



Section 4. Elements of Effective Policies and Community Building Practices

Although not guaranteed to prevent incidents, such as the ones described in this case study, the adoption of adequate policies is an important foundation for actions that can limit and mitigate harmful incidents. However, adequate policies are not alone enough to advance core inclusive and equitable aims and principles. They must be accompanied by concrete and accessible guidance on dos and don'ts and reporting and resolution options for all members of a community, regular awareness-raising and education efforts, and consistent implementation. The following highlights the critical elements of adequate policies and associated guidance that can support conduct, climate and culture that are professional, ethical, inclusive, and equitable, enabling all talent to thrive for integrity, public trust, and excellence.

- 1. Adequate policy and complementary guidance, community-building norms, and, when needed, authority to enforce policy, are essential foundations to effectively advance professional, ethical, inclusive, and equitable conduct, climate, and culture and respond well to harmful conduct.**

Policies are most effective when they articulate clear inclusive and equitable aims and relatable concrete examples of inclusive conduct (“dos”) that will advance the aims and harmful conduct (“don’ts”) that will undermine the aims. Such policies address:

- The effect of relationship, position, identity, and privilege-power differentials;
- Expectations for conduct in multiple settings and activities, whether sponsored by or occurring on property of the institution or society — or sponsored by others or occurring elsewhere but affecting the institution’s or society’s mission, community members, and activities;
- How to diminish or eliminate high risk contributors to harmful conduct, such as alcohol use and absence of standards, preventative and response plans, or supervision and support in field work and other isolated settings; and the concentration of power in a single individual, etc.

- 2. An adequate policy addresses consent.** It addresses how power, influence, identity, and experience differentials — based on age, position, honors, primary language, majoritized or minoritized identity, control of resources, etc. — can make meaningful consent difficult or impossible.

- 3. An adequate policy endorses and elevates awareness of professional, ethical, inclusive and equitable community norms of conduct.** Critical to their preventative impact are policies that satisfy, but go beyond, compliance with Title IX and other non-discrimination laws to create broad awareness, ownership, and socialization of community aims and values, as well as associated norms of conduct and conduct expectations, for all members of an institution’s or society’s community (with periodic reminders). To foster broad awareness and ownership, entities can, among other actions:

- Involve a diversity of stakeholders (identities, stages of education and career, field of expertise) in development and dissemination of policies and examples of inclusive vs. harmful conduct and norms.

- Post concrete examples of dos and don'ts and make satisfying conduct requirements a condition for activity participation, assuring clarity and broad communication of that fact (e.g., in registration with participant acknowledgement, participant guides, and notices).
- While providing concrete standards with examples, avoid isolated, undefined terms (including sexual and racial harassment) that may be interpreted differently by people with different roles, experiences, and identities, as well as unrealistic pronouncements that will ring hollow (we have zero tolerance for harassment—full stop, job done).
- Provide orientation programs for leaders, faculty, postdocs, residents, students, and staff—and reinforce the key messages on an ongoing basis (e.g., at department or other high-touch meetings).
- Embed conduct standards in performance assessment criteria for all roles.
- Provide training to staff, meeting planners, and facilitators/moderators/speakers regarding the imperative to infuse the entity's aims and values of inclusion/welcomeness, professionalism, ethics, and equity in all its activities, events, and materials.
- Use case studies, like this one, for discussion among community members to build understanding and ownership of community values, policies, and norms.
- Encourage elevation of concerns by providing a range of reporting options, including anonymous reporting to enable identifying priority areas for focus of awareness-raising and allay reasonable fears of adverse effects of reporting on professional relationships and careers.
- Enable anyone to report conduct concerns—even if they are not members of the society or institution's community and are not covered by its processes and protections.
- Consider expressly covering vendors and service providers in the society's or institution's conduct policies and requiring vendors and service providers to adhere to the policies (at least in their dealings with the society or institution, and its community) by incorporating the obligation and referencing and linking to the policies in their contracts.
- Create a strong "ally" program where trained peers are available at the entity's activities to offer guidance on navigating difficult situations, in the moment, and options for safely obtaining additional assistance.
- If possible, make confidential ombudspople (even under a contract) or other trained staff available to offer guidance on reporting and resolution options, pros and cons.

4. ***An adequate policy is accessible.*** Robust conduct policies are essential; however, so are accessible summaries of the key elements, the dos and don'ts, participation instructions, quick links to reporting options, and lists of contact persons for further guidance and raising concerns.

5. ***An adequate policy demonstrates an entity's commitment to professional, ethical, inclusive, and equitable conduct as inextricable elements of excellence by reflecting this principle in definitions of merit*** when offering educational and mentoring opportunities, funding internships, determining research agendas and funding, selecting leaders and honorees, establishing and applying performance evaluation criteria, and more.

Considerations for Early Career Professionals (ECPs): In considering how to prevent unprofessional and unethical conduct – as well as how to promote inclusive/welcoming and equitable conduct – IHEs, societies, and other research entities should consider common concerns and challenges faced by ECPs in the STEMM fields:

- Students and ECPs are highly dependent on the good will of professors, advisors, and mentors as they seek to advance in academics and careers.
- Competitive research opportunities are necessary to succeed but are limited, and are often largely controlled by one professor who can enhance or derail a student’s or ECP’s prospects.
- While the limited number of opportunities speaks to the importance of faculty/ECP and student mentorship and sponsorship, it also creates significant potential for abuse of power and requires high ethical standards including clear boundaries between professional and personal relationships. The same can be said about the relationship among faculty at different stages of career and degrees of influence.
- Leaders in the field (e.g., society committee chair, endowed faculty, PhD advisor, or department or dissertation committee chair) can have an outsized role in decision-making.
- It is important to create policies and structures that mitigate or eliminate these embedded barriers.

6. **An adequate policy recognizes that legal compliance is necessary, but not enough.** Title IX¹, Title VII², and Title VI³ are baseline civil rights protections, but mere compliance with the law won’t result in professional, ethical, inclusive and equitable conduct, climates, and cultures, and may not prevent misconduct. Nevertheless, it is important for public entities, all entities that receive federal funding or contracts, and all employers of 15 or more people, to satisfy federal law mandates. These include adopting and disseminating policies that prohibit discrimination and harassment and, among other requirements, provide clear ways to report violations.

7. **Reporting policies are key to effective policies and should include a range of reporting and resolution options (anonymous, informal, and formal), provide for confidential guidance, and prohibit retaliation.** Key aspects of these reporting policies should include:

- **Reporting options.** Informal (e.g., no written complaint) and anonymous reporting might limit the extent to which an entity can fully review, make a formal determination of responsibility, and impose a consequence. However, such reporting options can be effective to surface conduct concerns early and lead to policy changes and efforts to elevate understanding and implement other preventative measures before potential harm escalates.

¹ Title IX is a federal civil rights law that prohibits sex-based discrimination in any school or other education program that receives funding from the federal government. This is Public Law No. 92-318, 86 Stat. 235, codified at 20 U.S.C. §§ 1681–1688.

² [Title VII of the Civil Rights Act of 1964](#) is a federal law that protects employees against discrimination based on certain specified characteristics: race, color, national origin, sex, and religion. Under Title VII, an employer of 15 or more employees may not discriminate with regard to any term, condition, or privilege of employment.

³ Title VI is a federal law that prohibits any entity that receives federal financial assistance (such as research grants or student loans) from discriminating on the basis of race, color, or national origin.

- **Confidential guidance.** A trained confidential advisor, such as an ombudsperson, who is available generally (with contact information prominently disseminated) and who is present at key events can provide helpful guidance to targets, witnesses, and allies at any time, as well as in the moment of a difficult situation. Such an advisor can identify exceptions to confidentiality and advise on the pros and cons of reporting and resolution options to build trust, encourage reporting, and support constructive action.
- **Bystander and ally training.** Engaged, trained peers, bystanders, and allies who intervene to support targets during an incident and help them access additional assistance can help targets and improve climate.
- **Target- and bystander/ally-centric reporting options.** Reporting options that are sensitive to the needs of targets and bystander/allies, including their legitimate fear that reporting could damage their relationships and educational and career opportunities, are essential for effective policies. These include anonymous on-line reporting options and access to ombudspersons.
- **Retaliation.** Policies must clearly prohibit retaliation (or adverse treatment) against anyone for reporting or helping to resolve a conduct concern, with examples. Examples of retaliatory conduct include unwarranted significant criticism of performance, demotions, reassignments, loss of privileges or roles, exclusion from professional or related social activities or opportunities initiated after a person raises or reports a concern. In contrast, among other examples, on occasion inadvertently not copying someone on an email or not inviting them to a meeting in which they would otherwise be included — as happens to everyone — whether occurring before or after a report, is not retaliation if occurring infrequently. The prohibition against retaliation should be widely and frequently communicated and seriously enforced, both in consequences for violators and protections of targets.
- **Consistency of application.** Entities should continually demonstrate the seriousness and consistency with which these policies are applied as requirements for everyone, regardless of role.

8. Authority to enforce policies — including fact-finding, decision-making regarding interim and final action, and appeals — is essential. Governing boards should authorize committees, senior officials, or particular positions (directly or by delegation of authority) to administer conduct policies and fact-find, determine violations, and impose consequences (interim, final, and upon appeal). Such authority is essential for policy implementation. Those with a role in appeals should not have a role in the fact-finding or the decision being reviewed. It is a good practice, though not imperative, for different individuals to serve in fact-finding and decision-making roles. Factfinders, decisionmakers, and appeal authorities (and their immediate families) should not have a conflict of interest relating to the involved people, the incident, or the effects (positive or negative) of the incident or its resolution (financial or otherwise).

9. A key lever for prevention and response is community and norm building. Community building to prevent and respond to misconduct focuses on professional, ethical, inclusive, and equitable community values and aims. It may take the form of an informal facilitated dialogue, mediation, or restorative practices. Community and norms building can be an effective response on its own and can avoid the time involved in formal full investigation and resolution processes that may punish but do not always change conduct.

Sometimes safety threats or impact of misconduct require punitive action but, even then, community building is an important complement.

Community building elevates conduct expectations, and an understanding of what conduct supports the community's values and aims and is expected, as well as what conduct undermines those values and aims and is unacceptable. It identifies the involved persons' needs. It fosters ownership of harm by a person who causes it and equips the person with an understanding of alternative inclusive behaviors. It elicits accountable commitment of a person who causes harm to avoid repetition and enables monitoring to assure the harm ceases. **Such community building allows the entity to address the larger impact of the incident on the entire community that results from the harmful acts.**

10. A key lever for prevention is changing any reality and perception (even if the perception isn't accurate) a society tolerates harassment. This requires:

- Building trust by responding seriously to conduct concerns when they are raised; engaging in community building and imposing consequences when appropriate; consistently applying the policies to everyone; and holding everyone accountable.
- Periodically reporting back to the community with anonymized data on kinds and frequency of incidents and responses, as well as “how to report” to demonstrate the seriousness of the commitment.
- Measuring the effectiveness of these efforts via climate surveys, focus groups, town halls.
- Enforcement (when necessary) through an ethical resolution process for targets and the accused that is confidential and preserves integrity in fact-finding and decision-making. An ethical process:
 - requires the opportunity for both the accused and identified target (if they desire) to be heard (at least in writing) prior to making a determination;
 - avoids retraumatizing an identified target (by, e.g., not requiring the target and the accused to engage directly);
 - includes interim, preventative protective measures based on “credible allegations” (e.g., suspension from leadership position or membership activities and no-contact orders) and for accused and target to be heard before, or as soon as possible after these actions are taken (if hearing a persons perspectives in advance would delay safety or non-disruption measures);
 - is clear when imposing interim measures that there is no pre-judgment of any person or the outcome of an investigation — the entity is prioritizing preventative safety, non-disruption, and professional, ethical, inclusive, and equitable conduct standards in the best interest of the entity's mission and the many it serves, over the interests of one or a few, if the two must be weighed;
 - assesses and addresses the full impact of misconduct concerns; and,
 - provides flexibility for both internal and external investigatory and resolution options — including community building — to align responses with policy aims and the particulars of each situation.