

## **Joint Meeting of Ichthyologists and Herpetologists**

### ***Code of Conduct***

#### **Preamble**

The annual Joint Meetings of Ichthyologists and Herpetologists (JMIH) are a venue for individuals interested in the study and management of fishes, amphibians, and reptiles. Four scientific societies contribute to this meeting: the American Society of Ichthyologists and Herpetologists (ASIH), the American Elasmobranch Society (AES), the Herpetologists' League (HL), and the Society for the Study of Amphibians and Reptiles (SSAR). These annual meetings are recognized worldwide as a venue for professional, scientific exchange. The four societies are committed to maintaining a professional, productive, safe, and welcoming environment for their employees, society members, volunteers, and conference participants. All society members, conference attendees, students, invited speakers, volunteers, guests of participants, exhibitors, service providers, and other individuals associated with the conference must abide by the JMIH Code of Conduct as set forth herein.

Individuals attending JMIH have a right to an environment free of discrimination, bullying, inappropriate behavior, and harassment. These behaviors will not be tolerated at JMIH conference activities including social events sponsored by other organizations and those held at public or private facilities (including banquets).

#### **Prohibited Conduct**

This Policy prohibits six categories of misconduct: (1) Discrimination on the Basis of a Protected Trait; (2) Harassment on the Basis of a Protected Trait; (3) Sexual Harassment; (4) Retaliation; (5) Bullying; and (6) Unacceptable Behavior. Collectively, these are referred to as Prohibited Conduct. Each of these categories is defined below.

Behavior that is acceptable to one person may not be acceptable to another, so JMIH participants must use discretion to ensure that their words and actions communicate respect for others. This is especially important for those in positions of seniority, as those in more junior or subordinate positions may be reluctant to express their objections or discomfort regarding unwelcome behavior because of a real or perceived imbalance of power.

Consumption of alcohol or use of other potentially behavior-altering substances is not an excuse for engaging in Prohibited Conduct.

Reporting an incident in bad faith also is considered a violation of this Policy.

#### **(1) Discrimination on the Basis of a Protected Trait**

"Protected Trait" includes age, creed, color, gender, disability, marital status, national origin, race, ethnicity, religion, sexual orientation, military status, genetic information, gender identity or expression, transgender status, and any other category protected by U.S. federal laws or regulations. Discrimination on the Basis of a Protected Trait occurs when an individual or group is treated adversely on the basis of a Protected Trait. For example, it would violate this Policy to deny members of a particular religion the opportunity to attend a JMIH conference or event, to reject conference papers from those exhibiting a certain gender identity, or to refuse to select an individual for an award on the basis of race. Discrimination on the Basis of a Protected Trait does not include providing federally mandated reasonable accommodations to qualified individuals on the basis of their disability or religion.

**(2) Harassment on the Basis of a Protected Trait**

Harassment on the Basis of a Protected Trait occurs when an individual or group is subjected to unwelcome conduct on the basis of a Protected Trait where:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or participation in JMIH programs or activities;
- Submission to or rejection of such conduct is used as the basis for decisions affecting an individual or group; or
- Such conduct is sufficiently severe or pervasive to have the purpose or reasonable effect of interfering with the individual's participation in JMIH programs or activities, or creating an intimidating, hostile, or offensive environment under both an objective and subjective standard. A single incident (such as a physical assault) may create a hostile or abusive environment if the incident is sufficiently severe. In determining whether a hostile or abusive environment exists, a totality of the circumstances will be considered.

**(3) Sexual Harassment**

Sexual Harassment is any unwelcome sexual advance, request for sexual favors, or other unwanted behavior or verbal or physical conduct of a sexual nature where:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or participation in JMIH programs or activities;
- Submission to or rejection of such conduct is used as the basis for decisions affecting an individual or group; or
- Such conduct is sufficiently severe or pervasive to have the purpose or reasonable effect of interfering with the individual's participation in JMIH programs or activities, or creating an intimidating, hostile, or offensive environment under both an objective and subjective standard. A single incident (such as a physical or sexual assault) may create a hostile environment if the incident is sufficiently severe. In determining whether a hostile environment exists, a totality of the circumstances will be considered.

The following are examples of Sexual Harassment:

- Sexual assault;
- Threats or insinuations that lead the targeted individual(s) reasonably to believe that granting or denying sexual favors will affect their reputation and potential to hold an office, deliver a paper/poster, or win an award;
- Sexual advances, sexual propositions, or sexual demands that are not explicitly mutually agreeable to both parties;
- Unwelcome and persistent sexually explicit statements or stories that are not legitimately related to the goals of the JMIH and its participating societies;
- Repeatedly using sexually degrading gestures, words, or sounds to describe a person;
- Non-consensual, unwelcome, or unnecessary physical contact including: touching, patting, hugging, or other invasions of personal space; or
- Recurring comments or questions about an individual's sexual prowess, sexual deficiencies, or sexual behavior.

**(4) Retaliation**

Retaliation is defined as an adverse action against an individual on the basis of filing a complaint, cooperating with an investigation, or otherwise participating in the procedures under this Policy. Retaliation should be immediately reported to the Ombudsperson in the same manner as other types of Prohibited Conduct, as outlined below.

**(5) Bullying**

Bullying is defined as unwanted and/or aggressive behavior between parties that involves a real or perceived power imbalance. The behavior is often repeated, or has the potential to be repeated, over time.

**(6) Unacceptable Behavior**

Unacceptable Behavior includes, but is not limited to:

- Physical or verbal abuse of any attendee, speaker, volunteer, exhibitor, service provider, or other meeting guest;
- Inappropriate and/or unwelcome physical contact, including touching or hugging someone who does not wish to be touched or hugged;
- Disrespectful or inappropriate disruption of talks, poster sessions, meetings, panels, workshops, or social functions (e.g., yelling at a presenter, hostile comments or questions);
- Stalking other conference attendees;
- Use of inappropriate pet names or condescending nicknames without prior consent;
- Disrespectful treatment of or behavior toward conference venue staff or violating conference venue rules including, but are not limited to: bringing outside food or alcohol into a banquet facility without explicit permission, falsifying a venue ticket or other document, or gaining unauthorized entry into a JMIH sponsored event.

Examples of expected and acceptable behaviors include, but are not limited to:

- Participants are expected to conduct themselves at JMIH sessions and activities as they would at their home institutions including, but not limited to, all JMIH and society-sponsored or affiliated presentation, workshops, socials, banquets, and fundraising activities;
- Communicate with respect for others. Offer constructive criticism in a manner that is not insulting or threatening and avoids personal attacks, critiquing ideas rather than individuals;
- Welcome new JMIH participants and value the diversity they bring to JMIH;
- Treat all JMIH participants, attendees, and vendors with respect and consideration, valuing a diversity of views and opinions;
- Friendly, consensual interactions (including, but not limited to, dancing, hugs, etc.) among individuals;
- Respect the rules and policies of the meeting venue, hotels, JMIH- or society-contracted facility, or any other venue;
- Alert the appropriate authority if you notice a dangerous situation or someone in distress.

**Reporting an Incident of Alleged Prohibited Conduct**

If you are witness to or are the recipient of an alleged incident of Prohibited Conduct, write down the details as soon as possible and in as much detail as you can recall. Next, contact the JMIH Ombudsperson (a trained unaffiliated professional hired to receive incident reports, investigate cases, and adjudicate alleged CoC violations) or the leadership of any JMIH-member society, defined here as any member of the Executive Committee (ASIH), Board of Directors (AES, SSAR), or Board of Trustees (HL). Meeting registration materials will include contact information and reporting options. Notification can be in person or via other means of communication as appropriate to the circumstance and comfort level of the individual. If you have an immediate concern for your safety or the safety of others, or if you feel threatened, use a venue or mobile phone to request security/police. All complaints will be treated seriously and addressed promptly and appropriately. Confidentiality will be maintained to the extent that it does not compromise the rights of others, interfere with JMIH's ability to maintain an environment free of Prohibited Conduct, or to the extent allowed by law. The person experiencing harassment (complainant)

will not be required to discuss the incident with the alleged offending party (respondent), unless comfortable doing so.

### **Procedure for Investigating and Resolving Alleged Prohibited Conduct**

As with accepting reports, subsequent inquiries related to reported Prohibited Conduct will be handled confidentially (to the extent possible without compromising the rights of others, interfering with JMIH's ability to maintain an environment free of Prohibited Conduct, or interfering with any legal obligation), discreetly, and promptly. Complaints will be taken seriously, but care will be taken also to ensure the complaint is in good faith and not made out of malice.

1. The complainant will provide a written, signed statement or verbally describe the incident to the Ombudsperson, who will transcribe it and have it signed by the complainant. The Ombudsperson will determine whether it is appropriate to implement interim measures for the protection of any parties involved in the case. Such measures may include, but are not limited to, a "no-contact" order; changing of working, meeting, or conference schedules; making arrangements to avoid supervisory or evaluative interactions between the parties (e.g., changing the judge of a student competition if that person was a respondent or complainant); and temporary suspension from specific or all JMIH programs and activities.
2. The Ombudsperson, in consultation with JMIH-member society leadership as necessary, will then complete a preliminary investigation to determine whether the complaint alleges Prohibited Conduct under this Policy. If these reviewer(s) determine that no further investigation is warranted, they will determine if any action is appropriate. When a complaint is determined to allege potentially Prohibited Conduct under this Policy, the Ombudsperson shall generally offer the complainant of the Prohibited Conduct two options. First, the Ombudsperson may work with the individuals involved to achieve a mutually acceptable resolution. Second, if such resolution is not achieved, or if either party declines to participate in the resolution process, or if the subject of the Prohibited Conduct requests an investigation, the Ombudsperson shall gather testimony and evidence regarding the allegations. In cases involving particularly severe allegations, the Ombudsperson may, in consultation with JMIH-member society leadership, determine it is appropriate to conduct a formal investigation without first offering the option of attempting a resolution among the parties.
3. The formal investigation process shall be reasonably timely, thorough, and offer both parties the opportunity to provide written statements, evidence, and suggest witnesses. As noted above, the Ombudsperson shall maintain confidentiality regarding the investigation to the extent possible. If any allegations are in dispute, the Ombudsperson will gather additional evidence, such as interviewing witnesses to the alleged incident. Witnesses should also provide signed and dated statements. At the conclusion of the investigation, the Ombudsperson shall provide the JMIH-member society leadership a written summary of the evidence gathered, factual findings, and a determination as to whether Prohibited Conduct occurred, using a preponderance of the evidence standard, and what disciplinary action, if any, is recommended. If no Prohibited Conduct is deemed to have occurred, the Ombudsperson shall also make a determination as to whether the complaint was made in good faith. The fact that the evidence did not support a finding of Prohibited Conduct does not necessarily mean that a complaint was made in bad faith. However, a finding by the Ombudsperson that a complaint was made in bad faith can lead to disciplinary action.

4. The JMIH-member society leadership will determine the appropriate sanction or disciplinary action, if any, based on the Ombudsperson's report and recommendations.

### **Appeals**

If either party disagrees with the Ombudsperson's determination or the sanction, they may appeal the decision in writing to the society leadership of the relevant society(ies) (e.g., those within which the parties are members) within five business days. The appeal must set forth the grounds for appeal, which are limited to the following: (1) new information unavailable at the original proceeding, which shall be set forth in the appeal; (2) the decision of the Ombudsperson and/or adjudicator(s) was clearly erroneous based on the evidence submitted; and/or (3) the sanction was grossly disproportionate to the Prohibited Conduct.

The non-appealing party will be permitted to provide a written response to the appeal. The society leadership may request additional information from the Ombudsperson. The appeal decision will be made by the relevant society(ies) leadership. Members of the leadership who have a conflicting role in the process shall be recused. The appeal shall be decided on the basis of the written submissions, without further hearings. The decision regarding the appeal shall be final.

### **Disciplinary Action**

Individuals who violate this Policy will be subject to disciplinary action, as will individuals who make maliciously false accusations or provide false statements. This disciplinary action will consist, at minimum, of a written warning. Disciplinary actions may also include, but are not limited to: educational sanctions (such as completing training on a particular issue), ineligibility for JMIH-member society awards or funding, meeting expulsion or being suspended from attending future annual meetings or social events associated with the meetings, revocation of membership, and/or reporting the behavior to the individual's employer. If an individual is requested to cease behavior(s) determined to be in violation of this Policy, that person must comply immediately or risk being removed from the current event and possibly the remainder of JMIH events for that conference. If repeated violations of this Code are perpetrated by the same individual, that person may be banned from future JMIH conferences or societal membership(s) may be revoked.