as appropriate, investigates, conducts hearings, and makes determinations with respect to same as provided hereunder.
- d. Appeals Panel: a committee of three (3) former Presidents of the SBM Board of Directors who are current SBM members charged with evaluating a formal appeal request and making a determination as to same as provided in Section G, below. Members of the Appeals Panel will be selected based on reverse

chronological order based on the timing of the termination of their service on the SBM Board of Directors with allowance for availability and exclusion of individuals with a conflict of interest.

- e. Respondent: An individual identified in a Complaint against whom such Complaint has been submitted.

#### C. Filing a Complaint

Prior to filing a Complaint, the Complainant should, as appropriate if the subject matter thereof pertains to a dispute between the Complainant and the Respondent, attempt to resolve the dispute directly with the individual who is the subject of the subject matter. To file a Complaint, the Complainant should use the SBM Complaint Form found at the end of this procedures document. SBM will generally not take action against a Covered Person in the case of an anonymous complaint, and SBM cannot guarantee confidentiality to a Complainant otherwise as and to the extent expressly provided in the Code.

NOTE: The Complaint Process provides no legal or equitable relief to a Complainant and is strictly limited to a review of a compliance with the Code. Any claims for damages, injunctive relief, or other legal or equitable relief should be pursued with the appropriate legal authority. Any claims about a person's licensing, certification, or accreditation should be filed with the applicable licensing, certifying, or accrediting authorities.

#### D. Procedure for Complaint Investigation and Hearing

- a. The Executive Committee shall receive and be responsible for the administration of all Complaints, which must be in writing and signed by the Complainant. The Executive Committee shall initially review each Complaint to ascertain whether it (1) contains insufficient information upon which to base an investigation and/or corresponding determination; (2) would be better suited for consideration by another body, which has jurisdiction over such matter; or (3) is patently frivolous or inconsequential. In the event of the Executive Committee ascertains that the Complaint falls within any of the above three standards, the Complaint shall be dismissed by written notice from the Executive Committee to the Complainant.
- b. If the Executive Committee ascertains that the Complaint is not within any of the three standards described in sub. a., above, the Executive Committee shall then undertake to investigate the facts and/or circumstances to whatever extent it deems necessary or appropriate in order to evaluate the information provided by the Complainant and the allegation(s) of the Complaint. The Executive Committee may also initiate its own investigation in any instance without presence of a Complaint. The Respondent shall be notified in writing at the commencement of such investigation of the following: (i) the allegation(s); (ii) those provisions of the Code allegedly violated; (iii) the possible sanctions under the Code in the event of determination of a violation; and (iv) the opportunity to request a hearing on the Complaint before the Executive Committee at any time prior to the time a determination is made with respect to the Complaint. An investigation may consist of such actions as the Executive Committee in its discretion shall determine are necessary or appropriate in order to determine the veracity of the allegation(s) in the Complaint and may, include, among other things, one or more informal interviews with the Respondent, the Complainant, and any witnesses or others relevant or potentially relevant to the allegations in the Complaint.
- c. If the Respondent requests a hearing, the Executive Committee shall cause such hearing to occur not later than forty-five (45) days after the date of such request and the Respondent shall be given at least thirty (30) days prior written notice of the date, time, and location (if applicable) of the hearing. The Executive Committee shall, in its sole discretion, determine whether such hearing shall be conducted by telephone or other electronic means or in-person, and the Executive Committee may, in its sole discretion, establish such procedures and rules as it may determine to be necessary or appropriate for the conduct of such hearing, including those pertaining to privacy, if any, in which event the Executive Committee shall notify the Respondent of same together with the above-described hearing notice, as necessary or appropriate.

#### E. Recommendation/Determination Procedure

- a. Upon completion of the investigation and hearing (if one is conducted) with respect to the Complaint, the Executive Committee shall, not later than fifteen (15) days thereafter, deliver to the SBM Board of Directors its recommended determination with respect to the Complaint, and, as applicable, sanctions to be imposed

pursuant to Section F, below, with respect to the Complaint. Such recommendation shall be in writing and shall include a statement setting forth the basis for, and the rationale supporting, such recommendation.

- b. The SBM Board of Directors shall, by a two-thirds (2/3) vote, not later than thirty (30) days after its receipt of the recommendation from the Executive Committee, make a determination with respect to the Complaint by accepting, rejecting, or modifying such recommendation based solely on the record provided by the Executive Committee.
  - i. If such determination is that there is no violation of the Code, the Complaint shall be considered dismissed, and the Executive Committee shall cause notice of same to be delivered to the Complainant and the Respondent. The Executive Committee may recommend to the SBM Board of Directors, or the SBM Board of Directors may determine on its own initiative, that the fact of the dismissal of the Complaint (and, in appropriate cases, the reasons for the dismissal) either be maintained as confidential or disclosed in the SBM Newsletter, website, and/or otherwise publicized, and the nature, extent, and manner of such disclosure and other publicity.
  - ii. If such determination is that there has been a violation of the Code, the SBM Board of Directors shall deliver written notice of such determination and any corresponding sanction(s) to the Respondent and the Complainant. The Executive Committee may recommend to the SBM Board of Directors, or the SBM Board of Directors may determine on its own initiative, that the determination and any sanction(s) be either maintained as confidential or disclosed in the SBM Newsletter, website, and/or otherwise publicized, and, if the latter, the nature, extent, and manner of such disclosure and other publicity after the appeal procedure under Section G.d. has been exhausted or the time period for same has expired.

#### F. Sanctions

- a. Any of the following sanctions may be recommended by the Executive Committee and/or imposed upon the Respondent if the SBM Board of Directors makes a determination with respect to a Complaint that the Respondent has violated the Code; provided, however, that the sanction applied must reasonably relate to the nature and severity of the violation:
  - i. Reprimand of the Respondent;
  - ii. Rescission of any or all awards previously received by the Respondent from SBM, including, without limitation, awards granted by an SBM Special Interest Group; provided, however, that, if any such award included a monetary prize, SBM shall not require that such monetary prize be returned to SBM by the Respondent;
  - iii. Ban of the Respondent from certain or all future SBM activities and/or events, for a specified period or in perpetuity, as an attendee, presenter, sponsor, exhibitor, and/or other participant;
  - iv. Ineligibility of the Respondent for SBM membership (if the Respondent is a non-member), for a specified period or in perpetuity, with eligibility reinstatement thereafter only upon approval of the SBM Board of Directors;
  - v. Suspension or nonrenewal of membership (including of Fellow status, if applicable) of the Respondent from SBM for a specified period, up to five (5) years, including participation in councils or committees of SBM. Respondents who are suspended are deprived of all benefits and incidents of membership during the period of suspension.
  - vi. Termination of membership (including of Fellow status if applicable) of the Respondent (which may be designated as permanent). Respondents who are terminated are deprived of all benefits and incidents of membership. Respondents whose membership is terminated may not reapply for membership in any class unless except upon approval of the SBM Board of Directors.
- b. If a determination resulting in a sanction which has not been reversed on appeal pursuant to Section G.d., below, after the appeal procedure thereunder has been exhausted or the time period for same has expired, SBM Board of Directors may, if it determines that circumstances warrant, authorize the Executive Committee to communicate the determination and transfer a summary or the entire record of the proceeding on the Complaint to any governing body with jurisdiction over the regulation of the conduct or activities of the Respondent or otherwise in a proceeding or inquiry that relates to the subject matter of the Complaint or that otherwise involves the Respondent.

## G. Appeal

- a. A Respondent may, within thirty (30) days of receipt of notice of a determination described in Section E.b., above, submit to the Executive Committee a written request for an appeal of such determination, but not any sanction imposed thereby. In such event, the Appeals Panel shall be populated as described in Section B.d., above; invitations to serve on the Appeals Panel shall include the names of the Complainant and Respondent, without indicating which is which, to allow potential Appeals Panel members to determine if they have a conflict of interest. The Appeals Panel shall conduct and complete the appeal process not later than ninety (90) days after receipt of the request for an appeal. The appeal shall be limited to a review of the original Complaint, the investigation, the Executive Committee's recommended determination with respect to the Complaint, and the determination of the SBM Board of Directors, but not any sanction imposed thereby.
- b. The Respondent, the Executive Committee, and SBM Board of Directors may submit a written statement to the Appeals Panel for its consideration in connection with the appeal; provided however, that any such statements must be received by the Appeals Panel not later than such date as may be determined by the Appeals Panel therefor and communicated to the Respondent by the Executive Committee.
- c. The appeal shall be limited to a review of the Executive Committee and SBM Board of Director's application of the Code to the facts established in the investigation of the Complaint and, as applicable, to confirm material compliance with the procedures set forth in these Enforcement Procedures. An appeal may not take into consideration any matters not included as part of the Executive Committee's record with respect to the Complaint and the SBM Board of Directors' determination; and, in this regard, the appeal procedure shall consist only of a review by the Appeals Panel of such records and any written statements submitted by the Respondent, the Executive Committee, and SBM Board of Directors.
- d. The Appeals Panel shall, not later than the end of the ninety (90) day period described in Section G.a., above, either sustain or reverse the determination of SBM Board of Directors with respect to the Complaint by means of a written decision transmitted to the Respondent and SBM Board of Directors. Such decision shall not address any sanction(s) imposed by SBM Board of Directors in its determination. The decision of the Appeals Panel may include a statement of the basis and/or rationale for such decision. Such decision shall be binding upon SBM Board of Directors, the Respondent, the Executive Committee and all other persons.

## H. Resignation

- a. If the Respondent resigns from SBM at any time during the pendency of a Complaint or appeal under the Code, the Respondent may not reapply for membership in any class at any time, except upon approval of the Board of Directors, and the Complaint shall be dismissed without any further action by the Executive Committee, SBM Board of Directors, or the Appeals Panel; as applicable and the record thereof shall be considered confidential, except that:
  - i. SBM Board of Directors may authorize the Executive Committee to communicate to SBM members and others the fact and date of resignation, the name and address of the Respondent, and the fact that a Complaint or appeal was pending at the time of the resignation. Such communications shall not disclose the nature of the Complaint unless the SBM Board of Directors determines that circumstances warrant such disclosure.
  - ii. SBM Board of Directors may authorize the Executive Committee to communicate the fact and date of resignation, the fact that the Complaint was pending at the time of such resignation and the nature of such Complaint to any governing body with jurisdiction over the regulation of the conduct or activities of the Respondent or otherwise in a proceeding or inquiry relating to the subject matter of the Complaint or that otherwise involves the Respondent.



Refer to the Society of Behavioral Medicine (SBM) Code of Ethics and Enforcement Procedures for any questions. Return this form to SBM Executive Director Lindsay Bullock at [lbullock@sbm.org](mailto:lbullock@sbm.org) or 555 E. Wells St., Suite 1100, Milwaukee WI 53202.

**Alleged Offender Name:**

**Alleged Offender Address and/or Institution (if known):**

**Alleged Offense:** (Please specify the alleged violation and identify the specific Code of Ethics and Enforcement Procedures item that is alleged to have been violated. Attach any relevant or supporting documentation.)

**Date of Alleged Offense:** (Note if ongoing.)

**Complainant Name:**

**Complainant Address:**

**Complainant Phone:**

**Complainant Email:**

**Are you an SBM member? (Yes/No)**

**Please sign and date this document.** (SBM will not take action against a Covered Person in the case of an anonymous complaint, and cannot guarantee complete confidentiality, as due process requires a right to challenge one's accuser(s).)

I affirm that, to the best of my knowledge, the information above is true, accurate, and complete.

**Signature of Complainant:**

**Date:**