

ISEE Procedure for Dealing with Beleaguered Colleagues and/or Potential Whistleblowers

A Procedure for the ISEE to Apply in Responding to an Appeal by Any Environmental Epidemiologist and Health Scientist Who Claims to be Made to Feel Threatened for Having Identified a Hazard and/or for Proposing to Study a Suspected Hazard - Revised March 2009

Introduction:

Any environmental epidemiologist and health scientist could be threatened by their employer, the legal system, or even physically harassed when s/he conducts, or proposes to conduct research, which demonstrates, or could implicate some environmental factor as being hazardous to human or environmental health. The ISEE believes that scientific objectivity in the public interest requires resisting such pressures. It therefore wishes, by investigating such instances, to minimize both the frequency of their occurrence, and their impact when they do occur, as well as to provide moral support and advocacy for such scientists. To maintain objectivity when pursuing such cases, ISEE recognizes that as with any conflict, either or both sides could be at fault.

Procedure:

1. Anyone may refer a complaint to the President of ISEE, or the Chair of the Committee on Ethics and Philosophy (CEP). All complaints must be submitted in writing and signed, indicating agreement with the procedure outlined here.
2. The President and Chair will confer and, if the complaint is deemed worthy of investigation, the Chair will form an *ad hoc* Committee of at least two qualified persons (e.g. CEP members) to assess the merits of the case and to make recommendations to the President.
3. Prior to agreeing to serve on the *ad hoc* committee, potential members should declare any potential or real conflicting interests and offer to decline participation if any such conflict exists or determined by the Chair. Similarly, if the Chair of the CEP, or the President of ISEE has any conflicting interests or a direct association with the case, s/he should declare it to the Council to decide if there is a need to assign a different Council member to preside over the case, or for a CEP member to take the role of the Chair in following the procedures for the case.
4. The names of the *ad hoc* committee members shall be kept confidential until the end of the investigation. Further, only the CEP Chair and the ISEE President publicly communicate about the case.
5. If the case is initially to be treated confidentially, information will be sought directly or indirectly from and about the directly-implicated parties, as well as parties recognized as being implicated in the matter of the complaint. The CEP Chair can act as a proxy for the *ad hoc* committee when communicating questions and enquiries about the case to relevant parties. It is recommended that information not be sought from third parties who obtained it indirectly or from one side or the other of the conflict as these might be biased views.
6. The decision to be more public will be re-assessed by the President and the Chair in consultation with the complainant. If the complainant agrees (in writing) at this time to the ISEE exposing the case, sufficient information on the case then will be initially e-mailed to CEP members and then all ISEE members so that individual members can be informed of the investigation and be invited to contribute additional information.
7. After an investigation of a duration commensurate with the urgency of the particular case and within the means of the Society and its *ad hoc* Committee, the *ad hoc*

- Committee will briefly summarize the facts and the pros and cons of various courses of action, along with a recommendation to the President. This will be sent by way of the CEP Chair to the President and the Councilors. The *ad hoc* Committee members will join the next Council conference call to present their analysis and be available for a discussion of the case. Councilors with conflicting interests in relation to the case should declare it, or abstain from participating in discussing the case.
8. After the Council discussion, the President will decide, in conjunction with the Councilors, on a course of action and a rationale for it. Unless issues of confidentiality preclude it, this decision will be shared with the membership by, for example, e-mail, the Society Home Page, or in the next Society newsletter. The President should indicate actions which individual members may wish to take. These actions may include contacting the media and writing letters and opinion editorials, contacting legislators and government officials, mobilizing other organizations and initiating emails and petitions, as well as officially publicizing the case on ISEE outlets and communications. If the *ad hoc* Committee disagrees with this course of action, their contrary views will be appended to the President's message as a "minority report."
 9. In some cases that are too complicated to enable a decision, or that require resources that exceed the capacity of the *ad hoc* committee and/or the ISEE, a decision could be reached that reflects this difficulty and explained as such to the complainant. These can include, but are not limited to the inability to verify evidence, the importance or lack of it to the public, a strong possibility of internal organizational and personality driven disputes, the case becoming no longer relevant, reaching a satisfactory and fair agreement between the complainant and the entity that harassed or threatened him/her, or to poor quality or questionable science.
 10. The complainant may request a written letter of the conclusion reached, or s/he may request that the case be closed without any written letter. The President does retain the right to waive this request and make the matter public, or to write the letter if it were in the best interest of the public and/or ISEE for him/her to do so. Sending a letter to third parties, such as the defendant will be on a case-by-case bases.
 11. As appropriate, summary records and decisions will be (usually, anonymously) compiled into case studies by the CEP to serve as, among other things, an educational resource, and as a surveillance tool relating to alleged attempts at intimidation of environmental health scientists.
 12. This procedure can be provided for relevant cases regardless of whether or not a complainant is a member of the Society, and regardless of his/her professional stature, and can be extended to related disciplines. Also, there may be times when ISEE itself may feel it is appropriate to initiate, on a pro-active basis, an inquiry if it feels that a threatened individual is unable to make a representation on his or her own behalf.
 13. It is to be recognized that application of this procedure is moral and not legal in nature and intent. By publicizing and advocating for a whistleblower seeking our support in the public health interest, we do so to alert such individuals, groups, organizations or entities that we, as independent professionals, are watchful of the situation and vigilant to the potential for injustice against a colleague.
 14. It is also to be recognized that endorsement or rejection of the validity of a complaint of harassment does not itself constitute an endorsement or rejection of its scientific validity. The process is not meant to be a substitute for the usual process of scientific discovery and peer review.

Note: Suggestions concerning the above procedure should be directed to [Colin Soskolne](#) and [Wael Al-Delaimy](#) and they will be collated for discussion by the ISEE Council.