

Code of Conduct Enforcement

This document specifies the rules and regulations around the enforcement of the code of conduct of CG Week. In four sections, this document details how a committee that oversees the enforcement of the code of conduct is set up, is regulated and functions.

Section 1: Terms and outline.

We denote by CCC the Code of Conduct Committee. This committee is intended to be a community committee that receives, hears and evaluates accusations towards individuals that may have violated the code of conduct of CG Week.

We denote by SC the Steering Committee of CG Week.

This document is split into four sections. This first section elaborates on the terminology and outline of this document. The second section explains the setup of the CCC and the rules that its members abide by. Section 3 specifies the sanctions that the CCC can impose upon individuals that violated the code of conduct of CG week. Finally, Section 4 specifies the implementation of the CCC and the enforcement of its sanctions.

This document adheres to the following format:

Text in bold formulates the rules (or statutes) that the CCC and the CG Week community are to abide by.

Text in italics offers clarification to bold text and serves to specify the rules as intended. Generally, the text in italics may support CCC decisions and proceedings should they get challenged.

Underlined text indicates subsections that group certain rules in this document.

Section 2: The setup of the committee.

In this section we discuss the setup of the CCC.

2.1 On CCC membership and participation.

2.1.1 The members of the CCC are appointed by the SC for a duration of 2 years, up to two consecutive terms. Before appointment, the SC announces them as candidates, after which there is a two-week period during which the SC can collect objections or endorsements.

The reasons for appointment by the steering committee, as opposed to e.g., a public election, are threefold. First, this makes it easier to address potential conflicts. In particular whenever somebody has an issue with a person joining the CCC, it is a much smaller step to inform the steering committee than to publicly fight against their election. Secondly, it is easier for the steering committee to ensure the necessary diversity in the CCC. Finally, running in an election might deter good candidates from joining the CCC.

We recognize that the SC, and by extension this appointment process, is not without faults, but we believe that this is the better option. The SC should facilitate anonymous objections during the objection period. As for the term limits, we think it is important to enforce a variety of people in the CCC. Also, fixed term limits might make it easier to find candidates.

The SC should aim to nominate more candidates than CCC members.

2.1.2 The CCC must have between 3 and 5 members at all times.

The CCC will necessarily discuss sensitive issues, which are to be kept confidential. Thus, the CCC cannot be too large. On the other hand, the CCC has significant power, which should be distributed. We feel that 3 to 5 members are the ideal compromise between these two goals, where preference should be given to an odd number of members, to avoid stalemates. A further factor is, that we will need to find enough volunteers for the committee, which will be more difficult if the number of members is larger.

2.1.3 The CCC members cannot be SC members or SafeToC advocates at the same time.

The steering committee is already involved in many crucial decisions, and being a member of both the steering committee and the CCC would give a single person too much power. Also, allowing steering committee members to be in the CCC while simultaneously having the CCC appointed by the steering committee potentially leads to conflicts of interest.

The SafeToC advocates are supposed to stand by and support the victims in any case, whereas the CCC is a neutral entity. Thus, the roles of SafeToC advocates and CCC members are conflicting, which makes it impossible to act as both.

2.1.4 Once appointed, members of the CCC cannot be removed from the CCC during their term, unless they are sanctioned by the CCC. When members of the CCC violate the code of conduct and are sanctioned (even with a warning), they are automatically removed from the CCC.

2.1.5 When members of the CCC are accused of violating the code of conduct, they have to recuse themselves from the following proceedings.

This is to prevent a conflict of interest.

2.2 On conflict of interest

We say that a conflict of interest occurs between persons **A** and **B** whenever:

- **A** is/was the supervisor of **B** in the past 8 years,
- **A** is/was the PhD supervisor of **B**,
- **A** and **B** have worked at the same institute in the past 5 years,
- **A** and **B** were *regular* collaborators in the past 5 years,
- **A** and **B** are in a romantic relationship, or
- **A** and **B** are family members.

In addition, members of the CCC can declare a conflict of interest at their own discretion. More reasons for conflict of interest may exist, which the CCC evaluates at their own discretion.

2.2.1 The SC should aim to avoid CCC appointments that introduce conflict of interest between CCC members.

This rule exists to avoid creating (either implicitly or explicitly) a voting block within the CCC. Introducing conflict is purposefully not forbidden, so that there are enough prospective candidates. The SC is expected to avoid conflicts of interest as much as possible, but this clause ensures that appointments cannot be challenged based on this document.

2.2.2 If a person A is a party within a case brought to the CCC, any person B who has a conflict of interest with A has to recuse themselves. If, due to conflicts of interest, the CCC has fewer than three non-reclused members to decide on a case, the SC must appoint replacement members for the specific case, so that three members can decide on it. Rules 2.1.3, 2.1.4 and 2.1.5 apply; rule 2.1.1 does not apply to this appointment.

Here, the recusal is mandatory. This is because a committee biased towards any involved individual may open up legal liabilities. If a case exists where due to conflict of interest the CCC has fewer than three non-recused members, the SC is required to appoint new CCC members. These members may be temporarily appointed for the duration of the case.

2.2.3 A person A may be nominated by the SC to become a member of the CCC even if there exists a person B in the SC with whom A has a conflict of interest. However, every such person B may not participate in the SC vote to appoint this person.

The set of people who are suitable and interested in becoming a CCC member may be small. Moreover, as SC members are often broadly involved in the community, many of these prospective candidates are likely to have a conflict of interest with at least one SC member. Thus, we explicitly allow for these conflicts of interest to remain, to not reduce the set of possible candidates by too much.

2.2.4 Whenever there is a disagreement about whether or not there is a conflict of interest that involves a CCC member, all other CCC members have the deciding vote.

For example, if a person involved in a case claims a conflict of interest with a person A of the CCC, who disagrees, the other CCC members may vote to decide whether or not a conflict of

interest has been established. If there is a claimed conflict with several CCC members, votes to determine the conflict of interest go one-by-one, determined by random order. When a member has been found in conflict, that member cannot vote on conflict determinations later in the order.

2.3 On cases received and processed by the CCC.

2.3.1 Accusations against a participant can be brought to the CCC by any participant of CG week who was the victim of the offense, or by any advocate, e.g., SafeToC (this action requires explicit permission from the victim).

All accusations require a victim who submits the accusation on their own behalf. In order to protect these victims, they do have the option of communicating through advocates.

2.3.2 The CCC may decide to dismiss a case.

For example, when a case is refiled without (sufficient) additional evidence.

2.4 On decision making and their effect.

2.4.1 The CCC deliberates in non-public oral proceedings; those accused of misconduct have the right to be heard.

The CCC must offer the right to be heard, but can continue the process if this offer is declined.

2.4.2 CCC members vote anonymously, and the majority decides. The individual votes are never disclosed, and the vote ratio is never disclosed.

This measure exists to protect CCC members from having to disclose their individual vote.

2.4.3 The CCC weighs the evidence (based on free sifting of evidence) and determines whether misconduct occurred.

As a community committee, the CCC (as opposed to an official organization like the police) does not have access to tools or authorization required for thorough investigations. The CCC is, and will always be, unable to perform actions (e.g., finger print analysis, or verification of someones location, taking statements under oath, subpoenas) that rigorously prove whether or not misconduct has occurred. This means that the CCC has no mechanism to establish or verify any more rigorous burden of proof. This is why formally, the CCC bases its decisions upon free sifting of evidence. Any stricter proof standards would necessarily result in the CCC having to dismiss almost all of the cases, in which case the CCC would be doing more harm than good to the community.

2.4.4 Decisions by the CCC are binding and are not subject to appeal in a courtroom. In particular, there are no appeals. It is however possible to bring forward the same accusation in a new case.

The latter may occur, for example, when new evidence comes to light.

2.4.5 The CCC informs the accused, the victim, the SC and the involved advocates about the decision outcome.

In case of a ban, the CCC expects the SC to inform the local organizers of any future CG week as long as the ban is active.

Section 3:

The sanctions.

This section discusses the sanctions that the CCC may impose upon attendants of CG Week.

3.1 On eligibility and applicability of sanctions.

3.1.1 We denote by “during CG Week” the time period, and any location, that may reasonably be associated with CG Week.

This period includes satellite events, events and activities organized by the local organizers of CG Week and all private gatherings of CG Week participants in the local area of the conference. This includes PC work and actions by SC members during their tenure.

3.1.2 Participants of CG Week subject themselves to the evaluation of their (previous) behavior under the code of conduct statement of the (corresponding previous) CG Week they participate in. For CG Weeks before 2022, the code of conduct statement from 2022 applies. Behavior is excluded from evaluation as soon as eight years have passed since that behavior took place.

Importantly, for CG Weeks that took place before the code of conduct was established, the code of conduct of 2022 applies. This rule is retroactive in the sense that previous behavior during CG Week is subject to evaluation as soon as the person registers for and participates in a CG Week.

3.1.3 The CCC can decide on sanctions against a participant of CG Week for any offense against the code of conduct which occurred during any CG Week (that is subject to evaluation by 3.1.2), or decide that no sanctions shall be applied.

The latter specification exists to ensure that the CCC does not have to take actions involuntarily. E.g., it may be undeniable that the code of conduct was violated. However, the CCC may still decide not to impose any sanctions if it regards the violation as ‘too minor’.

3.1.4 The CCC can decide to impose sanctions against any individual for any behavior that goes against the standards as laid down in the CG Week code of conduct, even if the offense did not take place during CG Week, when the CCC receives confirmation that an external entity has applied sanctions. Rule 3.1.2 applies.

This rule exists to ensure that severe sanctions from trusted entities (such as the decision of a court, a professional society the offender is a member of, or the employer of the offender) allow the CCC to issue a ban even if the offense did not take place during CG Week. Observe that the rule which specifies that the accused has a right to be heard by the CCC, as well as the rules governing the type of sanctions that can be applied, and the statute of limitations all remain intact.

3.2 On sanctions imposed by the CCC.

In the following paragraphs, we intuitively make a distinction between ‘minor’ and ‘major’ violations of the code of conduct. It is not our intention that this informal definition will get formalized. Once appointed, the CCC may interpret offenses as minor or major on their own volition.

3.2.1 If the CCC determined that a minor offense against the code of conduct took place, the CCC may present a participant with a warning. These warnings are recorded by the CCC and include a duration of at most 5 years. Any other offense in this duration may be considered as a major offense.

The reason for the existence of warnings is to have a measure for minor offenses. Just like all other sanctions, warnings are not public.

3.2.2 If the CCC determined that a major offense against the code of conduct took place, the CCC may exclude a participant from attending CG week. The duration of this ban is at most 10 years, and is decided by the CCC. Banned individuals may not participate in the (sub)reviewing for CG Week.

Bans are for major offenses and the length of a ban should be chosen in order to protect the victim.

3.2.3 Banned individuals can still publish papers at CG week, but they cannot give the talk.

This rule exists for two reasons: first, this decreases the liability of the CCC and CG week because the ban does not stop publications (and thus, any claimed damage is lower). Second, this protects people who are dependent on a banned individual (such as their PhD students). Single-author papers may be presented by someone else, but not substituted by a recording by the banned individual.

3.2.4 The CCC keeps no records apart from records of ongoing cases and decisions of sanctions that are still in effect.

After a decision, all records are destroyed. Once a sanction is out of effect, the recorded decision for that sanction is destroyed. This protects the CCC and the community from liability in case of data breaches (or subpoenas). This does prevent the CCC from (officially) recognizing patterns (e.g., Person A gets accused every year, but the individual accusations are never strong enough for a sanction). This may be alleviated by combining these multiple accusations into a single, new case.

Section 4:

Implementation and enforcement of actions.

In this section we discuss how to implement the CCC and the actions of the CCC. Before we elaborate on the specifics, we first discuss the parameters that this implementation tries to optimize. For readability, we deviate from the prespecified formatting of this document.

Parameter 1: liability of local organization.

Suppose that person A has been banned from attending CG week by the CCC and that person A decides to attend the local conference anyway. At this point, person A must be denied entry. Moreover, the *only* entity that is able to deny person A entry from the local venue are the local organizers (as they are the ones who carry the responsibility for the local venue).

This is a responsibility that we cannot remove from the local organizers. What we can try to remove from the local organizers is the legal liability for making this decision.

In other words, we can aim to make the local organizers not responsible for the decision that person A is barred from attending the conference and we aim to explicitly impose upon the local organizers the responsibility of enforcing this decision. In this way, the local organizers are not the correct address for further litigation (should this occur).

To summarize: the first parameter measures how much the local organizer can be held legally responsible for applying and enforcing CCC actions.

It is important to note that at all times, the local organization may be sued in their respective country. This parameter estimates how successful such an attempt may be and how likely it is that the case gets dismissed.

Parameter 2: financial and fiscal convenience.

Whenever money is transferred from one country to the other, it is either subject to taxation or it requires documentation (and work) to show that it is exempt from taxation. This parameter is how much taxes have to be paid and how difficult it is to avoid paying such taxation.

Parameter 3: flexibility and inclusion.

This parameter measures how flexible our solution is (i.e. we want to support the various types of conference attendance that we experience today) and how inclusive the solution is (i.e. how easy it is for 'outsiders' of our community to attend our conferences).

Parameter 4: autonomy of the local organizer.

To make the local organization less legally liable, we might shift some responsibilities from the local organization to the new CG society. This in turn may make the local organizer less autonomous. This parameter measures how autonomous the local organizer is.

Parameter 5: ease of implementation.

This parameter measures the cost of the implementation. We aim to provide an estimation of both the monetary costs and the amount of effort required.

Parameter 6: side benefits.

We explicitly mention any side benefits from this solution.

Implementation: A new CG-Society (CG-S)

This construction provides the most legal security for everyone (including the steering committee) and some tax benefits. However, it is an involved solution.

- We set up a new society (CG-S) that holds CG week yearly (members-only).
- The local organization gets paid by the CG-S to host CG week.
 - Specifically, the local organization is allowed to declare their costs with CG week (and, if needed, can request an advancement of this repayment).
- This society (e.g., in the NL, BE, CH) is independent of the current society.
- The CG-S sells tickets for conferences. To this end, the CG-S creates a ticket selling website that supports various payment options. Members are required to make an account corresponding to their identity to buy the tickets.
- Each year, community members use this website to request attendance.
- Individuals that are banned by the CCC (and request conference attendance) instead get reminded that they are banned.
- All tickets have to go through the CG-S, even free tickets for invited speakers and local volunteers.
- It is important that the local organization does not accept local payments from anyone.
- The local organization does not know who is banned.
- Whenever a banned individual shows up at CG week, the local organization may cite that they have not paid for their ticket and force them to leave.
- The local organization remains responsible for enforcing the ban and for removing individuals without a ticket.

Parameter 1: liability of enforcement.

Since CG week becomes an event held by the CG-S, they are the responsible entity for the bans. It is very likely that any legal challenge to the local organization gets dismissed as holding them responsible for enforcing the ban almost equals suing a bouncer for enforcing club policy. The CG-S is also not (very) liable: as societies are generally free to host their own events and invite whomever they want.

Parameter 2: financial and fiscal convenience.

Under this construction, money flows in only one direction: the CG-S pays directly for the expenses of the local organization. Since the local organization has no profit margin, each paid bill will not be subject to taxation. Any left-over money has never left the resident country of the CG-S and is thus only subject to taxation in the country of residence.

A quick note: the taxation over the stored money of a society is very low.

Parameter 3: flexibility and inclusion.

This option is not very flexible with respect to ticket selling and specifically late/live registration: ticket selling now has to go through the CG-S. This means that registering after the start of the conference, or registering upon arrival becomes more difficult, as a CG-S member would have to live-verify their ticket (ideally, from the country of residence of the CG-S). Since it is not an event by the local organization, the local organizers have no agency to deviate from this construction even if they wanted to.

Parameter 4: autonomy of the local organizer.

On paper, the CG-S hosts the conference and can therefore make all conference decisions. In practice, the CG-S can let the local organizers host the conference as they see fit. However, this

construction does make the local organization less flexible as they have to declare their expense and, in most cases, request for money beforehand.

Parameter 5: ease of implementation.

The CG-S needs official statutes that get verified and signed by a civil lawyer upon their creation. These statutes (which is essentially the code-of-conduct together with this document that specifies how it gets enforced) protect the CG-S and their members from native litigation. Every year, the CG-S needs to fill in a tax form and pay taxes over their saved money. The administrator of the society needs to be a resident (preferably citizen) of the same country. As this option is somewhat involved to implement (specifically the ratification of the statutes), the total start-up cost may be high but likely not more than 3000 euros. The yearly cost for maintaining the society and its legal insurance is estimated to be less than 500 euros.

Parameter 6: added benefits.

The CG-S website may support a wide array of payment methods.

In addition, the local organization no longer has to file foreign tax forms because they want to wire money to a CG-Society.

Also, the CG-S could be the new forum to hold community votes (instead of an email-list vote).