

NSS Code of Conduct Team Manual

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GOALS

The National Speleological Society (NSS) is dedicated to the exploration, study, and protection of caves and their environments. The primary purpose of the NSS's Code of Conduct policy is to support a welcoming and positive environment for everyone. The policy outlines how unacceptable behavior undermines trust, safety, and inclusivity within the NSS community. The NSS, in its sole discretion, will evaluate violations of the Code of Conduct policy to uphold its ability to protect members pursuing the Society's mission.

The NSS Code of Conduct Team supports this primarily through two **OBJECTIVES**:

1. Reviewing Code of Conduct Incident Submissions received through conduct.caves.org fairly and consistently and making recommendations for NSS action.
2. Educating NSS Internal Organizations and members about the Code of Conduct process.

The NSS Code of Conduct process is intended to prevent negative impacts to the NSS membership community. Although corrective or protective actions against members may occur, the NSS Code of Conduct is not:

1. A mechanism for mediation or conflict resolution;
2. A legal process or replacement for law enforcement;
3. A punitive process;
4. A general investigative mechanism or judgement body for incidents taking place elsewhere, unrelated to NSS activities, and outside of the NSS's control.

Revisions of this Manual will be approved by the NSS Executive Director.



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CODE OF CONDUCT TEAM STRUCTURE

The Code of Conduct Team is empowered by the Code of Conduct, as written in the NSS Bylaws, to accomplish the two **OBJECTIVES** listed above, the Team is divided into two sub-teams:

1. An **Investigative Team** tasked with incident reviews.
2. An **Education & Outreach Team** tasked with proactively informing and supporting membership and Internal Organizations about the Code of Conduct.

Organizing into both sub-teams helps the Investigative Team maintain strict confidentiality while enabling the Educational Team to respond to general questions and provide guidance without reference to specific incidents. Members of the Education & Outreach team do not generally have access to confidential information from incident reviews unless separately authorized.

The NSS Executive Director appoints the Chair of the Code of Conduct Team. The Chair serves at the discretion of the Executive Director. In addition to the Chair, the Team includes the NSS General Counsel and other members vetted and appointed by the Chair. The NSS Chair of the Board and the Executive Director

will directly receive all Incident Submissions when they are submitted. Due to their oversight roles, the following people should be discouraged from serving on the Investigative Team unless there are no other options: NSS Board Members, NSS Chair of the Board, and the NSS Executive Director.

The Team needs to maintain enough members, along with an internal culture, that allows individuals to recuse themselves from being involved after reviewing Code of Conduct Incident submissions.

CONFLICT OF INTEREST

Responding to Code of Conduct submissions involves dealing with difficult, emotionally fraught events that often involve incomplete or uncertain information. Incidents often involve individuals known to some or all Code of Conduct teams involved, and it may be that individuals are not known at the beginning but become known during the investigative process.

As members of a close community, situations may arise in which personal relationships, direct involvement, or professional circumstances call into question an investigator's ability to be objective, impartial, and trusted. Even if an actual conflict of interest does not exist, the perception of a conflict of interest might be a problem.

Team members are expected to disclose potential actual and/or potentially perceived conflicts of interest and to recuse themselves when their involvement could reasonably raise questions of objectivity, impartiality, or trust.

If the Complainant(s), Respondent(s), or Supporting Witnesses are also part of the NSS's Legal Counsel, the Executive Director, or the Board of Governors, then they will recuse themselves from handling an incident.

Once recused, the individual will not receive or participate in any communications or materials related to an incident review, except where they are involved as a Complainant, Respondent, or Supporting Witness.

COMMUNICATION AND CONFIDENTIALITY

Communication by and within the Code of Conduct Team should be clear and, under most circumstances, confidential. As such:

1. All Incident Submissions, Incident reviews, reports, and related materials will be treated as confidential unless explicitly authorized by the Code of Conduct Team Chair or Executive Director for broader disclosure.
2. All Incident Submissions are forwarded to NSS General Counsel. All submissions and their investigations are under the direct control of the General Counsel for the Society and are attorney-client privileged.
3. Team members will not discuss Incident Submissions, reviews, or other investigative material outside authorized Team communications. Confidentiality expectations apply to after the conclusion of an Incident review.

4. In written reports and internal documentation, individuals will be referenced using anonymized identifiers. The Investigative Team will maintain a confidential key linking anonymized identifiers to individuals.
5. The Code of Conduct Team Chair is responsible for speaking on behalf of the Team regarding team activities to the Complainant(s), Respondent(s), or Supporting Witnesses.
6. External communications about Code of Conduct business are prohibited unless explicitly authorized by the Executive Director. Generally, external communications will be handled by the Code of Conduct Team Chair or the Executive Director of the NSS.
7. Breaches of confidentiality may themselves be Code of Conduct issues.

CODE OF CONDUCT INCIDENT SUBMISSION PROCESS

The primary purpose of the NSS Code of Conduct is to support a welcoming and positive environment and protect members while pursuing the Society's mission. Reviews of Incidents are based on a good-faith determination using a preponderance of available information. Incident reviews should also focus on how conduct may have impacted, or is impacting, the NSS membership community. When action is taken in response to an Incident Submission, that action is intended to protect the NSS community by preventing future harm. Actions support a safe, respectful, and functioning community and are not designed to punish past behavior.

Every incident submission is acknowledged and reviewed to ensure consistency and to avoid bias in determining which concerns are addressed.

Following an Incident submission, the team aims to:

1. Diversify Team members regionally, when feasible, to increase redundancy in cases of Conflict of Interest.
2. Have at least two Investigative Team members present for all substantial communication with Respondents and Complainants to split workload and increase redundancy.
3. Based on #1-2, this means a best practice of at least 4 Team members available for investigations.
4. Maintain regular communication (max ~3 week intervals) with Respondents and Complainants involved, even when there are no updates. In most cases, the NSS will not communicate its decisions or actions to outside organizations.
5. Resolve incident reviews promptly, with a target of 10 weeks, while also recognizing that more complex reviews may take more time.

The Code of Conduct Team is not a court of law. The NSS and the Code of Conduct Team cannot replace Law Enforcement. It does not determine fact or culpability. The NSS does not have authority over conduct outside of the NSS's programs, events, or activities, including interactions within other organizations like grottos. Incident reviews will only focus on how conduct impacts (or has impacted) the NSS membership community based on the Incident Submission form. The NSS will not conduct its own investigation beyond the information they are given or unless otherwise publicly available.

INVESTIGATIVE TEAM PROCESS STEPS

The NSS responds to potential Code of Conduct violations **only** when a Code of Conduct Incident Submission is received through conduct.caves.org. **All incident submissions will go through this form, and not through personal email addresses.** Once received, conflicts of interest are identified among the Team members that would affect or impact objectivity, impartiality, and trust.

Once a Code of Conduct Incident Submission form is submitted, the NSS Code of Conduct Team will:

- 1. Review Incident Submission, and identify Complainant(s), Respondent(s) & Supporting Witness(es).**
 - a. Complainant: The person or group who submits the incident submission.
 - b. Respondent: The individual(s) identified as having potentially violated the Code of Conduct.
 - c. Supporting Witness: Individuals who provide relevant information related to the incident.
- 2. Submissions are forwarded to NSS General Counsel.** All submissions and their investigations are under the direct control of the General Counsel for the Society and are attorney-client privileged.
- 3. Assign a Primary Investigator.**
 - a. The Chair of the Code of Conduct Investigative Team will assign a Primary investigator. If the Team has no Chair, then the Executive Director assigns the Primary Investigator.
 - b. The Primary Investigator is the person responsible for coordinating the review, conducting or arranging interviews, maintaining records, and preparing the final report.
 - c. All participants will be advised to maintain confidentiality to protect the integrity of the review
- 4. Notify and interview Complainant(s).**
 - a. Complainant(s) will be notified immediately that their Incident Submission was received, and that the NSS is reviewing the incident.
 - b. Interviews with Complainant(s) will occur via phone. Complainants must reply within 30 calendar days. The investigation may proceed without them if they fail to respond.
 - c. The Primary Investigator will document all substantive communications, including notes from phone conversations.
 - d. Complainants may want to amend their original incident submission before, during, or after the initial interview.
 - e. Examples of recommended communications for these individuals are in Appendix A of this document.
- 5. Notify and interview Respondent(s).**
 - a. Respondent(s) must respond within 30 calendar days from the date of notification and potential interview request. If a Respondent fails to respond, then the Primary Investigator and Team may continue without their participation.
 - b. Respondent(s) will be provided with a summary of the Incident Submission.
 - c. Interviews with Respondent(s) may occur via phone. The Primary Investigator will document all substantive communications, including notes from phone conversations.

- d. Examples of recommended communications for these individuals are in Appendix A of this document.

6. Interview Supporting Witnesses, if necessary.

- a. Interviews may occur via email or phone. Witnesses have 30 days to respond to any notification and potential interview request. If they do not, the Primary Investigator may proceed without their participation.
- b. Witnesses named by either the Complainant(s) or Respondent(s), or both, may not be aware that they were involved in an incident, in which case they may require additional time to process the information and formulate a response.
- c. The Primary Investigator will document all substantive communications, including notes from phone conversations.
- d. Generally, Supporting Witnesses will not be updated as the incident review proceeds. They will be notified of this fact at the time of contact. Examples of recommended communications for these individuals are in Appendix A of this document.

7. Conduct follow-up interviews, as necessary.

8. Complete the Code of Conduct Incident Final Report.

- a. A standard Code of Conduct Incident Final Report template will be maintained and used for all completed reviews. Records are retained by the Code of Conduct Team.
- b. After the deadline for responses and interview requests has passed, the Primary Investigator drafts the report, complete with findings and supporting documentation, and submits to the investigative team for input.
- c. The report will include the recommended response.
- d. The Final Report is submitted to the Chair of the Code of Conduct Team and the Executive Director. Final decisions are made in accordance with the NSS Code of Conduct policy. Final decisions rest with the Executive Director, but may be escalated to the Board of Governors for additional consideration. If a vote from the Board of Governors is required, then the process will be coordinated between the Executive Director and Chair of the Board.

9. Notify the Complainant(s) of the results.

- a. After consultation with NSS Legal Counsel, the Executive Director notifies the Complainant(s) about the results, and emphasizes that the review has concluded and it represents the decision of the NSS.
- b. This notification can be very simple. It does not need to go into all the details.
- c. The Complainant(s) have the right to appeal, as described below in the Appeals and Reconsideration section.
- d. Communication examples to these individuals are in Appendix A.

10. Notify the Respondent(s) of the results.

- a. The results and notification should be made abundantly clear to the Respondent(s), specifically that the review has concluded and that the decision is final.
- b. This notification can be very simple. It does not need to go into all the details.
- c. The Respondent(s) have the right to appeal, as described below in the Appeals and Reconsideration section.
- d. Communication examples to these individuals are in Appendix A.

11. Notify others, as needed.

- a. The NSS will typically only notify the Complainant(s) and the Respondent(s) of the conclusion of a review and any actions taken. The NSS will generally not notify broader membership, including any Supporting Witnesses, regarding outcomes or actions from any Incident.
- b. In most cases, the NSS will also not communicate its decisions or actions to outside organizations, as the NSS does not have authority over conduct outside of the NSS's programs, events, or activities, including interactions within other organizations like grottos.
- c. Actions against members may need to be shared internally, on a need-to-know basis, with NSS volunteers, event staff, front office staff, the NSS Board of Governors, or others, as appropriate. The membership database will be updated to reflect if there are suspensions or changes to membership status.
- d. The Code of Conduct Team and Executive Director will determine whether notifications are needed and coordinate the effort.

12. Incident Inquiries.

- a. During the process, if the Complainant(s), Respondent(s), or witnesses have inquiries into the status of the investigation, they can contact the Chair of the Code of Conduct team.

CODE OF CONDUCT RECORDS

To support continuity, trend analysis, and consideration of repeat behavior, the Code of Conduct Team will maintain confidential, long-term records of Incident Submissions and resulting NSS actions, in accordance with NSS records retention and destruction policies. Access to these records is restricted to authorized individuals with a legitimate need-to-know basis.

These records support consistency in decision-making, assessment of patterns of behavior, and evaluation of the effectiveness of Code of Conduct responses over time.

The Team should also maintain an anonymized log of all Incident submissions and actions taken, to be reported to the Board of Governors and NSS membership.

POTENTIAL INCIDENT RESPONSES AND SANCTIONS

Responses are not limited to those listed below; however, these represent standard actions in ascending order of severity. Multiple responses may be applied where appropriate.

1. No Action.

2. Referral to Internal Organization.

- a. In cases where an Internal Organization (i.e., grotto) has primary responsibility or relevant authority, then the matter may be referred to them, consistent with NSS Code of Conduct.

- 3. Explanation of expected behavior to primary parties.**
 - a. For minor Incidents or when the Incident information is uncertain, a Code of Conduct Team member, the Team Chair, the Executive Director, or the Chair of the Board of Governors may contact the Respondent to clarify expected behavior and community standards.
 - b. These conversations are intended to promote a welcoming environment without assigning blame but to prevent future potential harm.
 - c. Respondents should acknowledge their understanding of the expectations communicated.
 - d. A lack of engagement or refusal to participate in such discussions may be considered by the Code of Conduct Team in future reviews.

- 4. Suspension from attending NSS Events or Volunteering.**
 - a. This sanction requires a Board of Governors vote.
 - b. The suspension may be temporary or indefinite, and the duration will be documented in the Final Report.
 - c. The NSS membership database will be updated to reflect this action.

- 5. Removal of an NSS member's Good Standing, including revoking awards, honors, fellowship status, etc.**
 - a. This sanction requires a Board of Governors vote.
 - b. In addition to having prior awards or honors revoked, this sanction may also impact an individual's ability to vote in NSS elections, hold certain volunteer or paid positions, or run for the NSS Board of Governors.
 - c. This sanction may impact grotto-level status, if referenced in a grotto's bylaws.
 - d. The NSS membership database will be updated to reflect this action.

- 6. Suspension or removal of an individual's NSS Membership.**
 - a. This sanction requires a Board of Governors vote.
 - b. This action may be for a fixed term or indefinite and results in the loss of all NSS membership privileges, including participation in NSS activities and access to member benefits. This includes interacting with or being involved with NSS online activities, social media, etc.
 - c. The NSS membership database will be updated to reflect this action.

SEVERITY

Incidents with greater severity have a greater impact on the NSS membership community. In order to help guide responses to incidents, the following general structure of severity can be helpful:

MINOR SEVERITY

Isolated or low-impact behavior. The chances of further impact to the community is low.

MEDIUM SEVERITY

Behavior that causes discomfort or disruption, or that demonstrates a pattern if repeated. There is a reasonable likelihood of continued or escalating impact to the community if not addressed.

HIGH SEVERITY

Conduct that significantly impacts community functions, or involves harassment, intimidation, or retaliation. Repeated and consistent history of behavior with a high likelihood of impact to the community.

URGENT SEVERITY

Conduct poses an immediate risk to the safety or integrity of the community.

APPEALS AND RECONSIDERATION

A Complainant(s) or Respondent(s) may request an appeal by asking the Executive Director to review the completed Code of Conduct Incident Review. The Executive Director's decision following such a review is final.

Reconsideration of a concluded review may occur only if materially new information becomes available that was not reasonably available during the original review. Reconsideration may be initiated only by the Chair of the Code of Conduct Team or the Executive Director.

For disciplinary actions or sanctions that require a Board of Governors vote, the Executive Director will review the completed Incident Review before it is submitted to the Board. If the Board of Governors votes to impose a disciplinary action, that decision is final and is not subject to further appeal or reversal by the Executive Director.

There is no further appeal beyond the processes described above.

NSS CODE OF CONDUCT OUTREACH TEAM

Educating members and NSS Internal Organizations about the Code of Conduct is critical to its efficacy and aims. As such, the Code of Conduct Team will proactively aim to inform membership of the process.

This activity includes:

1. Direct communication through meetings, virtual calls, and other communication channels (e.g., monthly newsletter, *NSS News*, social media, website, Convention literature, etc.).
2. Maintenance and publication of Code of Conduct documentation and guidance materials.

Any communication from the Code of Conduct Team will **not** be specific to particular incident submissions. Communication should also clearly not be construed as legal advice. Team communication is simply high level communication about NSS policies and the Code of Conduct procedures, as well as general guidance for grottos and Internal Organizations to resolve their own Code of Conduct incidents internally.

OUTREACH TEAM COMMUNICATION

The NSS Code of Conduct Outreach Team focuses on communicating to membership the following:

1. Why the Code of Conduct exists.
2. The goals of the Code of Conduct Team.

3. How the Code of Conduct process works.
4. How to submit a Code of Conduct Incident Submission.
5. Responding to general, non-incident specific questions from membership.

Confidentiality is critical to the Code of Conduct process. As such, details about individual Code of Conduct Incident submissions will usually **NOT** be made public. For this reason, trust in the fairness and consistency of the process, rather than visibility into specific outcomes, is essential. An anonymized log of incidents could be shared periodically.

GROTTO COMMUNICATION

Grottos and other NSS Internal Organizations are required to maintain their own Code of Conduct policies in order to maintain their affiliation with the NSS. The NSS does not directly control the contents of those policies, or the events and actions of the grottos. Because of this, oversight at the local level is often better handled by the Grottos themselves.

However, the NSS maintains guidance materials to assist grottos and other Internal Organizations in addressing Code of Conduct concerns internally. The Code of Conduct Team may also answer general questions from Internal Organizations. This guidance is not legal advice, and the NSS does not act on behalf of Internal Organizations, but may provide information regarding NSS policies, bylaws, Robert's Rules of Order, and other mechanisms that intersect any of the related Codes of Conduct.

APPENDIX A: COMMUNICATION EXAMPLES

The following examples are designed to help facilitate consistent, clear communication with all parties involved. They do not need to be used verbatim.

Example Initial Communication to Complainant(s) (automated)

Thank you for submitting your NSS Code of Conduct Incident Submission. We have begun the process of reviewing the Incident as it pertains to our Code of Conduct. We will assign a Primary Investigator to take the lead in continuing the review, as necessary. At this stage, no determination has been made.

<https://caves.org/org/code-of-conduct/>

You should expect a follow-up email within the week from the NSS Code of Conduct Team with next steps.

We appreciate you bringing this matter forward and understand that doing so can be difficult. If you have any questions, then please let us know. We have also created a FAQ for Complainants here:

<https://caves.org/org/code-of-conduct/>

Example Initial Communication to Respondent(s)

We are writing to inform you that the NSS recently received a Code of Conduct Incident Submission that identifies you as a Respondent.

Our current goal is to understand the situation and determine appropriate next steps consistent to our Code of Conduct, which can be found [here](#). At this point, no conclusions have been reached.

To keep the review process moving, we would like to schedule a call with you to discuss the matter and hear your perspective. We encourage you to respond, and to share your availability to meet with us in the next few days to week. If we do not receive a response from you within 30 calendar days from the date of this notification, then the NSS may continue its evaluation of the Incident without your participation.

Please let us know if you have any questions about the process. We are happy to answer them if we can. The NSS also maintains a FAQ for Respondents that can be found here: <https://caves.org/org/code-of-conduct/>

Example Initial Communication to Complainant(s) (Primary Investigator)

I've been assigned as the Primary Investigator for your Code of Conduct Incident Submission. I will be the primary contact for you during the incident review process.

As an initial step, I'd like to schedule a confidential call with you to better understand the information you shared and ask any clarifying questions. The NSS aims to have two individuals from the Code of Conduct Team on any call with the primary parties. ABC, [role on the Team] will be joining us on the initial call.

To keep the review process moving, we request a response from you within 30 calendar days from the date of this notification. If you fail to respond, then the NSS may continue its evaluation without your participation. We hope to hear from you and know of your availability to meet with us in the next few days.

I know it can be difficult to bring Code of Conduct incidents forward. We appreciate you working with the Code of Conduct Team to ensure a positive membership environment at the NSS. If you have any questions, then please let me know, or check out the FAQ for Complainants here.

Example Initial/Final Communication to Witnesses

We wanted to confirm that the Code of Conduct Team has received the information you submitted.

Providing this kind of information can be difficult, and the NSS appreciates you taking the time to facilitate our review of this particular incident.

The information you provided will be treated as supporting information to an existing incident, rather than a primary report, as we review the underlying Code of Conduct Incident Submission. For that reason, and to

protect the confidentiality of all individuals involved, we generally do not provide updates or share conclusions with individuals who submit supporting materials.

If you have questions about the process, or believe we have misunderstood the nature of your submission, then please let us know.

Example Final Communication to Complainants

We are writing to inform you that the review of your Code of Conduct Incident Submission has concluded.

[Insert conclusions of the review and any actions/responses taken on the NSS's part]

*The Code of Conduct Team has completed its review and taken appropriate next steps. **At this time, we consider the matter closed.***

To protect the confidentiality of all individuals involved, we do not share further details of the review or its outcomes beyond those with a legitimate need to know, including NSS volunteers or staff as necessary to carry out actions under the Code of Conduct

We recognize that bringing these matters forward can be difficult, and we appreciate your engagement with the process.

Example Final Communication to Respondents

We are writing to inform you that the review of the Code of Conduct incident in which you were identified as a Respondent has concluded.

[Insert conclusions of the review and any actions/responses taken on the NSS's part]

*The Code of Conduct Team has completed its review and taken appropriate next steps. **At this time, we consider the matter closed.***

To protect the confidentiality of all individuals involved, we do not share further details of the review or its outcomes beyond those with a legitimate need to know, including NSS volunteers or staff as necessary to carry out actions under the Code of Conduct.

If you have questions about any expectations communicated to you as part of this conclusion, please let us know.

APPENDIX B: GLOSSARY OF TERMS

Code of Conduct Incident Submission

A formal NSS Code of Conduct Incident submission, done through conduct.caves.org, that initiates an Incident Review by the NSS Code of Conduct Investigative Team.

Complainant

The individual who submits a Code of Conduct Incident report to the NSS.

Incident Review

The good-faith process conducted by the NSS Code of Conduct Team to assess an Incident Submission at conduct.caves.org.

NSS Incident Response

The actions, recommendations, or outcomes determined by the NSS in response to an Incident Review. These are intended to protect the community and prevent future harm.

Primary Investigator

The Code of Conduct Team member assigned to coordinate the Incident Review, including information gathering, communication with involved parties, documentation, and preparation of the final report.

Respondent

The individual(s) identified in a Code of Conduct Incident Submission as having potentially violated the NSS Code of Conduct.

Supporting Witness

An individual who provides relevant information related to an Incident Submission but is not the Complainant or Respondent.