

**AES Conference Code of  
Conduct Effective 12/20/17  
Updated 12/22/21**

**Preamble**

Annual conferences of the American Elasmobranch Society (AES) are a venue for individuals interested in the study and management of chondrichthyan fishes. These annual conferences are recognized world-wide as a venue for professional, scientific exchange related to this group of fishes. The AES is committed to maintaining a professional, productive, safe, and welcoming environment for its employees, society members, volunteers, and conference participants. All AES members, any conference attendee, students, invited speakers, volunteers, guests of participants, exhibitors, service providers, and other individuals associated with the conference must abide by the AES conference code of conduct.

Individuals attending AES conferences have a right to a respectful environment free of bullying, unreasonable behavior, and harassment. These behaviors will not be tolerated at AES conference activities including social events sponsored by other organizations and those held at public or private facilities (including the AES banquet).

**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) Unreasonable Behavior. Collectively, these are referred to as Prohibited Conduct. Each of these categories is defined further, below.

“Protected Trait” includes age (40 and older), 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 law.

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

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 an AES 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 their race.

Discrimination on the Basis of a Protected Trait does not include providing reasonable accommodations to otherwise qualified individuals on the basis of 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 AES 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 pervasive, offensive, or abusive to have the purpose or reasonable effect of interfering with the individual's participation in AES program 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 environment if the incident is sufficiently severe. In determining whether hostile 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 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 AES 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 pervasive, offensive, or abusive to have the purpose or reasonable effect of interfering with the individual's participation in AES program 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 hostile environment exists, a totality of the circumstances will be considered.

The following are examples of Sexual Harassment:

- Sexual assault;
- Threats or insinuations which lead the targeted individual reasonably to believe that granting or denying sexual favors will affect their reputation and potential to become an officer, deliver a paper, or win an award;
- Sexual advances, sexual propositions, or sexual demands which are not mutually agreeable to both parties;
- Unwelcome and persistent sexually explicit statements or stories which are not legitimately related to the goals of the AES;
- Repeatedly using sexually degrading words or sounds to describe a person;
- Unwanted and unnecessary touching, patting, hugging, or other physical contact; or
- Recurring comments or questions about an individual's sexual prowess, sexual deficiencies, or sexual behavior.

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

#### **(4) Retaliation**

Retaliation is defined as the taking of an adverse action against an individual on the basis of their making a complaint, cooperating with an investigation, or otherwise participating in the procedures under this Policy. Retaliation should be immediately reported to a Coordinator or investigator in the same manner as all 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) Unreasonable Behavior.**

Unreasonable Behavior is defined to include (but 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 hugging someone who does not wish to be hugged;
- Interrupting others during meetings, panels, or workshops;
- Disrespectful or inappropriate disruption of talks, poster sessions, or social functions (e.g. yelling at a presenter, unnecessarily hostile comments or questions);
- Stalking other conference attendees;
- Inappropriate use of pet names or condescending nicknames without previous consent;
- Disrespectful treatment of conference venue staff or violating conference venue rules. Examples include, but are not limited to, bringing outside food or alcohol into a banquet facility without explicit permission, falsifying a ticket or other document, or gaining unauthorized entry into an AES sponsored or co-sponsored event.

\*NOTE: consumption of alcohol or other substances is not an excuse for unacceptable behavior.

#### Examples of expected behavior (including, but not limited to):

- Professional conduct as would be expected at your home institution is expected also at AES conference sessions and activities. This includes, but is not limited to, all AES sponsored or affiliated workshops, socials, banquets, and fund-raising activities, and extends to any JMIH sessions and activities attended as an AES member;
- Be considerate, collaborative and respectful;
- Share constructive scientific criticism in a manner that is not insulting or threatening, avoiding personal attacks;

- Welcome new conference participants and value the diversity they bring to the society;
- Treat all participants, attendees, and vendors with respect and consideration, valuing a diversity of views and opinions;
- Communicate openly with respect for others, critiquing ideas rather than individuals
- Be mindful of your surroundings and of your fellow participants;
- Friendly, consensual interactions (including, but not limited to, dancing, hugs, etc.) between individuals;
- Alert the appropriate authority if you notice a dangerous situation or someone in distress;
- Respect the rules and policies of the meeting venue, hotels, AES-contracted facility, or any other venue.

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

### **Reporting an incident of unacceptable behavior:**

If you witness or are the recipient of unacceptable behavior, we recommend that you write down the details as soon as possible, in as much detail as possible, to help you to recall specific events in the future. You should then contact a member of the AES Equity & Diversity Committee or a member of the AES Executive Committee. Notification can be in person or via email as appropriate to the circumstance and comfort level of the individual. If you feel unsafe or threatened, use a venue phone to ask for security. 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 or to the extent allowed by law. The person experiencing harassment (complainant) is not required to discuss the incident with the offending party (respondent), unless they feel comfortable doing so.

### **Procedure for resolution of unacceptable behavior:**

All enquiries related to reported unacceptable behavior will be handled confidentially, discreetly and promptly. Complaints will be taken seriously, but care must also be taken to ensure the complaint is in good faith and not made out of malice. Complaints will remain confidential to the extent possible.

1. Any representative (as named above) receiving a complaint will immediately notify a member of the AES Executive Committee. The AES Executive Committee member receiving the complaint is referred to as the Coordinator of the complaint. Any of the Coordinator's duties can be performed by a designee.
2. The Coordinator will ask the complainant to either write a statement or orate a statement, scribed by the Coordinator. The statement will be signed and dated by the complainant and given to the Coordinator. The Coordinator, in consultation with the Executive Committee, will determine whether it is appropriate to implement any interim measures for the protection of

one or both parties, or of others involved in the organization. Such interim measures may include, but are not limited to, a “no contact” order; the changing of working, meeting, or conference schedules; the identity of the individual evaluating or supervising one or both parties; and temporary suspension from any or all AES programs and activities.

The Coordinator, in consultation with the Executive Committee when necessary, will then complete a preliminary investigation. The preliminary investigation will determine whether the complaint, on its face, alleges Prohibited Conduct under this Policy. If the Coordinator, in consultation with the Executive Committee when necessary, determines that no further investigation is necessary, they will determine if any other action is appropriate. When a complaint is determined to allege potential Prohibited Conduct under this Policy, the Coordinator shall generally offer the target of the Prohibited Conduct two options. First, the Coordinator may work with the individuals involved to achieve a mutually acceptable resolution. Second, the Coordinator may appoint an independent investigator to gather testimony and evidence regarding the allegations if a mutually agreeable resolution is unable to be achieved, if either party refuses to participate in the resolution process, or if the target of the Prohibited Conduct requests an investigation. In cases involving particularly severe allegations, however, the Coordinator or the Executive Committee may in their sole discretion determine it is appropriate to conduct a formal investigation instead of offering the option for resolution between the parties. The Coordinator or the Executive Committee will name an impartial investigator to conduct the investigation.

3. Potential investigators must have had proper training on how to remain impartial and unbiased. Any individual who believes they have a conflict of interest with either the respondent or complainant (or target of the behavior) should not serve as the impartial investigator. Based on the finding and seriousness of the offense, the Executive Committee may retain a third-party investigator to conduct a formal investigation
4. During the formal investigation process, the investigation shall be reasonably timely, thorough, and offer both parties the opportunity to make a written statement, provide evidence, and suggest witnesses. The investigator shall maintain confidentiality regarding the investigation to the extent possible. At the conclusion of the investigation, the investigator shall communicate with the Coordinator regarding a summary of the evidence gathered, factual findings, and a determination as to whether Prohibited Conduct occurred, using a preponderance of the evidence standard. If no Prohibited Conduct occurred, the investigator shall also make a determination as to whether the complaint was made in good faith. A finding by the investigator that a complaint was made in bad faith shall be referred the Executive Committee for further action. 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.
5. If the facts are in dispute, the investigator will take any additional steps necessary to determine the facts, such as interviewing witnesses to the alleged incident. Witnesses should also provide signed and dated statements. The investigator will seek appropriate counsel if they are unsure how to proceed at any time.

6. The investigator's conclusions, along with a brief rationale, shall be provided in writing to the Executive Committee and to each party. If Prohibited Conduct or bad faith reporting was found to have occurred, The Executive Committee will then determine an appropriate disciplinary action.

### Appeal.

If either party disagrees with the investigator's determination or the sanction, they may appeal the decision in writing to the entire AES Board of Directors within five business days. The appeal must set forth the grounds for appeal. Grounds for appeal 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 investigators and/or adjudicator was clearly erroneous based on the evidence submitted; and (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 Board of Directors, in their sole discretion, may also request information from the Coordinator and the investigator. The appeal decision will be made by the Board of Directors, minus the members that also sit on the Executive Committee. Any Board member who has a conflicting role in the process shall be recused. The appeal shall be decided on the basis of the written submissions, without further hearing. The Board's decision regarding the appeal will be final.

### **Disciplinary action**

Individuals who violate this policy will be subject to disciplinary action, as will individuals who act in bad faith by making maliciously false accusations or by providing 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 AES awards or funding, ejection or being banned from attending the annual meeting or social events associated with the meeting, revocation of membership, and reporting the behavior to the individual's employer. If requested to stop unacceptable behavior the individual must comply immediately, or risk being asked to leave the current event and possibly asked to depart the conference. If repeated incidences occur with the same member, they may be banned from future meetings, or AES membership may be revoked.