

Implementing a Code of Conduct

(with Suggestions and Questions)



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Starting Point

- Staff member pushed the idea of a Code of Conduct policy with several Board/staff members → as a best practice and emerging trend in field of associations/non-profits
 - Reviewed different COCs for language to find what was appropriate for our Society
- Presented first draft to Board in March 2017
 - The Board wasn't ready to implement right away
 - Prompted discussion and investigation of how to proceed

Why not put COC in place immediately?

- Not questioning the overall need for it, but concerns arose:
 - Who enforces the policy and how?
 - Inhibit scholarly discussion/debate?
 - Could multiple partners agree on COC language?

Three months later...

Tweets regarding another scientific society's meeting:

1/n I had a wonderful time at _____, but I had several painful experiences with sexist behavior and bigotry I feel compelled to share.



2/n At the end of the super social, a male colleague pressured me to leave with him.

Action... but questions remained

- Steps made toward forming COC committee, made up of one member from each meeting partner society
- Who would get trained to act as “enforcers”?
 - Conference organizers? Staff? Board members?
- Hiring consultant seemed best option, but cost was a big factor

Consultant Arrangement

- Conference’s five partner societies contracted with Sherry Marts (S*Marts Consulting) to provide assistance in addressing COC violations over the 5 days of the conference
- Available by phone/e-mail to take reports

What Consultant Offered to Provide

- Telephone interviews with complainants, witnesses, & alleged violators as needed.
- Written reports provided to COC Committee of interview results & recommendations regarding sanctions against violators as needed.
- Continuing work on ongoing investigations past final conference day, as needed.
- When investigations are complete, Consultant will turn over to Client or will destroy all documentation related to this work, including interview notes and conversations related to potential violations of the COC.

Finding the COC

- At the Botany conference home page
<https://www.botanyconference.org>
- On the conference registration page
- On the conference app
- In e-mail sent to all attendees one week prior to conference
- Program book

One year in...

- 2018: first year we had a COC with a dedicated committee
 - Committee suggested tweaks to the Code, and improving the process for reporting and acting on accusations of violations of the Code.

What kinds of changes?

intimidating, harassing, abusive, discriminatory, derogatory or demeaning speech or actions by any participant in BOTANY conference, at all related events and in ~~one-on-one~~ all communications carried out in the context of BOTANY conference

Deliberate intimidation, stalking or following

Retaliation for reporting unacceptable behavior is a violation of the Code of Conduct. **Vigilantism is itself also a violation, and this includes any communications (including social media) that could be perceived as shaming or threatening. Once a report has been made to the Ombudsperson, all participants must give the process time to work.**

NEW:

Process for Investigating a Code Violation
 After a code violation has been reported to our independent Ombudsperson, the Ombudsperson will conduct an investigation to ascertain if the behavior was in violation of the code, including interviewing other witnesses to the event. If an incident is deemed a violation, the Ombudsperson will pass all reported information to the Code of Conduct Committee (composed of one representatives from each participating society) that shall deliberate on the nature of the violation, reach a decision on an action to be taken, and convey that information to the Ombudsperson. The Ombudsperson will then convey that message and decision of the Committee to the participant that has been reported in violation and, to anyone involved in carrying out sanctions if that is deemed necessary, and if requested, to the person who directly experienced the harassing behavior.

Suggestions

- Encourage Society members to get involved
 - BSA member in DC attended AAAS Sexual Harassment in Science Engineering and Medicine in 2018
- BSA recently joined Societies Consortium on Sexual Harassment in STEMM---offers draft policies, legal assistance
 - Takes a fee based on organization size (3-yr membership)
- Better staff training

Suggestions

- From our consultant, Sherry Marts, in a 4/19/19 posting in ASAE's Collaborate forum:
 - Whatever response you decide on, be sure to center the target(s) of the behavior, not the harasser or bully. **Make sure the targets feel safe and taken care of**, and... tell them what actions you have taken to ensure their safety.
 - While a desire to maintain confidentiality when handling incident reports is admirable, there may be times when it is rendered impossible and even moot, given the way news spreads on social media. **If news of the incident is already the subject of numerous tweets and Facebook posts, be ready to respond directly and clearly on those same sites.**

Questions

- Does the COC become just a “checkbox?”

Unacceptable behavior includes (but is not limited to):

- intimidating, harassing, abusive, discriminatory, derogatory or demeaning speech or actions by any participant in BGDWY conference, at all related events and in all communications carried out in the context of BGDWY conference
- harmful or prejudicial verbal or written comments or visual images related to gender, sexual orientation, race, religion, disability, age, appearance, or other personal characteristics
- inappropriate or gratuitous use of nudity, sexual images, or stereotyped images in public spaces (including presentation slides)
- intimidation, stalking or following
- food or drinks or sustained disruption of talks or other events;
- unwelcome and unwanted attention or contact
- physical assault (including unwelcome touch or groping)
- real or implied threat of physical harm
- real or implied threat of professional or financial damage or harm

Retaliation for reporting unacceptable behavior is a violation of the Code of Conduct. Violation is itself also a violation, and this includes any communications (including social media) that could be perceived as shaming or threatening. Once a report has been made to the Ombuds person, all participants must give the process time to work. Falsely reporting unacceptable behavior is a violation of the Code of Conduct.

The meeting organizers, Society staff and Society executive officers reserve the right to enforce this code of conduct in any manner deemed appropriate. Anyone violating the code of conduct may be (a) warned to cease the behavior and that any further reports will result in more serious sanctions (b) expelled from the meeting (without refund), and/or (c) prohibited from attending future meetings indefinitely or for a period of time (d) removed from membership in any or all of the partner societies involved in BGDWY conference and/or (e) held accountable through notification of the individual's employer of the action taken regarding this violation.

Establishing this code of conduct is intended to prevent incidents of harassment, discrimination, and violence, and to maintain the high quality of scientific discourse that our members have come to expect from BGDWY conferences.

The participating societies shall not be responsible for any defamatory, offensive, or illegal conduct of BGDWY conference participants, and shall not be held liable for personal injury, property damage, theft or damage of any kind suffered by the participants at or in connection with the BGDWY conference. By registering for and attending the annual BGDWY Conference, each participant acknowledges that they have read this Statement, and expressly releases the Societies and its board members, directors, officers, employees, or agents from any and all liability in connection with such Conference.

Reporting a Code Violation

If you are being subjected to, or notice that someone else is being subjected to behavior that violates this Code of Conduct, please contact our independent Ombudsman, Sherry Marks, PhD, at smarks@uhsy.org or 202-670-7746.

All complaints will be treated seriously and responded to promptly.

All reports are confidential and only the Code of Conduct Committee and anyone involved in carrying out sanctions will be aware of the report if the Ombuds person deems the incident to be a violation.

If possible, provide the following information, preferably in writing:

- Identifying information (name/badge information, appearance) of the participant doing the harassing
- The behavior that was in violation
- The approximate time and place of the behavior (if different than the time the report was made)
- The circumstances surrounding the incident
- Other people involved in or witnessing the incident

Anyone experiencing or witnessing behavior that constitutes an immediate or serious threat to public safety, or a criminal act should contact 911. Those witnessing a potential criminal act should also take actions necessary to maintain their own personal safety.

Questions

- How do we make the COC policy more accessible when incidents occur?

I think it will. Finding code of conduct + reportage instruct hard on mobile. Put reporting in app so people can ask for help immediately?

Final Thought

The good news is that behavior that used to be protected behind "boys will be boys" attitudes and discussed only in "whisper networks" is now being openly and publicly revealed and talked about. The bad news is that if harassment and bullying incidents are not handled well, that is also being openly and publicly revealed and talked about....

I recently had a client ask me about "best practices" for this. I was honest - this is all so new there are no "best practices" yet, we're all still figuring this out as we go along. (And by "we" I mean association staff and leaders, legal counsel, and those of us working to bring the #MeToo movement to this crucial corner of professional life.)

-Sherry Marts, 4/19/19, ASAE Collaborate

Thank you

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