The Samvera Code of Conduct Incident Response Manual

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Preparing For Incidents

The Code of Conduct and Anti-Harassment Policy

Samvera's Code of Conduct and Anti-Harassment Policy are the primary vehicles by which the community agrees upon and communicates its standards of behavior. We review these documents on an annual basis and update them as necessary. We require that these documents be widely publicized at all Samvera events and in all of our online forums, including slack, mailing lists, and code repositories.

Reviewing and updating these documents

The Code of Conduct Response Team takes primary responsibility for reviewing and updating the Code of Conduct and Anti-Harassment Policy, as well as this Response Handbook. They will seek approval from the Samvera Board of Directors (the Board) of any substantive changes. Substantive changes will additionally be recorded at the end of the Response Handbook.

Publicizing these documents

The Code of Conduct and Anti-Harassment Policies will be widely publicized in all Samvera spaces, both physical and digital. Event organizers and slack and mailing list admins are responsible for ensuring that these documents are displayed prominently.

For events requiring registration, both the Code of Conduct and Anti-Harassment Policy will be linked from the registration form, and registrants will be asked to affirm that they've read and agree to abide by these policies. The policies should additionally be announced at the event's opening sessions.

For in-person events, both policies will be printed in full in any program books, and will be printed out and displayed prominently near the registration desk.

For digital spaces, such as slack and mailing lists, links to both policies will be prominently displayed. On chat platforms, they will be linked from the main channel's topic, and where possible, a bot will be configured to provide the links upon request, answering to phrases such as "what is the link to the anti-harassment policy" or "code of conduct link." On mailing lists, the links will be included in the email footer for each message. Additionally, the links will be included in the confirmation email to new members of each mailing list, informing them that by participating in the mailing list, they are agreeing to abide by these policies.

Organizational Risk-Management

In order to fairly and comprehensively enforce the Code of Conduct and Anti-Harassment policy, it is important for the Board to maintain strong risk-management practices, especially around internal threats.

The Board should regularly evaluate whether the organization or any of its projects would face an existential threat if any one person or closely aligned group (such as business partners or a married couple) became suddenly unavailable or hostile to the organization. If such a risk exists, the Board should take steps to reduce or eliminate that risk through cross-training, making sure multiple Samvera community members have strong relationships with key partners and funders, and maintaining software security best practices around access to key systems.

In addition, the Board and organizers for in-person events will ensure that all events have a safety and security plan for incidents outside the scope of the Code of Conduct, such as physical hazards (fires, gas leaks, inclement weather) and instances of mass violence such as shootings or bombings. Event venues should already have security plans in place. Where they don't, event organizers will develop these plans in collaboration with the venue.

Contact Methods and Record-Keeping

In order to ensure timely responses and full and accurate records of incident handling, incident reports are directed to official Samvera channels, such as slack and samvera email addresses.

If members of the Response Team, Helpers, or other Samvera personnel receive any reports via other means, such as in person, via social media, DMs outside of the Samvera slack, or via their personal email address, they should immediately document that report in the following channels:

- Response Team mailing list (forward any emails received elsewhere)
- Response Team slack channel (copy and paste DMs, document in-person conversations)

Preparing Response Team Members For Incident Handling

Samvera's Code of Conduct Response Team holds primary responsibility for responding to violations of our Code of Conduct and Anti-Harassment Policy. The Board is responsible for maintaining documentation of incidents once they are handled.

The Code of Conduct Response Team ("Response Team," for short) is a separate body from Samvera's Helpers, though membership may overlap (individuals may serve in both capacities, but do not have to do so). All Helpers, regardless of whether they serve on the Response Team, will receive basic training in how to field Code of Conduct reports and direct reporting parties to the Response Team. However, only members of the Response Team itself are charged with handling and responding to Code of Conduct reports.

We take the following steps to ensure that the Response Team are ready, able, and willing to respond to violations of our Code of Conduct and Anti-Harassment Policy:

Vetting Response Team Members

The Samvera Community uses a vetting process to ensure that Code of Conduct Response Team members can operate with the trust of the Samvera community.

When someone wishes to serve on the Response Team, the Samvera Community Manager takes the following steps:

Confirm that the person is known and accountable to the community

Because this is a role that requires a degree of trust, people serving in this role should have enough existing involvement with the community that at least some trusted members of the community have a sense of the person's judgment and character. If no one in the community knows the person, they should be encouraged to participate in the community in other ways (e.g., volunteering as a Helper, contributing to a working group or interest group) for at least six months before they serve on the Response Team.

A person may not need to have been directly involved in the community for six months if they are already well-known to community members, such as long-standing colleagues or collaborators on other projects. In these cases, it's best if they're known to multiple unrelated community members, rather than having a single person or tightly-aligned group 'vouch for' them.

Confirm that the person has read and agrees to uphold the Code of Conduct and Anti-Harassment policy

If someone disagrees with the community's standards of behavior, that disagreement must be resolved before they can serve on the Response Team. They can speak to the community about their concerns and ask for the documents to be updated, but they should not serve on the Response Team until their proposed changes are accepted, or they have agreed to support the policies as written.

In order for the community to be able to trust someone to enforce the Code of Conduct and Anti-Harassment policy, their support for these documents must be sincere--if there is any doubt that they will support and enforce the policies as written, they should not serve on the Response Team.

Search for records

The community is not equipped to do full background checks of Response Team members, but the Community Manager should take a moment to review the prospective Helper's online presence for any major red flags. In particular, they should:

- Search the person's name and to see if they've been credibly accused of poor behavior outside the Samvera community
- Do a cursory search of the person's online presence (website, social media accounts) to look for obvious red flags, such as opposition to diversity and inclusion or use of unacceptable slurs
- Look for other examples of poor judgement or misalignment with the community's values, such as bigoted statements or public support for groups or individuals who are known for racist, sexist, cissexist and/or heterosexist, or ableist views, or who are known for engaging in harassment or hateful behavior.

The Community Manager is not responsible for doing an in-depth review of everything the nominated Response Team member has ever said online. The point of this search is to make sure there are no clear and obvious red flags.

If they encounter a red flag, they should evaluate whether it is potentially disqualifying (see “evaluate feedback,” below).

Seek community feedback

The Community Manager will inform the community that someone has been nominated as a Response Team Member, and solicit feedback with a specific deadline. The deadline will be no less than two weeks, but may be longer in cases where people may need more time to see and respond to the call for feedback (for example, if the nomination occurs right before or during major secular or religious holidays, in the lead-up to a major event or project deadlines, or right at the start or end of an academic term). They should post reminders of the call for feedback at regular intervals during the feedback period, including a “last call” one or two days before the feedback period closes.

The Community Manager will direct people to provide feedback about the nominee *privately*, and ask people to avoid publicly discussing a nomination. Public celebration of and/or support for a nominee can have a chilling effect on people speaking up about concerns.

The Community Manager should be prepared for the possibility that seeking community feedback may result in Code of Conduct reports about the nominee. If they receive such reports, they will immediately turn them over to existing Response Team members, and place the nomination process on hold until the reports have been investigated.

Evaluate feedback

The Community Manager should evaluate any feedback they receive to determine if there are disqualifying concerns. If needed, they can reach out to the Response Team for assistance evaluating feedback.

Disqualifying concerns are concerns about a person’s judgment or past or present conduct that would undermine the community’s ability to trust them to handle sensitive issues. Relevant factors include the severity of past conduct, how frequent it was, how recently it occurred, and any steps they have already taken towards accountability and restitution.

The Community Manager may also hear negative feedback that they should discount, especially about prospective Response Team members from marginalized backgrounds. For example, it is common to get feedback that a woman is abrasive, bossy, or intimidating when in fact the woman in question conducts herself appropriately and professionally. This is especially common for women of color. If the Community Manager gets feedback of this kind, they should ask for specific examples so that they can evaluate whether the concern is valid.

Make a decision

If there are no major concerns about a prospective Response Team member, the Community Manager can close out the vetting process themselves. If they believe the person should be disqualified, they should review the disqualifying concerns with the Response Team.

Announce the new Response Team member

If the prospective member is approved to serve, the Community Manager should make an announcement to the community with a brief introduction to the new Response Team member. This is a good opportunity to remind people:

- Where to find the Code of Conduct and Anti-Harassment Policy
- How to contact the Response Team with concerns
- How to volunteer to be a Response Team member
- About other volunteer opportunities, such as the Helpers

If the Community Manager has determined that the person should not serve in this capacity, they will not make a public announcement; they will privately inform the nominee that they cannot serve, and then inform anyone who came forward with concerns that the person will not be serving.

If the nomination prompted reports of Code of Conduct and Anti-Harassment Policy violations, the Community Manager should thank the people for their reports and inform them that the Response Team will investigate. Public announcements about the investigation should be handled by the Code of Conduct Response Team.

Arrange for training and onboarding

Once the new Response Team member is announced, the Community Manager will arrange for the new Response Team Member to be on-boarded and trained.

Onboarding Response Team Members

Steps for the Community Manager

- Add the new Response Team Member to Response Team mailing lists and other communications channels
- Ask the new Member if they have any mandatory reporting obligations that they need to disclose to reporters
- Add the new member to the public Response Team contact page, noting any mandatory reporting obligations alongside their name
- Arrange for the new Member to get training in handling reports
- Supply the new Member with a link to this Response Plan, the Code of Conduct and the Anti-Harassment Policy, and ask them to read all three documents in their entirety
    - Encourage them to bring any questions they have to the Response Team
- Ensure that the new Response Team member has admin access to online spaces, including mailing lists, chat platforms, and code repositories, so that they can take action in response to incidents

Steps for the New Response Team Member

Training

The new Response Team Member should make sure they read documents relevant to their work--even if they are already familiar with them:

- The Code of Conduct and Anti-Harassment Policy
- This Incident Response Plan

If they have any questions or concerns about these documents, they should bring them to the rest of the Response Team.

The Community Manager will arrange for the new Member to get training in how to handle reports.

In addition to reading these documents and participating in training, there are a few steps that a new Response Team Member should take to ensure that they're ready to fully participate in the Response Process:

Mandatory Reporting

Any Response Team Member with Mandatory Reporting obligations should clearly disclose these obligations up-front when joining the Response Team, in order to give members of the community the maximum possible agency in determining how they want harassment or misconduct they've experienced to be handled.

New Members should tell the entire Response Team and the Community Manager if they are a Mandatory Reporter, and what circumstances require them to report. This is heavily dependent on their profession, employment, and jurisdiction, and if the new Member is unclear on their obligations, they should confirm with their employer, professional association or licensing body, or their personal attorney.

If an incident occurs where the Response Team Member's mandatory reporting obligations would come into play, they must be prepared to immediately recuse themselves from handling that incident, and to disclose any reports they are required to make based on information they learned before their recusal.

Online Safety

Response Team Members can be subjected to harassment, doxing, and brigading related to their anti-harassment work. This can occur suddenly in the wake of a decision, and it is best to be prepared for it. New Response Team members should take the opportunity to:

- Audit their online presence to make sure that they are comfortable with the level of information publicly available about them and their families, and should take steps to remove information (such as their home address or information about their children) from public view where appropriate
- Do a general "security checkup" and ensure that they are using strong passwords and multi-factor authentication for all their vital accounts, and that accounts are not accessible via guessable security questions
- Contact their phone and internet provider and ensure that there is a strong verbal password associated with their accounts, so that bad actors cannot redirect their phone number to a new SIM card to intercept account verification texts.

Past Conduct

Response Team Members are held to a high standard of personal conduct, and their past conduct may be subjected to additional scrutiny--either by good-faith community members wishing to confirm that the new Member is trustworthy, or by bad-faith actors wishing to discredit the Response Team or its members.

New Response Team Members should take the opportunity to review their online presence for any past conduct that they no longer stand by:

- Use advanced search tools on social media to search for phrases and slurs they should not be using (especially if they know that they used to believe certain language was appropriate and have had a change of heart)
- Check their personal website or blog, if applicable, for past statements or positions related to diversity and inclusion or anti-harassment that they no longer support
- Check that any old accounts, forum memberships, etc., that the Member no longer uses have been properly deactivated, and that they are no longer publicly affiliated with groups or organizations they no longer support

If they find past behavior that they no longer support, they should get a backup (download an archive, copy text to a document, and take screenshots), and then, where possible, delete the content or arrange for it to be removed. This is not about hiding past behavior, but about making sure behavior that the Member no longer stands by doesn't continue to cause harm, and to ensure that it isn't surfaced in a disingenuous manner designed to undermine the Response Team's credibility. Even after content has been removed, the Member should still be prepared to answer any questions or concerns that may arise, and should maintain their backup/screenshots in case they need them in the future.

Training Response Team Members

New Response Team members will be given a copy of this Response Plan, and should read it in its entirety. They can address any questions they have about the Response Process to existing Response Team Members.

On an annual basis, the Response Team reviews this document together and assesses whether any changes are necessary. This is also an opportunity to re-familiarize themselves with the document, and evaluate whether their process for addressing incidents has drifted from the documented process. If it has drifted, they should evaluate as a team whether to change their practices back to what's documented, or change the documentation to reflect the current process.

Samvera Helpers receive training annually on how to field Code of Conduct Reports. The Response Team and the Community Manager are responsible for organizing this training. Any Response Team member that has not yet participated in the training should attend the next scheduled training session.

In addition, Response Team members will review the Code of Conduct and Anti-Harassment Policy, and this document annually, as a group. Doing so provides the Response Team with regular training on relevant policies and processes, and serves as an opportunity for the

Response Team to consider whether any changes should be made to these documents to reflect the community's current practices. Substantive changes should be listed in the change log at the end of the document, and the Board should be informed directly when changes are made.

Response Checklist

When a report is made, the person receiving the report will take the following steps. Each step is fully explained in the Response Guide, below.

Person Who First Receives The Report:

0. Remember the Goal. The primary goal of responding to this incident is to prevent future harm to the community, and to mitigate, to the extent possible, harm the incident has already caused.

1. Confirm that everyone is safe. Ask the reporting person "is anyone in danger right now?"

2. Note the time you received the report

3. Write down what you know so far

4. Alert The Response Team.

5. Thank the Reporter for their Report and inform them it's been passed on to the response team.

Remaining Steps To Be Conducted By Response Team:

0. Remember the Goal. The primary goal of responding to this incident is to prevent future harm to the community, and to mitigate, to the extent possible, harm the incident has already caused.

6. (If appropriate) Tell the community that the Response Team is handling the incident

7. Assemble Incident Team

8. Ask for Recusals

9. Investigate The Incident
- Identify Involved Parties
- Speak to Involved Parties

- Check Previous Reports
- Check Community Records

10. Determine How To Respond

11. Implement The Response

12. Inform Relevant Parties
- **Persons harmed by misconduct**
- **Person accused of misconduct**
- **Reporters/witnesses (if not the above, do not give details on response)**

13. Inform The Community

14. Complete Hand-Off Documentation

Response Guide

0. Remember the Goal

The primary goal of responding to Code of Conduct incidents are as follows:

- Prevent future harm to the community
- Mitigate, to the extent possible, harm the incident has already caused or is causing

As people implement the response process, they should keep these goals in front of mind, and ask themselves how the steps they are taking are serving these goals. When handling difficult incidents, it can be easy to get distracted by other objectives, such as punishing the offender or defending the community's actions. These distractions can lead to a response process and outcome that doesn't serve the Response Team's primary goals. For more on this, see "Choosing A Response," below.

1. Confirm that Everyone is Safe

For incidents where it's not immediately obvious, a person taking a report should ask the reporting person: "is anyone in danger?"

This is important because people will sometimes downplay or euphemize very serious risks. For example, "hey someone is really drunk in the lounge? I think someone should check on them?" might just mean that someone is sloppily drunk. But it could instead mean that someone is:

- threatening or causing harm to themselves or others
- being sexually assaulted/in danger of being sexually assaulted
- having a medical emergency that has been mistaken for intoxication

Before the person receiving the report proceeds with the incident response process, they should confirm that no one is in immediate danger. For in-person events, if they determine that someone is in danger (or need assistance making that determination), they should alert event/venue security, and contact emergency services if necessary.

For further guidance on handling medical emergencies and mental health crises, see Appendix A.

2. Note the Time

Samvera's anti-harassment policy states that people should receive an acknowledgement of their report within one business day, and a response within one week. The person receiving the report should take note of the time they received it so that these deadlines can be calculated.

3. Write Down What You Know

If the person receiving the report does not receive it in writing, then they should write the report down as soon as practical.

If the person receiving the report is not a member of the Code of Conduct Response Team, they should note what time they received the report, what was reported to them, and what steps, if any, they have already taken to address the situation (such as confirming that everyone is safe). If they're able to immediately refer the report to a member of the Response Team, however (for example, if they're approached at an event and are able to wave a member of the Response Team over to take the report), they can leave this step to the Response Team.

If the report comes directly to a member of the Response Team, they can use the report template included in Step Twelve, but at this stage, taking immediate notes is more important than documenting every detail.

4. Alert the Response Team

Steps 1-3 can be undertaken by anyone who receives a report, whether or not they are a member of the Response Team. If someone who is not a member of the Response Team receives a report, however, they should refer it to the Response Team as soon as possible. The remaining steps of the response process will be undertaken by the Response Team.

The Response Team member who first receives the report should alert the Response Team as a whole and refer them to the preliminary write-up. The response team may wish to write their incident notes to a private slack channel, either manually or using a slackbot/slack integration, and tagging it with @here.

For record-keeping purposes, full write-ups of each incident will be stored outside of slack, but the goal of these initial notes is to ensure that key details are preserved while the incident is being handled.

If a Response Team member is accused of violating the Code of Conduct and Anti-Harassment Policy (or of otherwise unacceptable behavior), they must immediately recuse themselves, and all discussion of incident handling should be moved to channels they can't access.

In addition, if the accusation is not minor, then the accused Response Team member should be temporarily removed from incident response communication channels (these channels should still not be used to discuss the incident, as the backscroll/archives will become available to the accused Response Team member if they are cleared of wrongdoing and rejoin).

5. Thank the Reporter for their Report

6. Tell the Community that the Response Team is Handling It

If the incident was highly visible or widely known (for instance, it happened on stage during an event, or someone has posted about it on twitter and it's getting a lot of attention), the Response Team should release a very brief statement alerting the community that they are aware of the incident and are working to address it.

When Is A Statement A Good Idea?

Not every incident requires a statement, especially while the Response Team is still investigating or deciding how to respond. A general guideline is that the same people who were impacted by the incident should be made aware that it's being handled. For most incidents, this does not require a public statement--the Response Team will already be contacting involved parties and key witnesses privately as part of their investigation.

When an incident is particularly public, however, its impact may extend far beyond the involved parties. For example, if someone is sexually harassed on stage during an event, they are the victim, but the audience is also impacted, and should be made aware that the incident is being investigated.

Goals

Preliminary statements help in the following ways:

Reinforce Community Norms

Telling people that something is being investigated sends a message that the conduct under discussion isn't acceptable in Samvera spaces. If an event was public or publicized and is generating a lot of attention, people will feel safer and more welcome knowing that the incident is being taken seriously.

Solicit Relevant Information

If a whole room full of people saw something, the Response Team is unlikely to need to interview every person--but the Response Team can use the statement to encourage people with unique information to speak to them privately. Examples of unique information include a recording of the incident, or information about past behavior from involved parties indicating that the incident is part of a pattern.

Minimize Unconstructive Conversations

If rumors or suppositions are flying around, or if people are discussing the incident in a manner that's harmful towards victims or the larger community, the initial statement can help defuse tensions by ensuring the community that the incident is being investigated and will be addressed (see "handling reactions," below).

Format

The audience for an initial statement is people who are already aware of the incident. The statement should be brief, and include only enough detail to make it clear that the Response Team is aware of the incident.

It should:

- Briefly describe the incident (when and where it occurred, no more than one sentence about what happened)
- Remind the community that harassment is not permitted in Samvera spaces
- Link to the Code of Conduct and Anti-Harassment policies
- Provide a basic timeline for when the Response Team expects to have a response to the incident
- Discourage people from debating or discussing the incident in Samvera spaces while it is being investigated
- Direct anyone with questions or comments to contact the Response Team privately, and tell them how to do so

It should *not* include:

- The name(s) of the person(s) involved in the incident (accused harassers or victims)
- A detailed account of what occurred
- Any attempts to explain or convince the community why the conduct was unacceptable
- A promise to punish the responsible party

Example Statement

Here is an example statement for an incident in which someone included sexualized images in their slide deck for a talk:

The Code of Conduct Response Team is aware that one of the talks on Saturday [of Event] included sexualized imagery. Sexual imagery is not appropriate in any Samvera space, and is a violation of our Code of Conduct and Anti-Harassment Policy. The Response Team is working on addressing this incident. In the meantime, we would like to remind the community that public debate and discussion of ongoing incidents can be distressing to survivors of harassment and other misconduct. We encourage anyone with questions, concerns, or information about this incident to contact the Response Team directly, by emailing [response team email address] or contacting us on slack at [slack handles].

Where/When to Release the Statement

Ideally, initial statements should be made as soon as possible, in the same venue where the incident occurred or was publicized: if the incident occurred during a talk, the statement should be made to the talk's audience (or the wider audience of attendees, if the talk is already done). If someone has announced the incident on Twitter, the Response Team should post a written statement and link it from Samvera's twitter account.

Handling Reactions

Public and publicized incidents tend to generate a lot of discussion and feedback--much of which is unconstructive or actively harmful to the community. People may argue with or pick apart people's accounts of what happened. They may also want to debate whether the conduct in question is acceptable. Both of these conversations are potentially traumatizing to victims and survivors--including victims and survivors of similar incidents that occurred previously or in other spaces.

Public discussions of the incident, and any debate about what happened or whether it was acceptable, should be discouraged while the incident is being investigated. When these discussions are happening in Samvera spaces, they should be shut down as a sustained disruption of the space.

7. Assemble Incident Team

Most incidents will not require every member of the Response Team. The Response Team should gather a quorum sufficient to address the incident. Three people will be sufficient for most incidents, though more may be better for serious or publicized incidents. To ensure a timely response, the Response Team should proceed as soon as they have the minimum number of people they need. If needed, more Response Team members can join as they become available.

The Response Team members who are responding to a specific incident make up the Incident Team.

Any members of the Incident Team who may have a conflict of interest should recuse themselves (see Step 7).

The Incident Team should select an Incident Lead and one or more Points of Contact for the Incident. These can be the same person, but it's often better to spread these duties around, as it can be difficult for the Point of Contact to manage and document the process while being responsive to involved parties.

Incident Lead Duties

The Lead is responsible for making sure that the response process is followed correctly and completely, and that the incident is properly documented and handed off to the Samvera Board.

The Lead should make an individual copy of the Response Checklist and work with the Incident Team to determine who will be taking which steps and when. They are responsible for following up with other members of the Response Team to confirm that tasks have been completed on the agreed-upon schedule.

They should annotate their copy of the checklist to include details of what steps were taken, who took them, and when they occurred. This annotated copy will become the basis for the final report.

Point(s) of Contact Duties

The Point(s) of Contact will be responsible for communication with involved parties, including the person who made the report, anyone accused of harassment, anyone who was or may have been harassed, and where relevant, the community as a whole.

If a Response Team member received the report, it may make sense for them to serve as the point of contact for the reporting party, especially if they received the report privately or in person.

For minor or straightforward incidents, one Point of Contact may be sufficient. For serious incidents, those with many involved parties, or highly publicized incidents, it may be better to divide this work among Response Team members--it is especially useful to have a public-facing Point of Contact for the community, and a separate Point of Contact to speak with involved parties directly.

8. Ask For Recusals

The Incident Lead should ask each Incident Team member if they have any conflicts of interest.

Conflicts of Interest

The community as a whole needs to trust that the Response Team will handle incidents fairly and impartially. Even if a Helper has unquestionable integrity, they should recuse themselves if they have any relationship with key parties to the incident that could give the community the impression that they hold a bias towards or against key parties to the incident.

Conflicts of Interest examples:

- Being immediately involved in the incident (such as being the harassed party, or being accused of harassment)
- Close personal or business relationships, past or present, with anyone immediately involved in the incident
- Employment or potential employment relationships with anyone immediately involved
- A hostile relationship with anyone immediately involved (for example, a history of getting into heated arguments on the mailing list with the reporting person)
- Mandatory reporting obligations that apply to the specific incident
- Any other circumstance that would damage the community's trust in someone's impartiality or discretion

If any member of the Incident Team does have a conflict of interest, they should recuse themselves as soon as they realize, and if necessary, tag in another Response Team member to take on their role.

How To Recuse

When a Response Team member becomes aware that they need to recuse themselves, they should immediately take the following steps:

1. Inform the entire Response Team that they need to recuse themselves from this incident
2. Immediately stop reading any notes, conversations, emails, or documents relating to the incident.
3. If involved in a real-time conversation about the incident (in person or on a call), they should interrupt to say that they need to recuse themselves. Conversation should stop until they leave.
4. If they are the Incident Lead, the Incident Response Team should choose another member to take over as lead
5. Prompt the Incident Lead to remove their access to documents and conversations related to the incident, including moving discussion of the incident off the Response Team mailing list and out of the Response Team's slack channel
6. If they have any documents, logs, emails, etc related to the incident, they should turn those records over to the Incident Lead and delete their personal copies.
7. Refer anyone who asks them about the incident to the Incident Points of Contact and say they cannot discuss the incident further.

When Not To Recuse

It is common for volunteers in a community, including Response Team members, to know many of the community's active participants. Merely knowing someone involved in an incident is not grounds for recusal.

Casual friendships and minor collaboration on a large project (such as contributing to the same open-source project) do not require recusal. Disliking someone also doesn't require recusal unless the animosity is particularly noteworthy--if someone gets into heated arguments with everyone on the mailing list and is then harassed or accused of harassment, a Response Team member does not have to recuse themselves for having been involved in one such argument.

Recusal is also not necessary if a Response Team member knows an involved party because they were involved in responding to a previous incident involving the same person. Serial harassers sometimes accuse Response Teams of bias if the Response Team has to sanction them multiple times. While being equitable in responses to incidents is important (see "Determine How To Respond," below), the mere fact that the same person has been involved in multiple incidents is not evidence of bias. On the contrary, it may be evidence that the Response Team is biased in the person's favor, and is reluctant to take stronger measures that would prevent further incidents.

Communicating Recusal

It is sometimes necessary, or at least advisable, to inform incident stakeholders of a recusal.

If someone involved in the incident has already been in contact with a Response Team member who's had to recuse themselves, they should be told that the person has recused themselves, and should be given a new point of contact.

If an incident is particularly public, and the potential conflict of interest is likewise public, then the recusal can be announced as part of the initial statement. This may be appropriate if, for example, the person accused of harassment is widely known to be related to a member of the Response Team. When in doubt, err on the side of disclosing a recusal. Details about the reason for the recusal should not be given. It's better to simply say "[Response Team Member's Name] has recused themself from handling this incident. Anyone with information or concerns should speak to [names of Response Team Members who are not recused]."

9. Investigate the Incident

While investigating, the Response Team should keep in mind their primary goal: gain enough information about what occurred to make a sound decision about how to protect the community from future harm and mitigate harm that has already occurred. The Response Team is not a police force, and does not need to gather evidence for a criminal investigation or 'proof' of what happened.

Many incidents are straightforward and don't require additional fact-finding. Frequently, speaking to the reporter and the accused is all that's required to get a full understanding of what happened.

When necessary, the following steps can help the Response Team gain an accurate picture of what happened and relevant context on the incident.

Identify involved parties

When taking a report, it's helpful to ask the reporter if anyone else was involved, including who was harassed and who, if anyone, witnessed the harassment.

Some people are bad with names, and in a stressful situation they may not remember everyone. It can still be useful to get a rough description, because others who were present may be able to clarify who is being described.

Speak to involved parties

Targets of harassment

When possible, it's best to speak to the primary target of the harassing behavior. Often, this will be the person who reported the incident, but sometimes, witnesses will report. If the target can be identified, the Response Team should reach out to them.

Sensitivity and compassion are vital when speaking to people who've experienced misconduct. How the Response Team treated them in response to an incident can completely change--for better or worse--how someone who's experienced misconduct feels about the incident and their safety within the community.

When speaking to people who've been harassed or experienced misconduct, the response team should:

- Identify themselves as members of the Response Team investigating an incident in which they believe the person may have been harmed
- Ask the person if they are willing/able to speak to the response team
- For in-person conversations, ask the person if they'd prefer to speak to the team privately, or would rather have someone else present to support them

Once the conversation has been arranged, give the person space to share their perceptions of what happened. The Response Team may have already heard from witnesses (or even the person accused--people will sometimes report themselves), but avoid providing a lot of information and details until the person has had a chance to share their story. This gives them room to say what happened without feeling like they have to 'correct the record' of what you've already heard.

It is fine to ask clarifying questions if the Response Team is confused about aspects of the story, but resist the urge to press for details the person does not want to give, and be careful to phrase questions in a way that does not come off as dismissive, minimizing, or disbelieving.

For example, if someone says “She put her hands on me without permission,” it is appropriate to ask, “it sounds like she groped you, is that accurate?” because the target may clarify that no, they mean the person hugged them without asking or touched or grabbed their hair (both of which are still inappropriate and worthy of addressing!), but questions like “where exactly did she touch you” should be avoided.

Once the person has given their account of what happened, the Response Team member(s) speaking with them should reflect back what they heard in their own words to check for understanding.

Thank the person for speaking to the Response Team, and ask them if there’s anything they want/need from the Response Team while the response is in progress.

When speaking to people who’ve experienced misconduct, the Response Team should *not*:

- Promise to catch or punish the offender
- Promise to consult the person about how to respond to the incident
- Promise to keep the person safe (this may not be possible)
- Promise to keep the conversation or any part of it confidential (the Response Team can outline its policies for when and how response documents are shared, but the team’s duty to the overall safety of the community may conflict with keeping any part of an investigation confidential. The Response Team also does not have any legal privilege to refuse to disclose the conversation as part of legal proceedings).
- Tell the person what they’ve heard from witnesses (or the offender), unless necessary to get clarification

Persons Accused of Misconduct

The Response Team should always remain polite and professional when speaking to persons accused of misconduct. It’s important to be mindful that harassers will sometimes accuse their victims of harassment--so you may be speaking to someone who is the actual victim in the situation. For example, if you get a report that someone interrupted a community member and told them to shut up, you may learn from the accused that this was in response to the other person saying something racist. Telling fellow community members to shut up isn’t great, but it is a perfectly understandable heat-of-the-moment response to racism that generally does not warrant censure from the Response Team.

The steps for speaking to someone accused of misconduct are similar to the steps for speaking to someone who has been harmed--with the exception that the Response Team can be more insistent that the person speak to them. If a person accused of misconduct refuses to speak to the Response Team, it is appropriate to ask them to leave the event, or remove them from online spaces, until they're willing to participate in good faith in the Response Process. If you discover that the person was actually the target of misconduct, you can adjust from there.

Often, for minor incidents, a person who's told they've violated the Code of Conduct and Anti-Harassment policy will immediately apologize and ask how to correct the situation. This is a good sign that the person intends to behave better going forward, but it is not foolproof--the Response Team should still do their due diligence to make sure it was an isolated incident and discuss how best to proceed.

Once they have gotten the accused person's version of events, they should end the conversation by telling the accused person when they expect to have a decision about how they will proceed.

Regardless of the severity of the incident, the accused person should be told to stay away from the person/people they hurt while the issue is under investigation, and be reminded that any form of retaliation against others for reporting them will result in their immediate removal from Samvera spaces.

When speaking to a person accused of misconduct, the Response Team should *not*:

- Tell the person what the accused or witnesses have said about them, beyond what's necessary to establish what behavior is being discussed
- Tell them who reported them, or how others feel about the incident
- Accept any apologies on behalf of the victim(s) or community
- Promise to relay any statements, including apologies, to the victim(s)
- Minimize the incident (agree that it was no big deal, say they're sure it's a misunderstanding)
- Debate the community's policies or whether the person's behavior was acceptable
- Bargain with the accused person about what will/will not be done about the situation

Witnesses

As with persons harmed by and accused of misconduct, conversations with witnesses should be conducted politely and privately. It's important to remember that witnessing misconduct can be distressing--and that the witness may in fact be another victim.

- Tell the person that the Response Team is investigating an incident they may have witnessed
- Ask if the person is willing to share their recollection of what occurred
- If they are willing, let them give their version of events without telling them what you've heard about the incident from others
- Ask any clarifying questions
- Reflect back what you've heard

- Thank the witness for speaking with the Response Team.

When speaking to witnesses, the Response Team should *not*:
- Give additional details about what happened or what they've learned
- Promise any particular response
- Promise to keep the witness's statements confidential

Check past incident reports

The Response Team should do a quick search of past incident reports to see if there are past incidents involving the accused person. If they've been spoken to about bad behavior in the past and have violated the community's policies again, this is a strong indication that they will continue to violate the community's policies going forward.

This is true even if their past behavior seems unrelated--for instance if they were previously spoken to because they were smoking in a smoke-free area and refused to move when asked and they're now being spoken to because they made racist comments, both actions still reflect that they will break community norms they don't agree with.

If the past behavior *is* related--the person has been reported for the same or similar behavior in the past--then even if the individual incident is relatively minor, this suggests a much more serious issue, and the Response Team should assume that the person has done this many more times than they've been reported for it.

Check community records

It is useful to do a quick check of community records, such as mailing list archives and slack backscroll, for evidence of similar behavior. For example, if the person was reported for racist comments, check for previous comments that include racial slurs and similar language.

10. Determine How To Respond

Once the incident has been investigated and the Response Team is confident that they have gathered as much information as they need (or as much information as they can reasonably obtain, even if it's insufficient), they should meet to determine how to respond. This meeting can occur semi-synchronously, by text or slack, for minor incidents, but more serious incidents will generally benefit from an actual meeting.

Choosing a Response

In choosing a response, the team should keep in mind the primary goal of responding to incidents:
- Prevent future harm to the community
- Mitigate, to the extent possible, harm the incident has already caused or is causing

When deciding how to respond, the Response Team should ask themselves how the responses they are considering will achieve them.

The team should also be clear about what goals *not* to pursue. They may feel internal or external pressure to try to prioritize the mental health of people they are sanctioning, seek some form of justice, or facilitate a reconciliation process. These goals are beyond the Code of Conduct Response Team's capacity and training.

People experiencing mental health crises deserve expert care that the Samvera community cannot provide. As for reconciliation, Restorative and Transformative Justice are laudable philosophies, but they were developed to heal communities where removing an offender through incarceration will harm both the offender and the community.

The Code of Conduct Response Team does not have the power to incarcerate anyone, and while the Samvera community is important to its members, it is not vital to its members' well-being in the same way that communities where people live are vital. Due to these factors, the Response Team lacks the power to implement any justice beyond taking whatever steps are necessary to prevent future harm and mitigate harm that has already been done. Encouraging targets of unacceptable behavior to reconcile with those that harmed them will usually result in victims feeling unsafe in the community and leaving. Many serial harassers are adept at weaponizing the language of reconciliation to force further contact with their victims, or to present themselves as contrite when they have no intention of changing their behavior.

This is the list of potential sanctions included in the Anti-Harassment Policy:

- warning the offender to cease their behavior and that any further reports will result in other sanctions
- requiring that the offender avoid any interaction with, and physical proximity to, the reporting person for the remainder of the event*
- early termination of a talk that violates the policy
- not publishing the video or slides of a talk that violated the policy
- not allowing a speaker who violated the policy to give (further) talks at the event
- immediately ending any event volunteer responsibilities and privileges the offender holds requiring that the offender not volunteer for future Samvera events (either indefinitely or for a certain time period)
- requiring that the offender immediately leave the event and not return
- banning the offender from future events (either indefinitely or for a certain time period)
- banning the offender from any (or all) Samvera Community channels
- informing the offender's institution or organisation of the violation
- publishing an account of the incident

As appropriate, the Response Team may choose additional sanctions not on this list.

***Note on telling offenders to avoid the person they harmed**: this is an appropriate response only for relatively minor incidents where it is clear that the offender understands what they did wrong and the Response Team believes they are committed to not repeating the behavior. If the Response Team has any reason to believe a person will not respect this request, they should instead remove the person from the event and consider banning them from future events and Samvera spaces.

(Example: if someone asks exactly how far away they should stay from the person they harmed, they're telling you they plan to stay only that far away and not one foot further. Reasonable people do not need to be told what "stay away from this person" means. If someone has a disability that makes it difficult for them to process ambiguous language, the Response Team can at their discretion provide additional guidance, like "do not be in the same room with them, and if they enter a room you are in, you need to leave quietly").

11. Implement The Response

Most incidents won't have implementation steps prior to speaking to the person(s) who violated the anti-harassment policy. In some cases, however, it may be advisable to take implementation steps first, such as removing someone's access to slack and the mailing list if there's a concern that they'll try to relitigate the decision in the court of public opinion.

For this reason, if removing someone from the community, the Response Team should arrange to have them removed from online spaces immediately before or while telling the accused person that they are being removed (do not leave a wide gap between removal and this conversation that could leave someone wondering what happened, but if a synchronous conversation cannot be arranged or is not safe, the person can be informed by email that they've been removed from slack/mailing lists/github repositories).

Advanced notice should also be given if a person is being removed from a speaker line-up, but the Response Team should arrange to have the change made to the conference website and materials as soon as the person has been informed.

In cases where project-related credentials need to be deactivated, the Response Team should ensure that there's redundancy on the projects in question (other admins with access to systems), and should arrange to have access removed immediately before or while speaking to the person being removed. A person's cooperation in surrendering control of their credentials should never be assumed. Most people will behave reasonably when asked to leave, but the Response Team needs to work with relevant system admins to mitigate the risk of someone not behaving reasonably.

12. Inform Relevant Parties

The points of contact should inform involved parties of the response. This includes:

- The reporter(s)
- Any identified targets of harassment or inappropriate behavior
- Anyone you have identified as having violated the Anti-Harassment Policy

Informing Targets and Reporters

When the Response Team is ready to announce their response to an incident, they should first inform the people directly harmed by the incident, when possible. This gives targets of misconduct an opportunity to process the news privately before it is announced to the wider community. It is also a last safety valve in case the Response Team has drastically misread the situation (see “Handling Feedback,” below).

Informing Parties Being Sanctioned

If possible, parties being sanctioned should also be informed before a response is announced publicly. If reasonable attempts to contact the person(s) being sanctioned fail, however, the Response Team can move on to announcing the response. They do not need the sanctioned person’s approval to proceed.

As with earlier stages of the investigation, parties being sanctioned should be informed that any retaliation against the person they harmed or the person who reported them will result in their immediate removal from Samvera spaces. If they choose to publicly discuss the incident and that discussion leads to retaliation from others, the Response Team will hold them accountable for that.

Informing Witnesses

It is usually unnecessary to speak to witnesses before a general announcement is made. However, the Response Team can reach out and let them know that the incident has been addressed and a public statement is coming.

Handling Feedback

Involved parties may have feedback about the response. The Response Team should resist the urge to give victims of misconduct input into their response. Victims do not have the context or training to evaluate how a given response matches up with the Response Team’s goals. In addition, victims may credibly fear that the community or the sanctioned party will hold them personally responsible for any sanctions you impose.

The Response Team should, however, pay attention to feedback that suggests that they have drastically misread the situation. Keep in mind that victims and witnesses of harassment are often uncomfortable “getting people in trouble,” and may express that they find entirely appropriate responses to be too harsh. If you get this feedback from victims, it is worth asking clarifying questions to confirm that you have the facts straight. It’s also appropriate to ask clarifying questions if you get feedback that the response is insufficient.

In both cases, the goal is not to convince victims or people being sanctioned that your response is warranted. Your goal is to ensure that you have as full an understanding as possible of what transpired. As long as the Response Team is confident that the response you've chosen is the best option for preventing future harm and mitigating harm already caused, it is okay if the targets of harassment, reporters, witnesses, or people who've violated the code of conduct disagree with the response.

13. Inform The Community

When an incident is widely known, it's important to follow up with the community as a whole to let them know how the situation was handled. The best way to do this is generally a prepared statement, made available to the same audience that witnessed or became aware of the incident.

Statement Format

As with the initial statement, the statement once an incident is handled should be brief and light on details. The goals of the statement are:

- Assure those who witnessed or were affected by the incident that it was handled appropriately
- Re-enforce community norms by communicating that the behavior in question was unacceptable.

Examples of statements can be found below, under Public Incident Report.

Handling Criticism

When the response becomes public, the community may have opinions about it. However, it's unlikely at this stage that uninvolved parties will provide feedback that will change how the Response Team chooses to handle the incident. What's more likely is that people will try to relitigate the incident and how it was handled in ways that are harmful to victims of harassment and the community as a whole.

The Response Team should not argue with the community about their response. They should tell the community that re-litigating incidents is harmful to the community and those harmed, and direct people with concerns to contact the Response Team privately. Further discussion within Samvera spaces (slack channels, the mailing list) should be shut down immediately, and should be treated as a sustained disruption per the anti-harassment policy.

14. Complete and Hand Off Documentation

Public Incident Report

Public incident reports are anonymized accounts of incidents and how they were handled. They reinforce the community's norms by giving concrete examples of unacceptable behavior that the Response Team addressed. They also provide a level of public accountability for the response team, as they provide some transparency into how the team has operated.

Public reports should include:

- An anonymized, fact-based description of what occurred
- What actions the Response Team took to address the incident

Use short, declarative statements, written in the active voice wherever possible. "The response team asked the person to leave the event" is preferable to "the person was asked to leave the event" because it makes it clear to the community who made the decision and carried it out. This helps protect victims and reporters from retaliation.

Public incident reports should *not* include:

- Names of any involved parties (victim, witnesses, reporters, persons accused of/sanctioned for misconduct)
- Names of Incident Response Team members
- Exact times or locations
- Details of how the incident was investigated
- Details of the Response Team's deliberations

If an incident is already widely-known, people may still be able to tell who the involved parties are. In these cases, the incident report should still attempt to preserve anonymity: people should not come away from the report with more information than they had previously about who was involved in the widely-known incident.

Sample Public Reports:

Inappropriate sexual activity
On Friday night, two event participants were engaged in sexual activity in a public but vacant room. The Response Team confirmed with both parties that the activity was consensual, and asked them to move to a private room. The participants complied.

Medical incident
On Saturday, an event participant experienced a medical emergency. The response team got their consent to contact emergency services and stayed with them until EMS arrived.

Sexual Imagery During A Talk
On Saturday, a presenter gave a talk that included sexualized imagery. Sexual imagery is not appropriate in any Samvera space, and is a violation of our Anti-Harassment Policy. The

Response Team reviewed the talk recording, and spoke to the presenter about their behavior. The recording of the talk will not be published to the Event website. Due to the poor judgment the presenter displayed, they are barred from presenting at Event for two years. After that time, they can contact the Response Team to discuss whether the community can accept speaking proposals from them going forward.

Belligerent behavior during a talk
On Sunday morning, an event participant interrupted a talk and insulted the speaker. The participant left the room immediately and could not be identified. Heckling is not acceptable at Samvera events. Had the Response Team been able to identify the participant, they would have issued a verbal warning, and asked the participant to either confirm that they would abide by the code of conduct or leave the event.

Internal Documentation

Internal incident reports should be kept confidential and made available only to:

- Code of Conduct Response Team Members (present and future), unless they are recused from a given incident
- Members of the Samvera Board who:
    - Are not accused parties
    - Do not have a conflict of interest

These reports should include a full accounting of the incident and response process, including the names of involved parties and details of the investigation and what actions were taken.

These records are important for recognizing repeat problems, ensuring that responses are fair and consistent, and evaluating the effectiveness of the Anti-Harassment policy.

Report Template

Date and time of report:
Names of Incident Response Team Members:
Name of Reporting Person:
Contact information for Reporting Person:
Name of Person Who Took Initial Report:
Summary of Initial Report:
Names and contact information of other involved parties:
Summary of Response Process:
    Who was interviewed:
    Summary of Interviews:
    What Response did the team choose:
    Reasons for this response:
Public Statements Made (copy here):

Appendix

A. Handling Medical Emergencies and Mental Health Crises

If the person receiving the report determines that there is a medical emergency (including mental health crises), they should immediately alert the Event Organizers, the Response Team, and if necessary, emergency services.

The Response Team and Event Organizers will then work together to take the following steps:

1. Check with the person in crisis

If the person in crisis ("the patient") is conscious and alert, the Response Team should ask them what assistance they need, if they'd like emergency services contacted, and if there's anyone else the patient would like called for them.

The Response Team should avoid touching the patient without permission, and should not allow onlookers who aren't known to the patient to touch or interfere with the patient in any way.

If an onlooker is a medical professional, they will announce themselves as such and address themselves to the patient to get the patient's consent to provide medical care--if the patient consents (or the patient is unconscious), the Response Team should yield to the medical professional in handling the incident.

If the Response Team or onlookers are not medical professionals or emergency responders, they should not attempt to provide medical care. If the patient asks, however, they can help the patient take their medication, hand them their bag, grab them a drink or snack, or help them call an emergency contact.

Patients with certain conditions, such as seizure disorders or diabetes, may have printed instructions outlining what care they want to receive. If it seems relevant, the Response Team should ask if the patient has such instructions. If the patient is not able to communicate, the Response Team should check if there's a card or sheet in their hands and ask the patient for it (they should only take it from the patient if the patient is unconscious). The Response Team should *not* search the patient or the patient's belongings.

2. Connect with emergency services

If emergency services are needed, the Response Team should ensure that relevant emergency services and venue staff have been contacted. Once contacted, the Response Team should stay in contact with both emergency services and the venue to facilitate emergency services reaching the patient.

3. Provide Privacy

If the crisis is occurring in a public area, the Response Team should take reasonable steps to ensure the patient's privacy. If it is safe to do so, the Response Team can offer another space for the patient to wait for emergency services. If the patient is unable or unwilling to move to another location *under their own power*, they should not be moved, and the room or area should be cleared.

Anyone the patient identifies should be permitted to stay with them during this time. If the patient is not in a position to identify others (because they are unconscious or nonverbal) but someone identifies themselves as being known to the patient and there to support them, they should be permitted to stay.

Unless there is a fire or similar hazard, the Response Team will neither move nor permit others to move any patient who has not specifically asked for assistance moving.

Mental Health Crises

Like other types of medical emergencies, mental health crises can be serious, and are often distressing to witness. A person experiencing a mental health crisis deserves expert care from trained professionals. The Response Team should direct the person to these resources.

At an in-person event, if someone is harming themselves or threatening to harm themselves, emergency services will need to be contacted. Avoid contacting the police to assist a person in crisis. Whenever possible, request an ambulance.

If someone is experiencing a mental health crisis in an online venue, they should be directed to contact a crisis hotline or crisis text line. They should be told that the Samvera community is not equipped to provide crisis care, and that they cannot continue to seek crisis care from the Samvera community.

A person who continues to use Samvera spaces to process or seek care for their acute mental health symptoms after they've been asked to stop is engaging in sustained disruption of events, which is a violation of the anti-harassment policy. The Response Team should take necessary steps to bring the disruption to an end, including, if necessary, removing the person from online spaces, or asking them to leave physical spaces.

It may feel heartless to remove someone who is in crisis, but the Response Team has to prioritize the safety of the community as a whole. Suicidal ideation, intense self-loathing, self harm, and similar symptoms are distressing to witness, and may make the space unsafe for other community members--especially those who struggle with mental health concerns of their own.

Change Log

The Code of Conduct Response Team reviews this document on an annual basis, and ensures that it is current and accurate. The most recent review was on [date document is finalized].

The Response Team may also make changes to the document between reviews, if they change anything about the response process or encounter information that is out of date.

Substantive changes to the Response Process are recorded here:

- [date] Response Process initially adopted