After the Complaint: What Should ACM Disclose?

The ACM is a global organization impacting literally millions of computing scholars and professionals worldwide, from the center of the world each year (see sidebar 1). Given this, it is not surprising that, every now and then, ACM is faced with cases of alleged wrongdoing, where somebody is said to have violated one of the ACM’s policies. ACM takes these allegations very seriously, spending significant sums of money each year to support enforcement of its policies. Some of these cases are very serious, to the degree of affecting the career, safety, or, indeed, the life of members of the computing community. These cases are handled by the ACM Committee on Disclosure of Findings committee.

ACM’s pivotal role in the field of computing leads some to argue that ACM bears a responsibility to be more forthcoming about its findings of violations of its policies.

Policies and Enforcement Today

The ACM has three sets of policies that may lead to sanctions against a member of the computing community.

• the Publications Policies,
• the Policy Against Harassment at ACM Events, and
• the ACM Code of Ethics and Professional Conduct.

Complaints alleging violations of the Publications Policies are handled by the Publications Board and complaints alleging violations of the Anti-Harassment Policy and the Code are handled by the ACM Committee on Professional Ethics.

Each type of complaint is handled according to its own in-house enforcement procedures. These vary depending on the size and scope of the policy, and what information is necessary to determine the truth of the complaint. Generally, the policies currently tend toward disclosing information on a “need to know” basis, however there are some exceptions. Draft 2 offers more disclosure than “need to know.” The biggest change is that in more serious cases there is a more extensive sharing of information about the case (cf. Clauses 2.4.2, 2.5.2, 2.6.3, and particularly 2.6.6 of Draft 2). Such sharing increases the risk of reputational harm for violators of our policies and the legal risk of lawsuits for ACM. We are seeking input from all ACM members so that the final policy reflects the values of the membership, upholds the integrity of ACM, and holds the broad computing community to high professional standards (see sidebar 3).

While the numbers vary from year to year, the Ethics and Plagiarism Committee of the ACM receives approximately 100 complaints each year and of those, approximately 35 are actionable. The Policy Against Harassment was adopted in 2018 and the Code of Ethics and Professional Conduct was updated in 2018. Since that time there have been approximately 10–15 Harassment complaints each year and 5–10 of them falling within the scope of the Code. Each year, with 2–3 being within scope and with enough evidence to pursue an investigation (see the accompanying table). Complaint submissions that fall outside the scope of the policy, are spurious, do not contain enough information to initiate an investigation, or appeal to the notion of disclosure to settle a disagreement among people are dismissed without investigating.

As a matter of policy, the ACM Committee and staff have committed to investigations and careful deliberation of whether a complaint should be pursued in each year, with 2–3 being within scope and with enough evidence to pursue an investigation (see the accompanying table). Complaint submissions that fall outside the scope of the policy, are spurious, do not contain enough information to initiate an investigation, or appeal to the notion of disclosure to settle a disagreement among people are dismissed without investigating.

For most cases there is a more extensive disclosure of information necessary to implement sanctions. For example, an editor must learn whether an individual has been barred from publishing in ACM journals. More extensive disclosure of information allows individuals and communities to take steps to reduce the chances of some forms of harm. Additional disclosure might include disclosure of information to other professional societies or even public disclosure by ACM. The third type of disclosure is as part of a sanction. For example, the papers that have been found to have been plagiarized are marked as such in the ACM Digital Library.

We know that more extensive disclosure also has a significant risk for harm to individuals. In most serious cases, ACM’s goal for policy violators is that they learn their lesson and return to being positive contributors to the community. Public disclosure can interfere with that return to good status. As we have seen in many sectors of society, public records of offenses are brought up long after the offender has made amends and changed behavior. In one case of offense, our investigation can return to being positive contributors to the community.

The second is a matter of harm prevention. Harm prevention is important to allow individuals to decide about their future. Additional disclosure might reduce the chances of some forms of harm. Additional disclosure might include disclosure of information about an applicant’s background to community stakeholders. More disclosure than “need to know” is necessary to implement sanctions.

1. Global Scope

The ACM is a global organization with over 100,000 members worldwide. Its policies impact the over 4,000,000 computing scholars and professionals who attend one of the 170 conferences ACM (co-)organizes, publish in one of its 60 journals, or use the ACM Digital Library each year. ACM has spent over $100,000 on disclosure-related activities in the second half of 2021 alone. This is on top of the many hours numerous volunteers and ACM staff have committed to investigations and careful deliberation of whether a policy has been violated.

2. Getting it Done

In 2021, there were lively discussions at the ACM Council of recent cases of people violating ACM policies. Consequently, the then-President Gabriele Kotsis set up a committee “to develop a policy for the disclosure of findings of violations of policies.” The committee is chaired by Marty Wolf, who is also the Chair of the Committee on Professional Ethics. The committee is staffed with:**

• Harald Störrle, member of the Practitioners Board and the ACM Europe Council.

• Jane Prey, past Co-Chair of the Education Board.

• Carol Haynes,

• G. Kotsis, member of the ACM Council, COPE, CAREs, and ACM Europe Council.

• Harald Störrle, member of the Practitioners Board and the ACM Europe Council.

• Helenia Mentis, past President of SIGCHI

• Jane Prey, past Co-Chair of the Education Board,

• Joseph Konstan, past Co-Chair of the Publications Board, and

• Harald Störrle, member of the Practitioners Board and the ACM Europe Council.

The following timeline describes the work of the committee since then and what we have planned for our next steps.

3. We Need Your Input!

This policy is not in its final form. Your input will help make it better. Our primary tool for answering questions, having conversation, and gathering feedback will be Disclosure 2 (see the full draft on the site here:[https://www.acm.org/about-acm/policy/)). The committee will monitor the Disclosure site and engage in conversation in comments. Don’t take too much time, the comment period closes April 9, 2023. We will hold two Q & A webinars in March; information can be found on the site.
Disclosure for Procedural Equity
Each complaint and its investigation is unique. Evidence differs, witness testimony differs, and procedures differ. Importantly, under conflicting context and external impacts of a case may make the disclosure of information about that case helpful in mitigating harm. Therefore, Draft 2 allows for deviation from it in order to accommodate the knowledge of the appropriate SIG leadership members, conference leadership members, and ACM SIG leaders.

The policy has safeguards in place:

- It requires that consultation take place.
- No one is to disclose information in a manner inconsistent with the policy unless others have weighed in and the harms and benefits are given due consideration.
- This sort of decision is not to be taken lightly and is more-disclosure decisions are common.

We recognize that, like most ethical decisions, our policy decisions are complicated, because they are involved in making difficult decisions about what people will make substantial decisions.

Many investigations do not result in finding a person guilty of a policy violation. To prevent reputational harm to respondents, Draft 2 does not require the respondent to disclose any information to anyone making an inquiry about a claim. For example, should someone inquire whether a particular person is involved in a misconduct claim, the respondent should be able to keep the information confidential. To prevent reputational harm to respondents, Draft 2 does not allow for any information disclosure outside of procedural equity after a case has been closed.

Often there is a power imbalance between the complainant and the respondent or between the respondent and witnesses. In this situation, the policy may not be able to protect the respondent from being subject to public scrutiny.

In many types of discrimination, the person who has been found to have violated the policy may be barred from participating in any future activities. For example, if someone is not allowed to serve on a program committee and then volunteers to serve on a committee, the program chair will learn on the query of the ACM Sanctions Database that the sanction barring that person was in force.

5. Actual Case

As was common at this SIG conference, people were out for drinks at the end of the day. A young woman in a bar, who is a student volunteer (as part of a sanction). Draft 2 is designed to keep the identity of the respondent or between the respondent and witnesses confidential until the decision is made.

Often, the identity of the complainant doesn’t matter: it is ACM determining in activities that are inconsistent with its policies.

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DRAFT 2. ACM Policy on Complaint Process Disclosure

1 Preliminaries
This policy governs the disclosure of information in the context of complaints filed alleging violation of one of ACM’s policies. Examples of applicable policies are the Code of Ethics, the Policy Against Harassment at ACM Events, and various Publication Policies. While each policy has different enforcement procedures, there are general principles and types of disclosures of information that are part of complaint processes:

• Disclosures as a matter of procedural equity, including disclosures to an accused individual and to the victim or complainant.
• Disclosures as a matter of harm prevention, including disclosures to an affected community, to other professionals, societies, and publications.
• Disclosures as a matter of sanction, including disclosures to an employing or supervising organization.

This policy addresses the first two types of disclosures. Generally speaking, disclosure decisions are to be made on a case-by-case basis with close adherence to the policy. Regardless of whether the disclosure is consistent with this policy, enforcement policies for the Code of Ethics, the Policy Against Harassment at ACM Events, and the Publication Policies.

1.1 Definitions
• Enforcement Policy: An ACM policy that identifies the process for handling a complaint alleging violation of an ACM policy. Enforcement policies are considered binding on those involved with a complaint, subject to investigation of the complaint, determining whether the policy was violated, and if so, what actions will be taken.
• Sanction: an outcome in a case in which the ACM imposes restrictions on how the respondent interacts with ACM or others. Sanctions may include other actions that impact how others interact with the respondent.
• Penalty: a term that includes both remediation and sanction.
• Minor violation: The impact of the harmful action is repairable. Generally speaking, in these cases, the respondent accepts responsibility for the action and demonstrates a willingness to engage in remediation that is intended to guide the respondent to being a better member of the computing community.

1.2 Rules for disclosure in particular situations
Below are descriptions of how ACM will generally treat disclosure of information pertaining to complaints at various stages. Some general rules apply:

1. The respondent in each case should be informed of the complaint in a manner consistent with the type of complaint. The decision, the penalty, and the nature of the violation that was found, if any.
2. If an investigation has been underway for six months without resolution, the Complaint should be contacted about the delay. Such contact may be made periodically until the case is resolved.

2.1 No complaint filed No information is disclosed to those making inquiries about an accusation when no formal complaint has been filed.

2.2 Complaint dismissed prior to investigation
When complaints are dismissed without investigation, the number investigated with no violation will be disclosed.

2.3 Complaints resolved without a finding of a minor violation
In cases of complaints resolved without a finding of a minor violation, the identity of the respondent when they were about to respond to questions related to the complaint, but not before.

2.4 Complaints resolved with a finding of a minor violation
The respondent must be informed of the decision and that information filed with others according to this policy.

3 Reporting and reflecting
A. ACM will disclose the identity of the respondent, the finding, and the sanction to particular individuals or groups of individuals when there is a justifiable expectation of unreasonable harm should any of the persons come to know of the decision. Disclosures as a matter of sanctions to particular individuals or groups of individuals when there is a justifiable expectation of unreasonable harm should any of the persons come to know of the decision.

4. The complaints and witnesses must be informed of the sanctions that may be imposed.

5. Those responsible for implementing or overseeing the penalty may be informed of the identity of the respondent, the decision, and the sanction.

6. When the investigation has identified harm known to some members of the affected community, the identity of the respondent, the finding, and the penalty should be made known to leaders of that community, such as CARES representatives or other ACM or conference leadership teams. They should be given guidance on how to inform community members or take other actions that may prevent or reduce harm and there is an agreement with the organization regarding the confidentiality of the matter.

7. The respondent’s name may be shared with other organizations when there is evidence that doing so will reduce harm and there is an agreement with the organization regarding the confidentiality of the matter.

8. ACM will disclose the identity of the respondent, the finding, and the sanction to particular individuals or groups of individuals when there is a justifiable expectation of unreasonable harm should any of the persons come to know of the decision.

9. Every effort will be made to protect the identity of the respondent when they are about to respond to questions related to the complaint, but not before.

10. Disclosures as a matter of sanctions to particular individuals or groups of individuals when there is a justifiable expectation of unreasonable harm should any of the persons come to know of the decision.

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