



# How to Respond to Code of Conduct Reports

By Valerie Aurora and  
Mary Gardiner

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Written by Valerie Aurora, based on a short guide written by Mary Gardiner

Edited by Annalee Flower Horne <https://www.flowerhorne.com/>

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# Introduction

Enforcing a code of conduct is difficult without the right training and knowledge. Most people enforcing a code of conduct for the first time make mistakes, and sometimes those mistakes have major consequences for their community. Unfortunately, few communities have people who have experience enforcing a code of conduct, and only a few communities can afford professional code of conduct training or consultants. As code of conduct experts with practical experience in responding to code of conduct reports, we wrote this guide to enforcing codes of conduct so that every community can have access to the current best practices in handling code of conduct reports.

**This guide is not legal advice.** If you need legal advice, please contact a qualified lawyer.

## If you are in a hurry

If you are reading this guide after you have already received a code of conduct report and need to respond quickly, we recommend reading these parts of the guide:

- [Introduction](#)
- [Chapter 1: Code of conduct theory](#)
- [Chapter 3: Responding to a report](#)

Then follow the links from within those sections to go into more depth in the areas that are relevant to your current situation. We strongly recommend scheduling time to read through this guide in its entirety at a later time.

## How to use this guide

We recommend that everyone involved in enforcing the code of conduct read this guide from beginning to end, including this introduction. This guide is organized into the following topics:

- [Chapter 1: Code of conduct theory](#)
- [Chapter 2: Preparing to enforce a code of conduct](#)
- [Chapter 3: Responding to a report](#)
- [Chapter 4: Discussion](#)
- [Chapter 5: Examples of responding to reports](#)

Each chapter is divided into sections, roughly in chronological order of when you will use the information in each section. At the end of each section, we include a list of related sections in this guide. At the end of each chapter, we include a brief summary of what you should have

learned from that chapter and a list of outside resources referenced in the chapter. All of these outside resources are collected in [Appendix 1](#) for easy reference.

Chapter 3: "[Responding to a report](#)" is designed to be usable as a standalone guide to responding to reports of code of conduct violations in your community. [Appendix 2](#) is a one-page guide to taking code of conduct reports for sharing with people in your community who are likely to take reports.

Everyone in community leadership should read at least this introduction and Chapter 1: "[Code of conduct theory](#)" so that community leadership and the code of conduct committee have a common set of terminology and principles to use when working together.

This guide assumes your community has already adopted a code of conduct and has a governance structure that allows it to be enforced. If you want help with writing and adopting a code of conduct, see [Appendix 1](#) for additional resources.

If your community can afford it, we highly recommend formal code of conduct training and engaging expert code of conduct consultants, which you can find at:

<https://frameshiftconsulting.com/code-of-conduct-training/>

## About the authors

This guide is written by Valerie Aurora, based on a short guide written by Mary Gardiner, with editing and other contributions from Annalee Flower Horne. It includes quotes by permission from the conference transparency reports written by DjangoCon EU 2017, Write the Docs EU 2016, and PyGotham 2017.

In 2010, Aurora and Gardiner were the lead authors of the [Ada Initiative anti-harassment policy](#), which became the basis of [thousands of codes of conduct](#) in use today. For more than four years, they directly handled or gave advice on handling code of conduct reports at conferences or in online forums.

Aurora has consulted for several organizations on codes of conduct as part of her work at [Frame Shift Consulting](#), and taught and wrote a [code of conduct training](#) based on more than 7 years of professional experience writing and implementing codes of conduct. [Flower Horne](#) wrote and contributed to several codes of conduct for both volunteer and professional communities, and offers code of conduct consulting in multiple areas, including writing and adopting codes of conduct and responding to code of conduct reports.

This guide represents the collected knowledge and experience of these Aurora, Gardiner, and Flower Horne and the many people who advised us along the way. Any comments using "I" or

"me" are from Aurora personally; those using "we" or "us" refer to Aurora, Gardiner, and Flower Horne. All errors and mistakes are the responsibility of the lead author, Valerie Aurora.

## Terminology

This section defines the terms we use in this guide. **Our definitions are specific to this document, and may differ from how these terms are used in other contexts.**

We'll use many different terms to refer to the person who has been reported for breaking the code of conduct, depending on what seems most appropriate to the situation: **harasser**, **perpetrator**, **serial predator**, **violator**, **offender**, or **alleged harasser**. We call the person or people harmed **targets**, **victims**, or **survivors**. The current best practice on how to refer to a person targeted by oppression or assault is to [ask the person themselves how they would prefer to be described](#). As we are most often talking about theoretical situations, we use the term that seems most appropriate to us in each case.

We refer to the group of people governed by the code of conduct as a **community**. Communities come in many different shapes, such as attendees of a conference, volunteers for a non-profit, members of an online community forum, or a collaborative project that mixes volunteers and paid employees. **Community spaces** are spaces each community controls or governs, such as its conferences, meetings, workplaces, buildings, mailing lists, publications, and online forums.

For the purposes of this document, "community" only includes communities in which membership is optional and voluntary, as this guide relies on the ability to exclude someone from a community if they are a threat to others in the community. If excluding someone from a community results in a direct loss of a person's legal rights as provided by the state or a direct, severe, immediate threat to their life, then that community is not included in our definition of community. For example, this guide won't work for most families with young children as most young children don't have a safe alternative to living in their current family situation.

We do include communities in which excluding someone from the community might cause them to lose friendships, professional opportunities, business relationships, income, a forum for their speech, the respect of their peers, access to sexual partners, emotional support, social contact, or similar things. For example, claiming that membership in a book club is essential to someone's mental health does not require that community to include them (see the section on "[Mental health and harassment](#)" for more detail).

Managing communities that consist of the employees of a company depends on many legal considerations that differ based on jurisdiction. This guide can be used to help inform decisions in an employment context, but does not address many aspects of employment-related decisions

and is not legal advice in any situation. In cases of employees violating a code of conduct, we recommend consulting with an employment lawyer and any employment experts at your company (e.g. human resources) prior to taking any action. As a note, we encourage people making decisions in an employment context to prioritize the welfare of the alleged target(s) of harassment over that of the alleged harasser.

**This guide is not legal advice.** If you need legal advice, please contact a qualified lawyer.

**Privilege** refers to an unearned or partially-earned advantage society gives only to members of a particular social group. **Oppression** is the converse of privilege: systemic, pervasive inequality present throughout society that benefits people with more privilege and harms those with less. Some examples of social groups which enjoy some privilege include the dominant ethnic group in your society, those who are (currently) able-bodied, people who are the same gender as the gender assigned to them at birth, and men, to name just a few.

This guide uses a number of social justice terms which may not be familiar to everyone. Wikipedia often has good definitions for these terms. We also recommend referring to the handout that accompanies the [Ally Skills Workshop](#) for a short summary of common terminology as well as resources for more in-depth reading.

# Chapter 1: Code of conduct theory

In this chapter, we will explain the basic ideas underlying codes of conduct and what makes them effective. We will describe the purpose of a code of conduct, outline what a code of conduct should contain, and explain how a code of conduct works.

**We strongly recommend that everyone in community leadership take the time to read and understand the introduction and this chapter.** A community's leadership must understand and agree on how a code of conduct works if they want the code of conduct to be effective. Unfortunately, how codes of conduct work is not obvious to the average person, and many people misunderstand key aspects of them. With this background, your community is less likely to make major, avoidable mistakes when responding to code of conduct reports.

## Purpose of a code of conduct

**The purpose of a code of conduct is to protect members of a community from harm in that community's spaces.** The people who need the protection of a code of conduct are usually those with less power or privilege, as more powerful or privileged people are often already protected from most harm. For example, a straight white cis man who is the leader of an important computer software project is highly unlikely to be the target of sexual harassment by anyone participating in that project. It's far more likely that a sexual harasser will target someone with less privilege: someone who is a woman, a person of color, and/or queer, to name a few possibilities. **When working properly, codes of conduct will most often be invoked to protect those with less power and privilege from those with more.**

## What a code of conduct should contain

We assume that you've already chosen a code of conduct, so this section briefly lists what a code of conduct should contain as context for later discussion. For examples of codes of conduct and resources for choosing and writing a code of conduct, see the links in [Appendix 1](#).

A code of conduct should include (in roughly this order):

- Optionally, a short statement describing the goal of the code of conduct
- A list of unacceptable behaviors
- A description of where the code of conduct applies
- A list of potential consequences for violating the code of conduct
- Detailed, specific, simple instructions for reporting a code of conduct violation
- A list of the people who will handle the code of conduct report
- A promise that anyone directly involved in a report will recuse themselves
- Optionally, contact information for emergency services

- Optionally, links to related documents

That's it! Everything else must go into a different document entirely. Including other content in the code of conduct will weaken your code of conduct and result in more code of conduct violations.

See also:

- [Appendix 1: Additional resources](#)
- [What does not belong in a code of conduct](#)
- [List of unacceptable behaviors](#)

## How a code of conduct works

Codes of conduct create a more inclusive and welcoming community through the following methods:

- Education: they teach people what behavior is unacceptable
- Norm-following: most people follow group norms when they know what they are
- Attraction/repulsion: they attract people you want and drive away people you don't want
- Deterrence: they create consequences for unacceptable behavior
- Boundary setting: they keep unsafe people outside the community

We'll describe each of these methods in more detail in the rest of this section.

### Education

Codes of conduct teach people what behavior is unacceptable. I was surprised the first time I heard someone who included pornography in their slides at a computer conference say something like, "Well, if I'd known other people didn't like that, I wouldn't have done it!" People are often surprised that whatever they did to violate the code of conduct is unpopular with the rest of the community. You can see why they might be surprised: for example, sharing pornography is encouraged, rewarded and perhaps even the primary purpose of many communities. It's not surprising that someone coming from one of those communities would assume the same of their new community unless explicitly told otherwise.

People often overestimate the level of shared values they have with other people in their community, which is why it is helpful to state your community's values explicitly. When a community writes down and publicizes a specific list of unacceptable behaviors, fewer people will engage in them, even if they already seem obviously wrong to most of the people in the community. To make sure this information reaches everyone in the community, we highly recommend advertising the code of conduct prominently, making it easy to find on the community's web site and online forums, and announcing and reading it aloud at in-person

meetings. A code of conduct is much more effective when people learn about it before they have a chance to violate it.

## Norm-following

Codes of conduct work because most people just want to fit in and get along with everyone else—they want to follow the norms of the rest of the community. They will agree to abide by a code of conduct, even if they don't agree with everything in the code of conduct, just to avoid conflict. When people like this do break the code of conduct, it is often through lack of understanding, forgetfulness, or by accident. This is another reason to advertise and talk about a code of conduct frequently, especially when it has been recently adopted or updated, or if you are in a community space where newcomers are common.

## Attraction and repulsion

People are often looking for a community where they will fit in. Some people will read a code of conduct and say, "What, no homophobic jokes? I don't want to hang out here!" and move on. Others will read the same thing and say, "Hey, no homophobic jokes? That sounds great, sign me up!" The result is a community with more people who think homophobic jokes are unacceptable and relatively few people who think otherwise, and fewer homophobic jokes overall.

## Deterrence

A code of conduct deters people from unacceptable behavior by explicitly warning people of the consequences for engaging in that behavior. This is for the people who know that a behavior is unacceptable, don't care about following community norms, and join a community even when they know that they disagree with the community norms. This kind of person may still obey the code of conduct because they don't want to suffer the consequences for violating the code of conduct, up to and including expulsion from the community.

## Boundary setting

A code of conduct creates a boundary around a community, and pushes or keeps people outside that boundary if they have harmed or are likely to harm the community. Banning someone from the community is the only method to protect your community from people who refuse to agree to the code of conduct or seem likely to violate the code of conduct in the future. The power of a code of conduct ultimately derives from the willingness of community leadership to eject people from the community's spaces and prevent them from returning, or refuse to allow them to join in the first place. Without this willingness, a code of conduct relies solely on an individual's internal motivations, such as sense of shame, sense of empathy, or desire to fit in. Some people are not held back from harming others by any internal motivations. Unless these people are kept out of your community, they will dominate your community and drive out more considerate people.

## The Paradox of Tolerance

When harmful people dominate your community and drive out more considerate people, that's an illustration of the [Paradox of Tolerance](#), a philosophical concept named by Karl Popper in 1945. The "paradox" is a more of a rule with one exception, and the rule is: **a tolerant society must be tolerant of everything—except intolerance itself.** This is because if a tolerant society allows people to express and practice intolerance, intolerant people will eventually take over all of the society, and the tolerant society will eventually disappear. This applies to communities too: if a community tolerates intolerance, it will eventually be taken over by the intolerant. Enforcing a code of conduct is one important way to protect a tolerant community from destruction.

## What a code of conduct can't do

The purpose of a code of conduct is to **protect members of a community from harm in that community's spaces**. Sometimes communities want to use a code of conduct for other purposes, such as to:

- Punish wrongdoers
- Serve as some form of restorative or transformative justice process
- Reinforce existing power structures
- Protect people from harm outside community spaces
- Mediate arguments between individuals
- Force people to apologize to or forgive each other
- Rehabilitate or provide a path to redemption for offenders
- Substitute for a process of building community consensus around its culture
- Help community members improve their morality, personality, or habits

These are understandable goals and reflect varying theories of justice and punishment that have been explored throughout history. However, the communities we are talking about in this document don't have the power, expertise, or time to do anything other than protect members of their community from harm in community spaces. Attempting to do more than this rarely accomplishes the desired goal and ends up harming the community more.

As an example, social justice-oriented groups often attempt to respond to code of conduct violations by using transformative justice concepts, without the right context or training. The most common end result is that the abuser doesn't change their behavior and the target leaves the community (see the section on "[Transformative justice and codes of conduct](#)" for more).

Protecting a community from harm is often compatible with other goals, such as protecting a specific person from harm, protecting someone's privacy, or raising sponsorship money for a conference. However, if these goals conflict with the primary goal of protecting a community

from harm, protecting the community must take precedence. We will talk more about ways to prioritize conflicting goals in the "[Discussion](#)" chapter.

See also:

- [Transformative justice and codes of conduct](#)
- [When individual safety conflicts with community safety](#)
- [Protecting the community's reputation](#)
- [Safety is more important than privacy and confidentiality](#)
- [Responses not to use](#)

## Codes of conduct govern community spaces

A community can only enforce a code of conduct within community spaces. A community does not have the ability to enforce a code of conduct in spaces it doesn't control, such as a social media platform open to all, the workplace of another company, or a public park. However, a community can (and should) respond to events that occur outside of the community's spaces and take appropriate action to protect the community within community spaces.

For example, if someone writes a racist post on their personal blog, a programming conference can refuse to allow them to attend or speak. If someone is alleged to be physically abusing their intimate partner, a community can ban them from attending their meetups or posting on their mailing lists, even if they are not convicted under the formal legal system. In many jurisdictions, an employer can fire an employee for behavior that happened outside the workplace.

**This guide is not legal advice.** If you need legal advice, please contact a qualified lawyer.

## Violations must have meaningful consequences

A code of conduct is only effective if violating the code of conduct has meaningful consequences, up to and including expulsion from a community. Some people will continue to harm the members of that community until they experience some significant consequence for their actions; others will not stop their actions in response to any consequence the community can impose and must be removed from the community entirely. The people enforcing the code of conduct must have the support of community leadership and be confident they won't be overruled unless they have made a significant mistake. The community must have the ability to exclude people from their community spaces.

## Codes of conduct must apply to powerful people

People who violate the code of conduct are likely to have more power and privilege, since they are used to doing what they like without consequences for harming others. As a result, it is quite

common for powerful people in your community to violate the code of conduct. **Your community must not adopt a code of conduct if it will not apply to the most powerful people in your community.** If the code of conduct does not apply to the powerful, those with less power will be held accountable to the code of conduct while the powerful get away with violating it, and the code of conduct will just be another method of strengthening oppressive power structures—a classic double bind for the oppressed. If the code of conduct can't be enforced on everyone in the community, we recommend not having a code of conduct at all.

See also:

- [Holding powerful people accountable](#)

## Visible enforcement is required

Many communities want to respond to violations of codes of conduct secretly, usually out of a desire to avoid drawing unwelcome attention to the victim, the perpetrator, the community, or the community's leadership. Unfortunately, a code of conduct is only effective if the community sees it being enforced. Without visible enforcement, other community members can't learn from previous mistakes. People may assume that the code of conduct isn't serious and break it more often than if they saw it being enforced. At a minimum, everyone who knows about the violation of the code of conduct should see the community's response to the violation. Ideally, the response will be shared publicly, possibly in an aggregated and anonymized form.

Another reason for public enforcement is that community members may decide to leave or never join in the first place if they don't see the code of conduct being enforced. If they can't see any evidence of a code of conduct being enforced, then it is reasonable to believe that it isn't being enforced.

Case study: In the chat room for a feminist software community, one member repeatedly made sexist comments to another member in a public channel. No one said anything about this behavior in the public channel or to the target, so the target stopped participating in the community. Later, the target found out that several people contacted the harasser privately and told him to stop harassing other people, which he agreed to do. Those community members thought they had handled the problem quite well, but based on the publicly available information the community appeared unsafe and at least one person stopped participating as a result.

Another reason is transparency: public enforcement allows the community to keep an eye on enforcement and course correct if the code of conduct is being enforced poorly or in a biased manner. For example, it is quite common for marginalized people to be accused of being "too aggressive" or "too angry" when more privileged people get away with objectively far more aggressive or angry behavior (the "[Angry Black woman](#)" stereotype in the U.S.). If the

community is notified every time a community member is sanctioned for being too aggressive, they can raise a fuss if marginalized people are disproportionately sanctioned. Being public about how a code of conduct report is handled helps keep the community accountable to its members.

See also:

- [Communicating the response to others](#)

## Summary

After reading this chapter, you should understand the following:

- The purpose of a code of conduct is to protect community members from harm in community spaces.
- A code of conduct should contain a specific set of information and nothing else; including other topics will seriously weaken the code of conduct.
- A code of conduct achieves its goals through education, norm-following, attraction/repulsion, deterrence, and boundary setting.
- A community should not use its code of conduct for anything other than protecting community members from harm in community spaces.
- A code of conduct only governs community spaces.
- Your community can and should take into account behavior that occurs outside community spaces when attempting to protect members in community spaces.
- Violations of the code of conduct must have meaningful consequences up to and including a permanent ban from the community, and banning someone from your community must be possible.
- If your community can't enforce the code of conduct on the most powerful members of your community, it reinforces existing imbalances of power and your community is better off without a code of conduct.
- Community members must be able to see that the code of conduct is being enforced, or else you will scare off potential community members and make it more likely that community members will break the code of conduct.

Resources referenced in this chapter:

- [Paradox of Tolerance](#) on Wikipedia
- ["Angry Black woman"](#) stereotype on Wikipedia

## Chapter 2: Preparing to enforce a code of conduct

A fast and effective response to a report of a violation of a code of conduct doesn't happen by accident; instead, it is the result of careful preparation and planning long before a report is made. In this section, we will describe the steps to take before you receive your first code of conduct report.

If you have not taken the steps in this section before your first report, that's okay. Being prepared for the first report is the exception rather than the rule. We recommend reading this section anyway because it sets up the structure you will need to handle a report successfully. Since you won't have time to fully think through all of your choices at this time, we suggest you:

- Announce that your decisions about process are temporary and subject to change
- Make temporary decisions (such as appointing an interim code of conduct committee)
- Commit to a schedule for making permanent choices about process by a specific date

## Publicizing the code of conduct

A code of conduct should be prominently advertised in community spaces so that it is difficult or impossible for someone to participate in the community without reading the code of conduct. The more people see and read the code of conduct, the less likely it is that someone will violate it. Ideally, the code of conduct will be one of the first things new members see when they join a community. Some common ways to publicize a code of conduct include:

- An email or personal message to every community member
- A link in the footer of every email to a mailing list
- A top-level menu item on a website
- A link in the topic of the main chat channel (or every chat channel)
- Posters on the walls of community spaces
- In an employment contract
- In new member orientation materials
- At the registration desk for a conference
- In the printed program for a conference
- Announcements during the first (or every) plenary session at a conference
- In the registration form for a conference

## Identifying community members

To enforce a code of conduct, community members need unique, persistent identifiers, otherwise, people violating the code of conduct can't be held responsible for their actions or banned from the community if necessary. Often people use their legal names for this purpose, but there are many other options. In online communities, members can be identified by persistent usernames or email addresses. In small, close-knit, in-person communities, members may be able to recognize every other member by their faces. For large in-person gatherings, we recommend requiring name tags with large, easy-to-read print to be worn in a visible location by all attendees at all times. People who are undergoing a traumatic situation easily forget things, like what clothing their harasser is wearing, and having a large prominently displayed name tag makes it much easier for someone to identify the person harassing them later on.

Name tags or usernames do not have to display a person's legal name; they can also be pseudonyms, as long as the people enforcing the code of conduct can use them to identify a person uniquely over the long term (occasional changes of pseudonyms or legal names are fine as long as the community leadership can keep track of them). Pseudonyms are especially useful when some members of the community are worried about being stalked or persecuted by more powerful organizations and don't want to share information that can be used to harm them. Women and/or activists are especially likely to need this protection.

Case study: At an invitation-only event, one attendee was concerned about physical attacks from people at the event, due to previous credible death threats. She agreed to attend the event on the condition that the organizers screen all registered attendees and require attendees to wear their badges at all times during the event to show that they had been screened. Another attendee had been stalked repeatedly during and after events, and did not want to wear her name tag to protect herself from being stalked by other attendees. The compromise was for the attendee worried about being stalked to wear her name tag, but use a pseudonym on her name tag that could not be used to stalk her.

## The code of conduct committee

A code of conduct committee is a small group of people who are responsible for enforcing the code of conduct: taking reports, investigating reports, deciding on responses, executing those responses, and informing the community about their decisions. The committee is what turns a code of conduct from a written document into meaningful action. The committee must have the full support of community leadership and have confidence they will not be overruled by leadership unless they have made a significant mistake.

Naming a specific code of conduct committee, rather than just hoping someone will step up, is necessary because enforcing a code of conduct is difficult, expert, emotionally intense work. Most people don't want to be involved in high-stress, high emotional labor like listening to complaints of harassment or assault, and don't want to take actions that may result in them being personally criticized or attacked. Like most emotional labor, if no one is assigned to do this work, it often falls to the more marginalized members of your community to do it without support or reward; they will then be more likely to leave under the stress. Even those who are willing to do this difficult work are unlikely to feel empowered to act unless they are specifically authorized to do it. As a result, if enforcing the code of conduct is left up to a nebulous "community" with no specific people responsible, the code of conduct will not be enforced.

Case study: In 2011, a member of the Geek Feminism community [repeatedly physically touched other people without permission](#) at community-related events, even after being explicitly told to ask permission before touching others. They also made unwelcome sexual advances to others. Due to a lack of formal governance structure in the community, it took about 18 months to eject the harasser from the community after members became aware of the first reports, and more than 3 years to create a formal code of conduct and code of conduct committee. Until that time, not only did the Geek Feminism community not have a code of conduct, no one felt authorized to adopt or enforce a code of conduct. This was true despite the community including multiple code of conduct advocates (including the authors and editor of this guide, who led the work to eject the harasser informally and adopt a formal code of conduct). A formal, defined governance structure is a prerequisite for adopting and enforcing a code of conduct, regardless of the expertise or character of the individual community members.

Since serving on the code of conduct committee is usually a part-time and/or volunteer responsibility in most communities, the committee should be large enough that if about one third of the members are unavailable it can still operate quickly and effectively. Most committees are between 3 and 6 people in size.

The members of the code of conduct committee must be publicly listed in the instructions for reporting code of conduct violations. Many people are skeptical that their reports will be taken seriously, but are more likely to report if they know exactly who will be handling their report. Naming committee members is also essential for transparency and accountability. The code of conduct must also specify that members of the code of conduct committee who have a major conflict of interest will recuse themselves from handling that report (more on this on the section on "[Recusing committee members](#)").

See also:

- [Recusing committee members](#)

## Choosing code of conduct committee members

Choosing code of conduct committee members can be done several different ways. This section will outline the most common method.

Often the initial committee is appointed by existing leadership. Whenever possible, the code of conduct committee should be separate from leadership. However, in a small organization, the code of conduct committee may be the leadership itself, in which case being clear and conscientious about recusal is even more important than usual, since leadership is often the source of harassment. Even in this situation, the committee should strive to include people on the committee who aren't in leadership.

Once appointed, the committee chooses its own successors. An option for larger organizations is to have a separate nominating committee. The committee must choose a chair, who is responsible for moving the decision-making forward and assigning responsibilities. If the chair is temporarily unavailable, the committee must choose an interim chair to fill their duties.

Whatever method you use for choosing committee members, it must not be popular vote by the community. This is because many people are uncomfortable with enforcing a code of conduct even in the most egregious cases, and will vote for people who are less likely to enforce the code of conduct. In general, committee membership and operations should not be up for vote in any way due to this effect.

The members of the committee should have fixed-length terms to prevent burnout. To preserve working knowledge and best practices, committee members should serve overlapping terms such that only some of the committee's terms expire at the same time. For example, when starting a new committee with 6 people on it, appoint 3 people to a 6 month term, and 3 people to a 1 year term, and after that appoint people for 1 year terms whenever an existing term is up.

Serving multiple terms in a row is reasonable for people who are paid to do this work as part of their jobs, who have lots of energy for this work, or for organizations where this role is relatively low-stress. Committee members should never feel irreplaceable or continue serving because they feel guilty about letting the organization down. Prevent burnout by checking in regularly with committee members about how they are feeling.

Committee members should include several people with significant knowledge about and experience with being the target of oppression, ideally from several different marginalized groups. Without this experience, a committee might make bad decisions due to not understanding the pressures of systemic oppression or a failure to recognize patterns of abusive behaviour that are more obvious to people with personal experience as the target of abuse. The easiest way to get this knowledge is to include people who are the primary targets of a system

of oppression themselves and who have done the work to recognize and understand that oppression.

While it is impossible to represent every axis of oppression on a committee, it is helpful to find people who are aware that more than one kind of oppression exists. In particular, committee members should be familiar with the concept of **intersectionality**, which was named and popularized by the legal scholar Kimberlé Crenshaw. [Intersectionality](#) is the idea that people can be subject to multiple overlapping forms of oppression, which interact and intersect with each other in unique and specific ways. A committee should avoid recruiting a member who believes all oppression can be reduced to class oppression, or that sexism is vastly more important than any other kind of oppression.

The committee should include people with a public reputation in the community for fighting abuse and oppression, so that people will be more likely to make reports. The committee should also include people who are well respected within the community, to make community members more likely to respect the decisions of the committee.

One kind of person must never be on the code of conduct committee: people who have doubts about the effectiveness of the code of conduct, reservations about enforcing it, or more empathy for the people breaking the code of conduct than the people who are being harmed. Likewise, someone known to have violated the code of conduct should rarely be on the committee, and only after they've made thorough amends for their actions, at minimum. Even people who have made amends for their harmful actions should wait until they've established a pattern of better behavior over several years before being considered for the committee. Often people who have been caught harming others seek to immediately be welcomed into the group of people protecting others from harm to cement their narrative of rehabilitation. Do not allow their desire for redemption to take precedence over the safety of your community.

Committee members must commit to upholding the confidentiality of the committee publicly even if they disagree with its decisions. If a committee member feels that they can't support the decision of the committee, they should resign from the committee but not speak publicly about the process unless absolutely necessary. In general, it is harmful for a committee member to publicly disagree with any decision they were privy to. Public disagreement or breaking the confidentiality of committee deliberations should be reserved for major breaches of ethics of the committee. (An example of a situation in which breaking committee confidentiality was justified was the [Jim Frenkel at WisCon 38 incident](#), which was badly mishandled.) Anyone who thinks it is reasonable to break committee confidentiality for small disagreements (e.g., because they disagreed on minor wording decisions in the public statement) should not be on the committee.

Mandated reporters—people who, due to their job, are required by law to report sexual assault or other forms of lawbreaking to authorities or superiors—should have explicit discussions about their responsibilities with the rest of the committee before agreeing to serve on the code of conduct committee. Mandated reporters should share what incidents they are required to report,

how likely those kinds of incidents are in their community, and talk about what they would have to do if they learned about such an incident.

Mandated reporting responsibilities should be viewed as a potential conflict of interest, particularly when it comes to any commitment to keep reports confidential. Mandated reporting in the absence of meaningful protection for victims may do more harm than good. Whenever possible, code of conduct committees should let victims choose whether they wish to involve law enforcement. To protect victims' right to privacy, mandated reporters should carefully consider whether they should participate in a code of conduct committee.

Overall, members of the committee should have reputations for fairness, for standing up for what is right, for speaking truth to power, and for knowledge about oppression.

## Communicating with each other and the public

The committee must have a fast and efficient way of getting in touch with each other, such as a private group mailing list, a group Signal chat, or a private chat channel. For in-person events where decisions often need to be made within hours, committee members should share phone numbers and start a group text message chat before the event begins (such as a Signal group). The committee should also have every other committee member's direct contact info, such as in a shared private document listing every member's phone number and email address.

The committee should also already know how to (and be able to) make public statements, representing the committee in an official capacity. Some questions the committee should be able to answer:

- What communication methods might you use to make announcements: community blog, community social media account, email to an announcement-only mailing list?
- Does at least one person on the committee have the permissions to post to these forums?
- If not, who will they contact to do this and will they agree that the committee is authorized to post to them?
- How will the statements be signed?
- Who will review the statements before they are published?

## Choosing a decision method

In the majority of cases we know of, the code of conduct committee is unanimous in its decisions. Occasionally, some committee members will disagree. The code of conduct committee should decide in advance how to make decisions if it does not have consensus, including plans for what to do if there is a tie or if not everyone is present (e.g., deciding that if 3 out of 5 people are able to meet, then they can make a decision). We recommend a decision method that errs in the direction of taking action against the alleged perpetrator, since the

majority of code of conduct enforcement errors we see stem from taking too long to make a decision about what to do, or taking no action on a valid complaint.

## Adopting an incident response guide

If possible, adopt a written incident response guide to guide your work, such as the one in the "[Responding to a report](#)" chapter. When first receiving a report, often the committee members are stressed and not capable of thinking well. Even when calm, people often forget important steps of a process. A written guide provides a framework and a set of reminders to work through during a stressful time.

An incident response guide is only a guide; it is intended to help a committee through the decision-making process but not necessarily be followed to the letter. Don't treat the incident response guide like a legal code to which you must adhere or you cannot take action. Legal codes are followed so carefully because governments have the power to take away people's property, imprison people, and kill people. A formal, detailed, time-consuming legal process is one method of protecting innocent people from the enormous consequences wielded by powerful organizations like governments. If your community has enough power to inflict these sorts of major consequences, the code of conduct model is not right for it.

The kinds of communities addressed in this guide can't take anyone's property or liberty, have limited resources for conducting investigations, and cannot engage in the expensive, time-consuming processes which are part of what many people loosely refer to as "due process." For these communities, a loose guide, focused on process, with lots of room for interpretation is the right tool.

One part of the guide that must be strictly adhered to is the commitment to make a decision and take action by a particular deadline, spelled out as a specific number of days or hours since the report was received. Making a decision on how to respond to a report can be frightening and unpleasant. In many cases, unless the committee has publicly committed to respond by a certain time, they will put off any decision or action for so long that it harms the community. To prevent this, make a public commitment to respond in a certain amount of time and ask the community to hold you accountable.

If a committee adopts a written incident response guide, it must not make the guide public in a way that suggests the guide is a hard and fast legal-style code which must be adhered to in every detail by the committee. The problem with people treating the guide this way is that many people are not comfortable enforcing a code of conduct, and will use the guide to oppose the committee's efforts to enforce it by arguing over whether the committee followed the guide exactly. Even if this opposition is a good faith effort to help the community, it greatly reduces the ability and willingness of the committee to enforce the code of conduct if every enforcement action risks a long legalistic argument over whether the committee followed the response guide.

If your committee does choose to publish a guide, we recommend publishing a public-facing guide to what to expect when making a report, and explicitly state that the committee has private internal guidelines that will be updated frequently. Both the code of conduct itself and the incident response guide should be updated whenever the community finds that it could be improved, without concern for abiding by the version in effect at the time of an incident. You can use the "[Responding to a report](#)" chapter of this guide as a basis for your incident response guide.

Obstructionist behavior around policing the committee's process is most often a concern in loosely-knit volunteer communities, such as online forums, where members interact daily and some members have much more free time than others. Do not give into the demands of community members if they require large investments of time from the code of conduct committee before the code of conduct can be enforced.

Case study: An online community for the purpose of supporting women in a particular field had a member that repeatedly posted comments that were right on the edge of violating the code of conduct. The moderators would spend hours or days arguing about whether the comment violated the code of conduct before making their decision. The member in question would then use any public information about how the moderators made their decision to create another borderline allowable comment that wasted several more hours of the moderators' time in argument. Finally, the moderators recognized that the commenter was a net drain on the community and banned him simply because he was distracting from the community's mission.

## Record-keeping

The committee must keep records of previous reports and past decisions to aid in enforcement and to detect patterns of behavior requiring action by the committee. For example, one off-color joke followed by a sincere apology is different from a pattern of off-color jokes and unwanted touching followed by "sincere" apologies. Decisions to make:

- Who will have access to the records (including ways to prevent committee members from accidentally or intentionally seeing records about reports they are recused from)
- When will committee members consult the records (during deliberations of new reports, at registration time, at check-in time, when people request commit access to the source code repository, etc.)
- How long the committee will retain records
- What system the committee will use to keep the records
- How to keep the records secure and private

## Training the committee

Committee members should be formally trained in some manner. This can be as simple requiring new committee members to schedule a phone call with an existing committee member to read over the incident response guide, or as complex as a [multi-hour class with an external trainer](#). They might talk over some theoretical code of conduct incident responses together, or do a post-mortem on previous incidents the committee has handled. The more practice the committee has discussing the response plan and coming to agreement on theoretical cases, the easier it will be to act quickly and effectively when the committee receives a real report.

The committee should practice responding to reports as a group on a regular basis (e.g. every year in January, or at the beginning of any new member's term, or a month before a big event). The more lifelike the practice, the better. See the "[Examples of responding to reports](#)" chapter for a selection of real-world code of conduct reports that can be used for practice.

Some useful reading for committee members:

- [Timeline of Incidents](#) on Geek Feminism Wiki
- [Conference code of conduct resources](#) on Geek Feminism Wiki
- [Community code of conduct resources](#) on Geek Feminism Wiki
- "[Why Didn't You Report It?](#)" by s.e. smith
- "[Why don't you just hit him?](#)" by Mary Gardiner
- "[Women, Race, & Class](#)" by Angela Y. Davis

## Training report-takers

Ideally, all reports of code of conduct violations would be made directly to a member of the code of conduct committee. However, in many situations, the people taking reports will not be on the committee: conference volunteers, managers, or event staff. Your community will need to teach everyone who might be approached by someone with a report one of two things: how to take reports, or how to refer them to someone who has been trained to take a report.

Report-takers should have a "cheat sheet," a short form, or some other guide to remind them what to do (see an example report-taking form in [Appendix 2](#)). Some questions the report-taker should ask (but not pressure the reporter to answer if they don't want to share):

- Identifying information for the alleged harasser
- Reporter's name and contact information
- Time and date of incident
- Place of incident
- What happened
- Any other people who were involved or witnessed the incident

When taking a report in person, the report-taker should find a quiet place where others can't easily overhear the report. The reporter may need some time and support to make a report: time to breathe deeply, the presence of a trusted friend or colleague, food, water, medication, tissues, etc. The report-taker should pay attention to the reporter's emotional and physical state and take reasonable steps to meet the reporter's needs.

The report-taker should also write down the report as it is being given, or take notes and write a written report as soon as possible. If possible, they should read back the written report to the reporter to check for accuracy. Writing down the report is crucial: with verbal reports, the story gets slightly changed each time it is repeated, which can result in major mistakes in the committee's response. The report-taker should not share what they have learned with anyone not on the code of conduct committee.

Early on, the report-taker should find out whether the reporter wants this report to go to the code of conduct committee, with the knowledge that they will make their own decision on how to respond, or if the reporter is just looking for a sympathetic ear and does not want to make a formal report. If the reporter is looking for a sympathetic ear only, the report-taker should feel free to decline listening if they don't have the energy to listen to and keep a secret, especially if they are a member of a marginalized group that is disproportionately burdened with emotional labor.

The report-taker cannot promise unconditional confidentiality because they may learn something that threatens the safety of other community members and need to communicate it to others. Even seemingly minor incidents can be a warning sign if they are part of pattern of behavior. More than once, we've seen a person commit several apparently minor infractions, and go on to commit a serious assault later in the event. To avoid this danger, we recommend report-takers pass on even minor complaints to the committee, even if the reporter wants to stay anonymous and/or doesn't think it is worth a formal complaint.

The report-taker shouldn't try to pressure the reporter in any way, and should not make any promises about how the committee will respond to the report. In particular, people reporting incidents will sometimes ask for a promise that no action be taken against the harasser. But the report-taker cannot make promises on behalf of the rest of the code of conduct committee. The most they can do is say that the committee will try its best to protect the reporter from retaliation. The report-taker can't promise confidentiality either, just promise to try their best to keep it confidential. Protecting the community may, in some cases, require risking others finding out who the reporter was. See the section "[When individual safety conflicts with community safety](#)" for more details on how to handle this situation.

The report-taker should also not ask the reporter for any solutions or suggestions on what action to take. It's fine to ask clarifying questions like, "Do you feel safe staying at the conference right now?" or "Do you feel safe around this person?" The report-taker should not pressure the

reporter to contact security or law enforcement but they should offer their support in doing so if the reporter wants it and it is safe for the report-taker to support them (for more on this, see "["Why Didn't You Report It?"](#)" by s.e. smith). If the report-taker thinks there is immediate physical danger to anyone, they should follow the community's security plan or find someone who can do so safely.

Once the report-taker has taken the report and taken care of any time-sensitive tasks, they should spend some time checking on the reporter's immediate needs. The reporter may be feeling fine and be happy to go back to what they were doing, or they may be in need of help. If it seems appropriate, the report-taker should offer the reporter a private safe place to sit, ask if them if they want anyone to be with them and send someone else to fetch that person if so, and ask "Is there anything that will make you feel safer that I can help with?"

Do not assume that the reporter will trust any specific person, including the report-taker or any member of staff. For example, don't offer a random member of staff to walk with them alone back to their hotel room, because there is no reason they should feel safe alone with a person they don't know. Instead ask them if there is someone they would feel safer to have with them and send for that person. There's no reason the reporter should trust the report-taker or any other community member automatically—plenty of abusive people deliberately seek out positions where they have access to people at their most vulnerable, such as volunteer conference security or the human resources department at their company. The community should do its best to prevent this from happening, but should not ask anyone to automatically trust another person.

Once the immediate concerns have been taken care of, the report-taker should send the written report to the code of conduct committee and make sure a committee member acknowledges its receipt.

## Avoiding or mitigating higher-risk activities

The best way to handle code of conduct reports is to prevent incidents in the first place. One way to do that is to avoid or mitigate activities that carry a higher risk of people violating a code of conduct. Some higher risk activities include:

- Serving alcohol, especially with an open bar (unlimited free alcoholic drinks)
- Hot tubs, swimming pools, saunas, or other partially clothed or nude activities
- Events at nightclubs, bars, and dance halls
- Comedy and especially improvisational comedy (e.g. slide karaoke, hired comedians)
- Activities involving fake or real guns or weapons (e.g. laser tag, target shooting)
- Short unreviewed talks (e.g. lightning talks, Ignite talks)
- Coercive bonding exercises (e.g. trust falls, ice-breakers)
- Activities involving costumes
- Sexualized staff (e.g. servers wearing sexy costumes, models wearing logos)

Any outside staff or contractors hired to work in your community should be educated on your community code of conduct and asked to agree to it, ideally in a contractually binding manner.

If your organization decides to include a high-risk activity, you can take steps to mitigate the risks. For example, if you have a party with a swimming pool, you should explicitly remind people not to touch other people without their explicit permission, announce that the code of conduct applies in the pool area, and remind people not to comment on other people's bodies. Serving alcohol is less of a problem when the organizers limit drinks per person or don't include hard alcohol (see "[Alcohol and Inclusivity: Planning Tech Events with Non-Alcoholic Options](#)" by Kara Sowles for more ideas). People who want to give lightning talks can fill out a form asking if their presentation touches on any topics likely to result in a code of conduct violation, and the organizers can ask them further questions if they answer yes to any of the questions. For more details, see "[Higher Risk Activities](#)" by Mary Gardiner et al.

"[Inclusive Offsites](#)" by Sara Smollett et al. is a guide to choosing group activities that not only lower the risk of code of conduct violations, but are more accessible and more fun for more members of your community.

## Make arrangements for legal advice

**This guide is not legal advice.** If you need legal advice, please contact a qualified lawyer.

Most code of conduct reports and responses will not require legal advice, but you should spend some time identifying any areas where your committee may need legal advice, and what you will do to get that legal advice. Here are some examples of areas where a committee may consider asking for legal advice:

- Publicly accusing someone by name of a crime or unprofessional behavior
- Anything involving employment
- Physical or sexual abuse of children or minors
- The community is associated with, part of, or funded by the government (e.g. public education, government contractors, public hospitals)
- Anything that a mandatory reporter in your community might be required to report

Often, non-profit or charitable organizations can get legal advice for free through pro bono programs of for-profit firms, or non-profit sources of legal advice.

See also:

- [Putting legal concerns into context](#)

## Updating code of conduct materials

As the community and the code of conduct committee gain practical experience, it makes sense to update the code of conduct and any supporting materials every year or two. For example, your community's understanding of oppression may have changed, or your reporting instructions turned out to be poorly worded. Most often the updates are minor changes, but occasionally a full rewrite is necessary, especially if the community's understanding of the purpose of a code of conduct has changed. For example, some communities have rewritten their code of conduct to explicitly acknowledge that its primary purpose is to protect those with less power and privilege from abuse from those with more power and privilege. This eliminates, for example, false claims of racism against the dominant racial or ethnic group, or false claims of sexism against men. The Geek Feminism published an example [community code of conduct](#) constructed in this way.

We recommend dating every edition of the code of conduct, and keeping a publicly available history of previous versions. If the code of conduct changes substantially, we recommend making a strong effort to notify everyone in the community of the changes.

## Summary

After reading this chapter, you should understand the following:

- A code of conduct must be publicized widely and new community members should be told about it as soon as possible.
- Your community must have a way to identify members uniquely and persistently via names or persistent pseudonyms.
- Your community must have a committee tasked with enforcing the code of conduct whose names are publicly available to people making reports.
- Committee members must recuse themselves from handling a report when they have a real or perceived conflict of interest.
- Code of conduct committee members must be chosen carefully according to a range of criteria via a nomination process, not by popular vote.
- The committee should agree in advance on the broad outlines of how to respond to a code of conduct report, and ideally have a written response guide.
- The committee should keep records of code of conduct reports and adopt rules for keeping some reports private from future committee members if necessary.
- Both the committee and potential report-takers should be trained in some manner.
- Avoiding or mitigating high-risk activities, such as those involving less clothing or alcohol, will reduce the likelihood of code of conduct violations.
- The committee should make plans in advance about when and how to seek legal advice.
- The code of conduct should be updated when necessary.

- A committee can take action on something that harms their community even if it is not banned by the current code of conduct.

Resources referenced in this chapter:

- [Intersectionality](#) on Wikipedia
- [Jim Frenkel at WisCon 38 incident](#) on Geek Feminism Wiki
- [Code of conduct training resources](#) from Frame Shift Consulting
- [Timeline of Incidents](#) on Geek Feminism Wiki
- [Conference code of conduct resources](#) on Geek Feminism Wiki
- [Community code of conduct resources](#) on Geek Feminism Wiki
- "[Why Didn't You Report It?](#)" by s.e. smith
- "[Why don't you just hit him?](#)" by Mary Gardiner
- "[Women, Race, & Class](#)" by Angela Y. Davis
- "[Alcohol and Inclusivity: Planning Tech Events with Non-Alcoholic Options](#)" by Kara Sowles
- "[Higher Risk Activities](#)" by Mary Gardiner et al.
- "[Inclusive Offsites](#)" by Sara Smollett
- [Example community code of conduct](#) on Geek Feminism Wiki

# Chapter 3: Responding to a report

This chapter summarizes the steps a code of conduct committee should take when responding to a code of conduct report in quick reference form. It includes a short description of each step to take in the process of handling a report:

- Receiving the report
- Investigating the report
- Making a decision
- Announcing the decision
- Responding to any criticism

This chapter is written so that it can be copied and used directly as a guide for handling code of conduct reports. In-depth discussion of each step is reserved for the preceding and following chapters, and links to relevant sections of this guide are included at the end of each step.

The instructions in this chapter start at the time that the code of conduct committee receives the report. The committee chair (or interim chair) is responsible for moving the committee forward through each step in this chapter, following up on tasks assigned to other committee members, and meeting the deadlines the committee has chosen.

## Start the response deadline clock

Whatever deadline you committed to for a response (e.g. 24 hours to a public acknowledgement and 10 business days to a decision), the deadline clock starts ticking when the committee receives the report. Write down and share the deadline with the entire committee: make several calendar appointments, put it in the notes for the incident, email everyone, etc.

See also:

- [Responding to incomplete or late reports](#)

## Check to see if everyone is safe

If unclear, the committee should first find out whether any immediate safety concerns have been taken care of. The original report-taker may not have realized that anyone was in danger, or have been so focused on getting the report to the committee that they forgot to take steps to protect the reporter or the community. Follow your organization's security response plan if necessary.

## Write down the report if necessary

If the report reached the committee in non-written form, it must be written down by a committee member as soon as possible and shared with the rest of the committee.

## Make a preliminary announcement if appropriate

For incidents that are widely known (e.g., an event that happened in the plenary keynote or on the community mailing list), consider an immediate announcement that the code of conduct committee has received a report about the event and is working on it. Give the committee's contact information for people who might want to add relevant information. Be ready to redirect harmful discussion about the incident to a venue where it is less harmful.

See also:

- [Communicating the response to others](#)

## Ask for recusals

The chair should explicitly ask every committee member if they have a strong conflict of interest that would bias their decision away from protecting the community from harm, or that would produce an appearance of bias. If anyone needs to be recused, assign a specific committee member to take the steps necessary to carry out the recusal: removing them from documents, setting up a new mailing list without them, creating a new chat channel, etc. **Recusal begins as soon as someone realizes they should recuse themselves.** For example, when reading a new report, committee members must stop reading as soon as they realize they need to recuse themselves.

See also:

- [Recusing committee members](#)

## Organize a committee meeting

Arrange for the committee to meet (in person or online) as soon as is practical. The bigger the reported violation, the sooner the committee should meet. If the report happens during an event, meet as soon as possible, since the event will be over soon. It's okay if some committee members can't make the meeting, as long as enough people can attend to do a good job (we recommend 2-3 minimum).

## Do additional research

Assign committee members to find more information on the incident as appropriate, either before or after the meeting. This might include:

- Interviewing the alleged harasser (if safe)
- Interviewing other witnesses
- Checking with their social networks for other people who have had bad experiences with the harasser
- Checking the committee's records
- Searching community records
- Searching the Internet for relevant information
- Attempting to identify any unidentified people involved

See also:

- [Investigating the incident](#)

## Meet as a committee

Only members of the code of conduct committee who have not recused themselves should be present at this meeting. In particular, neither the alleged harasser or the target(s) should be present at this meeting.

At this meeting, discuss:

- What happened?
- What are we going to do about it?
- Who will do it?
- When will they do it?

Have the written incident response guide on hand and check with it frequently to make sure the committee isn't forgetting steps.

Some useful principles to keep in mind:

- The committee's primary purpose is to protect the community from further harm
- The people most likely to be the targets have less privilege and power
- You are more likely to disbelieve the words of people with less privilege and power
- You are likely to have more practice empathizing with people with more privilege and power
- Whenever possible, protect the reporter and any targets of harassment

- Consider the long-term effects of taking action (or not taking action)
- Remember your deadline for response

For complicated cases, the committee may need to meet more than once. If this is the case, schedule the next meeting before leaving the current meeting.

See also:

- [Impact is more important than intent](#)
- [Distinguishing good intent from bad intent](#)
- [DARVO: Deny, Attack, Reverse Victim and Offender](#)
- [Judging competing claims of marginalization](#)
- [Social awkwardness and harassment](#)
- [Mental health and harassment](#)
- [Children, caregivers, and harassment](#)
- [Sexual behavior and communities](#)
- [Alcohol and drugs](#)

## Choose a response

The committee should choose the response that will best protect their community from future harm. Some common responses include:

- Nothing (if you think no action is necessary to protect your community from harm)
- Have a chat with the person(s) who violated the code of conduct
- Issue a formal warning
- End a talk early
- Do not publish videos of the offending talk
- Edit out offending portions of videos of talks
- Do not let the person speak in the future
- Remove responsibilities, privilege, or access
- Temporary ban from community spaces
- Permanent ban from community spaces
- Recommend that they be fired or demoted
- If you can't identify or find the harasser(s), state publicly what you would have done if you could have

In addition to any direct action, the committee might also consider:

- Contacting the harasser's employer or other associated communities
- Warning other communities that may also be at risk
- Warning the public in general

In some cases, individuals or organizations have knowingly and voluntarily enabled abuse over a long period of time. This is especially common with long-term serial abuse by highly placed members of organizations or famous people. To protect the community, the committee may decide to sanction people or organizations that enabled the abuse, to discourage them from enabling abuse by the original abuser or by new abusers. This might look like:

- Not partnering or doing business with the organization
- Not promoting the organization's work or the organization's leadership
- Not allowing talks about the organization at community events
- Not allowing the organization to sponsor community events or organizations
- Not allowing the leadership of the organization to attend events or speak

If you are considering a response that is not listed in this section, it may be on the list of [responses not to use](#). Please read that section in detail before using a response not listed here.

Remember, when choosing a response, the highest priority of the committee must be protecting the community from further harm.

See also:

- [When individual safety conflicts with community safety](#)
- [Protecting the community's reputation](#)
- [Safety is more important than privacy and confidentiality](#)
- [Choosing a proportional response](#)
- [Responses not to use](#)

## Take any actions necessary to implement the response

This step may be done before or after communicating the response to the target(s), harasser(s), or the rest of the community, depending on what you think the likely risks are. For example, if you are worried that the harasser will vandalize the community website, you might remove their website editing permissions before you tell them about your decision. It's important to have a specific person or persons responsible for taking these actions, along with a deadline to do them and clear communication about what order to do things in and whether they have been completed. Sometimes it is helpful to have two or more people doing the work together, so they can support each other or check each other's work. Creating a shared spreadsheet to track the tasks is a reasonable thing to do if there are several steps or if getting them out of order would be a big problem.

## Inform the target and harasser of the response

If feasible, privately inform the target(s) of your proposed response before announcing it publicly. This is not to get their approval, but to find if there is information the committee has

missed or misunderstood. Often an important detail or new information will come out if the committee proposes a response that doesn't solve the whole problem or seems disproportionate to the target. While it is nice when the target agrees with your response, it is not necessary for them to agree with your response.

Privately inform the harasser(s) of the response if and when that is feasible. Again, the harasser does not need to agree with the response, they just need to indicate whether or not they are going to cooperate with the committee's decision. Do not argue with the harasser. They may provide new information or ask for a change, but the committee's decision should take effect immediately and continue while the committee decides whether to reconsider their decision.

See also:

- [If a harasser refuses to follow the code of conduct](#)
- [Responding to protest from the alleged harasser](#)

## Communicate the response to others

A useful guideline is that everyone who is aware of the violation of the code of conduct should also know about the committee's response. You should also err in the direction of more people knowing than fewer. The announcement should be brief and factual, with no extraneous material. Avoiding ambiguity or statements with several different possible interpretations is especially important, as any misinterpretations will require a follow-up statement to clarify. For best results, have someone who is not a member of the committee review the announcement before sharing it.

The statement should contain:

- Usually, no names, either of alleged harasser or target (some exceptions exist)
- A brief description of what happened
- A brief description of the response
- A brief, neutral description of any apology from the harasser
- Instructions on how to send feedback to the committee (usually an email address)
- Optionally, instructions on where to discuss the committee's decision
- Optionally, a brief restatement of the community's commitment to safety

Some common options for publicizing the statement are:

- Announcement mailing list
- Community blog
- Announcement at a plenary session or all-hands meeting
- Social media

For smaller incidents, it is reasonable to periodically publish a "transparency report" summarizing all the reports the committee handled in the time since the last report. For conferences, a few days after the event is a good time to publish this. For ongoing communities, every month, quarter, or year might make sense.

See also:

- [Communicating the response to others](#)

## Respond to criticism

We recommend responding as little as possible to criticism. This approach is often successful:

- Wait to see how people react to the initial announcement
- If necessary, post one follow-up to clarify any genuine misunderstandings
- Do not try to persuade people who strongly disagree with you
- Refuse to provide more details about the incident or its handling
- Refuse to engage in one-on-one arguments, online or in person
- Redirect any community-wide discussions into smaller venues so that victims and survivors don't have to see their community debating their right to safety

See also:

- [Responding to criticism](#)
- [Dealing with attacks on the committee or community](#)

## Summary

After reading this chapter, you should understand the following:

- When the committee receives a report, it should start the response deadline clock, check to make sure everyone is safe, write down the report if necessary, and make a preliminary announcement if necessary.
- When necessary, investigate the report and the people involved.
- Ask for recusals of committee members.
- If another committee meeting is necessary, schedule the next meeting before ending the current meeting.
- If your committee wants to use a response that is not on the list of common responses to code of conduct violations, it should check if the response is on the list of responses not to use.
- If feasible, tell the target and the harasser about your decision before announcing it publicly.

- When possible, communicate the committee's decision as widely as possible, using a short, concise, unambiguous statement.
- Respond to criticism sparingly, and do not provide further details unless absolutely necessary.
- Set up a communication channel for criticism of the committee's decision, and refuse to have one-on-one conversations about the committee's decision.
- If you need more detail on any topic in this chapter, you can follow the links at the end of each section.

# Chapter 4: Discussion

In the previous chapters, we outlined the steps involved in enforcing a code of conduct at a high level. In this chapter, we go into depth on various aspects of enforcing a code of conduct. The sections are arranged roughly in order of when they are useful during the code of conduct process, starting with sections relevant to writing and adopting a code of conduct, followed by sections relevant to preparing to enforce a code of conduct and responding to a report.

## What does not belong in a code of conduct

Often, communities try to use a code of conduct for purposes other than protecting a community from harm, such as describing best practices for meetings. However, cramming these other documents into the code of conduct weakens the code of conduct because it's unclear which parts of the code of conduct are requirements, and which parts are helpful suggestions or recommendations which can be ignored without consequence. To differentiate between behavior that is not permitted, and behavior that is simply not recommended, codes of conduct, mission statements, and rules for conducting meetings, and similar items belong in separate, distinct documents.

A code of conduct must only list unacceptable behaviors, not acceptable or "positive" behaviors. People often object that a code of conduct is off-putting because it's a list of "don'ts" and they would rather see a list of "dos." However, there is a reason that most legal systems in the history of the world consist of a list of "don'ts": there are usually far more acceptable behaviors than unacceptable behaviors, and the reader has to put in extra mental energy to deduce what isn't allowed by figuring out what isn't listed. For example, if you wanted to ban racial slurs and insults, would you list all of the non-racial slurs and insults that it is okay for people to use, and let them puzzle out which ones aren't listed? No; you'd just tell them not to use racial slurs or insults.

In our experience, when people object to a list of "don'ts," they aren't objecting because it is an ineffective format, but because they are feeling uncomfortable with the idea of having to tell people how to behave and enforcing those standards of behavior. Someone who objects to a list of "don'ts" should not be involved in writing or enforcing your code of conduct.

## List of unacceptable behaviors

The list of unacceptable behaviors should be short, direct, and to the point. It should only include items that meet all three of the following criteria:

- Behaviors that are somewhat likely to happen
- Behaviors that some people think are acceptable within the community

- Behaviors that will result in action if someone reports them

A code of conduct should not bother to list behaviors that are unlikely to occur, such as "no riding horses through the office hallways," because otherwise the code of conduct becomes unmanageably long and people are less likely to read or remember it. However, the authors should listen when community members say that a behavior does occur, even if they have not personally experienced it. For example, we know of more than one large tech company where people literally rode motorcycles and electric scooters (not mobility scooters) through the hallways—not something you'd ordinarily think you would have to ban.

A list of unacceptable behaviors should also not include behaviors that are universally known to be unacceptable, such as murder. Again, listen to your community members about behaviours that they have observed or that others think are acceptable.

Note that something does not have to be explicitly listed as unacceptable in the code of conduct for the code of conduct committee to take action. For example, if a community member did commit murder, you could still ban them even if your code of conduct did not specifically list it. For serious crimes outlawed by the legal system, such as spousal abuse, a code of conduct committee should take action even if the perpetrator is not convicted by a court of law if they believe the allegations are likely to be true. In general, feel free to ban someone for any harmful behavior regardless of whether it is in the code of conduct, and then update the code of conduct afterwards if appropriate. You can add "Obey instructions of staff" to allow a staff member to establish any behavior as against the code of conduct without delay.

Everything in the code of conduct should be serious enough that the community would take action if someone reported it. That is, the committee would at least have a chat with the person who did it to explain why they should stop, and would take more serious action if they did not stop. Guidelines for more fruitful discussion or better problem-solving don't belong in a code of conduct if disobeying them would not result in action from the code of conduct committee. Imagine reporting "He didn't keep an open mind and explore many possible solutions" to the committee and you'll see why including these kinds of guidelines in a code of conduct undermines the code of conduct.

Case study: A code of conduct listed "interrupting" as unwanted behavior, as part of guidelines on having better meetings. Unfortunately, interrupting was extremely common and continued to happen in the community without consequence. This encouraged community members to disregard the rest of the code of conduct. Interrupting was also necessary to create a more inclusive environment—e.g., interrupting someone who is dominating the conversation so other people have a chance to speak. What the authors of this code of conduct wanted to stop was interrupting that harmed productivity, or silenced marginalized people. I recommended listing "sustained disruption or heckling" as an unacceptable behavior, and moving the guidelines for better meetings into a separate document.

Guidelines for better discussion or problem-solving are useful as long as they are in a separate document from the code of conduct, especially if they take a systemic form that is easier to follow than to depart from. For example, you can print out [meeting role cards](#), leave them in meeting spaces, and encourage meeting participants to assign specific roles to each other.

Any guidelines you do create should be carefully researched and vetted, especially by marginalized members of the community, to see if they have a counterproductive effect. For example, adopting a guideline of "Assume positive intent" will have the counterintuitive effect of centering the feelings of the privileged person and will end up silencing those with less power. For more on this, see "[How 'Good Intent' Undermines Diversity and Inclusion](#)" by Annalee Flower Horne.

Similarly, you must not include descriptions of the ideal behavior of a community member or the ideal form of a community culture in the code of conduct. Often these statements describe an idealized version of a community as though it was already true. For example, one code of conduct includes the statement, "We gain strength from diversity, and actively seek participation from those who enhance it." Aspirational statements make sense when describing principles or goals ("We believe... We strive to... We aim to..."), but it's unlikely that any community universally lives up to these principles and goals.

Stating these goals as accomplished facts has a silencing effect on people who have differing experiences and makes them less likely to report a violation of the code of conduct—after all, the people who wrote the code of conduct have already said that doesn't happen in our community, so why would they believe me when I say it happened? It also weakens the rest of the code of conduct, by mixing vague aspirational descriptions with specific lists of unacceptable behavior that have important consequences.

A code of conduct must not contain:

- Jokes
- Arguments for freedom of speech
- Statements that everyone should already know these things
- Expressions of certainty that no one will break the code of conduct
- "Be excellent to each other," "don't be a dick," etc.
- Anything else that trivializes or reduces the seriousness of the code of conduct

For more details on what does and doesn't belong in a code of conduct, read "[Code of Conduct Enforcement Warning Signs](#)" by Sage Sharp.

## Transformative justice and codes of conduct

Transformative justice is a system for responding to harmful actions by finding solutions that transform the relationships between victim, offender, and the entire community for a more positive outcome in the longer term. It is based on restorative justice, which aims to change the formal legal justice system so that it prefers restorative solutions (repairing the harm done to the target) over retributive solutions (punishing the offender). One of the explicit goals of transformative justice is to keep offenders integrated into the community they live in, as a way for communities to protect themselves from losing too many members to prison, criminal organizations, or death. (In this context, "community" means people living nearby, family members, schools, co-religionists, co-workers, employers—the entire social fabric that supports a person in a loving, fulfilling, and meaningful life.) Another goal of transformative justice is to center the victim and their needs.

Transformative justice is often successful in communities where community bonds are strong and people leaving the community is extremely harmful to both the community and the person leaving it. It is particularly useful for communities that are unjustly targeted by the formal legal system. For example, it can prevent shoplifting a few dollars worth of food from escalating into years of imprisonment, joining a criminal organization, or death. It tries to repair the harm done to the community instead of increasing the harm.

Unfortunately, transformative justice is rarely successful in a more casual or loose-knit community of the sort this document is aimed at, such as hobby groups, open source software projects, or attendees of a conference. Factors that prevent transformative justice from being effective in loose-knit communities include:

- Transformative justice seeks alternatives to state violence against marginalized people, but harassers in loose-knit communities tend to have significant privilege in the community and in society at large, and are not at risk of facing disproportionately harsh consequences even if they behave egregiously.
- A foundational tenet of transformative justice—that the community is better off keeping the offender in the community than ejecting them—is not true for these communities.
- The process is enormously time-consuming and harassers often have more free time than their targets; many targets simply leave rather than continue the process.
- Often offenders would rather leave the community than repair the harm and change their behavior—they don't have enough incentive to change.
- Offenders who are talented manipulators can hijack the transformative justice process and use it to harm the targets even more.
- These communities rarely have experts in transformative justice, and when amateurs attempt to implement it, they often re-victimize the targets unintentionally.
- The transformative justice process is affected by the implicit bias of the people implementing it, often giving an unfair advantage to the more privileged people involved.

Too often, people approach transformative justice as a neat idea they'd like to experiment with in their community, and end up harming the most marginalized members of their community instead of helping them. If you want to use transformative justice in your community, we recommend you only do so if you have several people who have formal training in transformative justice available to work the process, and you only attempt the process with members of your community who have a strong incentive to stay inside the community and to treat other members of the community well.

Community members often worry that if their community kicks out the offender, they'll just find a new community and hurt people there. They then conclude that it must be their current community's responsibility to rehabilitate the offender. This is somewhat analogous to advising someone with an abusive spouse to stay married because otherwise the abusive spouse will simply find someone else to marry. All we can do is use the power we have to protect people in the communities we control. You don't have a responsibility to rehabilitate an abuser just because they joined your community, and you can't force an abuser to rehabilitate themselves. Your community can best care for other communities by warning other communities the abuser is likely to join.

When enforcing a code of conduct, we recommend people focus on protecting the safety of their community, not on retaining members of their community who are offenders. When offenders sincerely accept responsibility, want to repair the harm they did, want to prevent future harm, and prioritize community safety over their own desires and needs, that's a great outcome and it is reasonable to work with the offender. Otherwise, we recommend using deterrence and prevention: showing the community that you're serious about the code of conduct by ejecting anyone who seems likely to violate the code of conduct in the future, as judged by their actions and statements both within and outside the community.

Our experience with loose-knit, casual communities is that unless the offender fairly quickly agrees to repair the harm and change their behavior, they don't have enough incentive to change and are likely to continue harming the community until they are forced to leave. Putting significant effort into changing the offender's beliefs is a waste of the time and energy of the community, which would be better spent on supporting the targets.

## Recusing committee members

To recuse means to remove someone from a position as a judge in a case because a conflict of interest may cause them to make (or appear to make) a biased decision. Committee members must recuse themselves from handling any report if they have any significant conflict of interest which might get in the way of making a decision in the best interests of the community, or if others would believe that to be the case. Other committee members must insist on the recusal of committee members who do not recuse themselves but have or appear to have conflicts of interest.

Some examples of when a committee member must recuse themselves include if they are:

- The specific target of harassment
- The alleged harasser
- Close friends with either party
- Business partners with either party
- Romantic partners with either party
- In a family relationship with either party
- In some hierarchical academic or business relationship with either party
- Engaged in a significant and personal conflict with either party
- In some other significant power relationship with either party

For example, if a student was required to be part of the committee handling an incident in which their academic supervisor was the alleged harasser, the student would reasonably be afraid of retaliation if they were part of a decision that sanctioned their academic supervisor. As a result, they might make a more lenient decision than they would if they were solely concerned with the safety of the community.

If most or all members of the committee have a similar relationship to the harasser or target, they probably should not recuse themselves. It's possible that a harasser could, for example, harass every single member of the committee, in which case no one needs to recuse themselves. Also, sometimes every member of the committee will happen to be a target of the harassment, such as if they were all in the audience when a pornographic slide was shown in a keynote talk at a conference. In this case, no one needs to recuse themselves.

Be thoughtful about the level of friendship that results in recusal. Plenty of people might be friends with every member of the committee (especially popular people), but only members who, for example, considered that person their best friend would reasonably be in a position to recuse themselves. Likewise for personal conflict; it's entirely possible for a target to have had a fight with every member of the committee, or for every member of the committee to think poorly of that person based on their actions. In these situations, no one should recuse themselves unless they had some truly unique and exceptional interaction with that person.

For example, in a speculative fiction community, if one author writes a series of blog posts expressing their racist and sexist opinions on other authors' work, every single member of the committee **should** strongly dislike the author and none of them should recuse themselves. However, if one of the committee members had a sexual relationship with the author (previously or currently), they probably should recuse themselves. As another example, if a member of the committee has previously responded to a code of conduct report about this person, and the person did not like the response, the committee member does not have to recuse themselves on that basis.

The appearance of a conflict of interest is important as well. For example, if someone on the committee is employed by the alleged harasser but is already planning to quit their job and doesn't need a reference from that employer, they must still recuse themselves because the rest of the community is likely to think their decision was biased because they assume an employee needs their employer's good opinion.

When someone has recused themselves, that means they must not influence the decision in any way, or even be in a situation in which they might influence the decision, even accidentally. This means that as soon as they recognize they have a conflict of interest, they must:

- Stop reading any documents or records
- Remove their access from any documents or records
- Stop talking about the report with other committee members
- Leave the room or call if people are discussing it
- Not go to meetings about it
- Leave a meeting if people start talking about it
- Not read, send, or receive emails about it
- Ask the rest of the committee to stop sending them emails about it
- Delete any emails they receive about it
- Not participate in online chats about it
- Leave any online chats if the topic changes to it
- Delete any personal logs of committee chats about it

In particular, when committee members are first reading a new report, they must stop reading as soon as they suspect they may need to recuse themselves and inform other committees that they may need to be recused. The other committee members can finish reading the report and figure out if the first committee member needs to recuse themselves.

When it comes to enforcing the recusal, err on the side of safety. If someone doesn't know what the rest of the committee is saying, isn't present for any discussions, and doesn't have access to any documents, it's much easier for them to avoid influencing the response to the report.

When possible, announce any recusals publicly. In some cases, the reasons for recusal or the existence of recusal may need to be kept private to protect committee members or targets. For example, if a committee member reports sexual assault, it may be necessary to keep their recusal private to protect their identity.

## When individual safety conflicts with community safety

The goal of protecting the community from further harm will sometimes conflict with other community goals or values. For example, when someone is the target of sexual harassment or assault, the target often rightly fears retaliation by the harasser, or further harassment and

assault from other people (e.g., an Internet troll mob doxxing and harassing them). Blaming and silencing the victim is part of rape culture.

When the target does not want to be identified, consider creative methods of protecting both the community and the target's identity. One option is to find other actions that the harasser has taken that could be used to justify the action necessary to protect your community. When someone is reported for something as serious as sexual assault or harassment, they often have a long record of other offences. Asking around in their social and professional community, especially by people who have a lot of connections with marginalized people, will often result in a long list of other violations of your code of conduct. Keep in mind that offenses committed by abusers may come in a wide variety of forms and may not even be part of your code of conduct, such as plagiarizing other people's work, falsifying expense reports, or embezzling money. For more on this phenomenon, see "[The Al Capone Theory of Sexual Harassment](#)" by Leigh Honeywell and Valerie Aurora.

Another option is to tell the harasser that you've received multiple reports of unacceptable behavior over several months, whether or not the committee has received multiple reports—that is, you can lie to protect the reporter. This is an option that can be used when the committee receives a report that makes them fear for the safety of their community immediately, and does not give them time to do the research on the harasser's other behavior. This may not entirely fool the harasser if the incident occurred just prior to the announcement, but it can give some level of protection and plausible deniability to the target. Obviously, lying should be done sparingly and only when there is no other option to protect both the community and the reporter. It may seem shocking to advocate for lying in some cases, but we often prioritize one ethical principle over another, and in this case, the safety of the reporter and the community takes priority over being truthful.

Be cautious about lying in a public statement; this is another place that consulting legal advice may make sense. In most cases, we recommend not naming the harasser in any public statement.

**This guide is not legal advice.** If you need legal advice, please contact a qualified lawyer.

## Protecting the community's reputation

Many people worry that publicly acknowledging a code of conduct violation will harm the community's reputation, especially with marginalized people. In reality, marginalized people already know that harassment happens in all communities, and they are looking for a community that handles harassment openly and in a forthright manner, instead of ignoring, hiding, or downplaying them. Publicizing a situation in which the community swiftly and effectively handled a code of conduct violation is usually a net positive for a community's

reputation. Trying to keep reports secret or refusing to comment on them publicly is usually a negative mark or a danger sign for a community.

Here are a few examples of communities publishing "transparency reports" summarizing their code of conduct violation reports and responses:

- [PyGotham 2017 conference transparency report](#)
- [Djangocon.eu 2017 conference transparency report](#)
- [Write the Docs 2016 Prague conference transparency report](#)

See the "[Examples of responding to reports](#)" chapter for commentary on their responses.

## Safety is more important than privacy and confidentiality

Many communities value confidentiality and privacy, which when deployed properly are important elements in creating a safer space. However, some communities take this principle too far and prioritize privacy and confidentiality above the safety of the community. This might look like:

- Keeping embarrassing information secret to protect the perpetrator, target, or community leadership when the information is necessary to protect the safety of others
- Refusing to keep records of past violations to protect the privacy of harassers or targets
- Refusing to share information about previous relevant incidents with people responding to a new incident

With rare exceptions, the safety of the community takes precedence over protecting the privacy of an alleged harasser or the confidentiality of previous reports. When balancing the safety and privacy of a target with the safety of the community, see "[When individual safety conflicts with community safety](#)."

## Responses not to use

Some responses fail to prevent further harm to the community, and sometimes even directly harm the target or the community. Some examples of these commonly proposed responses:

- Requiring the harasser to make an apology
- Asking the target to accept the harasser's apology or forgive the harasser
- Asking the target to help decide or agree with the consequences for the harasser
- Allowing the target to control the committee's response
- Mediating between the harasser and the target
- Assigning people to watch or guard the harasser
- Allowing the harasser to remain in the community as long as they stay away from the target

- Allowing someone who has not agreed to stop violating the code of conduct to continue to interact with the community
- Doing nothing because the harasser is gone or unidentifiable

The next few sections go into more detail on why some of these responses must not be used.

## Do not ask for apologies or forgiveness

A code of conduct committee must never ask for or compel an apology. An apology is only relevant to a committee's actions when it is freely given. If the committee asks for an apology, they lose important information: whether this person would have apologized on their own initiative. When the committee is trying to judge how best to protect their community from harm in the future, the knowledge that the alleged harasser has voluntarily made a sincere and meaningful apology is important information. The knowledge that they apologized after being required to do so gives them much less information.

Someone who voluntarily makes an apology that includes all of the following elements is much less likely to harm your community in the future:

- Expression of remorse
- Explanation of their mistake
- Expression of compassion for the victims
- Acceptance of responsibility for the harm
- Explanation of how they will prevent a recurrence in the future
- Attempt to make amends for the harm they did

For more detail, see [this article on the elements of a good apology](#) by Amy Morin, summarizing research published by Roy J. Lewicki, Beth Polin, and Robert B. Lount Jr.

A committee must **never** request that the target of harassment listen to or accept an apology from the harasser. Often, people who have just been targeted by a harasser want nothing to do with the harasser, even if the harassment was the result of a genuine mistake. Worse, many harassers excuse and cover up further harassment under the guise of insisting on offering an apology to the victim despite the victim's obvious desire to avoid them. Refusing to respect a target's desire to avoid contact with their harasser is a form of harassment in itself. Harassers often continue threatening and coercing the target whenever they are in contact, even if they claim they want to apologize. They may also use their own apology as a bargaining chip: "I apologized, now you have to give me what I want."

The committee should consider the target's willingness to forgive the harasser as irrelevant to the response they choose. The target's willingness or unwillingness to forgive is the product of their own personality and experiences; it's not a good indication of how egregious the code of conduct violation was or the likelihood of the harasser harming again. Many people forgive serial

sexual predators who repeatedly assaulted them and who are still assaulting others; others still hold grudges for minor social slights that happened decades ago. Neither reaction is relevant to deciding whether to allow the harasser to be part of the community. Also, systemic oppression means that most people are conditioned to empathize more with the harasser than the target, including the targets of harassment, which makes the target more likely to forgive the harasser. An individual target's willingness to forgive must not be a factor in the committee's response. For more on this topic, see "[Take Responsibility For Handling Abuse](#)" by Annalee Flower Horne.

If the harasser does make a meaningful apology, it is reasonable for the committee to ask the target if they would like to hear the apology without advocating for the target to hear it. If the target does want to hear the apology, the committee can pass it on to them without expressing any opinions of their own. The committee must never advocate for the harasser or pressure the target to hear or accept any apology. We recommend delivering any requested apology in written form, to reduce the stress and risk for the victim.

## Do not ask the target to decide the response

It's not the target's job to come up with a solution to their harasser's behavior, or judge the appropriateness of the committee's response. Resolving code of conduct violations is entirely the responsibility of the committee. Simply being the target of harassment does not make the target an expert in how to respond to that harassment. The target is likely already coping with stress from experiencing the harassment (as well as possibly from reporting the harassment). If the committee allows the target to help decide the response, others may blame the target for whatever consequences the harasser experiences. In the worst case, this may result in the target experiencing a second, more intense wave of harassment in retaliation for the original report.

While the target should not be responsible for the committee's choice of response, it is often reasonable to find out what the target thinks of the proposed response before formally announcing the response. This is because a proposed response may reveal that the committee is missing details, has an important misunderstanding of the problem, or isn't aware of the potential for retaliation against the target and/or reporter. For more on this topic, see "[What Reporting Sexual Harassment Taught Me](#)" by Simine Vazire.

## Do not mediate

The committee should not attempt to mediate between the harasser and their target. Approaching a code of conduct violation as something to be mediated changes the framing of the problem from "What do we do about a harmful person in our midst?" to "Those people don't like each other, oh well." By reframing a code of conduct violation as interpersonal conflict, the committee is absolved from responsibility to take difficult action. Occasionally, a committee will also demand some sort of feel-good conclusion in which the target forgives the harasser and no one has to feel discomfort about the incident going forward—except for the target, who has been not only victimized by the harasser but re-victimized by the committee.

The committee's job is to protect the community as a whole from further harm, not to resolve any dislike or conflict between any individual people. The committee's concern is, "Is this person harming others?" and "What can we do to keep our community safe?" It is not their concern whether the harasser and the target like each other or get along. Plenty of people in a community dislike each other and have conflict; from the committee's point of view this is irrelevant unless someone is breaking the code of conduct.

## Do not guard the harasser or the victim

Don't ask other community members to follow and watch either the harasser or the victim to prevent future harassment from a known harasser. Usually this solution is proposed when powerful people are accused of harassment, or a committee is afraid of being attacked or criticized for banning a person. This response harms a community in several ways.

First, guard duty takes away the ability of at least one and usually several other community members to participate fully in the community. Instead of doing what they'd normally be doing—attending talks, doing their regular job, volunteering, networking with others—they are following someone else around. This is a net loss to the community and a huge loss to the community members tasked with guard duties.

Second, it makes other community members responsible for the behavior of the harasser. Their job is to carefully watch the harasser or the victim and intervene (how?) to stop or prevent further violations of the code of conduct. The guard may have to make the decision about whether to risk their own personal safety to prevent someone else from violating the code of conduct. Even in the ideal situation, in which the very next violation results in banning the harasser from the community, the level of suspicion that justifies spending other community members' time to guard someone is a high enough level of suspicion to justify at least a temporary ban while the committee gets more information.

Third, it doesn't work. Read any serious spy novel and you'll realize that a 24-hour tail operation is difficult and expensive for even nation-states to successfully mount. Even if the guards do manage to follow the harasser or the victim everywhere, what happens when they go into private spaces, such as hotel rooms or closed offices? Many sexual assaults occur in hotel rooms at conferences or during work trips; showing up at the door to a target's hotel room is a common tactic for serial sexual predators. What do the guards do when the harasser is about to enter their own or someone else's hotel room?

Guarding a community member to prevent harassment by someone suspected of being a safety threat to your community is a waste of your community's time and energy. Instead ban the suspected harasser, temporarily or permanently.

## Do not ask the harasser to stay away from the target

Allowing the harasser to remain in the community on the condition that they stay away from the target is rooted in the idea that a code of conduct violation is just a personal conflict between two or more individuals, when it is actually a threat to the safety of the whole community. It also presumes one of two things: (1) that the harasser is not a threat to the community, but the target still feels frightened of the harasser and wants to avoid them, or (2) the target is not safe from the harasser if they are physically nearby, and therefore the community is not safe (since the target is part of the community).

In case (1), where the committee feels confident that the harasser is no longer a threat to the community, the harasser should already be sensitive enough to the feelings of the target to voluntarily avoid their presence until the target says differently. If the harasser doesn't realize that one of the effects of their action is to make the target afraid of them, the committee should be seriously concerned about whether they will do further harm to the community.

In case (2), where the committee does not trust the harasser not to harm the target if they are nearby, this is a clear mistake by the committee. The goal of the committee is to protect their community; the target is part of their community; the harasser is likely to harm the target again. The harasser may harm other members of the community, or inspire others to harm when they see how the committee responded. The committee should almost certainly ban the harasser permanently.

If a harasser is not voluntarily staying away from the target and is then ordered to stay away, the harasser may engage in a range of boundary-testing behavior, itself another form of harassment. Efforts to impose a physical separation between a harasser and victim create absurd situations: If both people are at an event, how far away is far away enough? 15 feet? What if the harasser stands in the target's line of view but 20 feet away? What if they follow them at exactly the required distance? If the harasser can't be in the same room as the target, can they be in the doorway of the room? What about hallways, do they count as one room? For example, a harasser in a speculative fiction community was told to stay away from a particular author, but decided that showing up at the author's book-signing events qualified as "staying away" if they did not ask the author to sign a book. A harasser might also use a separation policy as an excuse to constantly seek out and demand information on where the target is at any time, which is stalking and harassing behavior in itself.

Another problem with this approach is the heavy burden it places on the target. The target has to continue being alert for the presence of the harasser, and if the harasser is already present in a space where the target wants to be, the target either has to leave or ask the harasser to leave. As a result the target is forced to mentally track the physical location of their harasser. The target then has to go through the stress of reporting again if the harasser violates the restrictions.

## Holding powerful people accountable

Sometimes a community has one or more "rock stars" who are perceived as too important for the community to lose. Often abusive people deliberately seek out and create situations in which the community literally can't function without them. For example, only one person has the password to administer the website, or only a few people have access to the training materials, or the community is based on a myth that only one person has the "taste" or "vision" or "editorial judgment" to keep it alive.

Because the abuser's participation is perceived as crucial to the existence of the community, the code of conduct can't be enforced on them, since the community is unwilling to enforce consequences that they believe might destroy the entire community. If a community has a "rock star" who likes abusing people, the community will have great difficulty creating an inclusive and safe space of any sort. You can read more about identifying, preventing, and ending "rock star" culture in "[No More Rock Stars](#)" by Leigh Honeywell, Valerie Aurora, and Mary Gardiner.

If a community cannot hold the most powerful people in the community accountable to the code of conduct, it is best not to adopt a code of conduct at all. The next step in this situation is to try to create a system that can hold the powerful accountable. This might look like:

- Replacing the board of directors
- Lobbying sponsors to withhold funding until a governance system is in place
- Pressuring powerful people to make public commitments to obey a code of conduct
- Creating petitions
- Founding or joining competing communities
- Mass resignations
- Forming unions
- Organizing strikes or boycotts
- Talking to the press
- Going public with stories of abuse

For more information on creating change within a corporation when you are part of an influential group of employees with leverage, see "[How to Organize Tech Workers to Change Company Policy](#)" by Liz Fong-Jones.

## Putting legal concerns into context

**This guide is not legal advice.** If you need legal advice, please contact a qualified lawyer.

We do not give legal advice in this guide, but we can give some helpful guidelines on how to integrate legal advice into designing and enforcing a code of conduct.

First, you should not take legal concerns seriously when they are raised by random people without relevant legal training. They do not know the law and usually cannot offer you useful advice; often they are free-associating between what action they want you to take and anything they have read or seen on TV that seems to support their goal. Trained lawyers usually do not offer legal advice to people who are not specifically asking for legal advice.

Be wary of lawyers offering unsolicited legal advice; they may not have your community's best interests at heart. Definitely don't listen to lawyers working for your opponents, or for people who wish your community ill. If you do want legal advice, you should consult a lawyer with expertise in the relevant field of law in your jurisdiction who has a legal duty of care towards you (e.g., you are their client).

If you do consult a lawyer, remember that a lawyer's job is to tell you every single possible way in which you could be exposed to legal liability. It is not the lawyer's job to balance legal concerns with the rest of the goals of your community, which may include accomplishing your mission, making money, or encouraging collaboration. A lawyer is concerned with protecting their clients in a narrow legal sense and usually doesn't have expertise in all the other non-legal risks to a community, such as harms to your public reputation or to your members. Legal concerns are only one of many aspects that a community leaders need to consider when making decisions.

A common mistake is to only consider legal risks on one side of an issue, and not the other side. For example, say you have a strong reason to believe that someone is likely to sexually assault people at your event. Various people in your organization may be deeply opposed to banning this person from the event, so they raise concerns about defamation or libel, and propose instead having several conference staff guard the person. If you were to consult a lawyer, they might inform you of the risks that come from not banning the person, which might include increased liability if that person does assault someone, with your assignment of a guard used as evidence that you were aware that the person was dangerous. (For more on why guarding someone is a bad idea, see the section "[Do not guard the harasser or the victim.](#)")

## Responding to incomplete or late reports

Sometimes code of conduct reports can't identify the person who violated the code of conduct. Other reports might come in after an event is already over or after the harasser has left the community. A community can still respond to these reports in a meaningful way.

For reports without an identified harasser, the committee can publish a description of the incident and say what sanction they would have imposed if they had identified the harasser. This approach has several positive effects: it educates the community on what is acceptable, it encourages other victims to come forward in the future, it will discourage the harasser from repeating the behavior, and it validates the reporter and victims. It may also cause other people

to come forward with reports of similar behavior, or other people may be able to identify the harasser based on the description. To lower the chance of an unidentifiable harasser, follow the recommendations in the section "[Identifying community members](#)."

When the event is already over or the harasser has already left the community, the committee can ban the harasser from future events, tell the organizers of related communities about the incident so they can take action, and publish a description of the incident saying what they would have done if they had received the report sooner. They can also apologize to the target and make changes to prevent a repeat of the incident.

See also:

- [Identifying community members](#)

## Investigating the incident

A code of conduct committee rarely has the expertise or resources to conduct a full background check or act as private investigators, and must not hold itself to a standard of certainty comparable to that required by the formal legal system. In general, the committee should make decisions based on the preponderance of evidence—what explanation seems most likely to be true.

Most incidents will not be complicated. In cases of severe violations of a code of conduct, often the harasser has committed many other violations that have not been reported—sometimes at the same event. For example, someone who has attempted to sexually assault someone at an event may have also made multiple unwanted sexual advances and sexual jokes to other people at the same event. Similarly, someone who made a racist joke at a conference probably has made racist comments on publicly available social media, requiring only a few simple internet searches to find. We've seen instances where someone reported for violating the code of conduct had already been extremely rude or threatening to multiple organizational staff. For more on this phenomenon, see "[The Al Capone Theory of Sexual Harassment](#)" by Leigh Honeywell and Valerie Aurora.

## Impact is more important than intent

Committees can easily spend too much time and energy arguing about the intent of the harasser, asking questions such as:

- Did the harasser realize what they were doing was harmful?
- Was the harasser intending to be helpful?
- Should the harasser have known better?
- What life experiences or conditions led the harasser to act this way?

The following questions are far more important:

- What impact did their behavior have on the target and the community?
- How can the committee prevent that harm from happening again?
- What will help the target and the community feel safer going forward?
- What harmful life experiences is the harasser creating for people in your community?

When the committee focuses too much on the intent of the harasser, it recenters the discussion on the feelings and reputation of the harasser, rather than centering it on the feelings of the target or the rest of the community. For more on this subject, see "[How 'Good Intent' Undermines Diversity and Inclusion](#)" by Annalee Flower Horne.

Keeping that caution in mind, the intent of the harasser is one of several factors for judging whether the harasser poses a threat to the community in the future. If the harasser intended to cause harm, they are more likely to harm the community in the future. If the harasser had positive intent, **and** they recognized their mistake, took responsibility, and promised to take steps not to repeat the mistake, then they are less likely to harm the community in the future. Conversely, if the harasser had positive intent, but does not admit they made a mistake, does not take responsibility for the harm their action caused, and refuses to change their behavior, they are also more likely to harm the community in the future.

It's also possible for a harasser to intend to cause short-term harm for some long-term imagined good ("toughening them up," "everyone likes teasing," "I was just complimenting them"). They might change their mind after someone explains the harm of their actions to them, and become less likely to harm the community in the future. As you can see, intent is less important than impact.

## Distinguishing good intent from bad intent

When trying to figure out a person's intent, you should rely more on concrete actions and long-term patterns of behavior than on their words or the action they take when they are facing serious consequences. Serial predators are, by necessity, good at manipulating people in power. Many serial predators have figured out a plausible story to excuse their behavior, but their actions stay the same. They are likely to:

- Groom people with less power to accept their abuse
- Put themselves into situations where it would be easy to abuse someone
- Push back on any attempt to restrict their access to targets
- Say they accept responsibility for their actions, but object to any real consequences
- Appear to accept the consequences but then ignore them
- Continue to test and push new or existing boundaries

When the abuser is telling a plausible story to excuse their behavior, they will often minimize the intensity or frequency of their harmful behavior, or suggest that everyone does what they did, or wants to do it. By contrast, a person who accidentally inflicted harm and wants to stop harming people may or may not be articulate or convincing in what they say to the committee, but their actions will show they are more concerned about the people they harmed than about their reputation or continued access to targets. If someone genuinely wants to change, they are likely to:

- Have a plausible explanation for their behavior (even if it's just "I wasn't thinking")
- Recognize the harm they caused
- Not seek to minimize or normalize the harm they caused
- Express concern about the targets without prompting
- Eagerly seek out the root cause of the problem and identify ways to fix it
- Suggest meaningful and effective sanctions for themselves
- Carefully adhere to any sanctions in the future
- Avoid anything that looks like boundary pushing
- Offer a meaningful apology—without insisting that the target hear it
- Seek ways to make amends without further harming the target
- Proactively respect the wishes of the target about future contact
- Avoid situations that would make repeating their mistake more likely

When you look at their response to mistakes they made in the past, you will see this same pattern.

Case study: A man volunteered for a program teaching women to code. He frequently contacted students outside of class without their consent, making many of them deeply uncomfortable. If they pushed back on his behavior, he would blame his inability to read social cues (see the section on "[Social awkwardness and harassment](#)" for more on this topic). When called out on this behavior, he apologized, but refused to change his behavior or step down from his position of power teaching women to code. We believe that someone who actually supports women in tech would, after realizing he frequently makes women uncomfortable, avoid direct contact with women in tech and find different ways to support women until he has learned how not to make women uncomfortable. This pattern of behavior indicates a serial predator, not someone who supports women in tech but has poor social skills.

Many predators are good at imitating victims and manipulating people in power, and will make the most of any source of power or privilege they have. A predator may even have read this guide and be using it to help them lie to a code of conduct committee or make up false code of conduct reports! We recommend relying more on long-term trends of behavior and relative positions of power than behavior while the committee is actively investigating to help avoid this kind of deception. A predator can successfully act like a good person for a few days or weeks, or while speaking to people who have the power to harm them. But what is the point of being a

predator if they act like a good person all the time, to all people? Often it's how someone treats the least powerful, especially in private, that shows the truth about a predator.

## DARVO: Deny, Attack, Reverse Victim and Offender

Serial predators will often use a technique called [DARVO, which stands for "Deny, Attack, Reverse Victim and Offender."](#) Here is the short definition from the originator of the term, Dr. Jennifer J. Freyd:

DARVO refers to a reaction perpetrators of wrong doing, particularly sexual offenders, may display in response to being held accountable for their behavior. DARVO stands for "Deny, Attack, and Reverse Victim and Offender." The perpetrator or offender may Deny the behavior, Attack the individual doing the confronting, and Reverse the roles of Victim and Offender such that the perpetrator assumes the victim role and turns the true victim -- or the whistle blower -- into an alleged offender. This occurs, for instance, when an actually guilty perpetrator assumes the role of "falsely accused" and attacks the accuser's credibility and blames the accuser of being the perpetrator of a false accusation.

DARVO is so powerful in part because the predator is presenting themselves as the victim, but often from a position of more power and privilege than the true victim. As a result, most people automatically focus more on the predator's feelings, are more likely to believe what they say, and are more afraid of angering them. Fortunately, learning about DARVO makes people less likely to believe predators using DARVO.

"Deny" is the first step of DARVO. Many people can't imagine anyone lying as brazenly as predators do, and assume that there must be some truth in the predator's denials, or at least that any disagreements about what happened are the result of a genuine misunderstanding. If you are on a code of conduct committee, you must be open to the idea that someone is deliberately lying to you in a convincing manner, and that you are not as good at spotting lies as you believe you are.

Both true victims and predators may deny accusations against them, but they tend to do so in different ways. If someone claims that the accusations against them are false, but has taken steps to defend themselves against them before they were informed of the accusations, that is evidence in favor of the accusations being true. This is because the most likely explanation for the perpetrator knowing what to prepare for is their own memory of the abuse they committed.

For example, if someone is accused of sexually assaulting a woman 35 years ago, and within hours produces a letter signed by 65 other women from that period of their life vouching for the accused's respectful treatment of women in general, the letter is strong evidence that the accusation is true. This is both because the rapid response makes it likely they prepared it before the accusations were made, and because the defense relies on an element of rape

culture, which (wrongly) asserts that people who commit sexual assault against women treat all women badly.

The "Attack" portion of DARVO usually looks different from a true accusation. A predator using DARVO is more likely to try to discredit the accuser with sweeping personal attacks and emotionally loaded words, such as, "She's deluded! Only a crazy person could think I did that!" or "His accusations are disgusting and cruel. I would never say something racist!" Their goal is to not only to deny the accusation, but dehumanize and diminish the accuser across the board. True victims may also engage in personal attacks, but are more likely to focus on factual statements and descriptions of the abuser's actions, such as, "He called me into the other room and pushed me against the wall and kissed me without my consent," or "While we were sitting next to each at dinner on Tuesday, she leaned over and whispered a racist comment in my ear."

Be careful to distinguish between harsh but accurate statements of facts and personal attacks. For example, "He's a racist," is not a personal attack, it's a factual description summarizing a person's behavior, as are "He's a creep," and "She's a habitual liar." A personal attack from an abuser will be more sweeping and dehumanizing, such as, "She's completely hysterical and no one should listen to her about anything," or "He's always bringing up racism because he's obsessed with being a victim."

"Reverse victim and offender" often involves a false accusation against the victim. False accusations are more likely when the more powerful person is claiming to be the victim, since there is little or no risk for the powerful person to accuse a less powerful person, and enormous risk with little gain for a less powerful person to accuse a more powerful person. Sometimes the accusation will be ludicrous outside of the context of rape culture or other forms of oppression, such as claiming that a young sexual assault victim seduced an adult abuser. Be extremely wary when the more powerful person presents themselves as the true victim. (For more detail on the differences between true and false rape accusations, see "[What kind of person makes false rape accusations?](#)" by Sandra Newman.)

DARVO involves a lot of lying and deception. When this happens, we recommend paying particular attention to the opinions of marginalized people in your community. They usually have more experience with predators trying to harm them and are familiar with the patterns of manipulation predators use. Marginalized people are more likely to pick up subtle inconsistencies in the predator's story or demeanor; even if they can't consciously identify the inconsistencies, they may have a subconscious sense of something wrong.

Case study: As I child I had a friend who had long shiny hair that I openly admired. My friend would occasionally criticize her hair and look sad; in response I would spend several minutes trying to convince her how beautiful her hair was. One day as I was doing this, she briefly smiled and then quickly changed her expression back to sadness. I instantly realized she was lying to me to get compliments, and had been doing so for years. I stopped being friends with

her soon after. After that experience, I was more alert to small signs of good moods in people when they claimed to be sad.

We don't recommend using "deception detection" techniques unless you are fully-trained expert aware of their many limitations and potential pitfalls. Many popular ideas about the [signs that someone is lying have been debunked](#). Other techniques, such as reading microexpressions, only reveal underlying emotions, not the [reason for the emotions](#). Even a fully-trained expert in these fields is wrong a significant percentage of the time. Instead, we encourage you to pay attention when someone's intuition is warning them about a person. Intuition can be wrong and it can be affected by bias, but as Gavin de Becker puts it in [The Gift of Fear](#):

Intuition is always right in at least two important ways.

1. It is always in response to something.
2. It always has your best interest at heart.

Combined with efforts to mitigate bias, knowledge of people's past behavior, and awareness of the systemic oppression at play, the intuition of marginalized people is valuable to your work as a committee.

## Judging competing claims of marginalization

Sometimes a harasser will claim that they can't have harassed someone because the harasser is themselves a member of a marginalized group (sometimes with absurd definitions of a marginalized group, such as "people who think white people are genetically superior to people of color"). They may be part of a marginalized group that is stereotyped as incapable of harassment, such as a lesbian woman claiming she can't sexually harass a man (since sexual harassment is about power, it isn't necessary for someone to be sexually attracted to someone to sexually harass them). They may claim that their behavior would be acceptable from a more privileged person, such as someone claiming that their behavior is only being treated as sexual harassment because the harasser is considered to be old, fat, ugly, or otherwise sexually unattractive. They may even claim to be the true victim (see the [section on DARVO](#)). The harasser may also deny the committee's right to enforce the code of conduct because they are more marginalized than one or more of the committee members or community leadership.

These claims are complicated because the committee needs to avoid two different mistakes, each pulling in a different direction. The first mistake (and the more common in everyday society) is to have more empathy for the more privileged person, to be more ready to believe them, to be more accepting of their claims, and to be more lenient towards them. This goes hand-in-hand with a tendency to punish members of marginalized groups more harshly for the same behavior. For example, in the Linux kernel programming community, women were criticized for occasionally using mild profanity at the same time that male leaders in the project were praised for heavy use of profanity and personal insults. The second mistake is to

overcorrect for the first mistake by allowing more abusive behavior from a person because they are a member of a marginalized group.

The best technique here is to stay in touch with objective facts about the situation and focus your empathy and concern on the entire community, while keeping the needs of the most marginalized members of your community uppermost. A person may claim that, as a member of the supposed marginalized group, "men who think women are genetically inferior," if you enforce the community's code of conduct you are discriminating against them. Ask yourself, "What effect does this person have on the safety of my community?" and "What does the research say on whether this group is marginalized?" Quickly you'll realize that this person harms the safety of pretty much every marginalized group in your community (see the "[Paradox of Tolerance](#)"), and that men who think women are inferior quite often hold positions of great power in our society. The answer in this case that this person is not a member of a marginalized group, and you do not have to take their claims of discrimination and silencing seriously.

Another person might say to you that, as a woman of color, she can't be held accountable for making homophobic comments. Ask yourself, "Are we enforcing this rule equally for white people and men of all races?" and "What effect does this person have on the safety of my community?" You may realize you need to step up enforcement on more privileged people if you haven't been enforcing this rule for them, and you will also realize that if someone believes the code of conduct doesn't apply to them, they will harm your community. The answer is that no one can make homophobic comments without being held accountable, whether they are a woman of color or not.

Another complicated situation is when a member of a marginalized group claims that they cannot be doing things that are harmful to their own group, such as Latinx person engaging in anti-Latinx racism, or a gay person making homophobic comments. It is important to protect "[gallows humor](#)"—dark humor employed by members of a marginalized group to lighten the mental burden of their oppression—but that is separate from and different than reinforcing oppression against a person's own marginalized group. Again, we recommend first ensuring that more privileged members of your community are being sanctioned for this behavior and that marginalized people are not subject to a higher standard of behavior.

Competing claims for who is truly the victim in a situation should never be settled by engaging in "[Oppression Olympics](#)"—arguing over which person is more marginalized or has it worse, with the idea that the more marginalized person "wins" the status of victim.

Someone's membership in a marginalized group can be taken into account in the following ways:

- Reminding yourself to examine and correct any bias you or your system may have against that group
- Judging what kind of risk the person is taking by reporting harassment

- Taking into account the prevalence of oppression against that group when trying to decide what really happened
- Comparing how similar actions by more privileged people are handled

## Social awkwardness and harassment

Many communities include people who are socially awkward: they might have difficulty perceiving social cues, identifying emotions in other people, or following social rituals. The causes of social awkwardness are many, and may include anxiety, lack of opportunity to socialize, socialization in a different culture, being the target of abuse, and some kinds of neurodivergence, including autism. We do not include uncontrollable violent behavior in our definition of social awkwardness.

**We recommend that committees treat incidents with socially awkward harassers substantially the same as incidents with harassers who have average or higher social skills.** If the harasser is genuinely socially awkward, the process might take more time and the solution might need to be explained or simplified. The committee may need to explain the problem in more detail, the harasser may ask more clarifying questions to understand what they did wrong, or the recommended change in social behavior might be need to be broken down into smaller pieces so it is easier for the harasser to implement. For example, a committee might tell a person with high social skills, "Don't follow people around," but tell a socially awkward person, "Do not spend more than 30 minutes a day in the company of another attendee unless they explicitly invite you individually to join them." Otherwise, the process should be the same.

Some people argue that socially awkward harassers should not be held accountable to the code of conduct in the same way as people with average or higher social skills. We'll explain those arguments and why we disagree with them in the rest of this section.

The argument for treating socially awkward harassers differently looks something like this: the harassment is caused by the harasser misunderstanding social cues due to their social awkwardness, they can't change their actions to be less harmful, and it isn't fair to hold the harasser accountable to the code of conduct for something they can't control. In other words, the person doing the harassment is the marginalized person, their comfort and happiness should be prioritized over that of their victims, and the harasser cannot change their behavior, so other people should just accept harassment as the cost of including socially awkward people in their community.

To start with, this argument ignores the possibility that the target is also socially awkward. Socially awkward targets are at a disadvantage in defending themselves from harassment, and are sometimes targeted precisely for that reason, including by other people who claim to be socially awkward. Understanding that socially awkward people are more likely to be targets increases the importance of enforcing the code of conduct equally against harassers who use

social awkwardness as an excuse. Exempting people who claim to be socially awkward from the code of conduct will harm socially awkward people more than it helps them.

Another false assumption in this argument is that socially awkward people are more likely to be harassers than people with average or higher social skills, stereotyping socially awkward people as abusive and harmful. In our experience, socially awkward people are far more likely to be the target of harassment than the perpetrator, as is the case for most marginalized groups. It is possible for someone who is socially awkward to harass others but harassment is not the inevitable result of their social awkwardness.

A second false assumption is that a socially awkward person doesn't have control over their harassment of others because they can't perceive subtle social cues at the same speed and detail as someone with average social skills. This cannot be true, since the majority of socially awkward people are generally successful in not harassing or assaulting others in their communities.

While difficulty perceiving social cues can slow down or complicate social interaction, it does not inevitably produce harassment. Socially awkward people who do not want to harass others often reduce the chance of accidentally harassing someone by consciously following self-imposed guidelines, such as:

- Asking explicitly about the other person's feelings
- Asking for clarification of ambiguous statements
- Periodically checking in to see if they missed a social cue
- Always asking for permission before touching other people

One clue about whether a person genuinely doesn't realize their behavior is harmful is if they engage in the same behavior in the presence of people who are more powerful than they are. If they only act inappropriately around less powerful people, then they are abusive people pretending not to understand the impact of their actions and choosing to act inappropriately when they believe they will not be punished for it.

A third false assumption implied by this argument is that socially awkward people cannot learn new behaviors—which should seem ridiculous and patronizing when stated outright. If a social skill is simple enough that most seven-year-old children can learn and follow it most of the time, then most socially awkward adolescents and adults can also learn and follow it. Like many people with average or higher social skills, many socially awkward people who want to avoid harming others can accept feedback, apologize, make amends, and work hard to learn new behaviours when they do harm. Difficulty perceiving social cues does not imply inability to learn new social behaviors.

A final false assumption is that a socially awkward person cannot deliberately abuse others, and any abuse they perpetrate must be accidental. While the vast majority of socially awkward

people do not want to be abusive, some socially awkward people do intentionally engage in abusive behavior, just like people with average or higher social skills.

Some people will use this argument to claim that all neurodivergent people and especially Autistic people are more prone to harassing behavior and can't be held responsible for harassing others, since neurodivergence and autism can include difficulty perceiving social cues. Some people even make the argument that most harassment is perpetrated by Autistic people, and that enforcing a code of conduct is therefore ableist and anti-Autistic. These arguments are themselves ableist; they simultaneously infantilize and demonize Autistic people. For more on this issue, including several articles by Autistic authors, see [this summary](#).

Sometimes, people who have average or higher social skills will self-identify or be described as socially awkward to excuse their harassing behavior. Social awkwardness is varied in its presentation and cause, and in many cases, no one can definitively prove or disprove whether someone is socially awkward or has a specific cause of social awkwardness. Questioning someone's self-identified neurodivergence or mental disorder can be a form of ableism; at the same time, falsely claiming to be neurodivergent or have a mental disorder for the purpose of escaping consequences for abusive behavior is co-opting a marginalized identity for personal gain. Behavior isn't a foolproof guide: many people are capable of intentionally acting socially awkward when they actually have no trouble perceiving social cues. Some people do this for a living, including some actors or comedians.

Some people take advantage of this ambiguity and the simultaneous infantilization and demonization of neurodivergent people to give themselves a convenient excuse for abusing others. These abusers falsely claim or suggest they might be neurodivergent in some way, perhaps as part of the "Reverse Victim and Offender" element of the [DARVO technique](#). However, it is unnecessary to determine whether a harasser is genuinely socially awkward or only pretending to be, as the committee should treat socially awkward harassers and harassers with average or higher social skills the same, with the exception that a socially awkward harasser may benefit from slightly longer or more detailed discussions.

Case study: The leader of the Linux kernel software project, Linus Torvalds, personally attacked other members of the Linux community on a regular basis, going so far as to publicly ask why another developer had not been "retroactively aborted" for stupidity. After more media attention to this behavior than usual, Torvalds stepped down temporarily from his position as project leader in 2018. His email announcing the change explained his abusive behavior as the result of a "lifetime of not understanding emotions" and said he was taking time off to "get some assistance on how to understand people's emotions and respond appropriately." Reviewing Torvalds' abusive emails makes it clear that he understands his targets' emotions quite well, he just enjoys making other people feel humiliated and shamed and did not have any incentive to stop doing so until recently. Claiming that he didn't understand the emotions he was creating is an attempt to avoid accountability for his actions.

Note that any harasser may pretend not to understand the committee to delay or prevent being held accountable. To avoid this, pay attention to how well the harasser understands similar discussions in other contexts. If they can understand the same concepts when it is to their advantage to understand them, then they are likely faking incomprehension. Another clue is whether the harasser acts more appropriately in some circumstances, such as when other people are present, or when the potential target is powerful. In other words, are they socially awkward when they might face serious consequences for their actions, such as losing a job or losing money?

In our experience, claims of social awkwardness or misunderstanding are most often mobilized to excuse the behavior of white men who have sexually harassed or assaulted others. It is a version of the ["Male Bumbler" myth](#)—the idea that otherwise competent and successful men are inexplicably incompetent in one specific area (judging the sexual receptiveness of others) and therefore can't be held accountable for sexually harassing other people. When it comes to race, the same behavior might be viewed as "socially awkward" in a person of one race, and "violent" or "dangerous" in a person of another race. Overall, the excuse that someone can't help harassing others because they are socially awkward is more available to people with more privilege and less available to people with less privilege. As a committee, you must not accept this excuse.

## Mental health and harassment

Mental health conditions, such as anxiety disorders, personality disorders, and bipolar disorder, are not excuses for violating the code of conduct. Much like social awkwardness, some people will argue that someone with a mental health condition is incapable of participating in a community without violating a code of conduct, and therefore requiring members to follow a code of conduct is ableist.

As in the case of social awkwardness, enforcing a code of conduct on all community members will protect more people with mental health conditions than it harms. In the majority of cases, a person with a mental health condition is just as capable of following the code of conduct as anyone else. In the relatively rare case that a person's mental health condition makes it impossible for them to follow the code of conduct, then protecting the community as a whole takes precedence over including that person in the community.

No community of the type addressed in this guide has a duty to include or care for every person in existence. Some people require trained professionals and specially designed supportive environments before they can participate in a community without significantly harming others. Your community does not have to include people who regularly harm other members of the community, regardless of the state of their mental health.

It is likely that the harasser and/or other community members will argue that your community does have an obligation to help manage the mental health of a harasser by allowing them to stay in your community and harm others (you don't have an obligation to do this). To help you identify when this is happening, here are some examples of what that looks like:

- Hints that the harasser may self-harm in some way if forced out of the community
- Claims that the harasser doesn't have a support network outside of the community
- Crediting participation in the community as the only thing preventing harm to self or others by the harasser
- Sharing the harasser's fantasies about harming self or others followed by gratitude to the community for preventing them
- Open claims of the form "The harasser has XYZ condition and therefore you cannot enforce the code of conduct against them or make them leave"

Your community should not take on sole or partial responsibility for treating someone's mental health condition for a simple reason: mental health conditions should be treated by mental health professionals. If the harasser does not have access to mental health professionals, you should not conscript your community members into service as untrained caregivers.

People who aren't mental health professionals often don't know what to do and can harm the patient, themselves, and others. "Allow this person to stay in our online chat channel without consequences for harming others" is not mental health treatment, it may hurt the person needing treatment, and it will harm many others, including possibly other community members with mental health conditions. It is unethical to attempt to treat someone without appropriate training and the informed consent of the person being treated. Resist the argument that caring for someone with mental health means allowing them to violate the code of conduct without consequences.

## Children, caregivers, and harassment

If a community wants to include children and their caregivers, it should enforce an age-appropriate code of conduct on all children. It should also hold caregivers responsible for supervising their children and for getting their children to follow the code of conduct. If children will be cared for by people other than their primary caregivers, a system should be arranged in advance so that community members don't end up caring for children against their will or without preparation, which is more likely to result in harm to the child and to others. For example, if a caregiver brings a child to a community space, does not supervise them properly, and other members step in to supervise in an ad hoc manner, then the space is not safe for that child, or for anyone who could be harmed by an unsupervised child.

Enforcing an age-appropriate code of conduct on children will make the community more inclusive of children and caregivers for children. For example, if a community encourages bringing children to the space to make it easier for caregivers to participate, and one of the

children physically attacks the other children on a regular basis, then other caregivers will not be able to safely bring their children to the space. The net result is that caregivers and children are less able to participate.

If the child and the caregiver can't be separated, then the consequences for violating the code of conduct will often affect both the child and the caregiver. For example, if a child won't stop hitting other children at an event, and the committee tells the child to leave, and the child can't leave without the caregiver, then both the caregiver and the child will need to leave.

These principles also apply to dependent adults or elders who need supervision at a level similar to a child. Caregivers for adults who are not dependent are not responsible for the conduct of the person they are caring for, and vice versa, but if the adult and the caregiver cannot be separated, they may still be affected as a pair by code of conduct enforcement. For example, if an independent adult's caregiver violates the code of conduct, and the penalty is a permanent ban, and the caregiver and the person being cared for cannot be separated, then caregiver will also have to leave the community space.

## Sexual behavior and communities

Many difficult issues around community management come up when sexual behavior is part of community interaction, as is often the case. It may be difficult to distinguish between sexual behavior that should be tolerated and included, and sexual behavior that is abusive and should not be tolerated. This topic could fill an entire guide by itself, but we'll briefly discuss some of the issues that come up around sexual behavior when enforcing a code of conduct.

First, some background. Some communities are set up for the purpose of engaging in sexual behavior, some communities are places where people normally engage in sexual behavior with other community members, some communities strongly discourage members from engaging in sexual behavior with each other (such as in many workplaces), and some communities are for people who do not want to engage in sexual behavior at all. **Sex-positivity** is an attitude of acceptance and support for people fulfilling their own unique, consensual sexual desires (or lack thereof). Sex work is work and sex workers should be treated with respect and care; while some sex work is coerced, that does not change this basic principle (after all, many forms of work are coerced). **Kink-shaming** is shaming someone for having a sexual preference that is viewed as abnormal or taboo, such as bondage or roleplaying as animals. For the purposes of this guide, a sexual preference is only a kink if it involves only consenting adults and does not dehumanize or sexualize anyone without their consent. Sexual preferences that rely upon assault, harassment, invasion of privacy, racism, sexism, or other forms of exploitation are not "kinks," they are abuse. For more on this topic, see "[Acceptance, kink shaming, and calling out bad behavior](#)" by Anabelle Bernard F.

A common misconception about sex-positivity is that any sex-positive adult should be willing to discuss sex, observe sexual behavior, or receive a sexual proposition at any time, in any

context, with any person. In actuality, sex-positivity includes respecting the consent of all participants for any sexual activity, including activities such as talking about sex or observing sexual behavior (which is participating in sexually related acts, just without physical contact). True sex-positivity means that if sexual behavior or discussion is going to happen in your community, everyone who might be present should be aware of it in advance and able to make a decision about whether or not they want to participate, free of coercion, pressure, or mind-altering drugs (including alcohol). Sexual activity on mind-altering drugs is risky but may be consensual if several precautions are taken, such as obtaining consent when the participants are sober, making sure that participants are able to withdraw consent, and respecting the withdrawal of consent while on the drugs.

For example, if an event will have a room devoted to BDSM (bondage/discipline, dominance/submission, and sadism/masochism) activities, we recommend the following precautions:

- The event's primary purpose must be directly related to the BDSM activities
- Attendees must be notified in advance of the BDSM activities
- The room for the BDSM activities must be clearly labeled
- People must be able to participate in the rest of the event without entering or passing through the room
- People must not be able to accidentally see or hear the BDSM activities in the normal course of attending the event
- There must be rules governing the activity in the room that strongly ensures everyone is participating freely and safely (establishing safe words, rules on intoxication, limitations on types of play, etc.)

Some people believe that a sexual proposition is always acceptable in any context, as long as a direct "no" is respected. However, this belief ignores the reality of systemic oppression, power dynamics, and abuse. Systemic oppression means that marginalized people are often punished for saying a direct "no" to sexual propositions and other requests. Rejecting a sexual proposition is stressful due to this implicit threat of punishment. As a result, marginalized people are more likely to say yes to a proposition when, if acting in complete freedom, they would say no.

Marginalized people often use a "[soft no](#)" instead of a direct no to avoid punishment for refusing the request, which some people deliberately ignore and continue pressuring the person to accept. Sexual propositions are also frequently used as a form of harassment rather than as a genuine proposition for sexual interaction, as can be seen in street harassment of women around the world.

Power dynamics mean that some people have more ability to punish or retaliate against someone for saying no to a sexual proposition, again leading to less powerful people being more likely to be coerced into sex they don't want. Abuse means that some people have been trained in various ways to fear saying no to sex and no in general, are triggered by sexual propositions, or are currently in an abusive sexual relationship where true consent is impossible

because they will be punished for saying no. A more meaningful definition of consent than "they said 'yes'" is:

1. They feel entirely comfortable and safe in saying "no," and
2. They have the information and mental capacity they need to make the decision that is best for them

Overall, allowing sexual propositions in all situations will put marginalized members of the community at a huge disadvantage, as they are forced to spend enormous amounts of energy in avoiding or deflecting propositions, escaping sexual assault, or dealing with the effects of sexual assault.

To account for systemic oppression and power dynamics, all communities must have rules around the time, place, and frequency of sexual propositions. Some communities will have a rule of no propositions ever; others may have a rule of once and then do not repeat; others may limit propositions to certain times and spaces; others may have explicit signals saying whether a person is open to propositions of a particular type.

When deciding on limits to sexual propositions, the community must place the purpose of the community first and limit propositions in such a way that they don't harm or detract from the purpose of the community. For example, a martial arts club run by a man who propositions all the women who attempt to join the community will create a community that is unfriendly and unwelcoming to women and likely many other marginalized groups. Even communities which are formed for the purpose of engaging in sexual activity will harm marginalized members if the sexual desires of the more powerful members are prioritized above those of the less powerful.

Case study: [Sex parties organized by Silicon Valley venture capitalists](#) are carefully designed to give powerful, older, richer, male venture capitalists a structural advantage over less powerful, younger, poorer, women who work in the same industry. The men organizing these parties do this by inviting more women than men, only inviting rich men, only inviting younger and less powerful women, not allowing sexual activity between men, pressuring women to take drugs that lower inhibitions, inviting women who work in the same industry as the men, and suggesting that women's careers will be helped by attending and hurt if they don't attend. In reality, the women attendees' careers are hurt whether or not they attend, and the sex parties reinforce the existing oppression of women in venture capital.

We don't recommend using examples of existing oppressive environments as a guide for how to deal with sexual behavior in your community. For example, many bars and clubs aimed at adults looking for heterosexual relationships are also places where people are sexually harassed, assaulted, or drugged. Your community must not use that environment as a standard when deciding how and when sexual propositions are allowed.

Sometimes, people defend sexually abusive or non-consensual behavior by accusing people who object with kink-shaming. Actual kink-shaming is shaming people for sexual preferences involving only consenting adults. The consent has to include anyone who is observing the sexual activities. If the kink involves dehumanizing anyone, then all the people being dehumanized need to consent as well. Without this consent, the behavior is not kink as we are using it in this document, it is abuse and/or bigotry. For example, if someone claims their "kink" involves exposing their genitals to non-consenting observers, it is not kink-shaming to loudly object to this behavior.

Another example of a false kink-shaming accusation is someone claiming "You are kink-shaming if you object to me wearing my sexually explicit costume here," where "here" is an area filled with people not all of whom have agreed to participate in sexually explicit cosplay. Another example is someone saying "You are kink-shaming if you object to me engaging in BDSM dominance play with my slave," when the play is occurring in a public area that includes people who have not agreed to observe BDSM dominance play. In both cases, the bystanders have not agreed to be part of this person's sexual play in the role of observer.

Another example of a false claim of kink-shaming is someone whose "kink" involves racism or sexism—anything based on the idea that some people are inferior based on their identity—and tells others they have to accept their "kink." "My kink is that this group of people is subhuman" is not a way to get out of rules against racism, sexism, or any other non-consensual dehumanization of a group of people. For more on the use of false accusations of kink-shaming to protect bigotry or abuse, see "[Acceptance, kink shaming, and calling out bad behavior](#)" by Anabelle Bernard F.

To avoid improper bias or kink-shaming, it is important to apply the same rules across both mainstream, privileged, accepted sexualities (such as heterosexual serial monogamy) and less privileged sexualities (such as asexuality, homosexuality, bisexuality, or polyamory). For example, if your code of conduct bars a same-sex couple from kissing in public, it should also ban male-female couples from kissing in public. If your code of conduct bars a person in a D/s relationship wearing a collar to mark themselves as part of a long-term relationship, it should probably also forbid wearing wedding rings. The same rules should apply across people with more or less privilege as well. If it is against your code of conduct for a man to wear nothing but a tiny revealing bikini bottom, it should also be against your code of conduct for woman to wear a similarly revealing bikini in the same spaces. If someone objects to a fat person wearing a short skirt, thin people should also not be allowed to wear short skirts.

When making comparisons, keep in mind that many "accepted" practices in mainstream heterosexuality are abusive and must not be used to justify accepting similar practices for other sexualities. For example, many people find it acceptable for little boys to physically assault little girls because "he has a crush on her," but mainstream acceptance of this abuse should not be used to justify a gay man to stalking his male partner because he is in love with him.

Some people use kink practices to cover up abusive behavior in relationships, and it can be difficult for others to distinguish between normal kink practice and abusive behavior. The National Coalition for Sexual Freedom published a short [guide to distinguishing between abuse and BDSM](#) which includes questions such as "Can you choose to interact freely with others outside of your relationship?" and "Are your needs and limits respected?" Simply claiming that a sexual or relationship practice is part of your sexuality or your kink does not make it non-abusive. At the same time, be careful not to kink-shame while calling out abuse involving kink practices; see [this article on how to hold people responsible for abuse](#) when they and/or their victims are involved in kink practices.

Some sexual predators that present their search for victims as kindness to others. One pattern is a white person preferentially mentors people of color and frequently ends up in sexual relationships with them that end badly for the person of color. Another pattern is offering favors to young people, such as rides to distant events, that isolate them from parents or guardians. In particular, be wary of people whose "kindness" or "niceness" is only aimed towards people who are sexually attractive to them and/or marginalized in some way, especially if they object to reasonable precautions like chaperones or meeting only during working hours.

Sometimes a sexual predator will conceal their search for victims behind plausible explanations for unusual but not overtly abusive behavior. For example, a man might describe himself as a "sapiosexual" (someone claiming to be attracted to intelligence regardless of physical appearance or gender) but nevertheless only proposition significantly younger women despite the presence of many other intelligent people of many ages and genders in the community. This is more likely to be someone hiding their preference for younger and more vulnerable sexual partners under the guise that he is primarily attracted to their intelligence.

## Alcohol and drugs

Two common misperceptions around alcohol and codes of conduct are that the code of conduct doesn't apply as strongly when community members are drinking, and that alcohol lowers inhibitions and makes people do things they ordinarily would not do, such as sexual assault, violence, or bigoted behavior. Research shows that alcohol does not cause disinhibition; cultural beliefs do. In societies where cultural beliefs about alcohol do not include "it lowers inhibitions," alcohol does not have a disinhibiting effect on people who drink it. The three physiological effects of drinking alcohol which are constant across cultures are:

- Difficulty multitasking
- Lack of coordination
- Sleepiness

For more on the research, see "[Social and Cultural Aspects of Drinking](#)" by Social Issues Research Center.

These facts have important implications for enforcing a code of conduct if your community includes people with harmful cultural beliefs about drinking (and it almost certainly does). First, you should emphasize that the code of conduct still applies when community members are drinking. Second, inform people that if they aren't sure they can control themselves while drinking, they should not drink. Third, structure your use of alcohol within the community to encourage and promote moderate, responsible consumption - or eliminate alcohol entirely. For practical advice on how to do this, see "[Alcohol and Inclusivity: Planning Tech Events with Non-Alcoholic Options](#)" by Kara Sowles.

The effects of other drugs on a person's behavior will vary more widely. Whatever the effect of the drug, it is the responsibility of the person taking the drug to not take it if it makes them more likely to violate the code of conduct. The community must also structure events to make it easy for people to decline any drug they don't want to take, including alcohol.

A perpetrator may claim to have been drugged against their will at the time of an incident, and blame their behavior on the drug. However, people who are non-consensually drugged are far more likely to be the victim than the perpetrator. Claims that behavior violating the code of conduct was the result of non-consensual drugging of the perpetrator must be evaluated skeptically and include peer-reviewed research on the effects of the drug, past behavior of the alleged perpetrator, and the power dynamics of the situation. For example, there's no drug that would cause someone to use a racist slur who did not already have a habit of using racist slurs.

## Choosing a proportional response

A code of conduct is most effective when the code of conduct committee chooses an appropriate, proportionate response. If a committee responds to every single violation of a code of conduct by banning the perpetrator from the community for life, people would only report violations if they seemed bad enough to ban the perpetrator. Similarly, if a committee responds to every violation by giving a verbal warning and nothing else, people who aren't bothered much by verbal warnings would continue to violate the code of conduct.

Most often, a committee should look for the minimum response that will protect their community. Sometimes this is a lifetime ban, for people who are likely to continue to harm others as long as they are part of the community. Sometimes it is no action at all, for false reports or misunderstandings. But in many situations, the best action is somewhere between a permanent ban and no action, such as explaining what the violator did wrong and getting sincere agreement from them to not repeat the violation.

Another important consideration is that the code of conduct committee is in a position of power and authority, and any action taken by it will be magnified beyond what it would be if an ordinary person took the same action. The difference between a social media post criticizing a community member from the code of conduct committee and one from an ordinary person is huge. Be sure to take this into account with your response. To learn more about this effect, you

can read "[Is Shame Necessary?](#)" by Jennifer Jacquet. (Short version: Shame is indeed necessary for social progress, but it should be deployed thoughtfully and proportionately.)

One useful technique is not to explicitly name the perpetrator in communications from the committee, since many people feel that naming someone for engaging in oppressive behavior is worse than the oppressive behavior itself and therefore not proportionate. For example, in the United States, people often object more forcefully to calling a specific behavior "racist" than to the racist behavior itself. We disagree strongly with this belief, but until we have normalized naming oppressive behavior directly, it is often more effective to not name the perpetrator in your public communications. In some cases, you will want to name the perpetrator (such as when news of a serial predator's behavior is already widespread and people need to know specifically whether that person will be present at future events to stay safe), but most often a concise description of what happened without any names will be sufficient to keep your community safe.

An unfortunate paradox results from the proportionality principle and often arises during presentations to large groups of people. When someone is talking in a group of three or four people and says something harmful, another person can correct or confront them about it and their response will seem proportionate, since only one or two others witness the correction. However, when someone is giving a talk to a room of 20 people and says something harmful, speaking up and correcting them will embarrass them in front of 18 other people, a much more impactful response than doing so in front of one or two others. When someone is giving a talk to a room with 1000 people in it, interrupting them is such a hugely embarrassing act that it almost never seems proportional, even when the speaker says something outrageously harmful. Given this, a community must choose speakers to large groups with extra care.

## If a harasser refuses to follow the code of conduct

Sometimes a harasser will explicitly refuse to agree to follow the code of conduct. In this situation, if the harasser has up till now violated the code of conduct in small ways (or not at all), a committee may make a mistake and allow them to stay in the community out of uncertainty or indecision. Some harassers will carefully limit their actions to stay just below the threshold for banning, or just on the edge of violating the code of conduct.

It's acceptable (though not a great sign) for people to disagree with a community's code of conduct—as long as they agree to follow it. Community members can think whatever they want about a code of conduct, as long as they follow it and do not try to weaken or destroy the code of conduct. Some common methods for weakening a code of conduct include:

- Advocating against having a code of conduct at all
- Overemphasizing the frequency and harm of false reports
- Proposing unlikely hypothetical situations in which a code of conduct would be harmful

- Repeatedly raising legal concerns about having an enforcing a code of conduct, especially if the person is a lawyer but not your lawyer
- Making false code of conduct reports
- Making frequent jokes about the code of conduct

Refusing to agree to follow a code of conduct is an excellent sign that someone is already harmful to a community, sometimes in subtle ways, and will continue to harm the community going forward. Most communities are better off banning this kind of person.

Some codes of conduct ban advocating against the code of conduct itself to make this decision easier. Note that advocating against codes of conduct is itself harmful; allowing it to go on sends a clear message to marginalized groups that it's acceptable to disbelieve their testimony and that their safety is not important to community leadership.

## Responding to protest from the alleged harasser

When learning of the committee's response, sometimes an experienced harasser will try to avoid consequences by protesting the committee's decisions. Such harassers will try to convince the committee members with a variety of complaints or excuses, such as:

- Insisting the committee's decision isn't valid until the harasser agrees with it
- Asking for a second chance
- Accusing the committee of unfairness
- Claiming to be the true victim (see the [section on DARVO](#))
- Claiming their actions are protected by some country's free speech rights
- Framing themselves as the more marginalized person
- Complaining that their rights or their privacy are being violated
- Claiming they were just [too incompetent to realize they were doing wrong](#)
- Arguing that the committee's actions will result in unfair consequences from other parties (such as loss of professional connections, friendships, or business opportunities)

This is a good time for the committee member relaying the decision to ask if there's any new information they should bring to the committee, and if not, to end the conversation. It's possible that the committee will revisit their decision based on new information or recognition of a genuine mistake, but it's important to enforce the committee's decision starting immediately and not to allow the harasser to delay it with specious arguments and emotional manipulation.

When harassers try to invoke the empathy and compassion of the committee members, it is important for the committee members to consciously reflect on their empathy and compassion for the targets (past and future), and to remember that the targets are usually far more deserving of care and concern and yet often receive far less. Focus on the safety of the community, not the harassers. See the "[Distinguishing good intent from bad intent](#)" section for more information on judging the intent of the alleged harasser.

## Communicating the response to others

It is almost always beneficial to inform the entire community of the committee's response, to show that the code of conduct reporting and enforcement system is active and functioning. Being transparent about enforcement also creates accountability and allows the community to have appropriate input on the overall approach to enforcement. Occasionally, [protecting a target from retaliation will take precedence over informing others](#), but in most cases the response should be public in some form.

We suggest leaving names out of an announcement, since it helps avoid retaliation against the target. It also helps community members feel that the [response is proportional](#) and therefore fair, since some people view calling out and naming someone for oppressive behavior as worse than being the target of oppressive behavior. Leaving out the harasser's name (even if well-known) helps prevent this reaction. The people who give you legal advice will probably like the absence of names too. The major reason to leave a harasser's name in your announcement is when they are a serial predator and people need to know whether they will be safe from them in your community.

**This guide is not legal advice.** If you need legal advice, please contact a qualified lawyer.

The audience for the announcement should be people who already believe that a code of conduct is a good idea. The announcement is not a good place to try to change the minds of people opposed to a code of conduct.

Be careful not to describe the reaction of the target in the announcement. Describing the target as satisfied with the apology is often a way for the committee to pass responsibility for the decision on to the target. By focusing on the target's approval, the target is now implicitly responsible for the committee's decision, and anyone who disagrees with the decision can be accused of not listening to the target. The committee must never imply that the target's opinions influenced their decisions, implicitly or explicitly. For more on this topic, see "[Take Responsibility For Handling Abuse](#)" by Annalee Flower Horne.

A community mailing list open to all for discussion is not a good place to post the announcement because if there is any disagreement with how the committee handled the code of conduct violation, it will happen on the list, a difficult venue for community members to ignore. Often people will respond to an announcement in this kind of forum by stating, at length, their belief that harmful behavior should be allowed and why. This usually results in re-victimizing everyone in the target group, and can do more damage than the original incident. Allowing public or community comments on an announcement blog post also often results in unproductive conflict.

The committee should announce their decision in a way that directs people to either send their criticism directly to the committee, or makes critics host their own critical comments (on their own blog, on a social media post, on their own mailing list). If public discussion seems necessary, it's best to create a new smaller forum for people in the community who want to discuss the issue, or redirect the discussion to an existing smaller forum that is more appropriate for the topic.

Making the announcement only on social media will often make it hard to find and reference, and part of the purpose of the announcement is create an easily referenced record of the community's standards for behavior. Social media is often viewed as impermanent, which encourages people to view the decision as temporary and open to change. At the same time, it often makes sense to link to the formal announcement on social media, to reach more people with the information and avoid any appearance of trying to downplay or conceal the situation. Social media generally doesn't have a way to disable comments or limit them to the community, but because that is the case, people are less likely feel threatened by those comments.

If your publication platform of choice allows comments, become familiar with any tools available to disable or moderate comments, especially on platforms where potentially harmful comments will appear to be hosted in community spaces. For example, one effective way to moderate comments on WordPress blogs is to state in the blog post that you will edit any comments promoting oppression to say, e.g., "I love puppies!" instead of the original text. It's also worth choosing a platform that has robust moderation tools, such as WordPress, over a platform such as GitHub or Medium, where your ability to delete or close comments is more limited.

## Responding to criticism

For many committees, communicating their decision is the most difficult and worrying part of enforcing a code of conduct. Committees are afraid of backlash from their community and, occasionally, of becoming the focus of criticism from a wider group of people. This fear creates pressure to ignore reports, not make a decision, keep actions secret, or tell as few people as possible. Unfortunately, these actions also open up a community to criticism and make the community less safe.

It's impossible to avoid criticism or controversy when governing a community. The best a committee can do is put significant effort into getting their facts right, keeping their community safe, thinking about proportional responses, and being open and honest about mistakes. If the committee's guiding motivation for all their decisions is, "How do we keep our community safe?" then even their mistakes will be viewed more positively. Remembering that the criticism would be as bad or worse if the committee hadn't taken action can be helpful in situations like these.

We recommend following [Charles' Rules of Argument](#) while responding to criticism. They look something like this for this situation:

- Do not try to persuade people who strongly disagree with you
- Wait to see how people react to the initial announcement
- If necessary, post one follow-up to clarify any genuine misunderstandings
- Refuse to provide more details about the incident or its handling
- Refuse to engage in one-on-one arguments, online or in person
- Redirect any community-wide discussions into smaller venues

One of the important points about communicating in this situation is that a community gets **one** chance to correct any problems with its first announcement or decision. Each successive announcement swiftly decreases in impact and effectiveness, so after two statements it is difficult to change any opinions or impressions. This is why it is important to wait after the first announcement to get a full spectrum of the responses, so any follow-up statement can address all the major issues in one post.

A follow-up statement should ideally only clarify any genuine misunderstandings created by the first announcement. This kind of misunderstanding is usually created by unclear or vague statements in the first statement that genuinely have more than one reasonable interpretation, such as "We spoke to the harasser and the target, and decided to ban them"—which could mean the harasser was banned, the target was banned, or both were banned. A genuine misunderstanding would result in the question, "Did you ban the target?" and the response would say, "We want to clarify that we banned only the harasser."

The follow-up should usually not address any bad faith misunderstandings or outrageous accusations (except possibly to dismiss them as unworthy of response). The follow-up should generally not include new information about the situation unless it is necessary to clarify a misunderstanding. It should especially avoid any new information or additional details that are intended to persuade people who disagree that the incident was serious. Any new information will be subject to another round of misunderstandings and criticisms, followed by ever less convincing responses from the committee. People will often say that if they just knew one particular detail about the allegation, or the way the committee discussed it, or how the target responded, then they would support the committee's response. Don't fall for this; it's almost always a lie unless it's a response to a genuine misunderstanding of or mistake in your first statement.

When responding to criticism, it's important but difficult to avoid defensiveness, especially when the critic is intentionally lying. In most cases, simply ignoring outrageous untrue claims will make them go away the fastest, as critics sometimes make random claims to see what gets a reaction. Often your reaction—repeating the claim in the process of refuting it—has the counterintuitive effect of [making people more likely to believe to the false accusations](#). Occasionally it will be necessary to publicly deny a false accusation when it seems plausible or becomes general belief, but in most cases it's best to ignore falsehoods. In general, the fewer public statements your community makes about the incident, the better off your community is.

Case study: I was publicly accused by a well-known white supremacist of spitting in another person's face (literally, not figuratively). Because this lie was about something so out of character for me and not an exaggeration or spin of a real incident, I ignored the accusation completely and it went away within a few days. If I had instead written a long blog post explaining all of the messy personal history between me and the people involved and why I thought they were lying, the accusation would have reached more people and stayed alive longer. The end result of a public denial would have been more people who believed I had spit in a person's face.

Sometimes people will approach committee members or community leadership to have a face-to-face discussion or argument about the committee's response. In most cases, you should tell that person to email their concerns to the entire code of conduct committee. It's easy for an individual member to be swayed by a passionate in-person argument from a person they respect and make a decision or a promise that will harm the community. It's much harder for an email to influence the whole committee to make a decision that will harm the community.

One-on-one verbal conversations are also easy to misunderstand or intentionally misrepresent to match the harasser's goals; normal softening language or de-escalation tactics on the part of the community member can easily be spun into "[Committee member] agreed with me that this ruling is too harsh." Keeping discussion in written form creates a clear written record of what each person actually said. It's also simply a waste of the committee's time to engage in one-on-one arguments. One of the principles of [Charles' Rules of Argument](#) is to play to the audience, and there's no audience in a one-on-one discussion.

Remember that not everyone in the community has to agree with the code of conduct or the committee's decisions for them to be valid and enforced. This is tough for people who are used to making decisions by consensus, or who are uncomfortable with open conflict. Unfortunately, harassers often take advantage of others' discomfort with conflict to get and keep access to targets. In particular, decision-making by consensus relies on all (or nearly all) participants acting in good faith, when by definition a harasser is not acting in good faith. The code of conduct committee's job is to stand between the community and people who want to harm it, not to cajole it towards consensus.

As mentioned in the section "[Communicating the response to others](#)," if community members start criticizing the report and/or the committee's response in a community-wide forum, the discussion is likely to re-victimize targets, create new code of conduct violations, and decrease the safety of the community. It's best to redirect that discussion to a smaller venue, even if it means banning threads or otherwise restricting communication in the community-wide forum. Don't try to stop people from discussing code of conduct incidents and responses, just don't allow them to do it in community spaces that include people who haven't elected to be part of the discussion. If necessary, create a new mailing list or chat channel for this discussion, or tell

them to create their own. This allows people to criticize and question the committee's decisions without re-victimizing other members of the community.

While the committee may end up changing your decision, do not allow the community to think that means the committee's decision is up for a vote or debate. You don't want to establish a sense that majority opinion or sustained complaints will change the committee's decisions on code of conduct reports. Sometimes public pressure will cause the committee to re-examine their decision and change it based on new facts or improvements in their understanding of the relevant principles, but this is different than allowing public pressure to dictate the decision. If you do change your decision, reference the facts that led to the change in your announcement, rather than saying you listened to the community and responded to their feelings.

## Dealing with attacks on the committee or community

Sometimes, an existing group of bad actors will seize on an individual incident and use it or your response to attack the community leadership, the code of conduct committee, the reporters, or the targets (see "[Why Asking What Adria Richards Could Have Done Differently Is The Wrong Question](#)" by Deanna Zandt for one example of this). If this happens to your community, don't blame any of the targets of harassment. Whatever mistakes the target may have made (if any) in responding to the harassment, they are never responsible for the harassers' actions.

The committee should not publicly criticize the target for any missteps on their part unless they rise to the level of a code of conduct violation themselves. If the target's actions do rise to that level, any public comment should prominently include the context of the target's mistake, which is that they were being harassed. A committee should especially avoid creating a false equivalence between the initial harassment and any missteps in the target's response. For example, don't say, "Well, that person made a sexist joke, but the person reporting them yelled a profanity at them, so they both did wrong." It's rare for the response to harassment to be anywhere close to as harmful as the original incident, and it is harmful to do anything that encourages people to view them as equivalent.

A committee must never try to deflect blame for any negative response to their decision by directly or indirectly blaming the target for the committee's decision. Most commonly, this takes the form of a committee citing the target's request for leniency or expression of forgiveness for the harasser as the reason they chose an ineffective or overly mild sanction. A committee may also blame the target if they choose a sanction critics view as too harsh by suggesting they feared the target would criticize them publicly if they chose a lesser response. For more on this topic, see "[Take Responsibility For Handling Abuse](#)" by Annalee Flower Horne.

If the committee and/or the target become the target of a harassment campaign, there are a few things they can do to reduce the impact of the attack. Following [Charles' Rules of Arguments](#) and this entire document will make the attack shorter (and make one less likely to occur in the first place). The instructions for dealing with stalkers—basically, block them and never interact

with them—in Gavin de Becker's book "[The Gift of Fear](#)" are also extremely useful (but see [this Captain Awkward advice column post](#) for some caveats on the intimate partner violence section of that book). Leigh Honeywell [wrote a guide to staying safe online](#) ("digital defense") for whistleblowers and started a [company that protects employees from online threats](#).

## Summary

After reading this chapter, you should understand the following:

- Including extraneous material in a code of conduct weakens the code of conduct.
- Your community should not attempt to implement transformative justice unless it meets specific criteria, including the type of community and training of community members.
- It is okay for the committee to lie if that is the only way to protect both individual safety and the safety of the community.
- To attract marginalized people to your community, be open and public about responding to code of conduct violations instead of trying to hide them.
- The safety of your community should take priority over privacy and confidentiality when they come into conflict.
- Don't ask for apologies, make the target decide the response, mediate between parties, guard the harasser or the victim, or tell the harasser to avoid the target.
- Powerful people must also be subject to the code of conduct or else your community is creating a double standard that only applies to the less powerful.
- The intent of a harasser is less important than impact.
- To distinguish a true victim from a harasser using DARVO (Deny, Attack, Reverse Victim and Offender), look at how they behave in other situations and how they defend themselves.
- Judge competing claims of marginalization by the alleged harasser and alleged victim by looking at the research.
- The best way to protect socially awkward people is to enforce the code of conduct on everyone, including socially awkward people.
- People with mental health issues should get treatment from mental health professionals and do not need to be included in a community when they are harming others.
- Caregivers and the people they care for must also follow the code of conduct.
- Enforcing rules around sexual behavior need to take into account the consent of all parties, power dynamics, and patterns of behavior.
- Alcohol and drugs do not excuse harassment and special care must be taken when they are used in your community.
- People who refuse to follow the code of conduct should be banned.
- By default, the committee should tell the entire community about its response to a report.
- Community leadership should respond sparingly and carefully to criticism, and usually only change their decision when they get important new information.
- If the target, reporter, or community are attacked for enforcing the code of conduct, community leadership should protect and defend them.

Resources referenced in this chapter:

- [Meeting role cards](#) by Frame Shift Consulting
- ["How 'Good Intent' Undermines Diversity and Inclusion"](#) by Annalee Flower Horne
- ["The Al Capone Theory of Sexual Harassment"](#) by Leigh Honeywell and Valerie Aurora
- [PyGotham 2017 conference transparency report](#)
- [Djangocon.eu 2017 conference transparency report](#)
- [Write the Docs 2016 Prague conference transparency report](#)
- ["Study Reveals The 6 Key Components Of An Effective Apology"](#) by Amy Morin
- ["Take Responsibility For Handling Abuse"](#) by Annalee Flower Horne
- ["What Reporting Sexual Harassment Taught Me"](#) by Simine Vazire
- ["No More Rock Stars"](#) by Leigh Honeywell, Valerie Aurora, and Mary Gardiner
- ["How to Organize Tech Workers to Change Company Policy"](#) by Liz Fong-Jones
- ["How 'Good Intent' Undermines Diversity and Inclusion"](#) by Annalee Flower Horne
- ["What is DARVO?"](#) by Dr. Jennifer J. Freyd
- ["What kind of person makes false rape accusations?"](#) by Sandra Newman
- [Paradox of Tolerance](#) on Wikipedia
- [Oppression Olympics](#) on Wikipedia
- [List of articles debunking autism as the cause of harassment](#) on Geek Feminism Wiki
- ["The Myth of the Male Bumbler"](#) by Lili Loofbourow
- ["Acceptance, kink shaming, and calling out bad behavior"](#) by Anabelle Bernard F
- ["Mythcommunication: It's Not That They Don't Understand, They Just Don't Like The Answer"](#) by Thomas MacAulay Millar
- ["BDSM vs. Abuse Policy Statement"](#) by National Center for Sexual Freedom
- ["Google Employees: Our Executives Engaged in Abuse. Don't Let Kink and Polyamory Be Their Scapegoats."](#) by Liz Fong-Jones
- ["Social and Cultural Aspects of Drinking"](#) by Social Issues Research Center
- ["Alcohol and Inclusivity: Planning Tech Events with Non-Alcoholic Options"](#) by Kara Sowles
- ["Is Shame Necessary?"](#) by Jennifer Jacquet
- [Charles' Rules of Argument](#) on Geek Feminism Wiki
- ["The power of framing: It's not what you say, it's how you say it"](#) by Steve Rathje
- ["Why Asking What Adria Richards Could Have Done Differently Is The Wrong Question"](#) by Deanna Zandt
- ["The Gift of Fear"](#) by Gavin de Becker
- ["Staying Safe when you Say #MeToo"](#) by Leigh Honeywell

# Chapter 5: Examples of responding to reports

This chapter describes real-world code of conduct reports, how they were handled, and how the community responded to them if known. The purpose of this chapter is to show that following the recommendations in this guide results in better outcomes in the real world. The examples are arranged roughly in order from most successful handling to least successful, and from adhering most closely to the recommendations of this guide to least closely. These examples may also be used by code of conduct committees to practice responding to reports.

Several conferences have published "transparency reports," anonymized summaries of all the code of conduct reports related to the conference, along with the actions taken by the conference code of conduct committee. We included some of their summaries in their original words by their generous permission. We anonymized and rewrote other conference transparency reports. We are grateful to every organization that published how they responded to a report.

The commentary on the public transparency reports is not aimed at the original organizers, but at the reader. The organizers who wrote the transparency reports had much more information than what they included in the report, and they may have had good reason to take different action than what we recommend in the commentary. They may even have done what exactly what we recommend and simply left it out of the transparency report. Ultimately, the sole goal of our commentary is to help the reader understand what to do, not criticize the people involved in these incidents.

For some of the reports, we have changed names and details to preserve confidentiality. Some of the authors were involved in handling some of the reports, but we are not identifying which reports to help preserve confidentiality. Additional examples of code of conduct reports and their handling can be found at the [Timeline of Incidents](#) on Geek Feminism Wiki.

## Wikimania 2012 sexualized presentation

An excellent but long description of this incident is [available here](#); below is a shorter summary in our words followed by our commentary.

At Wikimania 2012, a presenter included two pornographic images in a presentation as an illustration of the kind of image that was controversial to include in Wikimedia Commons. Two women in the audience walked out in protest and immediately contacted the conference code of conduct team. During the Q&A period for the talk, an audience member asked the presenter why he used those images. Before the next presentation started, the program chair made an announcement to the room that the code of conduct

had been violated. After the following presentation was over, a listening session for people who had witnessed the violation was announced.

At the listening session, the presenter apologized in detail and explained his rationale for including the images and why he now believed it was the wrong thing to do after he had talked to several people in the audience. He also requested that the video of his talk not be published. The code of conduct committee agreed that the video should not be published and that no further action was necessary against the presenter. The conference leadership [published a short blog post summarizing the incident and the response](#), and made an announcement with similar content at the next plenary session. There was little or no further discussion about the incident or its handling.

This is a textbook example of handling a report in the way this guide recommends, and the end result was a safe and satisfied community. The incident was quickly reported and the organizers responded publicly within minutes. The presenter quickly realized why what he had done was harmful and gave a sincere, in-depth apology as well as a specific proposal for reducing future harm from his actions. The people most affected by the incident were able to attend the listening session and get personal apologies if they wanted them. (As a note of caution, the listening session was moderated by an expert facilitator; without this expertise, such a session can make things worse.) The code of conduct committee quickly drafted a short, clear summary of the incident, published it on the conference blog, and made an announcement at the next plenary session. As a result, the response was published before the incident could be reframed as an issue of censorship or sex-negativity, and before any distorted or wrong versions of the incident could gain traction. Public discussion was negligible and mostly positive.

Many committees are afraid of provoking dissent and criticism with their responses, but this is an example of how a swift, firm, definitive announcement can prevent harmful conflict.

## DjangoCon EU 2017 transparency report

The [DjangoCon EU 2017 transparency report](#) is a remarkably helpful document, as it succinctly describes how to handle several common kinds of incidents successfully, including one in which the reporter did not want to identify the harasser and one in which the harasser could not be identified. The block quotes in this section are verbatim quotes from this transparency report, used by permission.

### Denial of validity of code of conduct

During a talk, a number of comments has been loudly made from people in the audience regarding statements from one of the speakers. An argument on twitter and on the slack team ensued, where the main point was that DjangoCon is only meant for technical talks. The author of this comment further replied privately to one of the Code of Conduct

committee with a denial of the validity of the Code of Conduct and the value of talks on social, diversity and inclusivity topics.

We, as member of the Django community, well before than as member of the DjangoCon Europe 2017 Code of Conduct committee, want to clarify the fact that DjangoCon Europe is not a low cost advanced Django training course, but it's an important event for the whole Django community to discuss every topic that impacts our community: being technical advancements or community life discussions. We issued a written reprimand to the offender and transmitted the information to the DSF Code of Conduct committee.

This is a good clear statement of the purpose of conference. Sharing the information about this person with the parent organization is smart. A written reprimand makes sense too. In general we recommend that a community ban people denying the validity of the code of conduct from attending the conference in the future, as they've made it clear that they do not feel constrained by the code of conduct and are likely to violate it in the future. It is possible that once a critic understands that continuing to object to the code of conduct in this way will result in a ban, they will agree to abide by it and stop protesting against it. It is reasonable to give them a chance to change their mind by issuing a written reprimand. We also recommend asking the person to commit to abide by the code of conduct going forward.

## Harmful question during a talk

At the end of one talk, an inappropriately worded question from one of the attendees was widely understood as offensive for the speaker. The CoC committee discussed this with the attendee who made the statement, and a private written apology has been relayed by the CoC to the speaker, upon speaker consent. The part of the talk has been removed from the published videos.

We want to stress that a lot of harm can be made, even in good faith, when speaking to the other people, and even small misunderstanding can lead to people feeling not welcomed within the community, especially on sensitive topics, like the one in this incident.

The committee's clear focus on the harm to the other attendees, instead of on the intent of the questioner, is excellent. We especially admire that the committee made it clear that the target consented to receive the private written apology from the offender. Deleting the relevant portion of the video reduces future harm to the community. Overall, a great example of how to handle this kind of report.

## Sexist comment on clothing

A speaker reported that after their talk, one attendee reported comments on their attire during the talk and that a different dress would have been resulted in a better impression over the audience. The speaker involved has not provided more details about the

incident to avoid making it a personal case, but it's of the uttermost importance to note that comments regarding the appearance are sexist, toxic and dangerous, and they have no place within the Django community: communities—or attendees—have no role in imposing or suggesting a dress code to other people.

This is a good example of how to handle a report from someone who does not want to name the harasser. This clear, detailed defense of the target and explanation of why the comment was harmful sends a clear message that this behavior won't be tolerated in the future. We'd recommend slightly different phrasing instead of "avoid making it a personal case" because it implies that people who do name names are engaging in undesirable behavior—perhaps "because the reporter did not wish to share it" or "because the reporter thinks the problem is more widespread than this one person" are good alternatives.

## Photographer creates awkward situation

During the conference party, an attendee taking pictures has put two attendees in an awkward situation to take one shot; this resulted in a very uncomfortable situation for at least one of the person involved. Given the social context, the person felt obliged to comply with the request, but it resulted in a high stress for them. We have been unable to identify the photographer and thus no further action has been taken.

We want, nonetheless, stress the fact that the respect required by the Code of Conduct goes beyond the simple "do not harm the others", but it means that a proper behavior must be ensured during all the conference events, and especially during the social events, and that proper and unforced consent must be asked to other people without pushing them in unwanted situations.

This is an excellent explanation of what true consent involves and that a person must not feel coerced in any way. It's also another great example of what a committee can do to protect the safety of the community when they don't know who the harasser was.

## Write the Docs EU 2016 transparency report

The [Write the Docs EU 2016 transparency report](#) is a short but useful transparency report. While complicated messy incidents get the most attention, many incidents require short, simple responses and this report reflects that. The block quotes in this section are verbatim quotes from this transparency report, used by permission.

## Attendee uses derogatory term

During the Writing Day pitch round, an attendee used a generalization term when referring to another attendee, and this generalization term is considered derogatory to

some groups. At the request of the reporters, the CoC discussed this with the attendee who made the statement and a private apology was relayed back to the reporters.

This response is good, with the note that apologies should only be relayed to the reporters with their consent (which probably happened here but wasn't specified in the report). The publication of this short description made it clear to anyone who heard about it that this behavior wasn't appropriate.

## Inappropriate joke in talk

One of the talks contained a slide that included an inappropriate joke towards a certain user group. The speaker was asked to remove the slide from the published deck.

This is a good response, similar to editing or removing a video. (We assume there was no video recording.)

## PyGotham 2017 transparency report

The [PyGotham 2017 transparency report](#) is uniquely helpful because the committee included several incidents that were hard to verify or did not actually violate the code of conduct. The committee demonstrated its commitment to the code of conduct by taking these reports seriously and giving them a full investigation. The block quotes in this section are verbatim quotes from this transparency report, used by permission.

## Self-report of an ambiguous joke

An attendee made a comment that could have been misconstrued as an off-color joke. Conference staff determined that the comment was innocent, not intended to be a joke, and not in violation of our code of conduct. The attendee self-reported this after realizing how it could have been interpreted. We applaud their attention to the issue and encourage others to do the same if they find themselves in a future similar situation.

Self-reporting is a good sign for the health of the community and awareness of the code of conduct. The response described seems appropriate. If the reporter felt like it, they could also make an apology on social media or other public forum.

## Attendee denies making off-color joke

An attendee made an off-color joke to a large group. When conference staff spoke to the accused person, they denied making or hearing the joke. Whether or not this person was correctly identified, staff made it clear that this type of joke was a violation of our code of conduct and repeat offenses would result in them being asked to leave the conference and not welcome back the following year.

Warning the suspected harasser with a promise to ban them next year if they repeat the behavior is a great response. It seems unlikely that in a large group, everyone present misunderstood the joke or misidentified the person making it, and the committee is (correctly) acting as though the incident happened, regardless of the harasser's denials. We would recommend that the code of conduct committee investigate to find out if this behavior is common for the harasser and if so consider more serious consequences than a warning, since some serial harassers maintain access to communities and victims using outright denial and relying on being believed because of they have greater social capital than their victims.

## Volunteer overwhelmed by requests

A volunteer became overwhelmed by requests made of them by other attendees and left the conference. We've reached out to the volunteer to get more details about the interaction but have not heard back yet. We're working on a plan to make sure that volunteers' responsibilities are more clearly defined, that volunteers are better trained before the conference, and that special requests are handled by conference staff directly.

This is most likely the result of a mismatch between what the volunteer was comfortable doing and a specific volunteer role. The committee's response, making a plan to change the volunteer structure, is excellent and should prevent repetition of this problem.

## Attendee makes unwelcome advance

An attendee made an unwelcome advance toward a volunteer. By the time the report was made, conference events were over for the day, and the attendee was not seen at the conference again. This was a clear violation of our code of conduct, and the attendee would have been asked to leave if they were able to be found.

We're assuming that the unwelcome advance was sexual, and that the harasser couldn't be identified. In that context, this response makes sense. Letting the community know what they would have done if they had identified the harasser is quite useful. If it is possible to identify the harasser, it's good to consider banning them from next year's conference even if you can't find them before this year's event is over. If you're not sure about a ban, asking around to find if there have been other incidents is helpful for evaluating if the harasser will be a threat to the future safety of the community.

## Bad-faith code of conduct report

This is a published incident anonymized and summarized in our own words.

At a conference, a speaker used a quote from a public blog post by an influential conference attendee to illustrate a pattern of negative behavior in the wider community.

The attendee reported the speaker's use of his quote as a violation of the code of conduct. The attendee had a long public history of advocating against codes of conduct in this community. The conference organizers interviewed the speaker and concluded that the speaker did not violate the code of conduct. The attendee later described their report as a "test" of the code of conduct. Much later, the attendee was ejected from another conference for bullying conference staff.

While rare, spurious or false reports do happen—but rarely in the way many opponents of codes of conduct envision. The usual fear is that a relatively powerless person will falsely accuse a powerful person of violating the code of conduct, who will be believed without further investigation. However, all of the confirmed spurious reports we currently know of involve a relatively powerful person reporting something that did not happen or did not actually violate the code of conduct. In all cases of false reporting we are aware of, the report was either made in bad faith to harass an advocate for codes of conduct, or was made in retaliation for a community member attempting to hold a powerful person accountable for their actions (e.g., calling them out for being sexist).

Often, someone making a spurious report will go on to harass others in the future. In this case, the spurious reporter went on to harass conference staff at another conference and was banned from that conference. Looking at the broader pattern of behavior of both people involved in the spurious report supports the organizers' decision to do nothing about the spurious report: the alleged victim had a long history of bad faith complaints and outright harassment, while the alleged harasser had a long history of speaking up to defend and support marginalized people at a significant cost to themselves.

If someone does make a spurious code of conduct report with the intent of harassing the person they reported or the community leadership, that should be treated as a violation of the code of conduct. A good-faith report that later turns out to have been mistaken should not be treated this way, of course.

## Racist comments at a conference

This is an unpublished incident anonymized and summarized in our own words.

An attendee at a conference reception loudly and repeatedly made statements denying the existence of racism against people of color to other conference attendees. He also expressed his belief that the right to free speech in that country protected his ability to make those comments. The committee was quickly informed of the comments and asked him to leave the conference until they had made a decision about how to respond. After realizing that his behavior could potentially result in him not being able to socialize with others at the conference, he apologized and promised to abide by the code of conduct. He was allowed to return to the conference after a long discussion with a

member of conference leadership about the seriousness of the code of conduct violation. He followed the code of conduct for the remainder of the event.

Some people believe that the code of conduct is insincere boilerplate that leadership will not enforce, or that they can circumvent it by invoking "free speech" or including a warning slide at the beginning of their talk. A surprising number of people who openly violate the code of conduct will change their behavior once they realize that they face actual, real-world consequences, such as not getting to hang out with their friends at a conference. Plenty of people will not agree with the code of conduct but will abide by it if that is the only way they can get what they want (usually, continued access to your community spaces). This kind of grudging acquiescence is still a warning sign and committee members should be alert for other code of conduct violations from the same person. If the harasser violates the code of conduct again they should be banned permanently.

## Oppressive comments in online chat

This is an unpublished incident anonymized and summarized in our own words.

A woman of color used an insult in an online chat group that was sexist, homophobic, and sex-negative. Several other community members noticed the comment and brought it to the attention of the code of conduct committee. When privately contacted by a committee member to ask her to edit or delete her comment, she stated that because she was a woman of color she could make homophobic comments if she wanted to. She also argued that since the committee member talking to her was white, it was racist to ask her to change her comments. Finally, she stated that white people were making similar comments without being reported. Her husband contacted the committee member to make the same arguments. The committee reviewed logs to see if other people, especially white people or men, were making similar comments and concluded that they were not. When the committee made it clear the woman needed to abide by the code of conduct regardless of her gender or race, she left voluntarily.

When someone claims that the code of conduct doesn't apply to them, that's a convincing sign that that person needs to be banned from the community. However, any other issues or problems they bring up might be genuine, regardless of their bearing on an existing incident. It's quite common for white people of all genders and men of all races to get away with behavior that people of color of all genders and women of all races are punished for, so it was important that the committee look at the data while consciously attempting to compensate for their biases.

If the committee had found that white and/or male community members were making similar comments on community forums without action, the solution would have been for the committee to thank this person for reporting this, apologize for being racist in a publicly accountable way, respond to the other incidents involving white/male community members, and arrange some anti-racism and/or anti-sexism training for the committee members and leadership as a first step

to greater change. (More anti-oppression training is almost always a good idea.) Regardless of the outcome of the review for racial and gender bias in enforcement, the person who made the original comment would still be a threat to the safety of the community because of their belief that the code of conduct does not apply to them personally. They would still need to be banned if they continued to refuse to follow the code of conduct.

## Anonymized conference transparency report

The following incidents were published, but we have anonymized and re-worded them because we want to use these incident reports as cautionary examples of what not to do, rather than criticize a specific conference. For context, this conference was held in a resort hotel in a tourist area, and many attendees spent time at the swimming pool in the hotel. The indented sections are our anonymized and reworded versions of the original public reports.

### Attendee invites women to hotel room under pretext

A man attending the conference invited two different women attendees on separate occasions to come to his room so he could teach them methods of relaxation. They both said no and he did not ask them again. When asked about what he'd done, the man apologized and agreed not to do it again.

The committee treated this as an innocent misunderstanding, when based on the information in the report, it sounds far more like a possible serial sexual predator. The first sign is repetition: he tried the same invitation on two separate women. Often serial predators are simply playing a numbers game, following the same script with different targets until they succeed. (It's not an accident that this method is similar to what "pickup artists" teach.) While these two particular women were able to say no, others may accept out of fear of retaliation, a sense of guilt at being suspicious of another person, or a belief that they are safe because they are both attending a conference with a code of conduct.

The second sign is the harasser pretending not to realize that inviting a stranger to go back to his hotel room alone with him to learn to relax is inappropriate—of course it's inappropriate. This looks like an instance of the ["Male Bumbler" defense](#): the idea that adult men who are socially adept in many other areas of life are suddenly incompetent when it comes to judging how their actions are received by potential sexual targets.

The third sign is the gender of the targets: strange that he invited zero men to learn to relax alone with him in his hotel room! Always question when someone's "kindness" involves physical touch and/or isolation in a private space and/or is always directed towards women or young people (and especially young women).

The fourth sign is what is being offered: a way of making the women let down their defenses and make themselves vulnerable more quickly than they might otherwise. It's another version of

pressuring someone to drink more alcohol or giving them drugs that make them more relaxed or unconscious.

A more appropriate response would be an immediate ban for life. At best, this man is deliberately singling out women for inappropriate invitations to his hotel room in a way that makes him appear to be a serial sexual predator, at worst he **is** a serial sexual predator.

### Inappropriate touch reported after conference ended

A man helped a woman do some shopping far from the venue. While they were shopping, he touched her inappropriately. The report didn't come in until after the conference ended. Because the report happened after the conference ended, the organizers took no further action.

The organizers act as though nothing can be done after the conference ended. Many things can be done after the conference has ended: people can be banned from future events, other organizations can be informed, the committee can ask other people if they've had negative experiences with this person, they can advertise the code of conduct and reporting instructions more widely, they can express concern and remorse to the target, and they can also make a public statement strongly disapproving of the action (much as other conference organizers did in previous examples). Committees sometimes spend months doing things after the conference has ended. In this case, the organizers described the action and stated that nothing was done. It's not enough.

### Unwanted sexual advance

After conference hours and in the pool area of the hotel, a man attending the conference made an unwanted sexual advance to a woman who was not attending herself but was the partner of another attendee. The unwanted sexual advance included the man's knowledge of the woman's existing monogamous relationship. The organizers asked him to go back to his room for the rest of the night, out of concern that someone [unclear who] might assault [unclear physically or sexually or both] someone else [unclear whom]. He went back to his room till the morning. The organizers took no further action.

This report raised many questions, but the most worrisome was the framing of asking the harasser to return to his room as a way of preventing an assault. If anyone is seriously thinking, "If this person remains in a public area, there will be an assault," someone, or several someones, should be banned. We're not sure whether the fear was that the harasser would assault someone or someone else would assault the harasser, but either way, this was a serious issue. That the response of the organizers was merely to ask the harasser to go back to his room is totally inadequate.

In the most optimistic case, where the harasser genuinely believed he was giving a welcome compliment to the target, at minimum the organizers needed to have a long conversation

emphasizing how inappropriate this behavior was that ends with the harasser voluntarily offering a clear and detailed apology and a promise to not repeat the behavior. However, the mention of potential assault suggests that the problem was much more serious than that. Note that if the concern was that another person might assault the man making the advance, whatever caused that concern (verbal threats, etc.) should be treated as a second, separate code of conduct incident.

## Inappropriate touch

In the hotel swimming pool, a man touched a woman inappropriately. The organizers heard about it by accident and spoke to the man. He stayed in his room and only came out for meals during the rest of the conference.

This is about half right. Removing the person from the event space most of the time is better than nothing, but there's no stated reason why the harasser needed to leave his room for meals. If he needed to do this, then so did his target and the rest of the attendees, re-victimizing the target and providing opportunities for the harasser to harass additional people.

Some events do require sharing living space (for example, food can only be acquired from a public cafeteria, or multiple people share a bathroom or living room). We recommend that this kind of event specifically state up front that anyone violating the code of conduct may be removed from that space at their own expense, and make arrangements with the venue that allow the organizers to remove the harasser from the venue entirely. For example, conferences on cruise ships should warn attendees that if they violate the code of conduct, they may be confined to their cabin and dropped off at the next port of call, and they will have to cover their own cost to return home, and include this provision in the contract with the cruise ship.

In this anonymized case, the harasser still had access to the rest of the community at meals; we recommend bringing him his meals instead. This summary is also missing a declaration that this behavior is wrong, and a plan to prevent a repeat of this behavior at the next conference (a permanent ban, a long conversation with the harasser that resulted in a clear apology and promise, researching to see if the harasser has a history of similar behavior, etc.).

## Inappropriate pulling on clothing

In the hotel swimming pool, a man grabbed and pulled on parts of a woman's swimsuit inappropriately. The organizers asked questions of the man, who apologized and agreed not to repeat the behavior. The woman was satisfied with the result.

At this point, it sounds like conference attendees need to be told emphatically that the code of conduct still applies in the swimming pool area, which is not too surprising as events involving swimming are a [higher risk](#) activity for harassment. A common problem with codes of conduct is that some community members believe that there are implicit exceptions to a code of conduct: when people are drinking, at night, on the dance floor, in the swimming pool—the list goes on.

The code of conduct for this event should have been updated to emphasize that it applies to the swimming pool and the organizers should have announced this update at least once a day after that.

While the apology and promise not to repeat the behavior from the harasser are positive signs for the safety of the community going forward, the organizers should have also found out if this person has a pattern of unwelcome touch or other harmful actions and banned him if so.

The mention of the target's satisfaction is an example of the leadership passing responsibility for their decision for the target, setting them up to say, "Well, the target was satisfied, why aren't you?" if anyone complains. This is not what good leadership looks like.

## Drupal community incident

[Content warning: sexual assault, violence against women, misogyny, racism, transphobia, advocacy of slavery]

While long and complicated, this incident graphically demonstrates the reasoning behind many of the recommendations in this guide, and serves a real world case study for what happens when they are not followed. It's difficult to correctly summarize this incident and the response, as it played out over several years and through tens of thousands of words posted online by people with conflicting stories and clear biases. This is a best effort summary and discussion based on public documents. It undoubtedly still contains several errors of fact, but is close enough to what happened to serve as a learning tool. We apologize in advance for any errors in this summary. We did not anonymize the two main people in this incident as each published thousands of words about their roles, but we remind readers that our purpose is to educate community managers, not criticize these individual people.

In early 2017, the Drupal Project Leader Dries Buytaert asked Drupal contributor Larry Garfield to leave the Drupal community. The action was prompted by concerns that Garfield was sexually exploiting a woman he brought to some Drupal events. In response, Garfield claimed he was being discriminated against based on his sexuality. The resulting controversy continued through several months of [sarcastic articles in The Register](#) and other news outlets, five updates to [Buytaert's first blog post](#) about the incident, multiple updates on Garfield's blog, and a community protest website supporting Garfield called [Drupal Confessions](#), among other things. After much public criticism the project leader allowed Garfield to stay in the community but banned him from holding leadership positions. Garfield later left the Drupal community on his own initiative. The rest of this section delves into the details of this incident.

## Background

Drupal contributor and community leader Larry Garfield made dozens of harmful and bigoted comments in public over a period from at least 2010 to 2016. [His comments](#) included rape

apology, minimization of chattel slavery, advocating violence against women, racism, transphobia, and sexism. Many Drupal community members publicly objected to these comments. During this time, Garfield continued to participate in the Drupal community, including maintaining a core subsystem, speaking at Drupal events, and serving in various community leadership positions.

In October 2016, another Drupal community member found some information about Garfield's sexuality and beliefs that were available on web sites requiring an account to join and view. The information was related to Garfield's membership in and promotion of the [Gorean subculture](#), a community that advocates for men acquiring and training women to behave as "slaves" as a full-time lifestyle, based on the belief women are biologically suited to be enslaved and men are biologically suited to own slaves and be leaders. Distinct from other types of dominance/submission sexual role-play communities based around fantasy worlds, many members of Gorean subculture genuinely believe that women are biologically suited to be slaves. Garfield has made [public statements](#) indicating he is genuine in this belief and in a leaked chatlog [discussed how to best teach 15 year old girls about the Gorean subculture](#) (that is, how to groom underage girls for later sexual abuse).

This information was reported to the Drupal Community Working Group, which concluded that Garfield had not violated the Drupal Code of Conduct. Acting as an individual, a Drupal community member pressured Garfield to leave the Drupal community. Garfield referred this matter to the Drupal Community Working Group as well, which [concluded that no violation of the Drupal Code of Conduct](#) had occurred. The CWG referred the matter to the Drupal project leader and recommended that Garfield and the community member talk to each other directly.

## Precipitating incident

This incident started in early 2017 when Drupal leadership learned that Garfield had brought a woman to Drupal events who was acting as Garfield's "slave" according to the tenets of Gorean subculture. [Drupal leadership became concerned](#) that Garfield might be sexually exploiting her, based on multiple red flags indicating her relative lack of power compared to Garfield, including her relative youth and the fact that she did not speak verbally to anyone at the event. [Garfield's blog post arguing](#) that the numerous factors contributing to the power imbalance between them did not affect her ability to consent sexually is not convincing. No one other than Garfield appears to have access to her side of the story, so Garfield's description of her or of their relationship cannot be verified.

## Response

As a large Drupal conference was approaching where Garfield was scheduled to speak and chair speaking tracks, the Drupal Association cancelled his sessions and removed him as track chair as an interim step while they investigated and deliberated. They discussed their concerns with Garfield privately for several weeks, in response to Garfield's request to protect his privacy.

During this process, Drupal Project Leader Dries Buytaert asked Garfield to leave the community.

Three weeks into the discussion, Garfield [published a blog post](#) that claimed Drupal leadership was discriminating against him for his participation in kink sexual practices, using language and analogies that framed Garfield as the victim of oppression against a sexual minority who had been unfairly outed. In response, Buytaert [published a post](#) on his personal blog explaining why he had asked Garfield to leave the community. Garfield and Buytaert each published several update posts, and many tech publications wrote stories about the incident. Much of the public commentary was supportive of Garfield, including a site supporting Garfield called [Drupal Confessions](#).

The response ended with [Drupal partially reversing its decision](#) and allowing Garfield to attend Drupal events and participate in the community, while removing him from all leadership positions. Garfield [left the Drupal community in protest](#) and continues to attend and [speak at other PHP-related conferences](#).

## Analysis

While Drupal leadership was correct to attempt to eject Garfield from the Drupal community, the reasons and methods they used were counterproductive and harmful. The final decision to allow him to remain in the community was harmful to the safety of the community. A series of mistakes, including the [apparent condoning of Garfield's bigoted opinions and behavior by the Community Working Group](#), encouraged Garfield to escalate his behavior. Drupal leadership did not act when Garfield advocated for sexism and literal chattel slavery in the abstract, but waited to act until they faced the prospect of suffering personal discomfort watching Garfield acting out his beliefs in person at Drupal events with a specific woman they could see and identify. The most uncharitable reading is that Drupal leadership was inspired to act by paternalism towards an individual young woman rather than out of a general commitment to equality and justice.

Drupal leadership made many decisions that are counter to the recommendations in this guide and the results demonstrate why we make these recommendations. We'll examine them one by one.

**Failing to sanction the perpetrator early:** The best solution to this scenario is to have prevented it from happening at all. Based solely on Garfield's prior [behavior online](#) which was clearly biased and discriminatory towards several marginalized groups, he should have been banned or severely sanctioned several years before the precipitating incident. Instead, when Garfield's behavior was brought to the Community Working Group in late 2016, it emboldened Garfield by confirming that he had not violated the code of conduct. Often community managers "kick the can down the road"—that is, avoid confrontation over smaller problems, only to end up with a larger, more complicated confrontation over bigger problems. If your committee is hesitating to enforce the code of conduct on small issues, it helps to consider what larger

problems you are preventing by acting now. (This is what it looks like when a community doesn't understand the [Paradox of Tolerance](#): small acts of intolerance eventually lead to widespread intolerance that takes over the entire community.)

**Ignoring behavior outside community boundaries:** Drupal leadership considered Garfield's behavior on private online forums and at private events to be out of scope when deciding whether Garfield should be allowed to participate in Drupal. However, these [actions outside the community](#) provided relevant and useful information about the likelihood of Garfield harming the community in the future.

**"Positive" codes of conduct with extraneous material:** The early 2017 versions of the [Drupal Community Code of Conduct](#) and [Event Code of Conduct](#) did not follow our recommendations for codes of conduct. In particular, at the time of these events, both codes of conduct were framed almost entirely in "positive" terms (i.e., [lists of acceptable behaviors rather than lists of unacceptable behaviors](#)) and included a lot of [extraneous material](#) on how to collaborate more effectively that should be part of another document. The Event Code of Conduct had slightly more language about what not to do, but otherwise resembled the Community Code of Conduct. As a result, as long as Garfield did not behave in a harassing manner at a conference, he was not clearly violating the code of conduct. After this incident, the Event Code of Conduct was [updated](#) to include a fairly standard list of unacceptable actions, but is still framed mostly as a list of positive behaviours and contains other extraneous material. At the time of this writing, the Community Code of Conduct has [no major changes](#).

**No formal code of conduct committee:** Drupal had no community-level code of conduct committee at the time of the incident. A Community Working Group took on some code of conduct enforcement responsibilities but had limited power and responsibility. For example, the 2017 [Event Code of Conduct](#) said "You may contact the Drupal Community Working Group to help mediate or resolve issues [...]" and a 2017 [statement from the CWG](#) says "In case of disagreements, we guide community members through an established Conflict Resolution Process in an effort to help defuse tense situations and keep discussions productive." At the time of the report, the project leader, Dries Buytaert, [made decisions about community membership](#) by himself. Some project leaders may have expertise in code of conduct enforcement, but most will not. In any case, a small committee will generally make better decisions than one person. The fact that another community member personally confronted Garfield and asked him to leave suggests a lack of either trust in or knowledge of the project-wide code of conduct process. Drupal should have formed and publicized a [formal code of conduct committee](#) empowered to eject people from the community.

**Effort to get agreement from perpetrator on sanctions:** Rather than informing Garfield that he was ejected from the community, Drupal leadership tried for several weeks to convince Garfield to agree to and cooperate with being banned in a way that minimized public attention. Garfield used this time to prepare a public campaign to discredit the leadership and its decision

to ban him. Drupal leadership should have [informed the perpetrator of the sanction](#) without attempting to get agreement.

**Prioritized privacy and secrecy over keeping community safe:** Drupal leadership conducted its initial discussions with Garfield privately in part because he requested privacy around his sex life. [Emails from Buytaert](#) also express considerable concern for the reputation of the Drupal community as a whole if the information about a major Drupal contributor being involved in the Gorean subculture were publicized. Even after Garfield went public about the details of his sex life, Buytaert continued to keep some of the details that prompted the ban secret, a decision that engendered distrust given Garfield's framing of Butyaert's actions as kink-shaming. As a side note, it is unclear how "secret" Garfield's involvement in the Gorean subculture was even before his official announcement; for example, he engaged in [Gorean mannerisms in public](#), and used the same username, "crell," to contribute to Drupal projects and [participate in Gor-related activities](#) online for many years prior to this incident. While privacy has its place, Drupal leadership should have [prioritized keeping their community safe](#) over protecting the perpetrator from relevant and necessary embarrassment as the result of his abusive behavior. The outcome demonstrates that secrecy did not serve the reputation of the Drupal community either.

**No initial public announcement of decision to ban:** Buytaert privately informed Garfield of his decision to ban him from Drupal and then continued to discuss the matter with Garfield over several weeks without a public announcement. This allowed to Garfield to make the [first announcement of his ban](#) and control the framing of the ban as [kink-shaming](#) and involuntary outing of an oppressed sexual minority by the powerful Drupal leadership. As a result, Garfield convinced a large portion of the Drupal community that he was the target of unjust oppression against a minority sexual preference, rather than a person who advocates for and engages in a lifestyle based on the full-time biologically determined enslavement of women. [Drupal should have made an announcement on an official project blog](#) shortly after informing Garfield of their decision.

**Allowed perpetrator to frame himself as the victim:** In his [first post](#), Garfield framed his action as an involuntary "self-outing," invoking the taboo against outing of queer people against their will. Garfield then compared himself to gay people, Muslim women wearing hijab, Jewish people saying "Shalom," and targets of religious persecution in general, and claimed he could not be sexist because he worked with women. Using the Paradox of Tolerance and our guide on how to [judge competing claims of marginalization](#), it is clear that "people who believe that women are biologically suited to be slaves" is not a marginalized group. In particular, Garfield cannot claim that he is merely role-playing sexual fantasies, similar to many people who engage in BDSM, for several reasons: because he engaged in sexual role play in public with non-consenting observers, because he openly asked for help [grooming girls too young to consent for later sexual abuse](#), because Gorean subculture often advocates full-time submission and slavery in a manner than [crosses the line from kink to abuse](#), and because he [advocated for literal slavery and for biological sexism in public](#). Garfield is attempting to re-label abuse and bigotry as a "kink" when [actual kink requires informed consent](#). In general, you

should be wary of someone with a great deal of privilege (male, cis, straight, white, etc.) equating their treatment with the systemic oppression of historically marginalized groups they aren't personally part of. This is almost always appropriation of a marginalized identity, rather than good faith solidarity.

**Overly detailed public announcement of ban on personal blog:** When Drupal leadership did [publicly comment on the ban](#), it was on a personal blog owned by Buytaert. The announcement was much too long for the purpose, included many extraneous details, and was vague and unclear on the main issue - why Garfield had been banned. By talking about several issues unrelated to Garfield's ban from Drupal, it allowed Garfield to continue making allegations of discrimination on the basis of his alleged status as an oppressed sexual minority and branched the discussion in several new directions. Drupal leadership should have written a [shorter, more concise announcement of the ban](#) and published it on an official communications channel.

**Clarification update included extraneous details:** Buytaert's [\(first\) clarification update](#) did clarify two important misunderstandings in the original announcement, but included a response to Garfield's allegation that the community member who tried to eject him was not acting in line with Drupal community values. This encouraged a shift in conversation to the behavior of the other community member, away from the original, far more serious allegations against Garfield. Drupal leadership's [first clarification update should have stuck to the original topics](#), and they should have published a separate announcement about the other community member.

**Multiple updates to original announcement:** Buytaert made a total of [five updates to his original blog post](#); four more than we recommend. Each update intensified discussion and prompted another round of critiques and responses, rather than convincing new people that Drupal leadership had taken the right action. Drupal leadership [should have made only one update](#) and then focused on updating its code of conduct procedures internally.

**Sanctioning perpetrator for harming the organization's reputation:** One of the updates included this statement: "Larry's subsequent blog posts harmed the community and had a material impact on the Drupal Association, including membership cancellations from those who believed we doxed, bullied, and discriminated against Larry as well as significant staff disruption. Due to the harm caused, the Drupal Association is removing Larry Garfield from leadership roles that we are responsible for, effective today." As many people correctly pointed out, any person pointing out actual abuse in Drupal could be sanctioned for doing so under this logic. Garfield should have been removed from leadership roles for his many comments promoting unfair bias or discrimination against marginalized groups, not for criticizing or harming the Drupal Association.

**Delaying or refusing to engage expert advice:** Drupal leadership does not appear to have sought out the advice of experts for weeks or months in several relevant areas: code of conduct enforcement, public relations, community management, harassment/discrimination law, or

similar areas. Free online guides in all these areas also exist. Drupal leadership should have sought outside expert advice sooner and in more areas.

**Equal punishments for violating privacy and alleged sexual assault:** The person who found Garfield's expressions of his support for women as slaves on members-only web sites was [punished](#) for violating Garfield's privacy and for pressuring him to leave the community with what could have been interpreted as threats of blackmail. This whistleblower's punishment was identical to Garfield's ultimate punishment: they were removed from all positions of leadership but allowed to continue participating in the community. This decision sent a highly counterproductive message: that finding and sharing semi-private information that shows someone may be a threat to the community and pressuring them to leave is as harmful as actually being a threat to the community.

While respecting privacy and confidentiality are important, they should take second place to [protecting the community from future harm](#). Claims of potential blackmail are more concerning than violating privacy, but given the vagueness of the Drupal Code of Conduct and the ineffectiveness of the Community Working Group, what Garfield characterizes as blackmail could also have been the result of poor community governance rather than personal desire to harm or frighten Garfield. Overall, we consider violating the privacy of an abuser by sharing information about their abusive actions and pressuring an abuser to leave a community to be far less harmful than Garfield's actions. For example, if a community has a rule against publishing private correspondence, it must have an exception that allows publication of harassing private correspondence. Garfield should have been [sanctioned more strongly than the person reporting his abusive behavior](#).

## Conclusion

Overall, this incident is a demonstration of the magnitude of trouble possible when a determined, powerful, and committed abuser participates in a community with a weak and poorly enforced code of conduct. Much of the trouble could have been prevented with a well-written code of conduct, a formal code of conduct committee with full powers to act, training for the code of conduct committee, a quick and meaningful response to the first violations of the code of conduct, and sensible limits on follow-up communication.

## Summary

After reading this chapter, you should have confidence that following the recommendations in this guide results in better real-world outcomes, even though some of the advice is counterintuitive or unpleasant to follow. In particular, you should understand what benefits your community gets when it:

- Responds quickly to control the framing of the incident.
- Publicizes its response, even for small incidents.

- Pays more attention to the impact of someone's behavior than their intent.
- Keeps records of small incidents and consults them when getting reports of new problems to recognize patterns of suspicious behavior.
- Treats bad faith code of conduct reports as violations of the code of conduct.
- Enforces the code of conduct equally on people with more and less privilege and power.
- Is skeptical when competent adults claim they accidentally violated the code of conduct through social ineptitude.
- Avoids activities which have a higher risk of harassment and emphasizes that the code of conduct still applies to higher risk activities.
- Responds swiftly to small violations of the code of conduct to prevent larger problems later.
- Takes into account the behavior of members outside the community.
- Removes extraneous material from the code of conduct.
- Has a formal, trained code of conduct committee.
- Does not try to get agreement from the harasser on the response.
- Prioritizes the safety of the community over attempting to keep embarrassing incidents quiet.
- Makes short, clear, concise announcements of responses on official community communication channels.
- Responds to criticism of its decision only once, and only to clarify any genuine misunderstandings or to explain how new information changed its decision.
- Allows criticism of the organization under the code of conduct.
- Seeks out expert advice when necessary.
- Punishes violations in proportion to the incident.
- Doesn't punish people for reporting harassment improperly with the same or greater consequences than the people actually doing the harassment.

Resources referenced in this chapter:

- [Timeline of Incidents on Geek Feminism Wiki](#)
- [Djangocon.eu 2017 conference transparency report](#)
- [Write the Docs 2016 Prague conference transparency report](#)
- [PyGotham 2017 conference transparency report](#)
- ["The Myth of the Male Bumbler" by Lili Loofbourouw](#)
- ["Higher Risk Activities" by Mary Gardiner et al.](#)

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# Appendix 1: Additional resources

This is a list of resources helpful to writing, adopting, and enforcing a code of conduct, arranged in the order they are first referenced in the text.

## Introduction:

[Conference code of conduct resources](#) on Geek Feminism Wiki

[Community code of conduct resources](#) on Geek Feminism Wiki

[Code of conduct training resources](#) from Frame Shift Consulting

"[Tips for interviewing survivors](#)" by RAINN

[Ally Skills Workshop handout](#) by Frame Shift Consulting, Dr. Sheila Addison, and Mary Gardiner

## Chapter 1:

[Paradox of Tolerance](#) on Wikipedia

"[Angry Black woman](#)" stereotype on Wikipedia

## Chapter 2:

[Intersectionality](#) on Wikipedia

[Jim Frenkel at WisCon 38 incident](#) on Geek Feminism Wiki

[Timeline of Incidents](#) on Geek Feminism Wiki

"[Why Didn't You Report It?](#)" by s.e. smith

"[Why don't you just hit him?](#)" by Mary Gardiner

[Women, Race, & Class](#) by Angela Y. Davis

[Alcohol and Inclusivity: Planning Tech Events with Non-Alcoholic Options](#) by Kara Sowles

"[Higher Risk Activities](#)" by Mary Gardiner et al.

"[Inclusive Offsites](#)" by Sara Smollett

[Example community code of conduct](#) on Geek Feminism Wiki

## Chapter 4:

[Meeting role cards](#) by Frame Shift Consulting

"[How 'Good Intent' Undermines Diversity and Inclusion](#)" by Annalee Flower Horne

"[The Al Capone Theory of Sexual Harassment](#)" by Leigh Honeywell and Valerie Aurora

[Djangocon.eu 2017 conference transparency report](#)

[Write the Docs 2016 Prague conference transparency report](#)

[PyGotham 2017 conference transparency report](#)

"[Study Reveals The 6 Key Components Of An Effective Apology](#)" by Amy Morin

"[Take Responsibility For Handling Abuse](#)" by Annalee Flower Horne

"[What Reporting Sexual Harassment Taught Me](#)" by Simine Vazire  
"[No More Rock Stars](#)" by Leigh Honeywell, Valerie Aurora, and Mary Gardiner  
"[How to Organize Tech Workers to Change Company Policy](#)" by Liz Fong-Jones  
"[How 'Good Intent' Undermines Diversity and Inclusion](#)" by Annalee Flower Horne  
"[What is DARVO?](#)" by Dr. Jennifer J. Freyd  
"[What kind of person makes false rape accusations?](#)" by Sandra Newman  
[Oppression Olympics](#) on Wikipedia  
[List of articles debunking autism as the cause of harassment](#) on Geek Feminism Wiki  
"[The Myth of the Male Bumbler](#)" by Lili Loofbourouw  
"[Acceptance, kink shaming, and calling out bad behavior](#)" by Anabelle Bernard F  
"[Mythcommunication: It's Not That They Don't Understand, They Just Don't Like The Answer](#)"  
by Thomas MacAulay Millar  
"[BDSM vs. Abuse Policy Statement](#)" by National Center for Sexual Freedom  
"[Google Employees: Our Executives Engaged in Abuse. Don't Let Kink and Polyamory Be Their Scapegoats.](#)" by Liz Fong-Jones  
"[Social and Cultural Aspects of Drinking](#)" by Social Issues Research Center  
"[Is Shame Necessary?](#)" by Jennifer Jacquet  
[Charles' Rules of Argument](#) on Geek Feminism Wiki  
"[The power of framing: It's not what you say, it's how you say it](#)" by Steve Rathje  
"[Why Asking What Adria Richards Could Have Done Differently Is The Wrong Question](#)" by Deanna Zandt  
"[The Gift of Fear](#)" by Gavin de Becker  
"[Staying Safe when you Say #MeToo](#)" by Leigh Honeywell  
[Tall Poppy](#): Tools and services to help companies protect their employees against online harassment and abuse

## Appendix 2: Report-taking form

1. Find a quiet place where others can't overhear you if possible. Bring something to take notes with.
2. Ask if the person wants to make a formal code of conduct report. If they ask for promises about how it will be handled, let them know that you can't make any promises on behalf of the code of conduct committee, but that the committee will do their utmost to protect the reporter's confidentiality and safety.
3. If they DON'T want to make a formal code of conduct report, feel free to decline to listen to their report, especially if you are a member of a marginalized group who is expected to perform more emotional labor than others.
4. Ask them to describe the incident. Some useful information to request (but respect their wishes if they don't want to share it):
  - Identifying information for the alleged harasser
  - Reporter's name and contact information
  - Time and date of incident
  - Place of incident
  - What happened
  - Any other people involved
5. If there seems to be any imminent physical danger to anyone, follow your organization's security plan immediately and come back to taking the report when people are physically safe. Note your action in your report.
6. If it seems appropriate, ask if there is anything you or other staff can do to help anyone feel more safe at that moment (e.g., finding a friend of theirs to stay with them, or giving them a private space to sit in).
7. Thank them for their report.
8. Send the report to the code of conduct committee by **[INSTRUCTIONS HERE]**.

### Reminders:

- Do not share any confidential information with anyone other than the code of conduct committee.
- Do not ask the reporter or the target(s) for any solutions or suggestions on how to handle the incident.
- Do not pressure the reporter to contact law enforcement if they don't want to, as in many cases this can make the reporter, target(s), and/or your community less safe. If the reporter does want to contact law enforcement, support them if you are safely able to do so.
- Don't assume that the reporter will trust any member of staff or person they don't personally already know and trust (including yourself).