

## **Inclusion and Professional Conduct Guidelines for The Northeast Bat Working Group**

Approved by the Membership – April 12, 2024

The Northeast Bat Working Group (NEBWG) is comprised of agencies, organizations, industry, and individuals interested in bat research, management, and conservation. But just as important, we are a community-driven organization of friends and colleagues that is committed to providing an atmosphere of free expression and exchange of scientific ideas. To create the best possible community, NEBWG strives to provide an environment that is inclusive and where members show respect, kindness, and courtesy to each other. It is the policy of NEBWG that all members and officers create and enjoy an environment free from all forms of harassment, discrimination, bullying, and retaliation.

NEBWG has no tolerance for harassment, discrimination, bullying and retaliation in any form, against any member, for any reason, whether protected by law or under the norms of decent behavior. NEBWG expects all members, when and wherever they are representing the NEBWG community or participating in NEBWG events and electronic communications, to maintain an environment free of harassment, discrimination, bullying, or retaliation. Hostile environments reduce the quality, integrity, and pace of the advancement of science by marginalizing individuals and communities; this is the antithesis of what NEBWG engenders.

NEBWG members shall work to maintain an environment that promotes the dissemination of scientific information and supports the flourishing of science and scientific careers through respectful, inclusive, and equitable treatment of others. All NEBWG members and participants in NEBWG-sponsored activities and listserv correspondence are expected to follow the NEBWG Inclusion and Professional Conduct Guidelines.

### **Statement of Liability**

NEBWG is not responsible for defamatory, offensive, or illegal conduct of participants at NEBWG-related activities, nor shall NEBWG be held liable for personal injury, property damage, or theft suffered by members at such activities.

### **Statement of Agreement**

NEBWG membership is determined by registration and attendance of the annual meeting as outlined in the By-Laws. Members, by registering and attending the NEBWG annual meeting, acknowledge they have read the Inclusion and Professional Conduct Guidelines and agree to its tenet of inclusion and courtesy to all members of the community.

## **WHISTLEBLOWER POLICY**

NEBWG understands the value of membership in providing an unbiased perspective, as well as checks and balances to prevent any perception of the abuse of power. NEBWG membership witnessing conduct inconsistent with our Statement of Inclusion and Professional Conduct Guidelines are strongly encouraged to report such events to the Executive Committee or the NEBWG Ombudsperson. NEBWG will not tolerate any form of retaliation against persons who report such events or assist in an investigation. All individuals whose conduct is reported are considered innocent until a preponderance of evidence shows conduct inconsistent with the Professional Conduct Guidelines. Likewise, all persons reporting such conduct are presumed to be acting reasonably and in good faith, until a preponderance of evidence suggests an insincere intent or action.

## **DEFINITIONS**

*(modified from the American Geophysical Union's Scientific Integrity and Professional Ethics Policy)*

**Discrimination** means unequal or unfair treatment in professional opportunities, education, benefits, evaluation, and advancement, as well as retaliation and various types of harassment. Discriminatory practices can be explicit or implicit, intentional, or unconscious.

**Harassment** is a type of discrimination that consists of at least one single intense and/or severe act, or of multiple persistent or pervasive acts, which are unwanted, unwelcome, demeaning, abusive, and/or offensive. Offensive conduct constitutes harassment when 1) it becomes a condition of an opportunity, education, benefit, evaluation, or employment; or 2) the conduct is severe or pervasive enough to create a volunteer, professional or educational environment that a reasonable person would consider intimidating, hostile, or abusive. These acts may include, but are not limited to, epithets, slurs, denigrating comments, or negative stereotyping of any manner and in any form (verbal or written). Harassment also includes intimidating or hostile acts, based on the perception of a reasonable recipient and not the explicit intent of the sender, as well as incessant correspondence (digital or telephone) that has the effect of intimidation or hostility.

**Sexual harassment** is harassment that includes any unwanted or unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature.

**Bullying** is the use of force, threat, or coercion to abuse, intimidate, or aggressively dominate others in the professional environment that involves a real or perceived power imbalance. Cyberbullying includes these same behaviors or actions through any form of electronic communication, including social media. These actions can include abusive criticism, humiliation, the spreading of rumors, physical and verbal attacks, social or psychological isolation, undermining, and professional exclusion of individuals through any means. Bullying can substantially interfere with a person's emotional or physical well-being or would reasonably be expected to cause a person to fear for their physical safety. In the context of the Whistleblower Policy, NEBWG considers all persons reporting inappropriate conduct to be acting honestly and in good faith, and explicitly protected from retaliation and harassment. This presumption of honesty and good faith places 'whistleblowers' in a position of power. Therefore, abuse of the Whistleblower Policy is a form of bullying that will not be tolerated by NEBWG. Bullying can substantially interfere with a person's emotional or physical well-being or would reasonably be expected to cause a person to fear for their physical safety. Cyberbullying includes any similar behavior or actions through electronic communication. Cyberbullying can also include abusive criticism, humiliation, the spreading of rumors, isolation, undermining, and professional exclusion of individuals through any means.

## **OFFICE OF THE OMBUDSPERSON**

The designation of an Ombudsperson is intended to constitute a strong statement of NEBWG's commitment to an inclusive, professional, and transparent community. The Ombudsperson position serves as a neutral and objective source of information and point of communication for members with concerns or grievances related to possible violation of the NEBWG By-laws, policies, or guidelines. The Ombudsperson is appointed by a majority vote of the Executive Committee (EC) and acts as a liaison between the membership and the (EC). The Ombudsperson is tasked with investigating and responding to complaints of unprofessional or unethical behavior by any member of NEBWG, including the governance of NEBWG by the Executive Committee.

### **Appointment**

The Ombudsperson will be appointed for a 4-year term by the Executive Committee with re-appointment for subsequent terms allowed through a majority vote of the EC. The Ombudsperson serves at will and is not a voting member of the Executive Committee and can be removed at any time by a majority vote by the EC. If a vacancy of the position occurs at any time before the 4-year term has expired, the EC will appoint a replacement for the remainder of that term. Selection criteria emphasizes common sense, sensitivity to gender and minority issues, discretion, familiarity with NEBWG By-laws and policies, possession of the respect of the membership in general, and a willingness to serve.

### **Expectations**

The Ombudsperson is charged with reviewing and adjudicating allegations of misconduct occurring by any member of NEBWG involving any NEBWG-related activity. "NEBWG-related activities" include a) any behavior or conduct within the context of NEBWG organization, including any activities occurring at the annual NEBWG conference or other NEBWG-events, sponsored event, and activities, and b) any communication related to or representative of NEBWG (including phone calls, emails, social media, or NEBWG or listserv communication). The purview of the Office is to investigate any incident that is brought to the Ombudsperson that involves NEBWG members and the allegation of any conduct that occurred during a NEBWG-related activity that has the potential to negatively impact the perception of the NEBWG community. This includes any behavior or conduct that is inconsistent with the Inclusion and Professional Conduct Guidelines, regardless of where the incident occurs. Behaviors occurring 'off-site' (e.g., bars, overflow hotels, etc.) between members that are considered to be part of the broader organization gathering and are also subject to the NEBWG Code of Conduct and NEBWG disciplinary action: a valid complaint can be made even if the incident does not happen at the conference center or meeting venue.

Incidents involving non-NEBWG member participants generally fall outside the purview of the NEBWG Inclusion and Professional Conduct Guidelines Code of Conduct; however, the Ombudsperson can recommend restriction of membership to NEBWG or participation in NEBWG-related activities as a disciplinary action, up to and including denial of membership or participation.

Ongoing incidents under review by the Ombudsperson may result in the restriction of members to participate in NEBWG-related activities until the completion of the investigation and the publication of findings.

All issues brought before the Ombudsperson must be resolved in a timely manner with objectivity, professionalism, and discretion. Confidentiality will be honored to the extent possible, as long as the rights of others are not compromised.

The Ombudsperson is expected to make themselves available to members. Communication instructions will be provided on the NEBWG website.

### **Reporting of Alleged Misconduct**

Any individual who believes they have been subjected to a criminal act, or witness to a criminal act, should contact local law enforcement authorities. This includes simple assault, sexual assault, and any behavior or activity that has a mandatory reporting requirement for the jurisdiction where the conduct occurred.

Any member of NEBWG who believes they have been subjected to behavior or conduct inconsistent with the Inclusion and Professional Conduct Guidelines should contact the Ombudsperson or a member of the Executive Committee for guidance or to make a Formal Complaint.

Any member wishing to make a Formal Complaint must present the allegations “in writing” (by letter and/or email) to the Ombudsperson. The formal complaint should include a summary of the incident, including details such as dates, times, places, nature of the incident, comments made, and potential corroborating witnesses. The Formal Complaint should also include any subsequent conversations or actions related to the incident and any other relevant context.

It is important that any member making a Formal Complaint be as specific and detailed as possible, and to save all relevant documents and correspondence to aid in the investigation should they be requested to provide documentation. They will be asked to write and sign a Formal Complaint that documents the nature of the incident. Any Formal Complaint that alleges behavior that may be potentially illegal, or if at any point the Ombudsperson believes a mandatory reporting incident has occurred, the Ombudsperson is required to submit this information to the local law enforcement authorities for investigation prior to any additional action by the Ombudsperson.

### **Review of Incidents**

After receiving a Formal Complaint from a member, the Ombudsperson will review the complaint and respond within a reasonable amount of time to confirm receipt. Depending on the nature of the alleged misconduct, the Ombudsperson may report, or advise the member to report, the incident to local law enforcement. For all other cases, the Ombudsperson may discuss the incident with pertinent members involved. Further investigatory steps may include, but are not limited to, interviewing persons named as witnesses, requesting additional documentation and evidence relating to the Formal Complaint, and consulting with legal counsel. Throughout this process, confidentiality will be honored to the extent possible and as necessary to respect members’ privacy to avoid impeding the ongoing operation of the organization, unless disclosure is legally required.

After review of all materials, the Ombudsperson shall communicate their findings (‘Proposed Resolution’) to pertinent members. All parties will have 30 days to review the Proposed Resolution and respond in writing to the Ombudsperson. After receipt of a response from all parties (or the termination of the 30-day response period), the Ombudsperson will complete a Final Resolution that outlines a summary of the events and the recommended response to the Executive Committee. The Final Resolution should provide enough detail to inform the Executive Committee of the general complaint and the evidence without revealing confidential information to the extent possible. The protection of confidentiality includes the use of generic names for all parties (e.g., ‘the Complainant’, ‘Witness 1’) unless explicit consent is provided by an individual to release their name. The Executive Committee must have a majority vote to accept the Final Resolution. If any members of the Executive Committee are named parties in the Formal Complaint, they will be recused from voting on the Final Resolution. Once voting has been completed, the Executive Committee will notify the complainant and the alleged offender(s) of the Final Resolution.

EC will present general results, such as the number of formal complaints handled by the ombudsperson, number of final resolutions voted upon by EC, total voting results over the past year during the annual report.

### **Record Retention and Access**

Each Formal Complaint will be assigned a sequential number, by year (e.g., 2023-01, 2023-02). The details of each Formal Complaint, all evidence and information connected to the investigation, and an electronic version of the Final Resolution will be maintained by the Ombudsperson on a secure computer or server in a folder with the same name designation. Membership may request a copy of the Final Resolution from the Ombudsperson. The Executive Committee may request a copy of any Formal Complaint from the Ombudsperson, through a majority vote of the Executive Committee. The document request, the purpose for the request, and the vote of the Executive Committee must be documented in the Meeting Minutes. Any requests for the Formal Complaint documents as they related to NEBWG

business matters, with the exception of the Final Resolution, will require a signed and notarized non-disclosure agreement that will be documented and archived with the Formal Complaint. In the event that outside parties (legal or law enforcement entities) formally request any Formal Complaint records, the Ombudsperson, in coordination with the Executive Committee, will meet the disclosure requirements as required by the laws of New York State.