

# Snowmass2021 - Letter of Interest

## *A Need for Alternative Collaborative Means to Address Misconduct*

### **Thematic Areas:**

■ (CommF3) Diversity & Inclusion

### **Contact Information:**

Kimberly Palladino (University of Wisconsin-Madison, Oxford University) [kpalladino@wisc.edu, kimberly.palladino@physics.ox.ac.uk]

**Abstract:** As a field with large, international collaborations, High Energy Physics has been lauded for its progressive organizational structures. As Codes of Conduct become common for conferences, meetings and collaborations, a number of questions remain regarding their enforcement, especially near threshold. These responses are deeply tied to the underlying goal of fostering inclusive respectful work environments.

Three problematic areas of responding to misconduct are identified for high energy physics to respond to: sharing information of misconduct, threshold misconduct, and the failures of Title IX to address many sexual harassment situations. The burden of developing responses should be borne by our wider community. In the process, we can create an environment capable of supporting greater diversity and inclusion, and be prepared when misconduct occurs.

We expect our colleagues to be respectful within our professional networks and codes of conduct are written and signed, yet we are likely to continue to encounter misconduct and must be prepared to take action in support of our ideals. However, there may be structural as well as behavioral barriers to such action, and identifying these quandries now, may prevent our field and collaborations from being a negative national headline.

The primary problem is how to respond to misconduct in a manner fair and supportive of inclusion. One of the first issues to contend with is simply a lack of information. As news stories proliferate regarding efforts to prevent institutions from passing the harassers[1, 2], there is little discussion of how collaborations or conferences may do the same thing. Of particular import may be investigations within an academic institution not being shared with non-institutional bodies such as collaborations and professional societies. Even if this concerns multiple members of a collaboration, there is often no provision for the sharing of information with the collaboration.

But even when information is available, we are often in a situation where the misconduct, frequently of a bullying or harassment nature, is of a threshold nature. (As physicists we should expect this!) A limited number of individuals may dominate the interpersonal disputes and mediations within a collaboration, affecting the tone of collaborative work, and yet not be in explicit violation of a code of conduct. In such situations, whisper networks often arise, which serve the purpose of trying to protect vulnerable members of the collaboration from the poor actors. Such situations primarily When does a pattern of threshold behavior rise to the level of code violation? Are there any 'statute of limitations' style timing considerations to be made? How widely should behaviors be discussed, while maintaining respect for any involved parties? Can tensions be addressed successfully, and what is our responsibility for trying to relieve them? When can a member of a collaboration be removed, or prevented from joining due to their personal behavior? What if a plurality of collaborators are not in favor of removal, but a significant minority, such as female students and postdocs, feel strongly in favor of removal? Although the most common solution is to work on impacting the work climate prior to a situation [3] raising the prior questions, we do still need to be prepared with answers to them.

The final complicated area of misconduct to be addressed here is that of sexual misconduct. In recent media stories, young women in science have shared their experiences with Title IX reports and how they believe it fails them [4, 5]. Such failures to serve the victim[6, 7], can not be surprising to those that have received training from their institutions. In the stories shared above in UCLA Astronomy and in multiple departments at UCSF, the complicated situations that arise in Title IX investigations are delineated, and an outside observer may both agree that the male perpetrators should not lose their jobs and careers for their actions, but may also understand how the female victims suffered with mental health and professional success issues, and feel alienated from their colleagues and fields of study. With new changes to Title IX complicating reporting[8], institutional systems parallel to the federal process may also be boosted by support to victims within our physics community and collaborations. If our current system is not serving our most vulnerable members, we need to actively work on new structures to support victims and educate the community regarding behavioral norms. There are many tales of successful romances within high energy physics, and we can work to prevent negative experiences and career-ending consequences for all parties. Open discussions of consent and professional behavior may be key.

The professional associations of collaborations may provide unique environments for applying strict codes of conduct, and in parallel, applying options for open dialogue and reconciliation. Three problematic areas of responding to misconduct have been identified for our community to respond to: sharing information of misconduct, threshold misconduct, and the failures of Title IX to address many sexual harassment situations. We may not be able to offer solutions to these matters at this time, but we can integrate their discussion with other inclusive climate matters.

- 
- [1] C. Flaherty, "Reference checks ahead." Available at <https://www.insidehighered.com/news/2019/06/27/uc-davis-latest-institution-adopt-reference-check-policy-stem-faculty-misconduct> (2020/08/31).
  - [2] J. Mervis, "Nsf unwittingly hired a professor guilty of bullying, highlighting the 'pass the harasser' problem." Available at <https://www.sciencemag.org/news/2019/11/nsf-unwittingly-hired-professor-guilty-bullying-highlighting-pass-harasser-problem> (2020/08/31).
  - [3] K. Clancy, L. Cortina, and A. Kirkland, "Opinion: Use science to stop sexual harassment in higher education." Available at <https://doi.org/10.1073/pnas.2016164117> (2020/08/31).
  - [4] E. Martin, "Title ix inaction at ucla astronomy." Available at <https://medium.com/@emilymartin88/title-ix-inaction-at-ucla-astronomy-61065540a39e> (2020/08/31).
  - [5] A. Panzer, "Sexual harassment process troubles complainants." Available at <https://synapse.ucsf.edu/articles/2019/03/12/sexual-harassment-process-troubles-complainants> (2020/08/31).
  - [6] N. C. V. L. Institute, "Understanding the intersection of title ix and victims' rights: Protecting victims from subpoenas for school disciplinary records." Available at <https://law.lclark.edu/live/files/19590-ncvli-bulletin---title-ix-and-victims-rights> (2020/08/31).
  - [7] I. Novacic and T. Mooney, "Students accused of sexual misconduct say title ix isn't working — and victims agree." Available at <https://www.cbsnews.com/news/title-ix-sexual-misconduct-on-campus-cbsn-documentary/> (2020/08/31).
  - [8] G. Anderson, "Deadline time for new federal sexual assault policies." Available at <https://www.insidehighered.com/news/2020/08/14/colleges-implement-changes-meet-title-ix-deadline> (2020/08/31).