

# NOVA'S CODE OF CONDUCT

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# The NOvA Collaboration Code of Conduct

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The collaboration and the local organizers are committed to conducting meetings that are productive, welcoming, and reinforce our mutual understanding. NOvA will not tolerate harassment of participants in any form.

By participating in this NOvA meeting you agree to:

- **Behave professionally and with respect.** Do not insult or put down other meeting participants. Do not carry out disruptive behavior or tolerate disruptive behavior from others. Encourage participation from all collaboration members.
- **Communicate appropriately.** Aim for a professional audience including people of many different backgrounds. Exclusionary or offensive comments or jokes, such as those related to personal attributes, are not appropriate. Sexual language and imagery are not acceptable under any circumstance.

Unacceptable meeting behavior includes, but is not limited to sustained disruption of talks or other events, unwelcome physical contact, sexual attention or innuendo, intimidation, stalking, and recording of an individual without consent. Consent for photography should not be assumed; subjects should be contacted prior to use or posting of images.

**All members of the NOvA collaboration have a responsibility to their collaborators to insist on professional behavior** and are empowered and expected to intervene to resolve conflicts and to prevent or stop undesirable behavior. Participants asked to stop any behavior inconsistent with this code are expected to comply immediately.

**Sustained disruptive behavior and conflicts which cannot be resolved should be reported to the co-spokespeople or their designees** who are authorized to take action including restricting contact between individuals or removal of individuals from the meeting.

**This code applies to collaboration sponsored meetings and events including social events.**

# NOVA'S CODE OF CONDUCT: PHILOSOPHY

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- The NOvA code of conduct begins with a **statement of values** encouraging: welcome and mutual understanding, respectfulness and professionalism, supportiveness and empowerment and scientific integrity.
- Next it defines **scientific misconduct** defining and condemning specific behaviors: discrimination, harassment, bullying and research misconduct.
- It also defines **applicability** to all NOvA workspaces and events including social events as well as **acceptance** implied by being a member of the collaboration.

# NOVA'S CODE OF CONDUCT: SUPPORTING INFRASTRUCTURE

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- NOVA's CoC establishes the role of two equity, diversity and inclusion (EDI) co-chairs to advance these elements within the collaboration.
  - Chairs are appointed with input from early career members. Role is convener level and must have sufficient seniority to be free of intimidation.
- The role includes serving as a point of contact (POC) for concerns and suggestions.
- Identify issues and opportunities to promote EDI.
  - This role has moved to an EDI activities committee.
- Identify and implement ways to raise collaboration awareness of CoC and improve climate.
  - This role has moved to an EDI activities committee.
- Report to spokespeople and collaboration status of climate.
- Identify and recommend training.
- More importantly, **responsible for assisting individuals reporting violations of the CoC.**
  - **Ombuds role.** Significant commitment to confidentiality and privacy.

# NOVA'S CODE OF CONDUCT: WRITING, ADOPTION, DISSEMINATION

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- NOvA's CoC was written by an appointed committee including the two eventual EDI chairs and a representative cross section of the collaboration including several early career members.
  - The document is based on LSST DESC Code of Conduct (with input from others) which itself draws from the London CoC and 22 related documents from Software Carpentry, PyCon, and Geek Feminism, all under Creative Commons licenses.
- The CoC draft was presented to the collaboration for comment with a process similar to that of a long publication. Several comment periods, response and discussion to each comment.
- It was then voted for adoption by the Institutional Board.
- The CoC is regularly advertised at all collaboration meetings (see first page). Participation in a NOvA meeting signals an acceptance of the code. Institutional Board members are also responsible for the dissemination of the code to new collaborators.

# NOVA'S CODE OF CONDUCT: REPORTING MECHANISMS AND ENFORCEMENT

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- Members with a concern about violation of CoC can contact EDI chairs which will help to decide course of action, including reporting to Title IX, EDI office or HR at Fermilab.
- If investigation not warranted, some possible outcomes include: no immediate action (escrow report), confronting respondents, actions by spokespeople.
- Formal reports for cases of discrimination, sexual harassment, bullying, retaliation and research misconduct, may include actions such as a report to collaboration leadership leading to investigation, report to HR, report to relevant host or professional societies, report to law enforcement.
  - Newly available anonymous reports through the FNAL Concerns system.
- Consequences if convincing evidence of misconduct include: report to supervisor, ban from in person meetings, removal leadership position, authorship and collaboration.
  - For the the cases of removal spokespersons recommend remedy to IB. IB schedules a meeting and then votes on the recommendation.
  - The CoC allows for removal or sanction based on sanction or censure from other institutions, eg Fermilab, other institutions or professional societies.
  - Retaliation for reporting is considered a higher level offense pursued to the fullest extent.

# NOVA'S CODE OF CONDUCT: EXPERIENCE

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- NOvA has been exercising the CoC since its adoption in 2018. Received reports. Carried some through investigation and sanctions.
- On the positive side:
  - CoC has lowered the threshold to reporting.
  - CoC has allowed to detect patterns of behavior.
  - CoC has allowed for some interventions that has improved climate.
  - CoC reporting of number of cases has raised awareness within the collaboration.



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- What needs improvement:
  - EDI chair roles are unsustainable: small number of people qualified/willing to do it, too many roles with not enough support, no training available, no clear how to do transition.
  - Interface for investigations with Fermilab. Until recently not clear if collaboration would be informed of investigation outcomes.
  - Predominance of confidentiality/privacy over visible sanctions slows climate improvement.
  - Lack of legal guidance on liability for sanctions.
  - Lack of guidance on record keeping.



# NOVA'S CODE OF CONDUCT: WISHLIST

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- As a recently stepped-down EDI chair, here are the things that I wish we had:
  - Confidence building on the reporting/investigation mechanisms.
  - A laboratory ombudsperson whose role would be to advise reporters (potentially users, not just employers) on what are the avenues that they are able to pursue.
  - Advocates for reporters and respondents that would side with them and advise them through the investigation process.
  - Clear communication of investigation initiation/progress and outcome to the spokespeople and institutional point of contact.
  - Training for dealing with reports, interventions, mental health and legal issues.
  - Access to external investigations for the most serious cases where the reputation and/or liability of the institution might be at risk.
  - Legal liability protections.

# NOVA'S CODE OF CONDUCT: SCENARIO 1

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- How would your collaboration respond to a case of a collaborator who was consistently disruptive during collaboration meetings? How do you imagine this would escalate through your process?
- In principle, any person is empowered to intervene instantly.
- On the assumption the collaborators prefer a more discreet avenue, the event(s) would be reported to EDI chairs and/or spokespeople who would alert conveners and eventually confront the individual privately.
- The weak point is that by not doing it publicly the perception that it is not condemned will persist.

# NOVA'S CODE OF CONDUCT: SCENARIO 2

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- How would your collaboration respond if a collaborator made inappropriate advances toward other collaborators during a collaboration meeting? Are you able to respond during the meeting if necessary?
- A report would be made to EDI chairs and/or spokespersons. The spokesperson are empower to take interim measures of removing the person from the collaboration meeting until an investigation occurs.
- The reporter would be encouraged to submit the incident to Fermilab CONCERNS. An investigation would be carried by the laboratory.
- In the case a sanction is taken, there is no mechanism to inform the reporter of the outcome except through the spokes/EDI chairs.
- The weak point of this process is speed. Can the person be removed from the meeting fast enough to avoid further harm? Investigations are slow. Temporary bans become challenging to enforce if the investigation lasts long enough (>3 months) that the next in-person meeting comes around.

# NOVA'S CODE OF CONDUCT: SCENARIO 3

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- How would your collaboration respond to two people at the same institution where there have been serious allegations? (here, the senior person is threatening the career of the junior person)
- EDI chairs would recommend to report to Title IX or similar office at the home institution. EDI chairs can also reach out up in the hierarchy of the institution, eg talk to department chair on behalf of graduate student or postdoc.
- EDI chairs can also suggest reporting to CONCERNS.
- Weak point: outcome depends on institution and not the collaboration.

# NOVA'S CODE OF CONDUCT: SCENARIO 4

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- How would your collaboration respond to a case of sexual assault when the victim will not come forward due to fears of impacting their career? What protections can be afforded in this case? (serious, credible crime)
- Worst case. Hands of collaboration leadership seriously tied. Discuss.

# NOVA'S CODE OF CONDUCT: ADDITIONAL SCENARIO

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- A reporter asks that no (immediate) action be taken but the EDI Chair/spokesperson feels that there is an imminent threat to the reporter or the community.
- This is a place where we have erred on the side of caution deferring to the reporter in order to lower the threshold to reporting. What's the threshold for action? Discuss.

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