Society for Military History
Policies and Procedures
Code of Conduct & Complaint Process

Purpose. The Society for Military History (SMH) Code of Conduct presents the professional, ethical principles and standards expected of members so as to ensure that all members, guests, and service providers experience respect and nondiscrimination at SMH meetings and in any work they do in association with the Society. The SMH values courteous treatment and equal justice and is committed to providing a safe, inclusive, and welcoming environment for all participants at its conferences, events, and other activities whether in physical or electronic spaces.

1. SMH Commitment to a Principled Culture

The Society for Military History seeks to promote a respectful culture and equitable, just association that is free of improper and discriminatory conduct, especially discrimination or harassment on the basis of actual or perceived sex, gender identity, race, ethnicity, sexual orientation, disability, socioeconomic status, age, religion, national origin, citizenship status, veteran status, or their intersection.

Discrimination against or harassment of participants in SMH enterprises undermines professional and ethical norms that promote scholarly exchange and professional development. Such discrimination or harassment also undermines equal access to and enjoyment of the scholarly activities of the SMH. "Participant" in this policy refers to members but also includes their treatment of others present at SMH meetings or events, such as students, organizational or venue staff, contractors, vendors, exhibitors, and other attendees. The SMH policy is intentionally broader than most antidiscrimination laws so as to maintain an environment conducive to scholarly exchange.

Policies alone rarely guarantee harmonious relations and a positive community. Therefore, the SMH couples its anti-discrimination and anti-harassment policy with a request that all SMH participants maintain a culture of respect. Such a culture will not only help to ensure that all participants feel welcome but also provide the best possible environment for intellectual exchange and professional development. All participants should be attentive to situations, actions, or language that may have the effect of making others uncomfortable or disrespected and respond as appropriate when such situations, action, or language are observed. The SMH encourages all participants to be reflective about their language and actions and to strive to ensure that their biases, both explicit and implicit, do not create an environment that may be perceived by some as hostile to their character or group.

The SMH in 2020 established a Conduct Complaint Committee (CCC) with two teams: 1. Intake, for initial assistance with concerns and the investigation of filed, formal complaints; 2. Referee, to arbitrate allegations. The sections below define discrimination and harassment, offer

suggestions for helping to create a culture free of discrimination and harassment, and elaborate procedures for contacting the intake team and for filing a complaint.

2. The SMH Anti-Discrimination and Anti-Harassment Policy

The SMH prohibits discrimination or harassment, including but not limited to intolerance, persecution, and molestation as defined below. The SMH encourages its members and other participants who experience harassment or discrimination to use one of the complaint options outlined in this policy.

2a. Discrimination

Discrimination constitutes *unequal treatment* of participants, including but not limited to targeting someone's identity, on the basis of actual or perceived sex, gender, gender identity, race, ethnicity, sexual orientation, disability, socioeconomic status, age, religion, national origin, citizenship status, or veteran status, or their intersection. Discrimination also includes harassment, as defined below, on the basis of actual or perceived sex, gender, gender identity, race, ethnicity, sexual orientation, disability, socioeconomic status, age, religion, national origin, citizenship status, veteran status, or their intersection.

2b. Harassment

Harassment is discriminatory behavior that includes unwelcome actions or comments that are experienced as intimidating, abusive, derogatory, demeaning, or consistently marginalizing, and recognized as such, in legal practice and parlance, by a "reasonable person standard," that is that most people would find the actions offensive if they themselves were subjected to such acts. Harassment not only includes the real or implied threat of physical harm, but also the unwanted invasion of personal space, offensive touching, unauthorized photography or recording, and the sustained disruption of events. The SMH encourages a robust exchange of intellectual ideas but continuing a disputation to disrupt dialogue may fall under the category of harassment.

Improper conduct does not have to rise to the level of actionable under the law to be harassment, but, in turn, inadvertent misbehavior is not incontrovertibly harassment. That does not excuse discourteous behavior—that which is objectionable and unbecoming—and it should be avoided and discontinued upon request. Retaliation against someone who complains about improper behavior may constitute harassment.

Harassment that makes someone feel demeaned or marks them as different in a negative way on the basis of their gender can constitute discrimination because of sex, and can but need not also include sexual harassment as defined below.

2c. Sexual Harassment

Sexual harassment includes severe or pervasive unwelcome solicitation of physical or emotional intimacy or touching, as well as severe or pervasive commentary or nonverbal conduct that is sexual in nature, regardless of the gender of the complainant. Sexual harassment does not necessarily involve sexual desire.

3. Standards for Evaluating Claims of Discrimination or Harassment

Under this policy, charges of discrimination and harassment are evaluated not by the intent of the perpetrator but rather from the perspective of a reasonable person in the complainant's position. The "reasonable person standard" asks whether most people would find the actions offensive if they themselves were subjected to such acts. Discrimination and harassment are further distinguished by the situational context.

The following may be considered in evaluating claims and possible responses: How might the behavior be defined? How was it grievous, hurtful, or unjust?



Would it be reasonable to interpret the actions as severe or pervasive enough to undermine the person's position and activities in the society or disrupt the society's operations? Were they demeaning or derogatory, intimidating or abusive to the recipient or the group with whom the recipient identifies? What is the degree of harm to the individual(s) and/or to the society?

Accusations of assault, whether sexual or not, refer to criminal behaviors that should be, and may be with the Society's assistance, referred to the police and courts.

4. Seeking to Foster a Culture Free of Discrimination and Harassment

All members and other participants at SMH activities must be responsible in creating an environment free of harassment and discrimination by following the norms of professional respect that help to promote honest intellectual exchange and quality scholarship.

Participants must be proactive about mitigating harm to other SMH event participants by:

- Acknowledging that although the SMH has become more inclusive, the integration of persons of color and other groups historically marginalized requires continued attention and action;
- recognizing that power differentials inherent in academia can inhibit graduate students and junior scholars from voicing their objections to offensive comments or behavior;
- understanding that harassment may take the form of subtle forms of conduct, including unintentional behaviors, that are harmful to groups that lack authority in this and the greater societies;

- being sensitive both as a speaker and listener to declarations or conclusions about identity politics outside of one's own cultural or social group;
- taking affirmative steps to include others in conference conversations or activities;
- and being an active bystander, even intervenor, if observing potential harm to another participant.

Consistent with these principles, Members are cautioned that the Society Constitution and Policies and Procedures specify the officers who are authorized to speak on behalf of the Society, and the manner by which they may do so. Members who are not expressly authorized to represent the Society are proscribed from indicating that their position is a statement of policy on behalf of the Society or that their position within the Society, whether elected or appointed, confers authority to represent the Society on an official basis.

The Society encourages free and unhindered expression of its Members' opinions, and will neither support nor oppose any opinion or policy statement except in the manner specified by the Society Constitution and Policies and Procedures. The Society will not, however, permit its Members to engage in harassment, or threatening conduct directed at others, including other Members, via any media (in person, virtual, social media, etc.), or at any of its events, or through written, verbal, or virtual communications directed to other Members or third-parties. Such conduct, including but not limited to conduct that misrepresents a Member's authority to speak on behalf of the Society, will be referred to the Conduct Complaint Committee or such other organization which the Board may deem appropriate.

Members and other participants seeking information and advice may contact the Conduct Complaint Committee via email on the SMH website or at the cell phone number that will be provided at the annual meeting to contact the intake consultant.

The Conduct Complaint Committee (CCC) consists of two teams that assist the society in maintaining a principled culture. The intake team has three members: one acts as a consultant and two act as investigators upon the receipt of filed complaints. The referee team, with three other members including the chair of the CCC arbitrates between complainant and respondent. Committee members cannot have been adjudged responsible for, or be currently a complainant or respondent in a case of, discrimination or harassment. The members serve three-year terms.

In the event that any member of the Committee has, or previously had, a close personal or professional relationship to any party involved in the complaint or is named in the complaint, that person will be recused from participation. The participant who filed the complaint may request recusal of a Committee member for reasonable cause. Additionally, any member of the Committee who believes that their participation would be inappropriate or lead to an appearance of impropriety may recuse themselves and is not obligated to disclose publicly the reasons for the recusal.

5. What to Do if You Experience Discrimination or Harassment at any SMH Event

If you or someone else appears to be in imminent physical danger, contact security or law enforcement personnel immediately.

If there is no immediate physical danger, a proper professional response may be to ask for retraction or redress directly. Consider whether it is practical, appropriate, and safe to address the conduct informally, privately, in person (possibly with a mediator or two), or in writing. That may depend on the nature of the conduct or degree of the alleged transgression. If it cannot be thus addressed safely or satisfactorily or if the response is deficient, the aggrieved party should contact a member of the intake team.

The quickest and best way to get help addressing an incident, especially during an SMH meeting, is to contact the CCC, specifically the intake team, via the email address on the SMH policy website or at the phone numbers that will be provided at each annual meeting or by asking for assistance from SMH-affiliated conference personnel.

The intake team consultant is available for informal confidential consultation about a range of concerns, including but not limited to discrimination or harassment. The consultant can help the person evaluate the available options for response but cannot formulate a complaint. A complaint can also be reported at https://www.smh-hq.org/policies/codeofconduct.html. The Discrimination or Harassment Complaint Procedure provides a more formal option for reporting and seeking official resolution of incidents of discrimination or harassment.

The options and steps are described separately in the next sections. The SMH will endeavor to keep communication with the intake team confidential, unless or until legal action requires otherwise.

6. The Roles of the Intake Team

The intake team may offer guidance about what constitutes discrimination, harassment, or other forms of mistreatment. Team members can also explain the SMH options for reporting misconduct and inappropriate behavior and outline other avenues for pursuing such a complaint, such as state or local government, human rights or law enforcement agencies, the federal Equal Employment Opportunity Commission, or the U.S. Office for Civil Rights. If appropriate and if the complainant requests it, the intake consultant may attempt to aid conciliation. Intake team members cannot provide legal advice, nor can they assist with situations that occurred outside the society's purview, but they can offer support and guidance even if no further action is taken.

The SMH recommends that a complainant first confer with the intake team's consultant for clarification about the entire range of options. This consultation is confidential and the details of such a conversation will not be reported to any administrator, officer, or committee of the SMH, except as required by applicable law. The team's consultant will not keep written records of complaints or discussions. The consultant's role is entirely independent of any complaint the participant may decide to pursue through the SMH's formal complaint procedure.

Should a participant wish to file a formal complaint, the person must contact an intake team investigator.

In the event that any member of the intake team is involved in or has a relationship with any party to the dispute, the team member will be recused after contacting another member of the intake team to address the issue.

7. The Misconduct Complaint Procedure

Any SMH participant may file a complaint alleging misconduct or improper behavior occurring at any SMH event, or SMH-sponsored event at a function by another organization that does not have a policy and process, within six months, preferably sooner, of the incident. A formal complaint may be filed by contacting an intake investigator via the CCC's email address or at a cell phone number that will be provided at the SMH's annual meeting. Complaints should be in writing.

After the complaint is filed, an intake investigator will contact the target of the alleged offense for permission to proceed if that person was not the reporter of the incident and will contact the individual (alleged violator/respondent) whose conduct is at issue in order to hear their perspectives. The investigator will promptly interview both parties and any witnesses to the incident identified by either party or discovered during the investigation, and will also advise them about maintaining confidentiality. Should the complainant fear escalation, the investigator may advise the respondent to maintain physical distance and/or no-contact during the review process. The investigator will write a brief report stating the findings and determination, and the factual basis for the decision.

The investigator submits the report to the referee team. Should the report indicate possible criminal behavior, the complainant should be advised to contact law enforcement, otherwise the team commences its review. At that time the CCC chair will allow the respondent and complainant to respond to the report in writing within 30 days. Their responses inform the next steps, which include a series of evaluations to determine substantiation and appropriate resulting actions.

A. In determining whether misbehavior rather than gross misconduct has occurred, the referee team will consider if the conduct was discourteous or unjust, an isolated incident, and whether or not it was discontinued upon request. If a participant continued to engage in such conduct after a request to discontinue it or if the conduct was pervasive or egregious, then it may be considered harassment and evaluated accordingly. If it is determined that the complaint is without merit or unsubstantiated then the case is dismissed. If the conclusion is that the behavior was an isolated event and/or that it was reprehensible but not egregious, the possible penalties include:

    1. Private reprimand from the CCC Chair and/or SMH President.
    2. Reprimand from CCC Chair with complainant and committee members present.
    3. A warning to avoid such behavior in the future with a record of the warning retained (see section 8, Recordkeeping) in case of future violations.

B. In evaluating whether misconduct has occurred, the CCC, using both a substantial evidence and a "reasonable person" standard (see section 2b.), will determine whether discriminatory or harassing conduct has occurred that negatively affected the complainant's SMH experience.

The Committee will then determine if and what kind of sanctions are appropriate. When a participant is found to have engaged in discrimination or harassment, the SMH may apply one or more of the following possible sanctions:

1. Issue a warning to cease the discriminatory or harassing behavior and retain a record of that warning (see 8, Recordkeeping) in case of future violations;
2. Require the respondent to appear before the CCC and SMH President to learn about the consequences of their behavior and about likely consequences of similar behavior in the future;
3. Restrict or terminate current SMH conference participation and any SMH responsibilities or appointments held;
4. Bar the person from assuming any future governance positions within SMH;
5. Suspend or bar the person from participating in future SMH conferences or events;
6. Revoke SMH awards or honors; and/or
7. Revoke SMH membership as permitted by law and SMH governing documents.

If a member's actions result in a court case in which the member is judged guilty of a criminal offense against a SMH participant, the society will apply sanctions.

Sanctions will be submitted to the SMH's attorney for legal review before they are imposed.

The chair of the Conduct Complaint Committee will notify both parties of the CCC's decision. Should either party wish to appeal, they may submit a written argument, with additional evidence if available, within 30 days, which the chair will submit to the Vice President of the SMH and the Executive Director for review and confirmation or alteration of the original decision. Should either be involved in the dispute or closely related to a party involved in the dispute, they would be recused and either the President of the SMH or a trustee would serve as an alternate. Decisions of the ad-hoc appeals committee are final.

8. Recordkeeping

The SMH's Executive Director will prepare two annual reports. The first report, like other committee reports, is a section in the general annual report; it will contain summary information about the number and types of complaints received. No names will be included in this report.

The second report will describe each complaint and action taken, with all names included. This report will be held as a confidential record by the Executive Director and may be consulted only by the SMH President and Vice President in the course of their official duties, or as otherwise required (discoverable) by law. The Conduct Complaint Committee may query the Executive Director to check and disclose filed reports for previous complaints and actions related to named

persons specific to an on-going investigation. The confidential reports shall not be sent to the SMH archive at Kansas State University and will be destroyed after seven years from adjudication.

9. Policy Review

The SMH should conduct climate surveys of its membership and/or of conference attendees every 4 to 6 years to determine the prevalence of discrimination and harassment. The SMH Board of Trustees will review such climate survey data along with the summary complaint records to identify any shortcomings in the policy that it may address so as to make changes to bring SMH closer to having an environment free of discrimination and harassment.

Revised and approved, 12 October 2020.
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