



An initiative to advance *professional and ethical conduct, climate & culture*

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Complementary Resources:

Template for Society Reporting-out on Conduct Concerns at
societiesconsortium.com [\[direct link\]](#)

Example Fact Sheet
societiesconsortium.com [\[direct link\]](#)

Model Glossary of Key Terms
societiesconsortium.com [\[direct link\]](#)

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A copy of that License Agreement has been provided to all Consortium Members; additional copies are available at
societiesconsortium.com [\[direct link\]](#)

B2. Design Guide Re: Template for Society Reporting-out on Conduct Concerns

Purpose of the Design Guide

This Design Guide is intended to complement the Template for Society Reporting-out on Conduct Concerns and the associated Example Fact Sheet. It highlights issues and rationales for science, technology, engineering, mathematics, and medical (STEMM) societies and their members' home institutions to consider and address with their leadership when they design the content and format of reports, on the frequency of and response to sexual and intersecting bases of harassment in their governance, programming, and operations. Such reporting-out promotes transparency and accountability, which are important to creating actual and perceived intolerance of such harassment. *Perception* of tolerance is a significant predictor for perpetuation, and *perception* of intolerance is a lever for prevention.

This resource and the Template for Reporting-out Conduct Concerns and Example Fact Sheet that it complements may be updated over time, based on the experience and views of Consortium members.

Limitations

This Design Guide is developed with an awareness of law, but it does not constitute legal advice to any particular entity. Legal advice should always be based on the specific facts, circumstances and laws particular to an entity, situation and jurisdiction.

It is endorsed by the Societies Consortium as a resource, not as prescribed practice or reporting tool for all members. Consortium endorsement does not mean that Consortium members agree with or intend to (or should) follow all of the guidance it provides.

Common Elements of Effective Reporting

The following are common elements of effective reporting design, content and practices.

- **Communicating Community Standards (or Aspirations). Community:** The report’s design and content and a society’s reporting practices—
 - focus on and demonstrate the society’s *actions*—alone and in collaboration with others in the field—toward creating a community that embraces a climate and culture of respect, diversity, and inclusion to advance excellence and integrity.
 - articulate specific standards of conduct that create an *accurate perception* of community standards.
- **Standards — Law-Attentive, Going Beyond the Law:** The report’s content demonstrates *accountability* for higher standards than legal compliance when there are standards that better serve the objectives of professional, ethical and inclusive conduct, climate and culture for excellence, and adopting those standards does not violate the law.
 - Whether or not a society’s internal policies include sexual harassment in its definition of research misconduct, a society’s reports demonstrate with specificity that—in addition to regulatory research misconduct, among other scientific misconduct—sexual and intersecting bases of harassment (e.g., race, ethnicity, religion, sexual orientation, gender identity and expression, etc.) are unprofessional, unethical, and not tolerated.¹
 - A society’s reports demonstrate that conduct standards are a high priority and must be met for the privilege of being recognized as a participant in good standing in the society’s community and, potentially, the broader STEMM community.
 - A society’s reports also highlight opportunities seized to build bridges among the society, its members, and their home-employing institutions in mutual support of such community standards in STEMM fields broadly. Over time, and with support from the Societies Consortium and other collaborations, these efforts may include, e.g., collective prevention initiatives and sharing factual incident information and investigation services.
- **Consequences for Not Meeting Standards:** The report’s design and content highlight the continuum of misconduct and corresponding range of consequences that result. Whether or not a determination of misconduct is made, the report demonstrates that restorative or other community-building action is pursued when possible.
 - Report content includes the types and numbers of unprofessional and unethical conduct concerns raised, the ways to report concerns and the ways a society responds.

¹ See National Academies Consensus Study Report, *Sexual Harassment of Women, Climate, Culture, and Consequences in Academic Sciences, Engineering and Medicine* (June 2018) (*Academies Report*) pp. 88-9 (noting how sexual harassment violates many key values of research integrity and excellence). Consistent with the design of the Societies Consortium not to articulate that there is only one way to address issues when that is not the case, the Consortium does not take a position on whether or not sexual harassment should be included in a society’s definition of “research misconduct.” That is a policy decision to be made by societies. There is more than one way to define sexual and intersecting bases of harassment as harmful and contrary to a society’s and field’s community standards.

I. COMMON ELEMENTS OF EFFECTIVE REPORTING

- The report demonstrates that punitive consequences may result from evidence-based determinations of misconduct. Restorative *remedies* or other alternative resolution methods may be pursued whenever they would achieve an outcome that is most responsive to the needs of the target and others who are adversely affected by misconduct.
- Nonpunitive restorative *actions* or other community building actions are taken if possible, even when a formal process is not pursued and a determination of unprofessional and unethical conduct is not made, but the interest of creating an inclusive community would be advanced.
- **Transparent Action:** Where significant action remains to achieve aspirations for community-wide adoption of desired conduct standards, the report tracks specific efforts undertaken and progress made, while being accurate as to goals and existing status.
- **Effective Communications:** The purpose and content of a society's reports are effectively communicated to all stakeholders, on a regular basis and in a manner that is sensitive to the range of audiences in the society's internal and external communities. (E.g., governing board and leadership, members/faculty/researchers/employees, graduate and undergraduate students, post-doctoral scholars, volunteers, collaborating educational institutions and organizations, government and philanthropic funders, etc., and the public.)
- **Principles:** Transparent principles governing the content of a society's reports give the society flexibility to exclude any component of a usual report in a reporting cycle when necessary to protect confidentiality of individuals' identities during a review of conduct concerns or when excluding a component is in the best interests of addressing threatened or pending legal claims or other special circumstances.
- **Process Management & Evaluation:** Good process management is employed in the design, implementation and evaluation of a society's reports, with follow-up action taken as warranted and clear roles and responsibilities. The design and content of reports and reporting practices are reviewed periodically to determine if the objectives are the desired ones and the reports are well-serving their objectives. Adjustments are made if needed.
- **Governance & Documentation:** All of the above is documented in a reporting practice reviewed with or adopted by the society's governing board. Reports and more extensive underlying data are reviewed regularly with the governing board and leadership. Follow-up on findings is taken when warranted.

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Threshold Inquires That May Affect Reporting Design and Content Choices

When making decisions regarding the design, content and dissemination of a report about concerns of and response to sexual harassment and other unprofessional and unethical conduct, the following are good questions to consider in discussions with governing boards and other decision-makers.

Mission Foundations

- **Purpose.** Consider the overarching purpose of the report and supporting design:
 - **Perceptions.** Research indicates that *perception of tolerance* of sexual harassment is the greatest predictor of its perpetuation and escalation. Conversely, *transparency and perception* of intolerance of such harassment can inhibit such harmful conduct.²
 - **Priority Perceptions.** Research also indicates that gender harassment is the most common form of sexual harassment, and tends to lead to additional types.³ Gender harassment can lead to negative professional and psychological outcomes for targets (including stepping down from or not assuming leadership positions, leaving institutions, and leaving the field altogether). These outcomes are equivalent to the consequences of unwanted sexual attention and sexual coercion.⁴ Consequently, it is important to eliminate perceived, as well as actual, tolerance of gender harassment.
 - **Accurate Perceptions for Prevention/Raising Awareness.** A society's regular reports addressing types and numbers of conduct concerns that may be (or have been) raised and how the society handles them, without disclosing the individuals involved, provide appropriate information to help create an accurate *perception* of intolerance of sexual and intersecting bases of harassment.⁵
 - **Demonstrating Availability of Options for Raising Concerns and Impact.** A society's reports can highlight the existence of options (informal and formal) for raising concerns. They can also make clear that when concerns are raised, they are addressed. They can elevate understanding that the particular type and timing of response is dependent on the nature of the concern, the available information and the scope of the society's authority.
 - Research indicates that filing a *formal* complaint and pursuit of formal process is a "last resort" for many targets. Reasons include fear of retaliation and negative impact on careers and relationships, concerns about confidentiality, and expectations of a negative outcome.⁶ In some cases a target's goal is not to

² *Id.* at 47-48; 50 (noting that "organizational climate", i.e., a work environment that communicates tolerance of sexual harassments is "by far, the greatest predictor of the occurrence of sexual harassment, and ameliorating it can prevent people from sexually harassing others").

³ *Academies Report*, pp. 42, 25-27, 72 (noting research indicating that gender harassment is by far more common and pervasive than sexual coercion and unwelcome sexual attention). Gender harassment is a form of hostile environment sexual harassment that includes sexism or other forms of non-sexual behaviors, including remarks and conduct that demean, denigrate, devalue, and disrespect individuals on the basis of sex. See the definitions of types of sexual harassment at <https://societiesconsortium.com/wp-content/uploads/2019/10/9.26.19-Model-Glossary-of-Terms-.pdf>

⁴ *Id.* at 31, 72, 90, 91.

⁵ *Id.* at 46, 145.

⁶ *Id.* at 80-82, 105-06.

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have the perpetrator sanctioned but rather to have the behavior acknowledged, understood as unprofessional, unethical and harmful, and stopped.⁷ Depending only on formal reporting by a target, ally or bystander has limited impact; and may provide inaccurate data on actual incidence of sexual and intersecting bases of harassment. The fact that there are no reports of sexual harassment does not necessarily mean that harassment doesn't exist. It can point to inadequate policies, practices, and communications by a society.

- **Perception of Cost-Benefit of Raising Concerns.** By reporting to a society's community that there are informal and formal ways to raise conduct concerns and a continuum of possible responses that correspond with the severity or frequency of the misconduct, a society may encourage the belief that the benefits of raising concerns outweigh the costs.⁸ It is also important to make clear that meaningful action is taken regardless of respective positions of an identified target and accused or whether or not a formal complaint is filed.
- **Fairness.** The overarching goal of a society's reports to its community is to demonstrate that the society's policies and actions serve the best interests of the field by advancing integrity and breaking down longstanding barriers to inclusion of all talent, while preserving fairness of process for all involved. Unprofessional, unethical and exclusionary conduct, climate and culture undermine excellence and integrity, and harm the field's reputation, to the detriment of many individuals and society.
 - When a credible question⁹ is raised about whether standards of conduct have been met, there may not be definitive evidence for a determination. It may be a question of whether the identified target or accused is more credible.
 - Fairness to all individuals involved may be debatable and impossible to achieve.
 - When a credible question can't be answered satisfactorily, identified targets are particularly burdened, as a vast majority are expected not to be making false accusations and are undermined. But doubt is also cast on the reputations of those accused, some falsely.¹⁰
 - Restorative and other community-building practices¹¹ may offer a particularly constructive—and fair—resolution of concerns. Communicating the availability of a range of options for resolving conduct concerns is an important function of a society's reports to its community.
- **Being Prepared for Inquiries.** Questions may arise from a society's reports; anticipating and preparing for them is a good practice. A clear protocol for formulating and deciding whether and when to make public statements (which is not covered by this guide) is important. Take care not to prejudge any person, while still advancing desirable conduct by all participants in the community. See Template for Society Reporting-out on Conduct Concerns, Part III, Additional Policy and Legal Considerations, under "Defamation," at societiesconsortium.com [direct link]

⁷ *Id.* at 79.

⁸ *Id.* at 81.

⁹ See definition of "credible question" in the Model Glossary of Key Terms at <https://societiesconsortium.com/wp-content/uploads/2019/10/9.26.19-Model-Glossary-of-Terms-.pdf>

¹⁰ Legal process, proof standards, and outcomes may be unfair in many cases. Research indicates that reporting by targets and allies often has few benefits and many costs to those who report harassment e.g., disbelief, ostracism, retaliation, loss of agency and confidentiality. *Academies Report* pp. 81-82, 106-07. This indicates that false accusations of sexual harassment would be rare. Yet some false accusations do occur. See Kate Clancy, Associate Professor, University of Illinois speaking at the National Academies, Nov. 9, 2018 *Convening of Leaders in Academia to Prevent Sexual Harassment*, noting that 2-8% of reports of sexual harassment are false.

¹¹ See definition of "restorative practices and other community building practices" (actions and remedies) in the Model Glossary of Key Terms at <https://societiesconsortium.com/wp-content/uploads/2019/10/9.26.19-Model-Glossary-of-Terms-.pdf>

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Considerations Relating to Confidentiality

- **Demonstrating Fairness and Respect for Confidentiality.** Constructive reports by a society do not drive, substitute for, or undermine the process for responding to concerns. They maintain confidentiality of targets and the accused, both of whom may have an interest in not being the subject of a public report. Maintaining confidentiality also helps to support the integrity of a review process and to minimize legal exposure. It is important that a society's reports maintain confidentiality of personally identifiable information that may be challenged as defamatory (particularly when the facts have not been determined by an investigation and a fair process), or may violate trust of the target, allies, and accused, or may violate confidentiality requirements of law.¹² For example:
 - Federal regulations on research misconduct have specific confidentiality requirements.¹³
 - Requirements of FERPA (the Federal Family Educational Rights and Privacy Act) to keep personally identifiable student education records confidential may apply if a society receives personally identifiable student records from an institution of higher education funded by the U.S. Department of Education.¹⁴

Conditions Relating to Impact

- **Scope and Content.** What are some of the key considerations for determining the scope and content of regular society reports?
 - **Covered Community Conduct Standards.** What community conduct standards should the report communicate? Consider the characteristics of the community that the society reports to perpetuate in the field to advance a welcoming climate and culture for all talent. What is the related scope of professional, ethical and inclusive conduct that needs to be addressed by such standards? Also consider what the society's code of conduct and related policies require.
 - If there is a disparity between the desired community standards and the conduct code's required standards, an amendment to the conduct code likely will be warranted.
 - A single policy or separate policies together may address standards of conduct that reflect intolerance of: scientific misconduct; sexual and intersecting bases of harassment, including gender harassment and racial, ethnic, religious, LGBTQ and disability harassment; regulatory research misconduct; and other misconduct that undermines excellence. Consider whether all of them and the desired standards of conduct are in harmony.

¹² It may be helpful to consult the National Center for Education Statistics' recommendations for protecting personally identifiable information from disclosure in statewide elementary and secondary school longitudinal data systems at <https://nces.ed.gov/pubs2011/2011603.pdf>, and an expert in privacy laws for guidance, if there is a possibility that a reporting format could reasonably be expected to lead to identification of the individuals involved. Avoiding such a format and the complexity it brings by keeping reporting at a high and general level may be beneficial. That is the approach taken by the Template for Society Reporting-out on Conduct Concerns that can be found at societiesconsortium.com [direct link]

¹³ 42 CFR Part 93.

¹⁴ 20 U.S.C. § 1232(g); 34 CFR Part 99. As interpreted by the U.S. Department of Education Student Privacy Policy Office, FERPA prohibits disclosure by an institution of higher education and its agents and contractors, even when the information has been made public by others and is reported by the media. See e.g., Letter of Finding to Cornell University, January 2000, "a record does not lose its status as an education record because the information contained therein appears in a public record." It should be noted, however, that the Student Privacy Policy Office informally advises that where a society receives personally identifiable student records from a source **other than** an educational institution funded by the U.S. Department of Education (ED), FERPA would not apply if the society offers a discrete ED-funded program to students, because the Office would not consider the student to be "in attendance at the society, even though it may receive funds from the Department." This advice is not binding.

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- **Existing and Aspirational Status.** Consider what can be accurately reported by the society. What are the existing and aspirational conduct standards and associated policies and practices currently in place, still needed, in development? For example:
 - Has the society engaged leadership and internal and external stakeholders to define its aspirational community standards of conduct and related goals and initiatives to gain broad ownership? Is more work needed and underway to define goals or implement initiatives?
- **Covered Conduct.** What type of conduct is covered by the society's reports? Consider reporting on positive and negative conduct. Reporting positive conduct can inspire others.
 - Consider reporting on positive behaviors that meet community standards, highlighting some real or hypothetical examples.
 - For example, consider reporting the criteria for, and examples of, honors recognizing exceptional contributions to the field. Such examples that encompass a combination of high-quality work (research, teaching, practice and service) and high standards of professional and ethical conduct (exceptional mentoring and other examples of inclusion of women, people of color, and others) demonstrate meaningful (and influential) action to implement community standards.
 - Consider reporting on the behaviors that constitute misconduct with clear definitions and specificity. For example:
 - Is misconduct reported generally as "unethical and unprofessional conduct," or is it made clear that specific types of misconduct are covered (e.g., sexual harassment, regulatory research misconduct and other scientific misconduct, retaliation, and other unethical and unprofessional conduct)?
 - Is there clarity that sexual harassment undermines excellence and integrity in the field?
 - Is sexual harassment further defined to include sexual assault, sexual coercion, persistent or severe unwanted sexual attention, and other hostile environment sexual harassment and discrimination, including gender and intersecting bases of harassment?
 - Is the incidence of intersecting bases of harassment addressed?
 - Is the prevalence of each type of sexual harassment and other type of misconduct reported (i.e., specifying the types that are most prevalent and least prevalent)?
 - Consider how to report numbers and types of conduct at odds with community standards in a manner that demonstrates recognition of and response to the full scope of the problem, while maintaining confidentiality of those involved (particularly before an evidence-based determination is made).
- **Covered Initiatives and Resources.** Reporting on initiatives being pursued and resources available to advance professional and ethical conduct may also contribute to influencing positive perceptions. Initiatives in-development may include ombuds programs; restorative remedy and action programs; orientation on conduct expectations and trained support at meetings; bystander and ally training; programs for students; collaborations with institutions of higher education; honors programs that define excellence to include high quality of work and professional, ethical and inclusive conduct; etc. It takes time to fully implement policies and practices. While it may be counter-productive to over-promise, recognizing there is more work to be done, doing the work, and reporting on progress may demonstrate seriousness of commitment.

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- **Scope of Audience.** What audience should a society report be designed to reach? Whose perceptions is the society seeking to influence? For example:
 - Perceptions may influence who enters and remains in the field, affecting the field's excellence.
 - Perceptions may influence public trust in, and resourcing provided to, the field.
 - Perceptions of society volunteer and administration leadership; other society employees; members and potential members of the society, such as faculty, researchers, practitioners, students and their employing institutions; the public more broadly; government agencies, legislatures and courts; foundations and other funders, etc. may be important to address.
- **Options for Raising Concerns; Timely Resolution.** Reporting that demonstrates the following may help to surface and address concerns—
 - **Concerns may be raised in a variety of ways**, for example (as available, and with frequency of use and contact information included):
 - Formal complaint;
 - Anonymous call line or online report; and
 - An ombudsperson or other trained personnel.
 - **Confidential options are available**, with clarity about limitations to confidentiality (e.g., confidentiality may not be possible or may be limited when some disclosure is needed for safety of the community, when law requires disclosure, or if the society refers certain concerns to other entities for response under formal arrangements);
 - **Support is available** for those raising concerns and all others involved;
 - **All credible questions about unprofessional and unethical conduct that the society is able to address will be addressed** in a timely manner. Clarity about when the society can act and that the action will depend on information available and the nature of the concern, among other factors;
 - **Concerns may be handled in a variety of ways**, for example (as available):
 - Formal process and sanctions (which must be available under Title IX, but may not be as frequently requested as informal resolution);
 - Involvement of law enforcement (which is, and should be made, available for sexual assault and other criminal acts, but may not be desired by some targets);
 - Ombuds program; and
 - Restorative and other alternative remedies (rather than or in addition to punitive ones) and nonpunitive restorative actions and other community-building actions (when punitive action isn't warranted).

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A society's reports may highlight that restorative remedies may be available when credible questions of misconduct or misconduct are found. But non-punitive restorative and other community building actions may also be possible, to the extent feasible/reasonable in the work or education setting. Such actions can advance an inclusive community even when a formal complaint and process are not pursued, or a credible question or misconduct is not determined. Restorative and other community building actions can elevate understanding of expected vs. harmful conduct by all involved, stop behavior that is harmful (whether generally in the community or to a particular person in a somewhat unique way), advance positive community standards, and restore relationships.

- **Data Collection and Evaluation vs. Reporting Format and Detail.** It is important to distinguish between data about misconduct and the settings where it occurs, which a society needs to understand, evaluate and address concerns—and data that may be included in the society's report to the community? Will the society's report to the community cover all data collected or a subset?
 - To understand the dimensions and address problems of sexual and intersecting bases of harassment, as well as other unprofessional and unethical conduct, a society may need to collect data relevant to conduct standards and policies as they apply to the following:
 - Volunteers/elected leaders; senior administrators; other employees; members; all attendees, presenters and participants at meetings; vendors; and others;
 - Sexual and intersecting bases of harassment, including those based on sex, gender identity and expression, sexual orientation, race, disability, religion and other bases on which people are targeted for bias;
 - All forms of sexual discrimination and misconduct; regulatory research misconduct and other scientific misconduct; and all other forms of unprofessional and unethical conduct; and
 - The settings where the misconduct occurs (meetings, society research and education work, society administrative settings, and, to the extent available, individuals' home employing institutions, etc.).
 - However, in a society's report, confidentiality will likely require much less specificity of roles involved and settings where particular types of misconduct occur. It may be easy to identify individuals otherwise.
 - Good practice often requires a broader scope of data collection than the scope of data reported to the community. This will influence the format and content of the report.
- **Manner of Dissemination.** Will the report be available on the society's website? What other means of dissemination will be used? Will there be different versions for different audiences (e.g., governing board, all members, the public at large)?
 - **Transparency and Credibility.** Having a single version of a society's report and publicly disseminating it may be the most administratively feasible approach and provide beneficial transparency and credibility.
 - **Frequency.** Reports may be made at any reasonably frequent interval (annually, biannually, quarterly, etc.). A regular schedule is beneficial for creating and sustaining perceptions of intolerance of sexual and intersecting bases of harassment.
 - While reports may be limited to the reporting period, also including cumulative data to show trends over time may be helpful. Trend data may demonstrate the persistence of issues and progress made or focus needed and committed resources.

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- **In Support of Governance.** It also may be necessary to provide confidential information that is not appropriate for public dissemination to the governing board or executive committee and a limited number of leaders. This limited audience may need more detailed information for purposes of addressing legal claims, establishing and resourcing priority strategic objectives, decision-making, and action. A supplement to the regular report may be worth considering when needed.
- **Effective Format.** The format for presenting the Information is important for effectiveness. Graphical representations, using pie charts, bar charts, or flow charts may provide an accessible visible message, without disclosure of too much information (even unintentionally). Experts in design may be helpful, if available, but common formats are widely known and examples are provided in the Template for Society Reporting-out on Conduct Concerns at societiesconsortium.com [\[direct link\]](#)



Also consider the **Additional Policy and Legal Considerations** in Part III of the Template for Societies Reporting-out on Conduct Concerns which can be found at:

societiesconsortium.com [\[direct link\]](#)

A **Glossary of Key Terms** used in this and other Societies Consortium resources can be found at societiesconsortium.com

III. ABOUT THE SOCIETIES CONSORTIUM

The Societies Consortium on Sexual Harassment in STEMM is a unique collective act of leadership and accountability to advance excellence in science, technology, engineering, mathematics and medical fields (STEMM). This initiative is providing customizable model policies (with embedded menus of options for flexibility), policy-law guidance, and practical tools to advance professional and ethical conduct, climate and culture in societies’ own operations and STEMM fields broadly, in support of inclusion of all talent and excellence in the fields. Through a collective effort and investment, the consortium model can develop high quality resources that benefit from multiple perspectives and national expertise, in a time and cost-efficient manner. Toward these aims, the Consortium’s strategic focus is building communities actively intolerant of sexual and intersecting bases of harassment and building bridges for collective efforts across STEMM—among societies, academic and research institutions, teaching hospitals and others, as well as researchers, faculty, practitioners and students. Launched in December 2018, 100 STEMM disciplinary societies are Inaugural Members (with the inaugural period ending in April 2019) and membership remains open, with more than 120 Members and committed Members as of November 2020).

To learn more about the Societies Consortium or to join, visit societiesconsortium.com or email societiesconsortium@educationcounsel.org



Executive Committee

American Association for the Advancement of Science

American Chemical Society

American Educational Research Association

American Geophysical Union

American Physical Society

American Psychological Association

American Society for Cell Biology

Association of American Medical Colleges

Entomological Society of America

Institute of Electrical and Electronic Engineers