

**Ethical Transparency Tool (ETT) FAQs—Questions Asked and Answered  
During Web-Q&A Sessions on September 28 and October 12, 2022**

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*Note: The ETT briefing packet and a recording of the ETT panel session from the Societies Consortium Annual Convening on Sept. 21 can be found [here](#).*

### **1. Who is covered by the ETT?**

ETT covers findings (not allegations) of sexual, gender, and racial, as well as financial, licensure, and scientific/research misconduct by volunteers and employees such as faculty, fellows, researchers, post docs, residents, and staff. Students are **not** covered.

ETT was designed to be used for decisions and roles that may affect climate, culture, or enterprise risk (e.g., honors, privileges, governance, leadership, employment, mentoring, etc.). For feasibility reasons, the tool is not designed with the expectation that societies would require ETT consents from individuals as a condition of general, unelected membership.

### **2. Why aren't students covered by the ETT?**

Federal privacy laws that cannot be waived and apply to conduct and other education records maintained by educational institutions, as well as elevated policy concerns relating to student conduct disclosures, would have made the initial ETT design too complicated. Including students would likely be a barrier to participation by institutions of higher education, which are important to ETT's utility.

### **3. Could an ETT-registered entity require individuals to give an ETT consent to disclosure of misconduct findings, as a condition to conference registration?**

Yes, if an ETT-registered entity wants to do so and makes clear that conference attendance is a privilege for those willing to contribute to a norm of transparency. Another option is to use conference registration as an opportunity to inform registrants about the entity's commitment to ethical transparency across the education-research ecosystem and invite them to contribute to creating that norm by voluntarily providing an ETT consent. Each ETT-registered entity retains independent policy- and decision-making autonomy to decide when to require or invite ETT consents and when to request disclosures (as well as whether/what consequences arise from the existence of a finding, and who is qualified for an honor, privilege, employment, or role). Whether as a requirement, or as an option, conference registration could be used to increase the database of consents.

However, this application was not the focus of ETT's design. While obtaining consents alone would be beneficial, actually seeking disclosures on all conference registrants would likely be infeasible unless the registration deadline is unusually early. Entities would also need to consider the effect (positive, negative, and extent) on conference attendance and revenues. If desired, a first step might be to consider requiring consents

and requesting disclosures for special featured speakers (a kind of honor), planning committee members, and other leaders—and to invite consents and require self-disclosures from general registrants and presenters.

**4. Will ETT disclosures be possible if disclosing a finding is prohibited by a non-disclosure or non-disparagement agreement (NDA) or a law?**

Yes, regarding NDAs. For law, yes, **if** a specific law that provides confidentiality permits the protected individual to waive confidentiality. (For example, public institutions may be subject to state human resources laws that will vary by state.)

An individual who submits a Consent Form expressly waives any non-disclosure, non-disparagement, confidentiality, and other limitations that would otherwise apply to a completed ETT Disclosure Form and are imposed:

- by any current or future agreement or
- to the extent permitted by law, any law or policy in effect when a completed Disclosure Form is provided.

**5. Does the ETT cover consents to disclosure of investigations of misconduct?**

No. The ETT Consent and Disclosure Forms only cover findings - not investigations or allegations. The definition of a “finding of responsibility” is determined by a Disclosing Entity’s own policy and may include:

- When the Disclosing Entity makes or adopts a final determination that a person violated its polic(ies), with all internal rights of appeal concluded or expired; or
- When the Disclosing Entity imposes – or a person agrees to accept – “discipline” (as defined by the Disclosing Entity’s policy) related to concerning conduct.

Due to a lack of wide consensus and complex ethics on whether both findings *and* allegations should be disclosed, including allegations would have minimized participation in ETT. ETT will be most effective to create norm of transparency across the ecosystem with broad participation. Perfection mustn’t be the enemy of the good.

**6. Does the ETT Consent Form include self-disclosures?**

No. But ETT and self-disclosures work well together. ETT and other transparency tools are “and,” not “or” propositions.

A person’s ETT consent has a 10-year life. Throughout that period, a person’s single consent authorizes **disclosures** by all of a person’s employers, honorary and professional societies, and appointing authorities (whether or not they are also registered to use ETT)--**whenever requested** by any number of ETT-registered entities in connection with

any number of their independent decisions about honors, privileges, employment, and other key roles.

Self-disclosures are one way an ETT-registered entity can gain an individual’s perspective about a misconduct finding. They can also fill in gaps when an entity won’t provide *any* facts, even with a consent. But a self-disclosure only reflects the person’s characterization. And if a person is not forthright about a finding, they may harm a community before being found out. The entity that made a finding is the most reliable source of information on its existence, date, and kind, so a self-disclosure is valuable but doesn’t substitute for a completed ETT Disclosure Form.

**7. Will ETT require additional time and labor for the hiring or decision-making process? Will it be too labor-intensive for small societies or institutions to use?**

No—quite the opposite. ETT requires less time and fewer resources than other means of obtaining disclosures about findings of misconduct against a person, wherever it occurs in the education-research ecosystem. ETT increases the ease and efficiency of requesting and providing a disclosure— as well as increasing the likelihood that an entity that has made a finding of misconduct against a person will share the finding by:

- providing for consents prior to disclosures and automating the consent process;
- giving a person’s consent a 10-year life (unless rescinded or extended) and, once submitted on ETT, making a single consent available to **all** ETT-registered entities to **request** disclosures and to **all** of a person’s professional affiliates to **make** disclosures throughout that period (eliminating the need to obtain a consent if one already exists);
- sending automated requests for disclosures (and two reminders) on behalf of an ETT-registered entity as soon as the entity wants disclosures and clicks on ETT to initiate the requests;
- providing an easy to complete “check the box” Disclosure Form Template that is limited to hard to dispute but useful information (whether or not there is a finding of the types covered and, if so, the date and kind); and
- requiring a completed Disclosure Form to be provided by the entity that made the finding **directly** to the ETT-registered entity that requests it. (ETT is just a tool and conduit. It doesn’t participate in the actual sharing of disclosures and never receives a completed Disclosure Form or any conduct records.)

ETT also reduces the labor and time for both the disclosing and requesting entities in these ways—which demonstrate additional situations in which ETT and other transparency tools work well together:

- With ETT, a disclosing entity does not need to review and redact - and a requesting entity does not need to read - voluminous records as frequently. A completed ETT Disclosure Form—together with input from the person (by whatever means an ETT-registered entity desires, such as a self-disclosure or a discussion) —can provide adequate information for the entity to make its independent decision in many situations. After all, one entity cannot relitigate another entity’s finding and typically does not have access to witnesses or victims—only to the person against whom a finding has been made.
- Even if a state law or system requires consents to full files and discussions, ETT can enable an institution to limit those more labor-intensive disclosure processes to one or a few finalists, who will already have been vetted via ETT. That can result in a more efficient and successful process.
- ETT can also help to conserve scarce professional resources by limiting reliance on discussions between representatives of requesting and disclosing entities, as well as limiting full-file reviews, to those situations that warrant additional information. (E.g., if, after talking with a person against whom a serious finding has been disclosed via ETT, an ETT-registered entity that wants to continue to consider the person may want more information.) These discussions should be conducted by well-trained professionals who know how to stay within the scope of a consent (i.e., to not discuss allegations and investigations when a consent is limited to findings). Well-trained professional resources are limited, which also limits the roles that can be vetted for findings if an entity relies only on discussion (and/or full file) disclosures. Once fully operational within an entity, ETT can expand the decisions that are made with the benefit of information about misconduct findings.
- For an overview of the ETT process, see the slides and notes [here](#). Once a person who is being considered for an honor or role by an ETT-registered entity, submits a list of their professionally affiliated entities (current and past at the time) on ETT, ETT provides a 60-day window in which the ETT-registered entity must direct ETT (with a simple click) to initiate requests for disclosures on the entity’s behalf. However, the ETT-registered entity can act as quickly as it desires; it need not wait 60 days to direct ETT to initiate the requests.

**8. What types of misconduct are included under the ETT? For example, is bullying included?**

ETT covers 9 broad categories of misconduct:

- Sexual or Gender Harassment, Discrimination, or Other Misconduct
- Stalking, Voyeurism, or Invasion of Privacy
- Racial or Ethnic Harassment, Discrimination, or Other Misconduct
- Research / Scientific Misconduct
- Professional Licensing / Ethics Misconduct
- Financial or Financial Report Misconduct
- Bullying
- Retaliation
- Making a Known False Report

Within each broad misconduct category, there are examples of various types of misconduct. The defining elements of each category/example are provided. The language used in an entity's policy need not match the precise language in the form, as long as the defining substance of both align.

**9. What are the individual's Affiliate Exhibit Forms and what is entailed in completing them?**

Each time a person is being considered by an ETT-registered entity for an honor, privilege, employment, or other key role and the entity wants to seek ETT disclosures, a person completes new ETT Affiliate Exhibit Forms, which:

- Automate a person's creation of a concise list of, and up-to-date contact information for, the person's current and former employers, honorary and professional societies, and appointing authorities (with the look-back period for former affiliates determined by the registered entity according to its own policies);
- Provide that information from the person to the registered entity and ETT (along with directions), so that ETT can send disclosure requests to the listed professional affiliates on behalf of the registered entity; and
- Pair with the person's ETT Consent Form to confirm that a person's Consent Form authorizes the affiliates listed on the person's Exhibit Forms to make disclosures using the ETT Disclosure Form.

Here's how the Exhibit Forms process works:

- When an ETT-registered entity that is considering a person is ready to seek disclosures, the entity asks the person to complete Affiliate Exhibit Forms on the ETT database. The entity provides a link and also instructs the person to list former affiliates for whatever look-back period the entity chooses, according to its own policy.

- At the link, ETT sends the person to a private page, accessible only by that person. There, the person completes and electronically signs a Full Affiliate Exhibit Form, listing the ETT-registered entity that is requesting the Exhibit Form and all of the person’s current professionally affiliated entities, as well as former affiliates for the specified look-back period, with a contact person and information for each one.
- ETT then prompts the person to click “next” to automate the person’s creation of a separate Single Entity Exhibit Form for each affiliate the person listed on their Full Exhibit Form.
- After the person automatically creates and electronically signs each form, the person can click on “submit.”
- By submitting the Exhibit Forms, the person directs ETT to send the Full Exhibit Form to the ETT-registered entity that is considering the person—and to send a separate Single Entity Exhibit Form to each listed affiliate **if** the ETT-registered entity directs ETT to make disclosure requests within the next 60 days.
  - If the registered entity does not timely initiate disclosure requests via ETT, ETT deletes all of the Exhibit Forms.
  - If the registered entity does timely initiate the disclosure requests via ETT (with a simple click), then ETT sends a separate automated Disclosure Request on behalf of the ETT registered entity to each listed affiliate, copying the registered entity. Each request includes PDFs of the individual’s Consent Form, a Single Entity Exhibit Form (listing only the Affiliate that is receiving it—so that ETT is not disclosing to any Affiliate the identities of the other Affiliates), and a blank ETT Disclosure Form Template. The request asks the Affiliate to complete the Disclosure Form and provide it **directly** to the requesting ETT-registered entity through whatever secure means the disclosing entity chooses. ETT also sends two Request Reminders to the Affiliates in the 21 days after the initial Disclosure Request. ETT then deletes all Exhibit Forms and Disclosure Requests.
  - ETT is a conduit for Exhibit Forms and Disclosure Requests, not a records repository.

**10. What happens if an individual excludes one or more of their affiliates on their Exhibit Form?**

While ETT can increase efficiency and the likelihood of access to important and reliable information about misconduct findings against a person, ETT is not the only source of information that societies and institutions have about the professional history of a

person. ETT is a tool that is intended to be incorporated into a society's, institution's, or organization's comprehensive set of policies and processes for honors, employment, and other key roles. The tool is not a policy or itself a comprehensive process.

For example, a person's ETT Full Exhibit Form provides a concise list of current and former employers, honorary and professional societies, and appointing authorities—with up-to-date contacts for each. But societies and institutions also gain information about a person's professional history from their more detailed CV or resume, as well as from interviews. If a gap in employment or other anomaly surfaces in any of these sources—or there is an inconsistency between the person's ETT Exhibit Form and CV or interview information—the entity is positioned to explore the gap or inconsistency with the person. (The entity, in its discretion, can then decide whether to drop the person from consideration or direct the person to correct their Exhibit Form so that requests for disclosures can be made, depending on the situation.) If an entity's process includes background checks for certain roles, that may also provide useful information—including identifying professional affiliations that a person omits. However, standard background checks typically do not reveal an entity's findings of misconduct, as ETT does (unless the findings are publicly available, e.g., on Google or in public civil suit or criminal records). ETT includes waivers of nondisclosure/nondisparagement agreements and increases access to information about findings by the entities that made findings, as part of a comprehensive process. ETT and other transparency tools are “and,” not “or” propositions.

**11. Do affiliates need to be registered in ETT to complete and provide Disclosure Forms?**

No. A person's ETT Consent Form authorizes all of the person's professionally affiliated entities to make disclosures, using an ETT Disclosure Form, whenever any ETT-registered entity makes a request, at any time during the 10-year life of the Consent Form. To support disclosures and evidence authority to make them, ETT separately sends a blank ETT Disclosure Form—together with a PDF of the person's Consent Form and Single Entity Exhibit Form—to each affiliate that an individual lists, whether or not it is an ETT-registered entity.

**12. How can an ETT-registered entity know if an individual is providing the correct contact information for their affiliates?**

ETT is a tool - not a uniform policy. Each ETT-registered society, institution, or organization can determine, according to its own policy, the kinds of positions (e.g., HR official, department or laboratory head, supervisor) that should be listed on a person's Exhibit Form and can instruct the person accordingly. When ETT sends a person's



completed Exhibit Form to the ETT-registered entity, that entity can direct a person to revise the Form if the person has not followed the entity's instructions.

**13. Are registered entities prohibited to share Consent Forms, Exhibit Forms, and completed Disclosure Forms with third parties?**

Yes, the ETT entity [registration form](#) includes important terms that apply to registered entities. Registered Entities must not share completed Consent Forms, Exhibit Forms, and Disclosure forms that they receive with others (third parties).

**14. Will there be a fee to register for ETT?**

We do not anticipate assessing an additional fee to members of the Societies Consortium to participate in the pilot, as members invest in ETT through dues. Non-members will be required to pay a fee, which we do not expect to be high. Any society, institution, or organization that agrees to participate in the pilot does so on two conditions to be confirmed: (1) that we assemble a sufficiently robust universe of participants to make the pilot worthwhile; and (2) that the fee, when set, is agreeable.

The more registrants, the lower the fee, which will be tied to database development (expected to be simple, require limited time, and be low-volume in database terms) and database operation (which is highly automated and not labor-intensive). This is not a major IT system project.