Annex to the Code of Conduct

Code of Conduct Drafting Initiative

11.03.2024

This Annex to the main body of the stsing Code of Conduct (CoCo) is intended to be used by the stsing ombudsgroup as an interpretative resource during the group's deliberations. As such, it brings together insights, sources, and advice that reflect the collaborative efforts of the Code of Conduct Drafting Initiative (CoCoDI, June 2023–March 2024). During the final phase of CoCoDI's work, it was decided that the CoCo text itself would be citation-free, so that its visual presentation wouldn't be cluttered with brackets and its text flows uninterrupted. This decision mandated the creation of the Annex as a place to relate to (and properly cite) those works that helped us access a language appropriate for drafting the CoCo and for shaping our Preamble principles and list of prohibited behaviors.

As one might surmise, our efforts to compile the CoCo drew on a variety of sources[1], which, when read together, reflect experiences specific to academia as a work- and life-context (e.g., career trajectories across many institutions, countries, levels of experience and disciplinary settings) and academic debates specific to Germany. One highly complex area of interest and activity has been the way universities' competition over rounds of Excellence Initiative funding intertwines with the WissZeitVG, thus deepening the neoliberalization of research organizations, academic "brands" and cultures often at the expense of academic minorities and vulnerable groups (AG Macht und Gender in der Wissenschaft & 1115 UnterzeichnerInnen, 2020; Alt, 2023; Böhm & Gerloff, 2023; Lippert et al., 2021; Ohm, 2022; Vatansever, 2020; Winkler & 170 Professor*innen gegen Machtmissbrauch an Universitäten, 2023).

We are approaching the task as one of soft definitions: comprehensive text that is meant to inform and to guide, but neither to delimit the interpretative work on behalf of the ombudsgroup within the confines of each definition, nor to strongly demarcate categories from one another. The Annex should be considered a highly relational document, which invites its users to think about power abuse and harassment along certain lines (i.e., intersectionality) and tactical alliances we have formed (among concepts, movements, and actionable or programmatic elements, i.e., WeDoSTS, MaWi, Aktionswoche zum WissZeitVG etc.). We sought to nurture and further extend them. Institutional and political positions were reviewed in our work (e.g. shifting DFG definitions and policies). This is another reason for the soft definitions: some categories are more institutionally and culturally entrenched than others, and regulations reflect that; some phenomena better documented. We gather all that is relevant to us, without putting categories into a hierarchy. As CoCoDI, we were advised and encouraged to consider the possibilities of the Code of Conduct for empowerment and prefigurative political aspirations (Liebscher, 2023; studiolab. Arbeit an Arbeit, 2023). Our CoCo is a social document, more configurable than legal instruments[2], university policies or union platforms. It is stsing's living document, covering and guiding a diversity of self-organized contexts and our heterogeneous interactions. As such, the CoCo and this Annex throw a wider net, synthesizing multiple positions, voices, and commitments.

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[1] They include, but are not limited to, contemporary epistemic activisms, available literature, programmatic advocacy, and emerging expertise.

[2] The Allgemeines Gleichbehandlungsgesetz's regulatory scope is very clear in some cases (e.g. stsing hires someone), but not so clear in the general doings/"Vereinsleben". The *Berliner Landesantidiskriminierungsgesetz* covers more areas, but is one of its kind in Germany, so far.

Categories defined (In order of appearance at CoCo)

Abuses of power, including labor-related

Abuse of power is defined as the use of one's position of power to take advantage of someone in a lower position, for personal gain and/or to harm that person. In academia, being in a lower position can mean being subordinate (or marginal) in academic hierarchies (lower in order, degree, or rank) and/or possibly being directly dependent on an academic advisor. Assessing whether a situation involves the abuse of power requires an examination of the structural circumstances that gave rise to the allegation of abuse of power, taking into account the ways in which the intent, or alleged lack of intent, to personally benefit and/or to harm contributed to someone being harmed nonetheless. In scholarly collaborations and supervised career trajectories, personal gain and actual harm are increasingly expressed in terms of someone's professional gain at the expense of another's personal and professional well-being and overall chances. We recommend that the ombudsgroup seeks to establish such correlated expressions, following the values and procedures described in the CoCo.

The movement against power abuse as a bridge to other categories defined

Beyond defining abuse of power, it is crucial to acknowledge its role as the central category of the CoCo and its function as a bridge to other categories here defined. In recent years, a topic of political protest and scholarly interest has been the exact ways that the steep hierarchies, which historically have characterized the German academic system, are seen to interact with newly introduced highly exploitative, neoliberal policies for the strict (rejection-, rather than promotion-oriented) regulation of scientific career trajectories. Hashtag activism on social media (especially the hashtags #IchBinHanna and #IchBinReyhan) targeted the prevalence of precarious academic employment and proved effective in developing a sociopolitical discourse that "challenges the individualization of systemic problems." (Wagne et al., 2024, p2) Consequently, it might not come as a surprise that the debate over abuses of power (Machtmissbrauch) in German academia has taken on an explicitly labor-related character: Different voices have problematized 1) how the exploitation of already precariously employed junior and mid-career professionals is contributing to highly compromised collegial relationships or otherwise harmful workplace interactions (Lasser & Täuber, 2023; Salomon, 2023); 2) how migrant scientific personnel experiences a heightened precarity at the margins of academia (Burlyuk & Rahbari, 2023; Vatansever & Kölemen, 2020); 3) how policies nominally aiming for equality are often failing vulnerable groups and academic minorities (Liboiron et al., 2017; Täuber, 2022); and 4) how stressing the (now disrupted, undermined) permanency[3] of our academic labors/tasks and fostering solidarity

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[3] In relation to the point of permanency, various political readings have been offered. The "declaration by numerous scientific associations on the precariousness of scientific careers and #ichbinhanna" read it as a major irony on behalf of Ministry policies ignoring the protest of precariously employed academics yet "rel[ying] massively on their performance

is the way ahead for jointly promoting the stakes of different types of labor in academia (see the campaign on permanent jobs for permanent tasks: GEW - Die Bildungsgewerkschaft, 2022). Our advice for the ombudsgroup would be to remain curious, following the development of the movement and of policy reform; and to remain vigilant, identifying abuses of power in our midst, especially when it is about behaviors rationalized by superiors, normalized by bystanders, ignored or minimized in significance by academic leadership or administration, and overall enabled by chronic institutional and bystander inaction.

Community misconduct

Community misconduct is defined as intentionally deployed, derogatory or otherwise humiliating communication directed toward a colleague or subordinate in a persistent manner, aiming for their social isolation at the workplace or removal from professional networks. The definition extends to cover commentary of the same character, persistence and aim, even when made behind a person's back, instead of directly to their face. As CoCoDI we draw attention to the wide recognition in regards to the prevalence of academic bullying and career sabotage in recent years (Barrera-Saldaña, 2022; Mahmoudi, 2018; Täuber & Mahmoudi, 2022), and more traditional forms, like the uses of professional slander and/or isolation tactics that perpetuate gender disparities in hiring and promotion decisions (Jansen et al., 2022).

For assessing whether a situation has involved community misconduct, it is important that all elements of the definition (character, persistence and intention to isolate/remove) are factually established. This category captures a subtlety in the abuse of power debate–namely, that certain patterns of communication prove harmful and are strategically deployed, even when they do not appear as yielding any immediate personal and professional gains. The qualifier of 'community' in front of misconduct points toward the wider effect this misconduct has for the academic populace: the removal of perceived academic competitors by weaponizing their academic minority status against them and thus deepening their marginalization.

We recommend that the ombudsgroup not only focus on the reported content/pattern of behavior, but examine the actual composition of the immediately surrounding group/work-place (i.e., degree of homogeneity ethnically, disciplinary, in terms of gender etc., but also its history of resignations, the profile of those who quit the academic path or abandoned qualification work midway). Often the community composition, from which such allegation stems, shows the effects of this type of misconduct long term.

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to maintain research and teaching" (DGfA - Deutsche Gesellschaft für Amerikastudien et al., 2021); From an international comparison standpoint, the notion of 'permanent temporariness' has been suggested, see. Sandberg (2023).

Publication misconduct

Publication misconduct is defined as the intentionally misleading written and/or visual presentation of research output (often via the falsification or fabrication of images, graphs and data), or the unwarranted claim of others' work (non-credited use of published output or the appropriation of another's research), including forced/ghost co-authorship. Historically this misconduct is abbreviated as FFP, short for the trio of fabrication, falsification, and plagiarism. As CoCoDI we chose a different name for what is usually denoted as 'research misconduct' and, in Germany, 'scientific misconduct' (wissenschaftliches Fehlverhalten). The reason for this is that we didn't necessarily want to buy into the suggested primacy of this type of misconduct over others (something suggested by the subordinate placement of abuses of power in relation to the notion of "wissenschaftliches Fehlverhalten" as defined[4] in the Guidelines for Safeguarding Good Research Practice (Deutsche Forschungsgemeinschaft, 2019). Our reading of the DFG Guideline also differs from that of the Network against Abuse of Power in Science[5] (Netzwerk MaWi, 2021). Instead, we recommend that the different types of misconduct, covered by this Annex, are considered at their intersections, as defined in this Annex and on a case-by-case basis.

The prevention or response to this type of misconduct has been a priority area for research organizations and science policies for at least two decades. To properly assess the validity of publication misconduct allegations heavily depends on accessing (and protecting from interference, sequestering) the record of raw research material, the pool of coauthors and all relevant communications, past and present. Our expectation is not that the ombudsgroup replaces an administrative process of investigating. This is a rather unrealistic scenario. A plausible scenario might be to be called upon to address hybrid types of publication misconduct (intellectual theft, unwarranted claim of co/authorship etc.) within a stsing working group collaboration. Alternatively, the ombudsgroup might be called upon to respond to a case of unwarranted claiming of co-authorships by a research group leader when parties involved are members, with one or more experiencing dependencies (PhD students), finding it difficult to challenge the abuse of power. In either case, we recommend that the ombudsgroup attends to the ways members might stand in a hierarchical relationship (employer, supervisor, project leader, etc.) outside of stsing, which in turn affects relations within stsing. Subsequently the ombudsgroup may proceed by following the values and procedures described in the CoCo.

A few other plausible scenarios are worth considering. The first is being notified of the result of an administrative process elsewhere, where the misconduct of one or more of our members has been

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[4]Specifically, the DFG's Guidelines strictly demarcate what constitutes misconduct in science, allowing for the rather narrow trio of FFP: "Nicht jeder Verstoß gegen die Regeln guter wissenschaftlicher Praxis stellt ein wissenschaftliches Fehlverhalten dar. Als wissenschaftliches Fehlverhalten kommen nur solche vorsätzlichen oder grob fahrlässigen Verstöße in Betracht, die in einem Regelwerk niedergelegt sind. Als Tatbestände wissenschaftlichen Fehlverhaltens gelten insbesondere die Erfindung und Verfälschung von Daten und das Plagiat." (p.25)

[5]"Mit dem 2019 in Deutschland in Kraft getretenen DFG-Kodex gilt Machtmissbrauch auch als wissenschaftliches Fehlverhalten." (online, §1)

established. Under this scenario, the ombudsgroup is advised to consider its options for a response from its pool of available routes. The second scenario is to identify the ways publication misconduct might feature as a background or parallel misconduct to an internally received allegation of a different type. Under this latter scenario the ombudsgroup is advised to again consider its options for a response from its pool of available routes.

Sexual harassment

Sexual harassment is defined as severe or pervasive unwelcome advances of physical or emotional intimacy or touching, as well as severe or pervasive verbal or non-verbal communication of a sexual character, regardless of the gender of the person affected. As an association that (co-)organizes events, our definition covers forms of sexual harassment that occur in academic workplaces shared by our members or that take place during our own events, either in person or online. Upon receiving a complaint alleging sexual harassment, the ombudsgroup should be prepared to assess the severity of the offense, the immediacy of the situation, and the urgency of the response. Extreme forms of sexual harassment, such as assault and rape, are crimes, and therefore the ombudsgroup may encourage the victim to seek immediate medical attention and may also assist the victim in reporting the crime to the authorities. Matters may also become challenging due to the often-intersecting nature of certain severe or pervasive unwelcome sexual advances with other types of prohibited behavior, like abuse of power or community misconduct. There are times when an incident that comes to the attention of the ombudsgroup as a single episode turns out to be indicative of systemically practiced, predatory behavior (repeat offender, multiple complaints). Our recommendation to the ombudsgroup is to consider how to protect the entire stsing community from predatory behavior, following the values and procedures described in the CoCo, especially tools such as restorative justice (if desired by the victims of harassment).

Discrimination

Discrimination is defined as the unfair treatment of individuals or groups on the basis of sex (including actual or perceived sexual and gender identity, as well as pregnancy, marital status and parental status, but excluding sexual harassment), or on the basis of group membership, identity or appearance, including but not limited to, age, disability, ethnicity, nationality, socio-economic status or background, religion, citizenship status and criminal record. Discriminatory treatment might be direct or indirect, targeted harassment, multidimensional and intersectional discrimination, and any form of instruction or incitement to commit discrimination (The Federal Anti-Discrimination Agency (FADA), 2021).

As CoCoDI we discussed various specific situations where discrimination may manifest in academia:

desk rejection of submitted work such as manuscripts, grant applications, conference papers, or award applications when acting as an editor, peer reviewer, panel convener, conference organizer, publisher, funder, or departmental research manager; Inadequate and artificially prolonged cycles of criticism and review of submitted work when acting as a (graduate) advisor, principal investigator, conference participant, or in any of the foregoing positions; Intellectual ghosting or active invisibilization of certain groups (e.g., see Matilda effect) by denying their intellectual contribution or engaging in, what is often called, "citation cartels". We recommend that the ombudsgroup remains abreast of conceptual innovations of the Federal Anti-Discrimination Agency, the authority currently tackling the serious complexities in recognizing and assessing the broader effects of discrimination in postmigrant societies like Germany (so, the big picture), yet we also recommend that the ombusgroup seek to work out, case by case, exactly how the experience of having been discriminated against intersects with abuses of power, community misconduct and de facto exclusions (the specific picture).

Defacto exclusion/s

Defacto exclusions is a category created to address the exclusion from resources, means, opportunities, and interactions, especially when others in a shared professional environment take this access for granted. As CoCoDI we view defacto exclusions as an indisputable reality of many in academia. It is an effect structurally produced often by unsuspecting, even well-meaning, people or whole policies. In this sense, it differs from discrimination, and yet it happens around us, inadvertently, incidentally, and all the time.

Starting from exclusion as an effect, we realized that a series of reported negative experiences in academic environments may become tangible, and so may be addressed, as members of one single category. It has been suggested that we now see these effects in a more pronounced manner due to inclusion and diversification having become programmatic areas of institutional activity, including recruitment of HR. We are witnessing the "first round" of critique over their reach and performance–and the reports aren't flattering for Diversity, Equity or Inclusion (Ahmed, 2007, 2021; McKenzie, 2022; Täuber, 2020, 2022; Täuber et al., 2022). As CoCoDI we remain curious about the effects this criticism will have for Diversity, Equity and Inclusion policy and other related policies, also how movements will take these observations up; yet we considered it inappropriate to taxonomize it under forms of discrimination or power abuse and, instead, we assigned it a category that could still direct the ombudsgroup toward potential intersections.

Links to other initiatives and samples of online writing

We have compiled a repository of literature/other sources and configured it as a "public, closed membership" Zotero Group, which means that only members have editing rights (its name is CoCoDI_literature_stsing, and one may request to become a member either via clicking the link and sending a request (requires a Zotero account), or find the group via keyword search.

Codes from other (STS) associations – archived links; need to always compare with latest:

- 4S 2022 Ethics and Code of Conduct Policy. https://web.archive.org/web/20230529160926/https://www.4sonline.org/news_manager.php?page=29422

- EASST 2023 Code of Ethics. https://web.archive.org/web/20231209153133/https://easst.net/code-of-ethics/

- EASA Integrity Committee Statement on sexual harassment and bullying. https://easaonline.org/publications/sexualharassment

Some statements/reports from some of the initiatives that were mentioned across the Annex:

- The website documenting the public response to #IchBinHanna. https://ichbinhanna.wordpress.com/

- #AktionswocheWissenschaft, Bundesweite: Ideensamlung für Aktionen. https://mittelbau.net/aktionswoche-12-16-juni/

- Netzwerk MaWi Fallbeispiele, including #STS. https://www.netzwerk-mawi.de/fallbeispiele

Samples of online writing

- #WeDoSTS, original Medium post & Addendum. https://medium.com/@claudia_gertraud/on-its-20th-anniversary-my-testimonial-on-the-harvard-sts-program-64100f6caac7 (2022, 2023)

- Costs Untold. Medium post in support of WeDoSTS (2022) https://sts-news.medium.com/costs-untold-sheila-jasanoff-and-metoosts-6a101d361999

Popular media coverage on related themes:

- #IchBinTina Overview documentation and Newsletter (2021-2024). https://www.docdroid.net/qAMmjsg/231029-uebersicht-pdf

- #MeToo in Science – Was hilft gegen sexuelle Belästigung an Hochschulen? Deutschlandfunk, January 7, 2021. https://www.deutschlandfunk.de/metoo-in-science-was-hilft-gegen-sexuelle-belaestigung-an-100.html

- Mobbing im Labor: Wissenschaftler*innen fordern strukturelle Reformen. Deutschlandfunk, March 22, 2023. https://www.deutschlandfunk.de/mobbing-im-labor-wissenschaftler-innen-fordern-strukturelle-reformen-dlf-621ce53c-100.html

- Machtmissbrauch an Hochschulen: Die alltägliche Schikane. WDR, April 23, 2023. https://www1.wdr.de/nachrichten/landespolitik/hochschulen-nrw-machtmissbrauch-schikane-betroffene-erzaehlen-100.html

- Tatort Uni: #MeToo und Machtmissbrauch an Hochschulen. ZDF, July 19, 2023. https://www.zdf.de/uri/24d39c65-06cd-4108-aa30-83ab61c3f266

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