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# Code of conduct training

— Valerie Aurora —

Frame Shift Consulting

<http://frameshiftconsulting.com/code-of-conduct-training>

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# Content warning

Physical assault, sexual assault, violence, and oppressive language and behavior are discussed in this class

If you are not in a place to discuss these issues, enforcing a code of conduct is probably not a good role for you now

# Valerie Aurora

Founder Frame Shift Consulting

Co-founder and executive director of the Ada Initiative, non-profit for women in open tech/culture

Lead author of code of conduct used by thousands of conferences

Lead organizer for 10 conferences



Valerie Aurora

# Valerie Aurora

Led or assisted code of conduct report handling for dozens of conferences and communities

10+ years volunteer work with Geek Feminism, etc.

Linux kernel and file systems developer for 10+ years



Valerie Aurora

# Format

Code of conduct basics

Preparing to enforce a code of conduct

Taking reports of violations

Responding to reports

Long term maintenance of a code of conduct

Example scenarios

# Code of conduct basics

The purpose of a code of conduct is to protect members of your community from harm by other members of your community

Does not apply to people outside your community

People who violate the code of conduct must suffer consequences, up to and including expulsion

# Enforcing a code of conduct is NOT about:

Punishing people for their crimes

Satisfying the targets or victims of bad behavior

Restorative justice, which focuses on repairing the harm caused by the crime (often requiring vast investments of time from the target)

Smoothing over conflict or mediating between people

# How a code of conduct works

Education

Norm-setting

Attraction/repulsion

Boundary setting



# What a code of conduct should contain

Effective codes of conduct list behaviors which many people think are acceptable but are unacceptable in your community

Do not include behaviors that don't happen in communities like yours or are known to be unacceptable (e.g., stealing money)

# What a code of conduct should contain

If you want to list good behaviors or describe the community ideal of behavior, do it in a separate document

Only list behaviors that if they occurred, you would be willing to take action

Do not require politeness or other forms of "proper" behavior (e.g., don't ban interrupting)

# Visible enforcement is required

People want secret enforcement to avoid drawing attention to themselves or others

If no one sees the consequences of violating the code of conduct, more people will violate the code of conduct

Impossible to set norms secretly or without embarrassing people occasionally

# Code of conduct committee

Few people like enforcing a code of conduct

Specific people must be responsible for enforcing it or no one will enforce it

Recommend 3+ people for conference, 5+ for community

For long-term committees, terms should be 6 months to 2 years

Overlapping terms - half the committee changes at a time

# Choosing committee members

Include several people with significant experience as the target of harassment

Include at least one person who is widely respected and powerful within the community

Do NOT include anyone who has doubts about the concept of a code of conduct, or disagrees with current code of conduct, or is squeamish about enforcing it

# Recusal

Publicly list who is on the committee in the instructions on how to report

Explicitly promise that committee members will recuse themselves if they are the alleged harasser or the victim of a private harassment incident

Committee members that witness public harassment (e.g., bystander at a party) do not need to recuse themselves

# Written incident response guide

Have one!

Don't share it publicly - people will act like it is law and argue if you deviate from it

It doesn't need to lay out all the details, just give you something to guide your actions when you are stressed

Required: Set a specific deadline for response

# Optional reading for committee members

Code of conduct related incidents from:

[http://geekfeminism.wikia.com/wiki/Timeline\\_of\\_incidents](http://geekfeminism.wikia.com/wiki/Timeline_of_incidents)

[http://geekfeminism.wikia.com/wiki/Conference\\_anti-harassment/](http://geekfeminism.wikia.com/wiki/Conference_anti-harassment/)

[http://meloukhia.net/2010/04/why\\_didnt\\_you\\_report\\_it/](http://meloukhia.net/2010/04/why_didnt_you_report_it/)

<http://adainitiative.org/2013/08/27/why-dont-you-just-hit-him-the-worst-possible-anti-harassment-advice/>



# Taking reports

Train anyone who needs to take reports

Early on in a report, make sure they understand that you will take this to the committee and give them a chance to withdraw their report (neutrally)

Find a quiet place

Write it down

# What to ask for in a report

Ask for, but don't pressure if they don't want to share:

- Identifying information for the alleged harasser
- Reporter's name
- Time and date
- Place
- What happened
- Any other people involved

# Things not to do

Don't pressure them NOT to report

Don't guarantee any kind of response or action

Don't ask them for solutions or ideas on what to do

Don't pressure them to contact law enforcement (if there is physical danger now, do it yourself)

# Immediate care for the reporter

If appropriate:

Offer them a private safe space to sit

Ask if there is a trusted person they want with them, and send someone else to fetch that person

Ask, "Is there anything that will make you feel safer that I can help with?"

# Initial evaluation

If the person taking the report sees an immediate threat to physical well-being:

Escalate immediately to appropriate person (other conference staff, manager, security manager, HR)

Call security or law enforcement as appropriate (only in cases of immediate physical threat, otherwise only at request of reporter)

# Transfer to code of conduct committee

Let the reporter know that the report is going to the committee

For public incidents widely witnessed, make some kind of announcement that it appears the code of conduct was breached and the staff is planning its response

Committee should convene ASAP using communication plan established in incident response plan

# Preparation for the meeting

Delegate someone to ask the alleged harasser for their version of events and write it down for use in the meeting

If other witnesses were present, delegate someone to interview them and write down their responses

If appropriate, ask around for similar experiences with the alleged harasser in case they have not been reported yet

Check your records for related reports

# Committee deliberations

In the meeting, discuss:

What happened?

What are we going to do about it?

Who will do it?

When will they do it?

Stick to your deadline for deciding on a response



# Committee deliberations

Neither reporter nor alleged harasser should be present (if they are part of the committee, recuse themselves)

Your overriding goal and purpose is to protect the community from harm in the future

If at all possible, protect the reporter from retaliation

If these goals conflict, be creative and willing to lie

# Al Capone Theory of Sexual Harassment

Credit: Valerie Aurora and Leigh Honeywell

When someone feels entitled to another person's body, they also often feel entitled to other people's money and work (Mark Hurd, Jake Appelbaum, etc.)

Investigate for other things they've done: lied on expense reports, plagiarized other people's work, taken credit for other people's work, embezzled money, harassed or threatened other people

# Proportionality of response

People feel a response is unjust if it seems out of proportion to the original offense

Example: A speaker is making inappropriate jokes

10 people watching: interrupting seems reasonable

1000 people watching: interrupting seems out of proportion to the offense

Lesson: Screen keynote speakers well!

# Proportionality of response

Any action by the *~Code of Conduct Committee~* is seen as much stronger based on the power of the source

Often not naming the harasser (but giving enough detail that people know what happened) is proportionate

Avoid naming the target of harassment if at all possible

Read "Is Shame Necessary?" by Jennifer Jacquet

# Potential responses

- Nothing
- Have a chat with them
- Give them a warning (next time X will happen)
- End a talk early
- Take down videos of talk
- Remove responsibilities
- Temporary ban
- Permanent ban

# Contacting their employer

It may be appropriate to inform their employer, especially if someone is representing their employer at the time of the incident

You may wish to sanction the employer as well as the employee if the employer don't respond appropriately

Example: not allowed to sponsor, not allowed to present, not allowed to attend

# Do not require or ask for apologies

Do not ask the harasser to apologize (they can apologize if they want, which may guide the response)

Do not ask the reporter to receive an apology

Communicate any apology as a piece of useful information, neutrally and briefly

Attempts to apologize may be a disguise for further harassment and should be treated this way

## Inform the reporter and alleged harasser

Check in with the reporter before announcing your decision, not for approval but in case you missed something critical

Someone should directly tell the alleged harasser the decision

If the alleged harasser wants to appeal the decision in any way, make it clear the response stands (e.g., if they have been kicked out of the event, they must leave now)



# Communicate the response

At minimum, everyone who is aware of the original incident should be aware of the response

Err on the side of informing more people

At a conference, make some announcement at the next plenary session (or announcement list if there isn't one)

Give enough detail that people can use the information to guide their future behavior

## Level of detail

Usually, do not name people involved even if their names are well-known (helps with proportionality)

Give an idea of the nature of the incident (e.g., a pornographic slide, racist joke on panel, etc.)

Briefly describe the sanction

Briefly, neutrally mention any apology/action from harasser

# Responding to criticism of your response

Include a private channel for feedback in your announcement (group email, web form, etc.)

Do not get into face-to-face discussions about response

Discussions on public forums about codes of conduct are often themselves harassing and should be avoided or redirected whenever possible

Do not share additional details of the incident

# Responding to criticism of your response

Useful phrases:

"I'm sorry."

"Please contact [public feedback channel]."

"Please contact [conference director]."

Use Charles' Rules of Argument

# Charles' Rules of Argument for conferences

1. Make a statement on the incident and response
2. Wait for complaints, questions, outraged responses
3. Make ONE MORE statement to clarify
4. Do not respond again

[http://geekfeminism.wikia.com/wiki/Charles'\\_Rules\\_of\\_Argument](http://geekfeminism.wikia.com/wiki/Charles'_Rules_of_Argument)

# Updating your code of conduct

About once a year, review your code of conduct and update it

Use input from community, actual incidents, what harassers said they didn't understand

Don't water it down, you should mostly be clarifying, adding new items, or adding detail

# Record keeping

So you banned someone from the conference... when do you check your list of banned people? At registration? At the door?

You warned someone if they repeat the behavior you will sanction them... who checks for previous warnings and when?

Someone sanctioned last year volunteers to help at the new attendee welcome booth... who says no?

# Record keeping

Keep a written record of all reports, even if you decide not to take action

Decide who has access to them

Decide how long to keep them

Formalize checking the records at important points (online registration, at check-in, during code of conduct committee deliberations)



## Example scenario

An attendee reports that they overheard another attendee repeatedly and strongly deny the existence of racism while chatting with other attendees at the conference opening party. Your code of conduct bans racist comments.

## Example scenario

A well-known and popular speaker in your field gets drunk at a party and compliments another attendee on their physical appearance in a sexually suggestive way. When the target tries to change the subject or use a soft no, the popular speaker continues to make sexual compliments until other attendees intervene. The next day, the speaker apologizes to the target. The target does not want to report the incident for fear of retaliation but other attendees report it.

## Example scenario

A member of your community who has argued passionately against codes of conduct reports that someone made a sexist joke in their hearing. When pressed for details, he can't give any more information. No one else can back up his report.

## Example scenario

At the opening party for the conference, a male attendee draws a woman attendee into a private area, and proceeds to kiss her and put his hands in her underwear without her consent. Shocked, she does not resist at first but eventually manages to get away. She reports the next morning.

## Example scenario

A well-known advocate for diversity and inclusion is taking part in a discussion about race, and comments, "Which is why white people are so bad at talking about race." Another attendee reports her for making a racist comment.

## Example scenario

The closing keynote speaker includes several detailed and explicit violent metaphors and pictures in his talk. All talks at this conference are recorded and published online.