

Respectful Behavior Policy – Response and Enforcement Guidelines

I. TERMS AND SCOPE

The following terms are used in this document:

Complainant: The person or persons reporting alleged harassment or another alleged violation of the Respectful Behavior Policy. This is not always a recipient of the alleged harassment.

Recipient: The recipient or recipients of the alleged harassment.

First ANS Point of Contact: ANS staff person or leadership who is made aware of an incident and who contacts a Respectful Behavior Policy Official (RBPO). Note: The RBPO may be the initial staff person made aware of the incident. The first ANS point of contact is not necessarily expected to be equipped to handle the situation on their own; their role is merely to make sure that the complainant is safe and that one of the RBPOs is contacted. (Online reports are forwarded to the ANS Staff Investigator).

Respectful Behavior Policy Official (RBPO): Designated by the RSO, RBPOs are ANS staff or volunteer leaders specifically identified to assist with enforcement of the Respectful Behavior Policy. RBPOs are required to take the Sexual Harassment training given to all ANS staff yearly and should be familiar with these enforcement procedures. They should be confirmed for 3-yr terms (staff approved by the CEO and volunteer leaders approved by the President) with the ability to renew terms. At physical meetings, they should be identifiable by wearing a special-colored badge or lanyard, or other visual indicator naming them as Respectful Behavior Policy Official.

ANS Staff Investigator: The Manager of HR is the ANS staff person specifically identified to oversee the Respectful Behavior Policy. This will be the staff person to which the online form complaints are routed and who is contacted by a First ANS Point of Contact or RBPO to help conduct the investigation.

Responsible Society Official (RSO): The Executive Director/CEO and the ANS President, representing the highest ANS leadership capacity, serve as the RSO. Depending on the specific venue, different individuals may be designated to serve as the RSO: The CEO or President may designate an adequately trained RBPO or ANS Staff Investigator to act as the point person to address an incident involving a violation of this Policy.

This policy is intended to apply to all ANS in-person and online events including meetings, conferences, and webinars. (Also reference Section 4 of this document for “Disciplinary Proceedings Under the Respectful Behavior Policy” included in ANS By-Laws and Rules.) The Society encourages all local sections and student sections to follow the policy. The policy is available as a model for ANS local sections to adopt should they desire to do so.

Conflict of Interest

Before a Respectful Behavior Policy-related investigation is undertaken, ANS will confirm that no conflicts of interest exist between the RBPO, RSO, or the Executive Committee and the complainant or the accused member. Should a conflict be found to exist, the relevant parties will recuse themselves from further involvement in the case and others, without such conflicts, will be appointed as appropriate.

Confidentiality

During the Respectful Behavior Policy investigation and determination process, all parties to a matter have an affirmative responsibility to maintain confidentiality to the maximum extent practicable, within the confines of applicable law as well as ANS bylaws and Rules. Note, this does not constitute a guarantee of confidentiality by the Society.

Withdrawal of Complaint

The complainant has the right to withdraw their complaint at any time. In addition, the determination process stops if the alleged offender relinquishes their ANS membership and agrees not to attend future ANS activities as a non-member. This does not preclude ANS continuing the investigation and cooperating with law enforcement, as appropriate.

II. INITIAL RESPONSE TO A REPORT

A. First ANS Point of Contact, or the RBPOs if they are the First Point of Contact

The initial response to a report is very important and will set the tone for the complainant's experience with the entire process. The First ANS Point of Contact is not necessarily expected to be equipped to handle the situation on their own; their role is merely to make sure that the complainant is safe and that one of the Respectful Behavior Policy Officials (RBPO) and/or the ANS Staff Investigator is contacted.

If a complainant reports alleged harassment or another alleged violation of the Respectful Behavior Policy (the policy), the first ANS point of contact should do the following:

- If the report involves violence or the threat of violence toward any ANS participant or staff member, there are a few special actions to take to ensure safety.
 - If there is an immediate and concrete threat to the safety of any ANS participant or staff member, contact hotel security, medical personnel or law enforcement as appropriate. If there is reason to believe that an incident involves actual or potential physical harm, then medical personnel should be called. (If everyone is presently physically safe, the RSO will handle any contacts as needed.)
 - The decision to call law enforcement is usually a judgment call based on the egregiousness of the alleged conduct, the persons involved, and the exigencies of the surrounding circumstances. The decision to contact law enforcement will also depend on whether there is need to protect the safety of persons involved or others and if there is a need to investigate the commission of a crime. The decision to contact law enforcement can have legal consequences for the persons involved and for the ANS (e.g. false arrest claims), so the decision to call law enforcement should be made by the RSO, if feasible, with the advice of legal counsel, although there may be emergency situations when law enforcement must be called as soon as possible.
 - If the complaint is being made in person (such as at a national or topical meeting), offer the complainant a private place to sit where they are not visible by attendees.
 - If the complainant is also the recipient, ask "Is there someone you trust at the conference who you would like to be here with you?" If so, the First Point of Contact should call the requested person if possible. If it is not possible to call the requested person while physically remaining with the recipient, arrange for someone else to physically contact the requested person while you stay with the recipient.
- If the First Point of Contact is not an RBPO, explain to the complainant that you will contact one of the RBPOs to handle the incident. Explain that the RBPOs are the designated persons to handle the report and any next actions.
- Immediately contact one of the RBPOs and/or the RSO to address the incident.
 - For a national meeting, the RSO is the Executive Director and Chief Executive Officer (CEO) or the ANS President. Either individual may be contacted.
 - For a topical meeting, if the Executive Director and CEO or the ANS President is attending, they are the RSO. Otherwise, the RSO is the General Chair of the meeting. Note to General Chairs: As soon as possible after you become aware of an incident, phone the RSO to discuss the matter, including next steps. Then contact the Executive Director and CEO as needed after the first call.
 - For local section activities, ANS recommends that the RSO is the local section chair.
 - For other Society activities, including virtual events, the RSO is the Executive Director and CEO or the ANS President.
- Offer to wait with the complainant until the RBPO, ANS Staff Investigator, or RSO arrives or is reached by phone.

B. Respectful Behavior Policy Officials, ANS Staff Investigator, or RSO

Find a private area out of view of attendees to discuss the matter with the complainant and any other people that need to be present for the conversation, such as a another ANS staff member or RBPO. If you are not on site where

the alleged policy violation took place, discuss the matter over the phone with the individuals as described below. The person interviewing the complainant should decide whether it is appropriate to record the conversation and should ask permission to record if appropriate. The interviewer should take notes, but not assume specific conclusions or admissions in the notes. In other words, the notes should be factual and not include subjective conclusions. At the beginning of any discussion with the complainant or recipient, there are a few things you should be sure to say.

- Acknowledge that the recipient has a complaint or may have experienced harassment. Many times, a complainant or recipient is reluctant to come forward because they believe they will not be taken seriously. Example language that you can use is: “(I understand you have an incident to report / I understand you may have experienced something) that may be a violation of our Respectful Behavior Policy. Thank you for letting us know. I want you to know that ANS takes harassment very seriously and we would like to understand what happened from your perspective.”
- The complainant or recipient may be experiencing strong emotion and/or distress. Express sympathy for the other person’s experience. Example language that you can use is: “I’m so sorry that this happened. What can I do to help?” Note: you are not expected to stand in for a professional counselor; it may be that the most important thing you can do is listen.
- Inform the other person that the complaint and any possible follow-up investigation will be handled with respect for the privacy of all involved and will be kept confidential to the extent practical (and lawful) given the circumstances. Inform the other person that, at a minimum the CEO/ED will be informed and that the Executive Committee may also be informed of the incident. Example language that you can use is: “We will do our best to handle the report and any further actions with respect for your privacy and the privacy of the others involved. Please understand that depending on how we move forward, I may not be able to keep your report fully confidential. For example, the CEO/ED and possibly also the Executive Committee will need to be informed of your report. I will let you know before involving other people.”

If the complainant is not the recipient:

Ask the complainant or witness to describe the incident and take notes on the description. An incident report form will be available on the website with the Respectful Policy Behavior. The notes will include:

- Date and time of the complaint
- The name of the complainant
- Did the complainant witness the alleged misbehavior? (Y/N)
- Did the complainant name a witness? (Y/N)
- The name of a witness
- The name of the recipient
- The name of the alleged offender or other identifying information about them
- The alleged misbehavior and how it is in violation of the Respectful Behavior Policy
- The date and approximate time of the alleged misbehavior
- The place of and circumstances surrounding the incident or other relevant information
- The names of other people that may have been involved in or witnessed the incident
- Did the recipient seek medical attention? (Y/N)
- Were the authorities were called? (Y/N)
- Any other relevant information to better understand the incident

Inform the witness that regardless of whether the witness would like you to discuss the matter with the recipient, you obligated to reach out to the recipient. Once the ANS receives a report of an incident from a witness, it may be obligated to investigate further dependent on the circumstance.

If the complainant is the recipient, or if the recipient has contacted you as described above:

Ask the recipient to verbally describe the incident and take notes on the description. These notes will serve as the basis of an “incident report.” Your notes will include the bullets described in the previous section.

If the alleged misbehavior involved possible harm to the recipient, ask the recipient if they need medical attention or wish you to contact law enforcement, and arrange for it. There may be situations where the recipient is injured or otherwise unable to make sound judgments about their own safety and the ANS will have to make a judgment call about whether to call the authorities, even if the recipient is unable to do so or says they don’t want the authorities to be called. Otherwise, ask the recipient if there is anything else you can do for them. Make sure to include in your notes how the recipient responded to your offer to arrange for medical attention and/or law enforcement if they suffered possible harm, and your actions.

Ask the recipient if they would like you to discuss the matter with, and possibly take any action regarding, the alleged offender. If the recipient says “no”, tell the recipient that you will retain the written documentation and that you may be obligated to further investigate. There are situations where the ANS should take further action regardless of the recipient’s wishes. For example, if the alleged offender may be a “serial harasser,” the ANS may need to investigate further even if the recipient says no. If the recipient says “yes”, tell the recipient that a properly trained RBPO or Staff Investigator will arrange a meeting or phone call with the alleged offender to discuss the matter.

C. Staff Investigator or properly trained RSO or RPBO

When the Staff Investigator, or in certain cases the properly trained RSO or RPBO, meets with the alleged offender – after it is determined that there is not a conflict of interest:

It is recommended that the interviewer have one other person (e.g., if necessary, a hotel security guard) accompany them if meeting the alleged offender in person to help protect their safety. If the event occurred at a topical or student conference for example, it is recommended that the RSO or RPBO involve hotel security to ensure their safety.

Inform the alleged offender that the complaint and follow-up investigation will be handled with respect for the privacy of all involved and will be kept confidential to the extent practical (and lawful) given the circumstances. Inform them that the ANS ED/CEO and possibly the Executive Committee will be informed of the incident as per these guidelines.

Ask the alleged offender to verbally describe the incident and take notes on the description. (You may prompt them with the date, approximate time, place, and circumstances provided by the complainant and/or recipient, if needed.) These notes will serve as the basis of an “incident report.” Your notes will include:

- Date of the conversation
- The name of the recipient
- The name of the alleged offender
- The alleged offender’s account of the alleged misbehavior
- The date and approximate time of the alleged misbehavior
- The place of and circumstances surrounding the incident or other relevant information
- The names of other people that may have been involved in or witnessed the incident
- Any other relevant information to better understand the incident (e.g., whether there have been other incidents involving the recipient or others that may uncover a pattern or practice of violations)

If during the meeting with the alleged offender, the investigator, RSO, or properly trained RPBO determines it is

more likely than not that the alleged offender violated the policy, take one or more of the following actions after consultation with the ED/CEO and/or President based on the severity of the incident and/or the safety and best interests of the recipient. Before any action is taken against the alleged offender, the recipient should be consulted to determine how he/she wants the situation to be resolved. The recipient's wishes should be a factor in determining the resolution of the incident. The recipient should be assured that the ANS will not tolerate any retaliation for raising a complaint or participating in any investigation. The recipient should also be instructed to report any retaliation or subsequent policy violations. Alleged offenders should be warned that retaliation against recipients and/or witnesses is strictly prohibited and may result in additional disciplinary action up to and including expulsion from the ANS.

- Direct the alleged offender to cease the behavior.
- Direct the alleged offender to not have any interaction with or be in close physical proximity to the recipient for the remainder of the meeting. If the incident did not occur at a meeting, direct the alleged offender to not have any interaction (physical or virtual) or be in close physical proximity to the recipient to the extent possible given the nature of the Society activity in which they are engaged.
- Require the alleged offender to immediately leave the meeting (after consulting with the ED/CEO or President), with or without a refund at the discretion of the ED/CEO, because of the severity of the violation, and/or the failure to follow prior directions and/or for the safety and best interests of the recipient and other participants.

III. FURTHER RESPONSE TO A REPORT

A. Respectful Behavior Policy Officials' or Responsible Society Official's Role

Within about ten days following the end of the interviews with the recipient and/or alleged offender, submit to the ANS ED/CEO a typed version of the incident report. In certain cases (e.g., those involving only ANS staff or ANS contractors), the ED/CEO may disposition the investigation without involving the President or Executive Committee.

B. The ANS Executive Committee, ED/CEO and President's Role

In most cases and after it is determined that there is not a conflict of interest, the ED/CEO and President will jointly serve as the body to determine what further action, if any, the ANS will take regarding the incident, including additional sanctions for the offender up to and including expulsion from the Society.

Within about 15 days after the ED/CEO and President receive an incident report from a Staff Investigator, RPBO or RSO, they will determine if further action should be taken against the offender, including:

- temporarily or permanently prohibiting the offender from attending one or more future ANS meetings
- temporarily or permanently removing the offender from an ANS committee or other leadership group (volunteer leaders only)
- suspending or permanently expelling the offender from ANS membership
- terminating an employment contract with a temporary hire or outside consultant
- terminating the position of an ANS staff
- cease ability of the offender to post to, or on behalf of, ANS on any ANS platforms (Nuclear Cafe, Nuclear News, social media, etc.)

Within 30 days after the ED/CEO and President receive an incident report, they will send a written description of the incident to the accused. The description will include a description of any further action that the Society plans to take against the offender or if there was a decision for no additional action, along with an invitation to the offender to respond to or otherwise appeal the Society's decisions to the Executive Committee within 30 days after receipt of the description.

The complainant will also receive notification of recommended actions within 30 days after the ED/CEO and the President receive an incident report along with an invitation to the complainant to respond to or otherwise appeal the Society's decisions to the Executive Committee within 30 days after receipt of the description.

The ED/CEO and President will not take any further action regarding the offender until after the 30-day response/appeal period.

The ED/CEO shall retain the file of the incident report in a confidential manner and accompanying documents indicating any action regarding the offender and their response/appeal.

C. Executive Committee's Role in an Appeal

The ED/CEO and President will give the offender the opportunity to appeal the decision to the Executive Committee. In this role, the Executive Committee may call upon the Staff Investigator, RBPOs or RSOs for further information about the incident.

The ED/CEO and President will also give the complainant the opportunity to appeal the decision to the Executive Committee. In this role, the Executive Committee may call upon the Staff Investigator, RBPOs or RSOs for further information about the incident.

Within roughly 30 days following the receipt of an appeal by the alleged offender or the complainant, the Executive Committee shall determine if their decision was warranted, or if any additional action is necessary. The Executive Committee shall send their response to the appeal to the alleged offender or the complainant within 45 days following receipt of the appeal.

D. Board of Director's Role

In this investigatory/decision-making system, the Board (as a body) is not expected to be directly involved in such proceedings other than to provide guidance and advice when appropriate to the Executive Committee and/or the CEO and the ANS President. This does not preclude interested members of the Board from acting in the roles as First Points of Contact and/or RBPOs. Should interested members of the Board wish to be RBPOs, they would be required to take the necessary training.

IV. ANS BY-LAWS AND RULES

A. Rule R3.4.6. A – Disciplinary Proceedings Under the Respectful Behavior Policy

- (1) It is vitally important that the Society establishes and follows disciplinary proceedings under the ANS Respectful Behavior Policy. Because of the sensitive nature of these matters, ANS will make every effort to protect the privacy of all parties that are involved in incidents related to the Respectful Behavior Policy.
- (2) ANS Respectful Behavior Policy – Response and Enforcement Guidelines is an official Society document, available to all members, that outlines the role of designated ANS staff and leadership both in response to an incident and related to subsequent disciplinary actions and proceedings, if applicable. To the best of designated ANS staff and leadership abilities, the *ANS Respectful Behavior Policy – Response and Enforcement Guidelines* will be followed in support of this Rule.