

Preventing and Addressing Harassment in the Council Process

Fisheries Management Council New Council Member Training

October 29, 2024

Topics Covered

- Purpose of Training
- Definitions
- Council Policies
 - Council Process Participant Policy
 - Council Staff Policy
- Council Member Responsibilities

Purpose of Training

- Learn how to recognize harassment
- Understand your role in preventing and addressing harassment in the Council process
- Know the policies applicable to your Council
- Know the procedures for reporting harassment

What is “Harassment”?

Unwelcome conduct that is based on a **protected characteristic**

- Sex
- Sexual orientation
- Gender identity
- Pregnancy
- Disability
- Genetic information
- Race
- Color
- National origin
- Religion
- Age
- Retaliation

“Harassment Based on Sex”

Sex does not always mean sexual

- Epithets based on sex or gender
- Comments based on stereotypes about a certain gender
- Treating individuals of a certain gender more or less favorably than another gender

Sexual Harassment

- Unwanted conduct expressing sexual attraction
- Demands or pressure for sexual favors
- Sexual assault or other acts of sexual violence
- Sexual jokes or innuendos
- Discussing sexual content
- Displaying visual depictions of sex acts

Sexual Orientation and Gender Identity

- Epithets regarding sexual orientation or gender identity
- Physical assault due to sexual orientation or gender identity
- Disclosing an individual's sexual orientation or gender identity without permission (outing)
- Treating an individual differently because they do not present in a manner that would stereotypically be associated with that person's sex
- Repeated and intentional use of a name or pronoun inconsistent with the individual's known gender identify (misgendering)

Pregnancy

- Unwelcome conduct based on:
 - An individual's **pregnancy, childbirth, or a related medical condition** (e.g. morning sickness, lactation)
 - Stereotypes associated with pregnancy, childbirth, or a related medical condition
 - An individual's request for, or receipt of, a reasonable accommodation based on pregnancy, childbirth, or a related medical condition

Disability and Genetic Information

- Unwelcome conduct based on:
 - An individual's physical or mental disability
 - Stereotypes about individuals with disabilities or about an individual's particular disability
 - Traits or characteristic linked to an individual's disability (e.g. how an individual speaks, looks, or moves)
 - An individual's request for, or receipt of, a reasonable accommodation
 - An individual's genetic information or family medical history

Race and Color

- Racial epithets
- Offensive comments about members of a particular race
- Unwelcome conduct based on:
 - Traits or characteristics linked to a person's race (e.g. the person's name, cultural dress, accent or manner of speech, hair texture, etc.)
 - Stereotypes about a person's race
 - A person's pigmentation, complexion, or skin shade or tone

National Origin

- Ethnic epithets
- Derogatory comments about individuals of a particular nationality
- Stereotypes about a person's national origin
- Unwelcome conduct based on traits or characteristics linked to a person's national origin (e.g. physical appearance, attire, diet, accent or level of fluency in English)

Religion

- Religious epithets
- Offensive comments based on a person's religion or characteristics linked to a person's religion (e.g. religious practices, religious dress)
- Unwelcome conduct based on stereotypes about a person's religion
- Unwelcome conduct based on a person's request for, or receipt of, a religious accommodation
- Coercing someone to engage in religious practices
- Includes unwelcome conduct based on atheism or lack of religious belief

Age

- Individuals over the age of 40
- Unwelcome conduct based on negative perceptions or stereotypes about older individuals

Retaliation

- Unwelcome conduct based on an individual's **protected activity**
 - Expressing opposition to harassing/discriminatory behavior
 - Reporting harassment/discrimination
 - Participating in an investigation, hearing, or other proceeding involving harassment/discrimination claims
- Unwelcome conduct that might deter a reasonable person from engaging in protected activity

Council Policies

- Each Council has adopted two policies designed to protect **Council staff** and **Council process participants** from harassment
- Posted on each individual Council's webpage (under the Council's SOPP)
- Establish a procedure for reporting harassment

Key Policy Elements

- All Council process participants are responsible for preventing harassment in the Council process
- Allegations of harassment should be reported as soon as possible
- The Council should conduct an inquiry in response to an allegation of harassment
- Appropriate corrective action should be taken after the inquiry

Council Process Participant Policy

- Applies to all persons who participate in the Council process in any setting (e.g. Council member, NOAA employee, other participant) except individuals employed by the Council
- Covers acts of harassment taking place in the context of Council business regardless of location (e.g. Council office, Council meeting, offsite meeting, hearings and events sponsored by a Council)
- Covers acts of harassment taking place during breaks and gatherings tangential to meetings (e.g. lunch/dinner, coffee break, reception, happy hour, informal gatherings)

Council Process Participant Policy

- A Council Process Participant who **observes, experiences, or receives a report** of harassment should report the matter as soon as possible to an appropriate official:
 - The Council Executive Director or Deputy Director;
 - The Council chair or vice-chair;
 - Appropriate law enforcement authorities, as needed.

Council Process Participant Policy

- A Council member who receives a report of harassment of a Council process participant should communicate the details of that report, in writing, to the Council Executive Director for appropriate action under the Council's policy.

Council Process Participant Policy

- In the event of a reported incident, the Council should convene a response team consisting of, as appropriate depending upon the context, the Council Executive Director, other designated Council points of contact, and the Council Chair.
- The response team will determine appropriate follow-up, including whether to engage the NMFS Regional Administrator in the response to the incident, based on the allegations raised and the parties involved.

Council Process Participant Policy

- Any Council that receives a report of harassment against or by a Council member must inform the NMFS Regional Administrator of the nature of the incident and any steps taken to address the incident.
- The Council shall maintain a record of each allegation received under this policy, which shall be made available to NMFS upon request.

Takeaway

- As a Council member, what should you do if you experience, witness, or learn about allegations of harassment?
 - Report the allegation as soon as possible to the Council Executive Director, Deputy Director, Chair, or Vice-Chair.
 - Report the allegation in writing to the Council Executive Director.
 - Report the allegation to law enforcement authorities, as appropriate.

Report, Report, Report!

Council Harassment Policies

- NEFMC Policies
 - https://d23hovhsm26o6d.cloudfront.net/SOPP-2023-FINAL-2-28-2023_2023-03-01-162604_cvil.pdf
- MAFMC Policies
 - <https://www.mafmc.org/council-policies>
- GMFMC Policies
 - https://gulfcouncil.org/wp-content/uploads/Gulf-Council-SOPPs_June-2024.pdf
 - https://gulfcouncil.org/wp-content/uploads/Administrative-Handbook_Aug-2024.pdf
- PFMC Policies
 - <https://www.pcouncil.org/documents/2023/05/harassment-reporting-procedures-policy.pdf/>
- NPFMC Policies
 - https://www.npfmc.org/wp-content/PDFdocuments/membership/Council/NPFMC_SOPP.pdf
- WPFMC Policies
 - <https://www.wpcouncil.org/wp-content/uploads/2023/08/Statement-of-Organization-Practices-and-Procedures-Jun.-2023.pdf>
- SAFMC/ CFMC Policies
 - Included in the Councils' Administrative Handbooks, which are not currently posted online but are provided to new Council members.

Questions?

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