

# DUNE Community Agreement

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## 1 Introduction

The DUNE Collaboration strives to foster a positive, inclusive and collaborative environment that elevates all of its members in pursuit of our science. This Community Agreement (CA) aspires to strengthen the trust and mutual respect among collaborators that is foundational in creating that environment by outlining the values we share governing our behavior as collaboration members. Each of us has a personal responsibility to incorporate, and to encourage others to incorporate the principles of the CA into our work.

In order to best support these values and principles, this CA also provides guidance on behaviors that are inconsistent with the CA, and describes the system of accountability the Collaboration will use to ensure the safety of its members.

The CA is not intended to be a legal document. The procedures outlined are those chosen by the Collaboration to help ensure that the CA is respected with the aim of advancing the goals noted above. Collaboration members voluntarily agree to abide by the principles and procedures within the CA as a condition of their membership in the collaboration.[1]

The CA is organized into three parts. The first, Part A, describes the expectations for conduct collaboration members should adhere to. Part B describes the systems of accountability, which includes reporting options, the workflows for handling reports, and the types of measures and actions that can result. The systems and processes for administering the CA are provided in Part C.

# PART A: Community Agreement

## 2 Policy on conduct<sup>1</sup>

It is the policy of the DUNE Collaboration that all collaboration members will conduct themselves in a professional manner that is welcoming to all members and free from any form of discrimination, harassment, or retaliation. Collaboration members will treat each other with respect and consideration to create a collegial, inclusive, and professional environment in all DUNE contexts. Creating a supportive environment to enable productive scientific collaboration is the responsibility of all participants.

Collaboration members will endeavor to be professional and respectful at all times. Collaboration members will avoid any harmful actions or statements based on individual characteristics such as age, race, ethnicity, sexual orientation, gender identity, gender expression, marital status, nationality, political affiliation, religious or philosophical beliefs, ability status, educational background, etc. Disruptive or harassing behavior of any kind will not be tolerated. Harassment includes but is not limited to inappropriate or intimidating behavior and language, unwelcome jokes or comments, unwanted touching or attention, offensive images, inappropriate photography, and stalking. Collaborators are also expected to be ethical. Unethical conduct and research misconduct will not be tolerated.

Retaliation against those reporting concerns and malicious reporting are not tolerated.

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<sup>1</sup>This text is adapted from the first two paragraphs of the first DUNE Code of Conduct[2].

# PART B: System of Accountability<sup>2</sup>

## 3 Organizational structures

The Case Review Committee (CRC) and Reporting Liaison role have responsibility for carrying out the formal accountability procedures. A secure record keeping system is also provided for the use of the CRC.

### 3.1 Case Review Committee

The CRC reviews cases and recommends actions the Collaboration should take to ensure accountability for violations and protect Collaboration members from harm. The CRC does not conduct investigations as it does not have the expertise to do so. The primary determination of fact is currently carried out by the system described in 4.1. The CA role is to determine whether those facts determine a violation of our CA and then, what actions need to be taken. The CRC consists of two non-voting members, the Chair and Secretary, and five voting members.

CRC members receive no formal training, but are encouraged to use any available training through FNAL and their home institution. In particular, CRC members may also participate in training from the DOE Alternative Dispute Resolution Office, which may also provide training for all DUNE collaborators.

#### 3.1.1 CRC Secretary and Chair

The Chair is responsible for ensuring that the facts of cases are gathered, and that the CRC conducts cases according to the procedures, including reminding the CRC of confidentiality of all proceedings regularly. The Secretary assists the Chair in this work, and maintains the permanent records for the Committee as described in Appendix A.

The Secretary and Chair are elected every two years from the senior membership of the Collaboration (faculty/staff level and above). The elections shall be staggered across two years to ensure overlap with the continuing non-voting member.

The Secretary and Chair together serve as the points of contact between the Collaboration and the Fermilab Office of General Counsel (OGC) on matters related to incident reports. More details on this connection are in Sect. 4.1

#### 3.1.2 Voting members of the CRC

The five voting members shall consist of two junior collaboration members and three senior collaboration members. The junior members shall be elected by Young DUNE to two-year terms. The senior members shall be elected to three year terms by the full voting roll of the Collaboration (i.e., the same as that used for Spokesperson elections). The election of these positions shall be staggered across two and three years for the junior and senior members, respectively, to ensure overlap of new and continuing members.

The current Spokespersons, IB chair, and Physics Coordinators cannot serve on the CRC in any capacity, including as Secretary, Chair or reporting liaison. There are no *ex officio* members.

A minimum of three voting members shall constitute a quorum.

## 3.2 Reporting Liaison

If neither the Secretary nor Chair are Fermi Research Alliance (FRA) employees, then a “reporting liaison” shall be elected to assist the Chair and Secretary in communicating with the Fermilab OGC. The term of the reporting liaison will be two years, or until at least one FRA employee begins serving as either Chair or Secretary. The reporting liaison shall serve as an additional point of contact between the Collaboration, the Fermilab Concerns Reporting System and the OGC, but otherwise has no role in the work of the committee.

## 3.3 Secure internal record system

Notes from CRC activity, decisions and recommendations, along with Fermilab case notifications, collaboration actions taken and follow-up information gathered for each case shall be stored in a secure record system managed by the CRC Secretary. The Chair shall review all information related to the initial review prior to being added to the system; the full committee shall review all other information prior to being added, such as committee decisions, recommendations, collaboration actions, follow-up, etc.

Authorization to access the secure record system is limited to the Secretary and Chair, as are the means and circumstances under which that access takes place. Permitted uses of the information and access rules are described in Appendix A.

## 4 Reporting options

Ensuring accountability for infractions of the values and principles of the CA requires a robust system with low barriers to reporting incidents that protects those reporting and those harmed from potential retaliation. In this section, we list the reporting avenues available to reporters along with the benefits and drawbacks of reporting to each.

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<sup>2</sup>The structure and processes of the DUNE CA accountability follow closely those of the Caltech Honor System, ca. 1980, as recalled by a CoC Committee member.

CRC members, Spokespeople and IB members all may be mandatory reporters<sup>3</sup> If this is a concern, reporters may wish to seek clarification on the individual's reporting responsibilities before speaking in further detail about an issue.

## 4.1 Fermilab Concerns Reporting System:

The Fermilab Concerns Reporting System (FCRS) uses the IntegrityCounts intake platform as a reporting portal<sup>4</sup> for all Fermilab users, employees and affiliates.

Critical features of the system include the ability for reporters to choose their level of anonymity:

1. Strictly anonymous: the reporter's identity will not be known to their organization or to IntegrityCounts
2. Anonymous From Your Organization: only IntegrityCounts will know the reporter's identity and will contact them if requested. The reporter's identity will not be shared with their organization
3. Contact Information Provided: by providing their personal information, an IntegrityCounts representative may contact the reporter with questions or further information.

The reporting system is implemented via a webform and the reporter can choose whether to give their name and/or email address in cases 1 and 2. The reporter gets a case number and can log in to see the case status. The system will not email the reporter unless an email address was provided. In all cases, reporters are provided a mechanism to monitor the status of their case. In addition, the initial people who handle cases are disclosed to the reporter, with an option to exclude any of them from seeing the case.<sup>5</sup>

Upon receiving a report, the case is forwarded to appropriate subject matter experts (SME) within Fermilab (typically from Human Resources or the Office of General Counsel), who handle the investigation. The SMEs make a determination within the context of the Fermilab Community Standards, and as appropriate, decide on actions the lab will take with respect to the affiliation status of the respondent within the framework of the Fermilab Progressive Enforcement Procedures for Fermilab Users and Affiliates (see Fig. 1, or for employees, their employment status. This information is passed by the Fermilab OGC to the DUNE points of contact.

Cases may be reported directly to the FCRS without informing anyone in DUNE. Findings resulting from cases will be forwarded to the DUNE points of contact for consideration within the DUNE CA process.

All reports, including anonymous ones, are monitored for patterns of behavior. When found, such patterns can lead to investigations and determinations related to that pattern. The DUNE points of contact will be informed in these cases.

Note that the IntegrityCounts system also provides a 24x7 telephone hotline where reporters can seek intake assistance from IntegrityCounts personnel.

## 4.2 CRC members:

Reports may be made directly to any CRC member; it is encouraged to report to senior CRC members who may have had additional training in these issues and who may be able to provide additional support to reporters. Reporters are encouraged to also report to the FCRS. The CRC member can file a third party report on the reporter's behalf as an intermediary. Formal investigations will only take place for reports made to the FCRS.

The CRC is not charged with carrying out investigations (e.g. formal interviews and collection of evidence) and does not have resources nor expertise to do so. The CRC is relying on the information provided by FCRS.

## 4.3 Spokespersons:

Reports made directly to the Spokes will be referred to the CRC points of contact or to the FCRS, either anonymously or not, depending on desires of the reporter. A formal investigation will only take place if reported to the FCRS.

The Spokespeople will be familiar with all other reporting options and can help with navigating the CA processes.

## 4.4 IB members:

Reports made directly to the IB members will be referred to the CRC points of contact, or the Spokespeople, or the FCRS either anonymously or not, depending on the desires of the reporter. A formal investigation will only take place if reported to the FCRS.

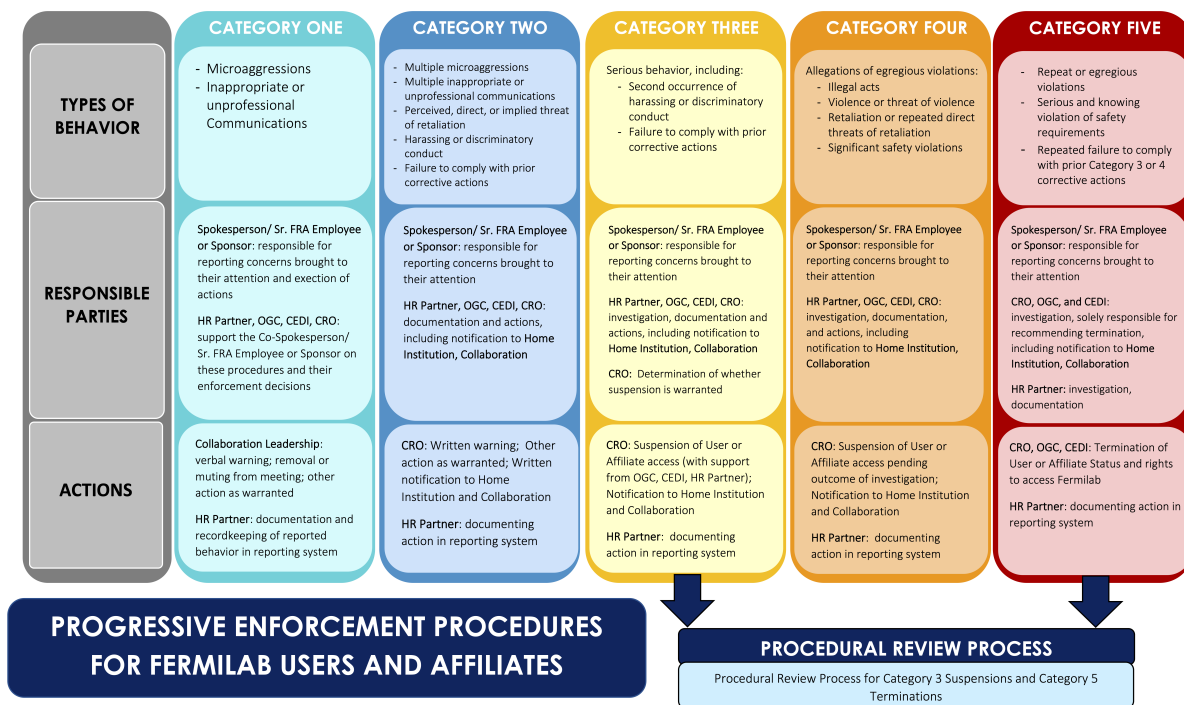
IB members may be familiar with all other reporting options and might be able to offer help with navigating the CA processes.

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<sup>3</sup>A mandatory reporter is an individual who holds a professional position that requires them to notify their employer about any suspected abuse or misconduct, which would require escalation of reports for certain issues. Collaborators should know if they are a mandatory reporter, which is commonly relevant for reporters who are from the same institution as the mandatory reporter.

<sup>4</sup>The Fermilab Office of General Counsel offers additional reporting avenues beyond IntegrityCounts. Reporters should be aware, however, that none of these other channels interface to the DUNE CA processes.

<sup>5</sup>At the time of writing, the system does not disclose the subject matter experts who investigate cases, or the points of contact within DUNE to whom the disposition of cases will be reported.



Effective 2022

Figure 1: The progressive enforcement system used as the framework for FCRS outcomes.

#### 4.5 General DUNE collaboration members:

Reports may be made to any collaborator with whom one is comfortable talking to. This person may report to any of the other avenues on the reporter’s behalf, including the FCRS system. A formal investigation will only take place if reported to the FCRS.

DUNE collaboration members may be familiar with other reporting avenues, and might be able to offer help with navigating the CA processes.

### 5 Report and response workflow

The following process, depicted schematically in Fig. 2, will be followed when formal reports of a violation of the DUNE CA are received by the CRC Chair and Secretary. We describe the person stating they have been harmed as the “reporter”, while the person alleged to have caused that harm the “respondent”. As discussed above, reports may proceed via an “intermediary”.

At any point in the process, a reporter may elect to stop the process. This decision is accepted, and no further steps in the process are pursued. The state of the case is recorded in the secure internal record system.

The CRC aims at completing the case report handling within two weeks from receiving a report, unless the nature and complexity of the case require longer time for consideration.

#### 5.1 Initiation of cases

##### 1. Notification:

Cases begin when the CRC Chair and Secretary receive reports of potential violations via the avenues outlined in the previous section, including the FCRS and the Fermilab Progressive Enforcement systems.

If not done already, they will encourage the reporter to file the incident report to the FCRS, anonymously if necessary, in order to facilitate identification of patterns and retaliation. They may also file an anonymous report with the FCRS on the behalf of the reporter.

The Chair shall also ask the reporter if any of the CRC members should be excluded from considering the case.

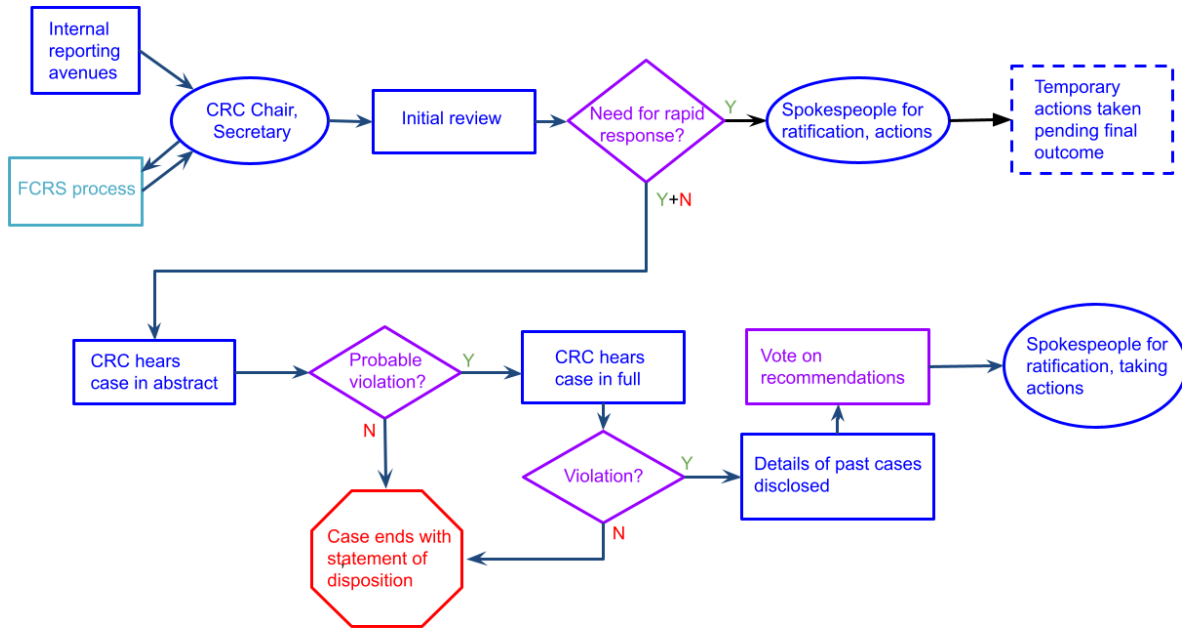


Figure 2: Overview of CRC workflow for handling case reports.

## 2. Initial review:

The Chair and Secretary will review the case and gather relevant information, including any past cases involving the same respondent(s). As stated earlier, the CRC does not have resources to investigate and this is currently handled predominantly by FCRS.

The respondent will be contacted as part of an investigation if a report was made to the FCRS, and this may be included with the case summary provided to DUNE by the FCRS. If, in the opinion of the Chair and Secretary, past cases suggest there is a pattern of misbehavior, they may elect to elevate the pattern itself as the case to present to the Committee.

Once the Chair and Secretary are satisfied that they have gathered the information necessary for presentation to the committee, the Chair shall convene the committee to hear the case.

Furthermore, if the initial information gathering suggests a possibility of additional harm on a timescale shorter than the expected investigation duration, the Chair and Secretary may bring the case to the Spokespeople, who may take temporary action pending the completion of the investigation.

## 5.2 Committee procedure for hearing a case

### 1. Presenting the case in abstract:

After the initial period of information gathering, the Secretary and Chair shall present the details to the full CRC, making all efforts possible to keep the names of the parties involved anonymous. Past cases may be disclosed only when there is evidence of a pattern of behavior, as determined above.

The voting members of the committee then vote<sup>6</sup> on whether to proceed with a full hearing of the case.

If the committee vote is negative, then the case ends with no further actions, and without revealing the names or complete details to the committee. An appropriate consensus finding is drafted, which is then reported back to the reporter in the case. The respondent would also be made aware of the case from the outcome of FCRS, and so would also be informed of the results.

A record of the result is recorded by the Secretary in the secure record system in order to allow monitoring for malicious reports or retaliation.

### 2. Hearing the case in full:

If the vote is affirmative, then the names and complete details of the case are revealed to and discussed by the committee.

The voting members of the Committee then vote to determine if the incident violated the CA. If the vote is negative, an appropriate finding is drafted and reported back to the initiating party, as well as the party about whom the concern was raised. A statement regarding the outcome and surrounding details is recorded and maintained by the Secretary.

<sup>6</sup>All CRC votes shall be by secret ballot with a simple majority of votes needed for a decision.

### 3. CRC recommendation:

If there is a vote that a violation did occur, the committee will then determine and vote on a written finding and recommended set of actions, including steps aimed to reduce or minimize harm and restore relationships as much as possible, measures to protect from further harm, and any appropriate sanctions on the person responsible. Actions may be temporary or permanent.

All sanctions are limited to the exercise of Collaboration membership privileges. Possible sanctions may include, but are not limited to:

- 3.1 Verbal warning and/or discussion between parties. This will be done in as constructive way as possible, with the consent of the reporter, and the intent to help the respondent. In this case three parties are informed of the outcome: the offending party, the complainant, the spokesperson, and records are held (and revealed in case of later cases)
- 3.2 Suspension of some Collaboration privileges, such as attending in-person meetings, removal from leadership positions, or removal from speakers list, or removal from working groups
- 3.3 Suspension from all Collaboration privileges, including authorship for a specified period of time
- 3.4 Full expulsion from collaboration with revocation of legacy authorship.

### 4. Ratification by the spokespeople:

The Chair and Secretary shall present the facts of the case and the recommended response to the spokespeople for ratification. If the spokespeople concur, they will enact any specified sanctions. The spokespeople will also notify the IB representative of the respondent's institution of the outcome.

If the spokespeople do not ratify the recommendations, including instances where only one of them agrees with the CRC recommendations, they will provide a written justification to be recorded by the Secretary.

The IB gets reports from the committee on any actions taken (and what was ratified) anonymized if possible.

## 5.3 Recusals

The Chair and Secretary shall recuse from any case where there is an actual or perceived conflict of interest. If they are recused, they will still sit for the presentation of the case in abstract, in order to maintain anonymity of the case initially and consistency of the process; any presentation materials or information gathering would be prepared by the non-conflicted party. The IB Chair shall step in for the person who recused.

If both the CRC Chair and Secretary recuse, the deputy IB chair may be called to serve in this role. If the IB Chair or the IB Chair deputy recuses as well, one person serves as both Chair and Secretary. If all four recuse, then the spokespeople use executive powers to move the case forward.

Similarly, a Spokesperson shall recuse from ratifying any case with an actual or perceived conflict of interest. Should both Spokespeople recuse, then the IB Chair shall ratify committee recommendations. Should any voting CRC members have an actual or perceived conflict, then they must recuse themselves. In the case of split votes, the committee would need to discuss until a majority vote is reached or render a "unable to reach conclusion" decision.

## 5.4 Findings of severe misconduct by external institutions

In addition to the CRC process, this CA grants the Spokespeople, in consultation with the CRC, the right to temporarily remove or suspend a member of the Collaboration without CRC review or recommendation based solely on sanction or censure by other institutions for activity that constitutes a violation of this CA. These institutions include collaborating laboratories, universities, research institutions/agencies, professional societies, civil or criminal courts and law enforcement. The IB shall be informed by the Spokespeople of any such decisions. In these cases, then, Chair and Secretary would then start the CRC process to determine appropriate permanent sanctions and inform the reporter and respondent of this action.

# PART C: Administration, monitoring and review of CA

## 6 CA monitoring, oversight and revision

In order to ensure accountability for the CA processes themselves, we define here requirements for periodic reporting to the Collaboration on the operation of the CA, and for review and revision of the CA itself.

The CRC Chair and Secretary shall report to the IB and at a Collaboration Meeting annually on the operation of the CA. This report shall include how many notifications were received and the general result of the process for each. If the number of cases is small, then the Chair and Secretary should consider further abstracting details of the cases in order to protect those harmed.

The CRC should seek to interview willing participants in each case approximately six months after the resolution of the case in order to gain insights into the effectiveness of the CA processes. The CRC will also reflect on, and separately record, any other information or process that would be beneficial to CA accountability or effectiveness. The CRC should decide internally how to conduct these interviews and reflections. Any findings or recommendations for changes to the CA based on these interviews and reflections should be transmitted to the IB during their annual report.

The CRC will regularly remind the collaboration at large (including all levels) of the DUNE CA as well as the CRC processes. The CRC may also collect and share useful resources or training for the collaboration for their personal and professional development. One example is the DOE Alternative Dispute Resolution Office, which can host training for collaborations. Another example is that Fermilab also provides mental health resources to all users.

By majority vote, the IB may appoint an ad hoc committee to review the CA, and the operation of the CA accountability processes to determine whether the CA should be updated or revised. Any such changes shall be presented to the collaboration for comment, which must include input from Young DUNE, and submitted to the IB for approval.

The IB should consider forming this committee no less often than every two years, but has discretion to do so more or less frequently as deemed necessary.

## A Access rules for secure internal records system

Access to the secure records system is limited to the CRC Secretary, and when the Secretary is unavailable, to the CRC Chair.

### A.1 Permitted access

The secure records may only be accessed for the purpose of carrying out the business and processes of the CRC as follows:

- Records related to the respondent(s) named in each report may be accessed during the initial review phase for that case.
- When generating a report to the collaboration on the operation of the CA processes, all records within some specified time range may be accessed to obtain the type of cases; types of committee outcomes and recommendations; type of collaboration actions; and general conclusions from follow-up interviews during that interval.

### A.2 Permitted use of information

Information obtained during the initial review may be used by the CRC Chair and Secretary to make a determination on whether a pattern of behavior exists that should be brought to the attention of the full CRC. Anonymized and abstracted information may be revealed to the full CRC during the presentation of the case in abstract.

If after presentation of a case in abstract, the CRC votes to hear a case, then all information related to that case may be disclosed to the full CRC. If the case has been escalated to a pattern, then the details related to that pattern may be disclosed to the full CRC.

When the CRC determines that a violation of the CA has taken place, then all details related to previous cases may be disclosed to the full CRC, regardless of whether the case was escalated to a pattern.

Information released in summary reports on the operation of the CA must be fully anonymized, and not include details of any specific case unless illustrative and framed within the context of multiple cases with similar details.

No other use or disclosure of the information is permitted, except as required by law.

## References

- [1] The DUNE Governance document: DUNE-DocDB-1.
- [2] The first DUNE Code of Conduct: DUNE DocDB-4967-v3.