

CODE OF ETHICS

A. Applicability

This Code of Ethics applies to all individuals affiliated with the American College of Sports Medicine (“ACSM”), including its national structure and all regional, state, or international chapters. All ACSM chapters are required to adopt and enforce these ethical standards to ensure alignment across the organization.

Complaints involving alleged violations of the ACSM Code of Ethics that arise within a chapter—whether by chapter members, leadership, or participants—must first be reviewed and assessed by the applicable Chapter Ethics Committee (or designated local ethics body). Upon completion of the chapter-level review, including any preliminary investigation or recommendations, if an appeal is requested, the matter may be referred to the ACSM Ethics and Professional Conduct Committee for final disposition, in accordance with the procedures outlined in this document.

The ACSM Ethics and Professional Conduct Committee may request further documentation or conduct an independent review if necessary and retains final authority to determine and make recommendations to the ACSM Board of Trustees (BOT) on disciplinary action.

B. Mission, Vision, Values and Basic Tenets:

Preamble: ACSM is committed to the highest standards of ethical conduct to carry out its mission and achieve the strategic goals with honesty and fairness. This Code of Ethics is intended to support ACSM's commitment to a culture of openness, transparency and trust; where all members, volunteers, staff, affiliates, and guests are treated respectfully and with dignity. To this end, it is essential that all conduct the business of ACSM with the highest ethical standards and require the participation and support of all members, volunteers, staff, affiliates (e.g., vendor, volunteers such as committee member, related special interest group and applicable board member, consultant, partner, meeting attendee, or guest) and guests of ACSM in upholding these standards.

The mission of ACSM: to educate and empower professionals to advance the science and practice of health and human performance.

The vision of ACSM: Extend and enrich lives through the power of movement.

Our values include:

- Integrity: ACSM is guided by strong ethical principles, founded in honesty, trust, and evidence - based practices, which are objective, balanced and responsible.
- Collaboration: ACSM fosters diverse perspectives, encourages participation, shares knowledge and resources, and supports members, staff, and stakeholders to achieve better outcomes and greater impact.

- Transparency: ACSM openly shares information, ideas and expectations and creates an environment for open and honest communication.
- Accessibility and Belonging: ACSM strives for equal opportunity and access across our community.

The stated values are intended to aid members and affiliates of ACSM, individually and collectively, to maintain the highest level of ethical conduct, and are standards by which a member, or affiliates may determine the propriety of their conduct, relationship with colleagues, members of allied professions, the public, and all persons with whom a professional relationship has been established.

Basic Tenets Applying to Members and Affiliates:

- Members and affiliates must maintain high professional and scientific standards and should not knowingly collaborate with or support anyone who violates these fundamental principles.
- Members and affiliates must safeguard the public and ACSM from members who do not demonstrate the highest ethical conduct in their professional work.
- The ideals of ACSM imply that improving the physical performance, health, and well-being of every individual regardless of demographic characteristics or access to resources is the responsibility of members and affiliates based upon their professional expertise and experiences.

C. Principles of Professional Ethical Behavior

As advocates for physical activity, health and human/athletic performance all assume an obligation to train, treat, educate, and support all people with the highest ethical standards using evidence directed strategies and avoid inappropriate treatment and the appearance of inappropriate treatment of people. This Code of Ethics is a recognition that everyone affiliated with ACSM as a member or affiliate is responsible for practicing and promoting the values of ACSM to realize an organization that reflects our shared values and how we strive to operate and be seen by others. All should understand that departure from these principles of ethical behavior may result in sanctions by ACSM, including censure or loss of membership and banning from conference attendance, and may be subject to applicable laws.

Each person must adhere to the following ethical standards including:

- Provide care, training, and education with diligence, care, and to the highest level of one's professional competence. Members are responsible for continuously updating their knowledge and skills to ensure practice aligns with current evidence-based strategies.
- Comply with all relevant professional, legal, and regulatory standards governing practice and research. Maintain appropriate professional boundaries and manage any real or perceived conflicts of interest to ensure objectivity and prevent exploitation.
- Maintain confidentiality and protection of personal, medical, and sensitive information and other data as required by relevant laws, policies, and ethical standards.
- Act in the best interests of those served (beneficence) and actively avoid causing harm or the appearance of harm (non-maleficence) in all professional activities.
- Treat all individuals with dignity, respect, and fairness, recognizing their autonomy and right to make informed decisions regarding their health, training, and participation. This includes providing appropriate care and/or training tailored to an individual's physical and/or medical conditions.
- Support the best standards of research integrity and academic honesty, avoiding all forms of scientific misconduct and questionable research practices, plagiarism, duplicate publication, slandering reputation, and ensuring ethical treatment of all research participants. (Refer to the Scientific Misconduct section for detailed guidance).
- Promote fair and equitable access to services and opportunities and provide professional interactions free from discrimination based on race, ethnicity, gender, sexual orientation, age, disability, religion, socioeconomic status, or any other non-merit criterion.
- Contribute to and foster a professional environment free from harassment, discrimination, and retaliation for all individuals participating in ACSM activities or interacting with ACSM members.

D. Maintain Good standing in Regulated Professions:

Any member or affiliate required by law to be licensed, registered, certified, or otherwise regulated by a government agency and/or professional body to practice their profession must remain in good standing with that agency as a condition of continued membership in ACSM. Any expulsion, suspension, probation or other sanction imposed by a government agency and/or professional body on any member is grounds for disciplinary action by ACSM.

Scientific Misconduct

ACSM members and affiliates should avoid any scientific misconduct or the appearance of such. Scientific misconduct includes fabrication, falsification, plagiarism, or other questionable practices in any aspect of scientific research. ACSM members and affiliates are expected to be ethical in all aspects of scientific research including humane treatment of human and non-human research participants/subjects and adhering to all regulations and guidelines for human care, use and well-being of animals in research.

ACSM members and affiliates must also avoid questionable research practices that undermine scientific integrity and trustworthiness, including:

- Misrepresenting, selectively reporting, or failing to properly manage and retain research data and essential records.
- Failing to disclose significant conflicts of interest, or misusing privileged information obtained during peer review.
- Improper assignment of authorship (e.g., 'gift' or 'ghost' authorship) or unfair resolution of authorship disputes.
- Significant departures from approved research protocols, ethical guidelines, or regulatory requirements (e.g., IRB/IACUC approvals) without justification.
- Falsely representing professional qualifications, experience, or contributions in scholarly or professional contexts.

Medical Practice Misconduct

ACSM members should diligently uphold ethical standards in their role as medical providers, as applicable. This includes prioritizing patient advocacy and ensuring the most appropriate care is provided, while avoiding participation in any activity that is not in the best interest of the patient. Members must recognize and respect the boundaries of their competencies and expertise, providing only those services for which they are qualified through education, training, or experience. They should refrain from any untruthful, misleading, or deceptive representation of themselves to patients, colleagues, other health care professionals, or the public. ACSM members are expected to actively engage in continuing medical education to stay current on new medical technologies and information in their field. ACSM members shall respect the rights of colleagues and other health professionals. Privacy and confidentiality of information shared by the healthcare provider and his or her patient, and/or patient's family, including but not limited to, Protected Health Information under the Health Insurance Portability and Accountability Act ("HIPAA"), shall be respected except in those circumstances where societal concerns expressed in the law require disclosure.

Teaching/Academic Misconduct

ACSM members serving as faculty in academic settings should uphold the highest ethical standards in their roles as educators and mentors within the profession. They are expected to prioritize the educational needs of their students and the integrity of their academic institutions. Faculty members should provide comprehensive, accurate, and up-to-date instruction based on the best available evidence in their field. They must recognize the boundaries of their expertise and teach only within areas where they possess appropriate qualifications and knowledge. Faculty members should refrain from any form of academic dishonesty, including but not limited to plagiarism, falsification of research data, or misrepresentation of credentials. They are expected to foster an inclusive and respectful learning environment, free from discrimination or harassment. Faculty should engage in ongoing professional development to enhance their teaching skills and stay current with advancements in their field. In their roles as mentors, they should provide fair and constructive feedback to students, support their academic and professional growth, and maintain appropriate boundaries in student-faculty relationships. Faculty members must also adhere to ethical guidelines in research activities, as noted in the Research Misconduct section of this document. They should promote academic integrity among their students and colleagues and report any observed violations of ethical standards to appropriate authorities. In all their academic endeavors, Faculty members are expected to act with honesty, transparency, and a commitment to the advancement of knowledge and the betterment of the profession.

Use of Artificial Intelligence (AI)

ACSM recognizes the transformative potential of AI in sports medicine. However, AI tools augment, but do not replace, professional judgment. Members remain fully accountable for all decisions and outcomes informed by AI, upholding the highest ethical standards and prioritizing individual well-being, privacy, and rights including:

- **Privacy & Confidentiality:** Protect sensitive personal and health information. Do not input confidential data, trade secrets, or personally identifiable information into public or unsecured AI models. Use only approved, secure platforms, and obtain informed consent when AI processes individual data.
- **Accuracy & Bias Mitigation:** Critically evaluate and validate all AI-generated content; do not assume accuracy. Be vigilant for and actively work to mitigate algorithmic biases to ensure fair and equitable outcomes.
- **Transparency & Citation:** Clearly disclose and appropriately cite the use of AI tools in all professional materials, publications, and communications.
- **Prohibited Use:** Do not use AI for discriminatory, deceptive, harmful, or exploitative purposes, nor to fabricate data, misrepresent facts, or plagiarize. Human oversight and final judgment are always required for decisions impacting individuals.

- **Professional Competence:** Members should understand AI capabilities and limitations, engaging in continuous learning to stay current with evolving AI ethics and best practices.

E. Public Statement of Affiliation:

Only members, in good standing, of ACSM may state their affiliation with ACSM in any context; oral, written, video, or digital; provided the statement is truthful, accurate, and not for a commercial venture. In doing so, no member may imply ACSM endorsement in context with the disclosure, unless expressly authorized by ACSM. Disclosure of affiliation in connection with any commercial venture must expressly be authorized by the ACSM and must be made in a professionally dignified manner that is not false, misleading, or deceptive, and does not imply specialty, diploma, certification, or licensure status. Members who are currently ACSM Certified or Registered may disclose their certification status, and Fellows may disclose their Fellow status. Membership or fellowship in ACSM is granted to an individual not to a firm, partnership, or corporation, and disclosure of affiliation and/or use of the initials ACSM is not allowed. Violation of this article may be grounds for disciplinary action, including loss of membership and fellowship status.

F. Conflicts of Interest and Management Plan for Potential Conflict of Interest

Tiered Standards for Conflict of Interest Disclosures

Recognizing that different roles within ACSM carry varying degrees of influence and responsibility, ACSM adopts a tiered approach to conflict of interest (COI) expectations:

Level 1 – Members, Guests, Volunteers, and All Others Not Specifically Mentioned Below

Individuals in this category are expected to:

- Act with professionalism, courtesy, and respect in all interactions connected to ACSM.
- Refrain from any illegal, fraudulent, harassing, or otherwise unethical conduct in connection with ACSM events, platforms, or activities.
- Avoid misusing ACSM's name, brand, or affiliation in any misleading, deceptive, or self-serving manner.
- Comply with all applicable event rules, codes of conduct, and policies.

- Support a safe, accessible, and respectful environment that aligns with ACSM's mission and values and contributes to a sense of belonging.

Although individuals in this category are not required to submit formal disclosures of conflicts of interest, ACSM expects general transparency, integrity, accountability, and alignment with its standards of ethical conduct.

Level 2 – Presenters and Meeting Attendees

This category includes individuals who contribute content or engage in professional dialogue at ACSM events, such as presenters, speakers, panelists, and meeting attendees. Due to their role in disseminating information and influencing public or professional perception, they have enhanced responsibilities. In addition to the requirements outlined in Level 1, these individuals must:

- Disclose any relevant financial or non-financial conflicts of interest, including affiliations, sponsorships, or funding sources that may influence the content of their presentations or participation.
- Present scientific, medical, or educational information that is accurate, evidence-based, and free from commercial bias.
- Avoid distortion, omission, or misrepresentation of data.
- Respect the integrity and neutrality of ACSM platforms and not imply ACSM endorsement without express authorization.

Level 3 – Vendors, Exhibitors, and Sponsors

In addition to upholding the requirements outlined in Levels 1 and 2, organizations or individuals acting as vendors, exhibitors, or sponsors at ACSM events must disclose any relationships, contributions, or funding that could be perceived as creating a conflict of interest. While ACSM appreciates the partnership of sponsors and exhibitors, such relationships must not influence the educational content or scientific programming. These entities must refrain from using their sponsorship in a way that implies endorsement by ACSM without express authorization.

Level 4 – Trustees, Officers, Committee Members, Fellows, and Appointed Personnel

Trustees and officers of ACSM hold the highest level of responsibility within the organization and are entrusted with fiduciary duties that include the obligations of care, loyalty, and obedience. Their actions directly influence ACSM's strategic direction, governance integrity, and public trust. Accordingly, in addition to the upholding the requirements outlined in Levels 1, 2, and 3, these individuals must:

- Act in the best interests of ACSM at all times, placing the organization's mission, reputation, and welfare above personal or outside interests.

- Exercise fiduciary duties of care, loyalty, and obedience, including informed and unbiased decision-making, avoiding conflicts of interest, and ensuring compliance with ACSM's governing documents and applicable laws.
- Disclose all real, perceived, or potential conflicts of interest in a timely, complete, and transparent manner, and recuse themselves from any decisions or discussions where such conflicts exist as further outlined below.
- Protect confidential and proprietary information, including privileged deliberations and internal communications.
- Avoid defamatory, disparaging, or undermining remarks about ACSM in any forum, public or private.
- Uphold the highest standards of ethical leadership, including modeling ACSM values, avoiding misuse of authority or position, and maintaining professionalism in all organizational dealings.

Breach of these standards may result in disciplinary action, including removal from office, in accordance with ACSM's disciplinary procedures.

Declaration of Conflict of Interest: All ACSM committee and Board of Trustees (the "Board") members and affiliates shall be made aware of the ACSM Conflict of Interest guidelines when considered for committee or Board service or other ACSM activity in which they are participating, and they are required to disclose any potential conflict of interest (see ACSM Conflict of Interest form). Included in this provision are guidelines for recusal from discussion and material review where a potential, real or perceived conflict of interest exists.

Examples of Conflict of Interest: Receipt of royalties, consultancies, funding by a research grant, receiving travel, gifts, or honoraria for educational services or any other relationship (such as material management or leadership responsibilities) with a corporation, company or institution that provides sufficient reason for disclosure. These are examples, but not an exhaustive list.

Recusal Procedures: An ACSM committee member who discloses a conflict of interest is expected to recuse themselves from a committee or Board issue which is viewed as competitive with the external entity in which the member is involved or a financial benefit that the member may receive. Recusal may occur in two ways: 1) The individual may remove themselves from the meeting when discussions and voting occur concerning the area of potential conflict. 2) The committee chair, with majority support from the committee, reserves the right to excuse a committee or Board member who discloses a conflict of interest.

Breach of Conflict of Interest and Recusal: When an individual does not disclose a conflict of interest intentionally, does not recuse themselves voluntarily or at leadership request, or shares sensitive, proprietary information with a competitive external entity, or benefits financially from a decision in which they were involved, the individual should be

referred to the ACSM Ethics and Professional Conduct Committee by the committee chair, for potential disciplinary action(s), outlined in the operating code of the Ethics and Professional Conduct Committee.

Please review the ACSM Conflict of Interest Policy and Procedures document for more information.

G. Confidentiality

It is the policy of ACSM that members or affiliates will not disclose confidential information belonging to or obtained through their affiliation with ACSM to any person, including their relatives, friends, business and professional affiliates, or other organizations, unless ACSM has authorized disclosure. Proprietary or confidential information acquired by any individual while serving in an ACSM capacity is confidential and proprietary until ACSM makes the information available in the public domain. This policy is not intended to prevent disclosure where disclosure is required by law. All are cautioned to demonstrate professionalism, good judgment, and care to avoid unauthorized or inadvertent disclosures of confidential information.

H. Fraud

Fraud is defined as any intentional act or omission designed to deceive others, resulting in the victim suffering a loss and/or the perpetrator achieving a gain, including:

- Misappropriation of funds, securities, supplies or other assets.
- Impropriety in the handling or reporting of money or financial transactions.
- Profiteering from insider knowledge of ACSM plans or activities.
- Disclosing confidential and proprietary information to outside parties.
- Falsely representing or concealing a material fact to induce another to act upon the material fact to procure an advantage, benefit, or gain.
- Accepting or seeking anything of material value from contractors, vendors or persons providing services/materials to ACSM more than what is allowed in the Conflict of Interest statement.
- Destruction, removal, or unauthorized use of records, furniture, fixtures, and equipment.
- Unauthorized access to, manipulation of, or destruction of digital systems, electronic data, or records for illicit gain or to cause loss, including cyber-related schemes such as phishing or ransomware attacks targeting ACSM or its members for financial exploitation.
- Falsely representing one's professional qualifications, credentials, certifications, experience, or expertise to clients, employers, or the public.

- Fabrication, falsification, or misrepresentation of research data, results, or findings in scholarly publications, presentations, or grant applications.

I. Sexual Harassment

Sexual harassment is unethical, unprofessional, and threatening and involves the asymmetric use of power by members. The term "sexual harassment" may be used to describe a wide range of behaviors and includes, but is not limited to: generalized sexist verbal, physical, or visual behavior; requests for sexual favors; sexual advances, whether linked to reward, or accompanied by threat of retaliation; the use of authority to emphasize the sexuality or sexual identity of a member in a manner which prevents or impairs that person's full enjoyment of ACSM benefits, climates, or opportunities; and sexual assaults. Such behaviors are forms of unprofessional conduct which seriously undermine the atmosphere of trust essential to ACSM's mission and may constitute criminal violations. Condoning sexual harassment or disregarding complaints of sexual harassment from members, staff, colleagues, or affiliates allows sexual harassment to persist within the organization and undermines the atmosphere of trust essential to ACSM.

Amorous relationships that might be appropriate in other circumstances are inappropriate between members of the profession and any student or subordinate for whom they have a professional responsibility or supervisory role. Professionalism requires those in positions of authority to recognize that relationships with students and subordinates always involve an element of power. It is incumbent upon members of the profession not to abuse, nor seem to abuse, the power with which they are entrusted, since relationships between members of the profession and students are always fundamentally asymmetric in nature. Such relationships may have the effect of undermining the atmosphere of trust among members on which the ACSM mission depends.

Members are encouraged to inform the harasser directly that the conduct is unwelcome and must stop. Members should report sexual harassment on the web portal as soon as it is discovered to prevent its escalation. Upon receipt, ACSM will conduct a prompt, fair, and thorough investigation.

ACSM expects that members structure all programs and activities to be conducted without fear of harassment or retaliation, and without regard to sociodemographic characteristics or other non-merit criteria.

J. Duty of members to report code of ethics violations

Members and affiliates have a duty to report when there are reasonable grounds to suspect unethical conduct or harassment at an ACSM location or sponsored event or a violation of this code of conduct related to any ACSM activities.

K. Process for receiving complaints and investigating ethical breaches or harassment charges

ACSM has an online portal for reporting unethical conduct or violation of this code of conduct by a member at an ACSM sponsored event or activity. Click this link to access the reporting form: Ethics Committee submission – [Link to come](#)

ACSM staff members accused of an ethics violation will be investigated and disciplined by the ACSM Human Resources staff member and Chief Executive Officer (CEO). If the accused is the ACSM Human Resources staff member, ACSM legal counsel will investigate with assistance from the CEO. If the accused is the CEO, ACSM legal counsel will investigate with assistance from the Chief Operating Officer. If the CEO is found guilty of an ethics violation, the Board of Trustees will be notified for disciplinary proceedings.

Complaints received regarding certification, publications or issues stemming from work performed at the member or affiliate's workplace will be investigated by the appropriate governing body. If the accused is found guilty, those governing bodies should alert the Ethics and Professional Conduct Committee if further action is deemed necessary.

Complaints originating within ACSM chapters must first be reviewed by the appropriate Chapter Ethics Committee in accordance with the Applicability section above, before advancing to the ACSM Ethics and Professional Conduct Committee.

Complaints involving the misuse of artificial intelligence tools shall be evaluated under this Code in conjunction with the ACSM AI Use Policy. The Ethics and Professional Conduct Committee shall determine whether such violations constitute ethical misconduct, scientific misconduct, or both.

PROCEDURE FOR PROCESSING COMPLAINTS

1. Any complaints, claims, or charges received by ACSM will be referred to ACSM's legal counsel who will review them for compliance with the ACSM's Code of Ethics, Constitution and Bylaws. Any complaints which are not in compliance, or which could not be the basis for disciplinary action by ACSM if proven, or which involve testimony given in or which is the subject of pending litigation, will be returned to the Complainant.
2. With respect to all remaining complaints, the Complainant will be contacted to determine whether there are any further documents or exhibits that he or she would like

to submit to the Committee in support of the charges. Testimony of prospective witnesses should be summarized and submitted in written form, or transcripts of their testimony produced, if germane to the charges. It is the Complainant's responsibility to collect and present all evidence, which he or she wishes the Committee to consider in support of the charges. Copies of all material supporting the charges will be furnished to each Committee member.

3. The Respondent will be furnished a full set of the documents which are furnished to the Committee members, and which constitute the charges and supporting evidence. The Respondent will then have 30 days to prepare whatever written responses and/or exhibits he or she believes are appropriate, and to submit them to the Committee. In the event the Respondent submits Protected Health Information to the Committee, said information shall be de identified by the Respondent. Protected Health Information that has not been de identified will be returned to the Respondent in the absence of patient consent or an exception to HIPAA's privacy regulations. A full set of copies should also be submitted to the Complainant. This process will be coordinated by ACMS's legal counsel, but it is each Respondent's responsibility to collect and present all evidence, which he or she wishes the Committee to consider in opposition to the charges.

PRELIMINARY EVALUATION BY COMMITTEE

4. The Committee will review the written submissions made by both sides and reach a tentative decision on whether or not a prima facie case has been asserted, justifying a hearing. The parties will then be notified in writing of the Committee's tentative decision.

5. If the Committee tentatively decides after reviewing the documents submitted by both sides that a prima facie case has been established and that a hearing is warranted, one will be conducted in accordance with the Procedure for Conducting Hearing of these Guidelines below, with all parties bearing their own expenses.

6. If the tentative decision of the Committee is that a prima facie case has not been established and that a hearing is not justified, the Complainant will have the right, within fifteen (15) days, to demand a hearing nonetheless, and will be responsible for paying all ACSM' costs in conducting that hearing if the ultimate decision is the same or substantially similar to the tentative decision. which the Committee reached before the hearing. ACSM's assessable costs will be determined by the Committee at the end of the hearing, and may include, but are not limited to, ACSM's costs of its counsel preparing for and attending the hearing, the court reporter's charges, and the Committee Members' expenses in attending the hearing.

7. If the Committee tentatively decides that a prima facie case has not been established and no hearing is warranted and the Complainant does not demand a

hearing that tentative decision will be presented to the Board of Trustees as the Committee's final recommendation as outlined below. If the Board of Trustees disagrees, after reviewing the case, the case will be remanded to the Committee for a full hearing, with all parties bearing their own expenses.

PROCEDURE FOR CONDUCTING HEARING

1. A hearing date will be set at least 30 days in advance. A majority of the Committee members must be present and only Committee members who attend the full hearing may participate in the deliberations and decision. A court reporter will transcribe the proceedings. The Complainant and Respondent may be represented by counsel at the hearing, at their own expense.

2. The hearing date set by the Committee shall not be subject to change for the convenience of either the Complainant or the Respondent. If any party declines or fails to appear at a duly scheduled hearing, the Committee may still proceed, and shall consider the previously submitted material furnished by the absent party.

3. All parties are advised that no new matters, evidence or witnesses may be introduced in the hearing by either the Complainant or the Respondent if they have not been previously disclosed in the documents supporting and denying the charges. The hearing will be conducted by the Chairman or Acting Chairman of the Committee, with assistance by ACSM's legal counsel. The strict rules of evidence will not be applicable. Witnesses may be questioned regarding their testimony, but extensive cross-examination will not be permitted. The Chairman shall have the authority to impose reasonable reciprocal limitations on the time available for both direct testimony and cross-examination.

4. At the conclusion of the hearing the Committee members shall convene in executive session (with the presence of the ACSM legal counsel if they wish) and shall determine by majority vote of those members of the Committee who attended the hearing, which of the following alternative findings provided in the Code of Ethics, Constitution and/or Bylaws shall be adopted:

- a. That the charges are not sustained, and that no further action be taken; or
- b. That the charges are sustained, and the accused be
 - i. Censured
 - ii. Membership suspended for a definite time, or
 - iii. Membership expelled.

The Committee need not reach a final decision immediately but may wait until it has had the opportunity to review the transcript of the proceedings. The Committee members

are admonished that they may not discuss the merits of the case with any party prior to the formal hearing (except as provided above), and may only consider evidence or testimony introduced in conjunction with the hearing, although they may rely upon their own expertise and professional experience in evaluating the testimony of witnesses or issues raised.

FINAL APPROVAL OF DECISION

1. The report and recommendations of the Committee shall be reduced to writing and forwarded to the Board of Trustees, the Complainant, and the Respondent. The Respondent will be advised in writing of the date of the Board of Trustees meeting at which the Report of the Committee will be heard, and of the fact that the Respondent shall have an opportunity to make any statement he or she desires before actions taken on the recommendations to the Board of Trustees.
2. The Board shall also consider, and either approve, reject or modify, any assessment of costs made against a Complainant pursuant to above. Once approved by the Board, any such assessment of costs against a member shall be considered special assessment dues imposed.
3. In the event that the final action by the Board of Trustees includes the censure, suspension or expulsion of a member, that member shall have the right to appeal that decision.

In some special cases in which a member is known or suspected of having been engaged in unprofessional conduct but no official Complainant is present, the President may serve as the Complainant on behalf of ACSM, in which case he or she shall recuse him or herself from deliberations if the matter comes before the Board. If this occurs, the Secretary is indemnified by the Board.

L. Disciplinary Procedure: Any member or affiliate of ACSM may be disciplined, suspended, or expelled for conduct which the Board of Trustees (Board) determines violates the code of ethics. A vote to expel a member or affiliate of ACSM requires two-thirds (2/3) of the members of the Board present at a regular or a special meeting to support the motion, and the motion can only be brought forward to the Board from the Ethics and Professional Conduct Committee after the individual has been informed in writing of the charges against them, an investigation has been conducted and the individual has been given an opportunity to respond to the allegations in writing. The Ethics and Professional Conduct Committee may recommend other disciplinary actions such as reprimand, probation, or censure to the Board and disciplinary action may be ordered following the affirmative vote of two-thirds of the members of the Board present at a regular or special meeting or by electronic (digital) ballot provided a quorum of the Board returns the ballot.

M. Appeal Process for Ethics Violations

Right to Appeal

In the event that the final action by the Board of Trustees (Board) includes censure, suspension, or expulsion of a member or associate, the individual shall have the right to appeal the decision.

Grounds for Appeal

An appeal must be based on one or more of the following grounds:

1. Procedural error that materially affected the outcome of the case
2. New and substantive evidence that was not reasonably available at the time of the original investigation
3. Disproportionate disciplinary action relative to the findings

Filing an Appeal

The member must submit a written appeal to the Chair of the Ethics and Professional Conduct Committee within thirty (30) days of receiving notice of the Board's decision. The appeal must clearly state the grounds and include any supporting documentation.

Review of Appeal

- Upon receipt, the appeal shall be acknowledged and reviewed for completeness.
- The appeal will be forwarded to the President to be considered by the Board of Trustees, excluding any individuals who participated in the original investigation or deliberation, to ensure impartiality.
- In cases where the President served as the Complainant, the President shall remain recused from all appeal deliberations. The Chair, as previously indemnified by the Board, will facilitate the appeal process.

Scope of Review

The appeal is not a re-hearing of the case but a review of the record to determine whether:

- Established disciplinary procedures were properly followed, including written notice of charges, investigation, and opportunity for written response
- The Ethics and Professional Conduct Committee's recommendation and the Board's decision were supported by the evidence
- The disciplinary action met the required voting thresholds (two-thirds vote with quorum)

Decision on Appeal

Following review, the Board may:

1. Uphold the original decision
2. Modify the disciplinary action
3. Remand the matter to the Ethics and Professional Conduct Committee for further review

A two-thirds (2/3) vote of the Board members participating in the appeal review is required to overturn or modify the original decision.

Finality

The decision of the Board on appeal shall be final.

N. Additional Ethical Safeguards

1. **Protection Against Retaliation:** ACSM strictly prohibits any form of retaliation against individuals who, in good faith, report suspected violations of this Code of Ethics, participate in an investigation, or raise concerns about unethical conduct. Retaliation itself is a serious ethical violation and may result in disciplinary action.
2. **Duty to Cooperate:** All ACSM members, affiliates, volunteers, and affiliated individuals are required to cooperate fully and honestly in any ethics-related investigation or review conducted by ACSM or its chapters. Failure to cooperate may be grounds for disciplinary action, up to and including suspension or expulsion.
3. **Confidentiality in Reporting:** ACSM will take reasonable steps to protect the identity of individuals who report issues of harassment, plagiarism, or any other ethical concerns, consistent with the need to conduct a fair and thorough investigation and comply with applicable laws. Confidentiality cannot be absolutely guaranteed, but ACSM will strive to safeguard reporters against undue disclosure.
4. **Jurisdiction Over Former Members:** ACSM retains the authority to investigate ethical violations and impose sanctions for conduct that occurred during the period of an individual's affiliation with ACSM, even if that individual has since resigned, retired, or otherwise ended their membership or association.
5. **False or Malicious Complaints:** While ACSM encourages all individuals to report suspected misconduct in good faith, knowingly submitting false,

misleading, or malicious complaints is itself a violation of this Code of Ethics and may result in disciplinary action.