

STAFF RECOMMENDED PROCESS FOR INCORPORATING THE COUNCIL COORDINATION COMMITTEE (CCC) HARASSMENT POLICIES AND RECOMMENDATIONS FOR DEFINING PROFESSIONAL MEETING DECORUM

Introduction

Throughout much of 2022 the CCC and the Pacific Fishery Management Council (PFMC or Council) developed and considered procedures for responding to issues of harassment. In November 2022, the Council directed staff to incorporate the recently completed CCC policies on addressing allegations of harassment (Attachments 3 and 4) into Council rules. While developing the procedures outlined in the previously referenced attachments, several matters were brought to the attention of staff. These items can all be generally considered as issues that work to prevent harassment and to foster a healthy, productive, and professional environment at Council-related meetings. A review of other agencies and corporate practices indicates that rules of decorum are often expressed as codes of conduct, professional workplace policies, and/or respectful workplace policies. Such documents aim to establish expectations and seek to help avoid problematic efforts before they occur. Staff believe that, as part of the Council's discussion and adoption of the CCC harassment policies, a broader discussion is appropriate concerning rules of conduct. This paper outlines some brief history of the Council's recent consideration of these issues, a review of procedures contained in existing Council documents and the CCC harassment policies, and staff suggestions for how existing documents could be refined to incorporate matters of professional conduct—an issue that is intended to ensure a healthy and respectful work environment, and that prevents matters of harassment before they occur.

Background

This section provides relevant background regarding the intention and historical development of procedures and policies around harassment and conduct. This includes history relevant to the Council's COPs, SOPPs, and recent efforts of the CCC.

Council Operating Procedures (COP)

In November 2018, the Council tasked staff with developing a code of conduct for advisory groups¹ ([November 2018 transcripts](#)). Draft COP language² was proposed and approved in April 2019 ([Agenda Item D.5, Attachment 1, April 2019](#)) and incorporated into the [COP](#). The language is slightly different depending on group referenced but all updates addressed the replacement of members who violated the [Rules of Conduct for Employees and Advisors and Contractors of Regional Fishery Management Councils](#), which relate to financial conflicts of interest, misuse of Council resources and influence, political activities and affiliations, and rules that apply to individuals after leaving Council service. The updates also addressed removal of members³ for just case including violations of marine resource regulations, felony convictions, and reports of

¹ Hereinafter advisory groups refers to advisory subpanels, advisory bodies, standing committees, and adhoc committees.

² Specifically, the revisions were suggested for COP 2 Advisory Subpanels; COP 3 Plan, Technical and Management Teams; COP 4 Science and Statistical Committee (SSC); COP 6 Habitat Committee; and COP 8 Ad Hoc Committees.

³ The excerpt is from COP 2, hence the reference to members, though similar language is found in all advisory group COPs.

sexual harassment or rude and disruptive behavior. The COP state that removal can occur when a member

“...repeatedly fails to adhere to proper decorum and to show respect for other panel members, or the panel itself, as evidenced by rude and disruptive behavior and/or an unwillingness to refrain from abusive treatment or harassment of other members and/or Council staff assigned to assist the advisory panel in carrying out its business of providing recommendations to committees and the Council. Reports of such behavior should be made to the Executive Director or Council Chair so that the incidents(s) can be properly investigated.”

The COP addresses interactions between members of a particular committee and the assigned Council staff but does not extend to other Council process participants such as members of the public, state and Federal employees, other Council staff (e.g., Executive Director, Deputy Director, Secretariat, and IT), and external consultants or contractors in attendance. The COP also does not outline in detail the process for reporting incidents or allegations of harassment and the associated roles and responsibilities of leadership.

Statement of Organization, Practices, and Procedures (SOPP)

The [SOPP](#) represent binding purposes, processes, and procedures to which the Council is obliged to adhere as required by the Magnuson-Stevens Act (MSA). The SOPPs provide an overarching view of Council operations, referring details of advisory group membership and expectations to the COP. One section, Conduct of Meetings, outlines the requirement to hold meetings that are open to the public and in a place physically accessible to people with disabilities, as required by law. There are no statements regarding procedures for reporting and addressing allegations of harassment of Council participants. The SOPP also outline employment practices for the Council including a reference to procedures Council staff must follow for allegations of discrimination or harassment, which are outlined in the internal Council Personnel Rules document.

Council Coordination Committee (CCC)

In 2019, the CCC requested the assistance of NOAA General Counsel to develop model policies for addressing allegations of harassment in the Council process. The CCC worked with Mr. Adam Issenberg, NOAA Office of General Counsel, to develop one policy that addresses situations where Council staff is the alleged victim and another policy to address allegations of harassment experienced by Council participants other than staff (e.g., Council members, Advisory Body members, SSC members, consultants, etc.). Mr. Issenberg told the CCC that there is room for adaptation for each Council to adapt these policies and determine the vehicle for implementation – e.g., standalone policies or integrated into an Administrative Handbook, SOPP, etc.

In addition to the above documents, the National Marine Fisheries Service offered to provide a training course for Council supervisors, employees, and Council process participants. The training was launched in November 2022 with a deadline of February 28, 2023, to complete the training. As of drafting this document, all Council staff and a substantial number of PFMC participants have taken the course.

Personnel Rules

The Council Personnel Rules outline reporting procedures for employees that are experiencing or aware of discrimination, harassment, or sexual assault.

Current Efforts

This section describes efforts to modify the Council procedures, rules, and policies according to direction that has previously been given to staff by the Council. This includes incorporation of the CCC's harassment policies into our Personnel Rules, COP, SOPP, and into Council rules as and where appropriate.

Personnel Rules

At the time of drafting this document, staff are working to incorporate the Model Fishery Management Council Policy on Addressing Allegations of Harassment of Council Employees (Attachment 4) into the Council's Personnel Rules.

Incorporating the CCC Policies into Council Operational Documents

Similar to other councils, Pacific Council staff are working to reference the CCC harassment policies into Council rules and procedures as appropriate. We envision the Policy on Addressing Allegations of Harassment of Process Participants Other Than Council Employees (Attachment 3) as a standalone document with a short title of "Harassment Procedures Policy" that is referenced and linked in COP 1 and the SOPP (Attachments 6 and 7). A standalone document should enable an individual in need of the policy to have easy access to the information and procedures if a harassment incident should occur.

Additional Staff Recommendations

As staff have worked on issues concerning harassment in recent years, other matters have come to light that are germane to the discussion and consideration of fostering a healthy work environment. These other matters are in addition to the modification of rules, procedures, and policies described above. In general, these other matters can be considered ways in which a healthy environment can be established and where issues of harassment or other inappropriate conduct can be avoided. This section describes ways in which Council staff believe Council policies or practices can be refined to create a healthy work environment.

Skills and Capacities of Council Staff

Council staff are committed to facilitating respectful discussions on challenging natural resource issues with the goal of providing high quality products to inform robust Council decision-making. Staff will model appropriate professional behavior and work with the Chair/Vice Chair of the Council and advisory groups to promote an atmosphere of respect and collaboration and address harassment as outlined in the policies and Personnel Rules. In addition to the NOAA-sponsored harassment training, assuming resources are available, Council staff will seek training in meeting facilitation, managing conflict, and addressing and preventing harassment.

Further refinements to COPs

As noted above, the COP language addresses removal of advisory group members based on inappropriate interactions between members of a particular committee and the Council staff assigned to the committee but does not extend to other process participants such as members of

the public, state and Federal employees, other Council staff (e.g., Executive Director, Deputy Director, Secretariat, IT), and external consultants or contractors. Staff recommend editing all relevant COP to include protections for all Council participants as follows

~~“...repeatedly fails to adhere to proper decorum and to show respect for Council participants ~~other panel members, or the panel itself~~, as evidenced by rude and disruptive behavior and/or an unwillingness to refrain from abusive treatment or harassment of other Council participants ~~members and/or Council staff assigned to assist the advisory panel in carrying out its business of providing recommendations to committees and the Council.~~”~~

Enhancing the Intent to Serve Form

When advisory group members are appointed by the Council they are asked to sign an Intent to Serve form which states they agree to the [Rules of Conduct for Employees and Advisors and Contractors of Regional Fishery Management Councils](#) and to have their contact information published in the roster. They are also provided materials in support of their role including a copy of the COP, SOPP, MSA, etc. Council staff proposes to modify the Intent to Serve form to ask members to commit to following the procedures outlined in the COP and the proposed Harassment Procedures Policy. Further, the Intent to Serve Form would be modified to include the statement:

~~“I agree to follow the process and procedures outlined in the Council Operating Procedures and Harassment Reporting Procedures. I commit to promoting an environment that encourages mutual respect, promotes civil discourse, and is free from all forms of harassment and discrimination during Council-sponsored meetings. I understand that as a member of a Council advisory body, I am expected to conduct myself in a professional manner when on Council-funded travel and when attending Council-sponsored meetings for the duration of such travel and meetings, including when the meeting is in recess.”~~

Council staff are also exploring improvements to our advisory group onboarding process to orient new members to their role and to review Council policies and procedures.

Ground Rules

The Council could consider implementing additional steps to further define behavioral expectations. Given the challenging natural resource issues and diverse perspectives of Council participants, disagreements are bound to occur. Healthy debates and respectful disagreements can encourage a deeper investigation of the issues and generate better ideas for Council consideration. However, there are behaviors that can occur during a debate that may not rise to the level of harassment or discrimination but are unprofessional, disrespectful, and undermine the free flow of ideas that would best serve the Council's decision-making process. In response to similar concerns, many state and Federal agencies, corporations, and organizations have adopted respectful workplace policies, codes of conduct, or similar documents that express their commitment to promoting and maintaining a safe and healthy work environment where every individual is treated with civility and respect.

The Council is governed by Robert's Rules of Order which are the standard for facilitating discussions and group decision-making. Guiding principles of Robert's Rules of Order are that everyone has the right to participate in the discussion after recognition by the Chair, only one

question is considered at a time, members have a right to know at all times the question at hand, and the Chair should be strictly impartial. Advisory group meetings are conducted in a much less formal environment and, while the COP state that advisory group members will “...adhere to proper decorum...” and “...show respect...”, expectations are not defined further. Advisory group operations might be improved by establishing ground rules, which are explicit descriptions of acceptable and unacceptable behaviors for team members. The Council could adopt one set of ground rules that apply to all groups or ask each group to establish their own. An example set of ground rules for Council consideration can be found in Appendix 2.

The Council could also encourage each advisory group to document their unique operations and share them on their advisory group website (see [Advisory Groups webpage](#)). The groups could develop and document techniques they use to facilitate healthy debates and for reviewing, resolving, and finalizing statements. Documenting the individual group protocols would help communicate the expected protocols and meeting decorum to both the members, others in attendance, and the public. For example, the SSC has identified and defined roles for each agenda item – Discussion Leader and Rapporteur – and conducts business in a more formal manner than many Council Management Teams or Advisory Subpanels.

Conclusion

As recommended by the Council in November 2022, the CCC harassment policies are proposed to be incorporated into the Council rules and procedures as appropriate. Staff recommend that the Policy on Addressing Allegations of Harassment of Process Participants Other Than Council Employees (Attachment 3) be adopted as a standalone document with a short title of “Harassment Procedures Policy” that is referenced and linked in COP 1 and the SOPP (Attachments 6 and 7). Staff are currently working to incorporate the Model Fishery Management Council Policy on Addressing Allegations of Harassment of Council Employees (Attachment 4) into the Council’s Personnel Rules. Staff also recommend the Council consider additional steps to advance the atmosphere of respect and collaboration necessary to provide quality products to support Council decision-making. Specifically, staff propose the Council consider modifications to the Intent to Serve Form that would outline behavioral expectations, establishing ground rules groups, and documenting group-specific protocols that facilitate healthy debate and statement generation.

Appendix 1 – Modified Intent to Serve Form



PACIFIC FISHERY MANAGEMENT COUNCIL

INTENT TO SERVE FORM

Month Year

Name, Committee

In agreeing to serve on an advisory body to the Pacific Fishery Management Council, I agree to abide by the rules of conduct for advisory bodies as specified in the U.S. Department of Commerce [Rules of Conduct for Employees and Advisors and Contractors of Regional Fishery Management Councils](#). I agree to follow the process and procedures outlined in the Council Operating Procedures and Harassment Reporting Procedures. I commit to promoting an environment that encourages mutual respect, promotes civil discourse, and is free from all forms of harassment and discrimination during Council-sponsored meetings. I understand that as a member of a Council advisory body, I am expected to conduct myself in a professional manner when on Council-funded travel and when attending Council-sponsored meetings for the duration of such travel and meetings, including when the meeting is in recess.

In addition, I understand it is important that Council staff be able to provide information to me, and it is important for members of the public to be able to contact me regarding matters relevant to my participation on a Council Advisory Body. I understand the Roster Information below will become part of the published *Pacific Council Roster* and will be provided to the public upon request for the duration of my appointment.

Signature

Date

Roster Information

Title (optional):

Affiliation or Company:

Address:

City, State, Zip:

Phone Number:

Cell Number:
(not published)

Email:

Physical Address (if different than above)
(Federal Express mailing purposes only – not published)

Company:

Address:

City, State, Zip:

Appendix 2 – Example Ground Rules

Draft Example PFMC Advisory Body Ground Rules⁴

All Council participants are responsible for holding each other accountable to the following ground rules. Reports of inappropriate behavior will be taken seriously and followed through to resolution per the Council's [Council Operating Procedures](#) and Harassment Procedures Policy [Insert link when posted].

- a. Treat everyone with respect.
- b. Listen and seek to understand differing views or opinions.
- c. Wait to be recognized by the moderator before speaking. Do not interrupt or engage in side conversations when others have the floor.
- d. Represent information honestly and openly.
- e. Refrain from using offensive, disrespectful, or derogatory language. Personal or organizational attacks or insults will not be tolerated.
- f. Allow for a balance of speaking time – moderate the length and number of times each individual speaks on each topic.

PFMC
02/15/23

⁴ Modified from [Setting Ground Rules - Civil Discourse and Difficult Decisions](#).