



Code of Ethics

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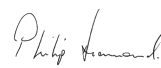
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1 Introduction

- 1.1. Everyone involved in the SKA Observatory shares responsibility for the welfare of the SKA community and the reputation of the organisation.
- 1.2. All members of the SKA Community must act ethically in the conduct of their work, in relations with members of the public and other members of the community.
- 1.3. All members of the SKA Community are required to act ethically in their professional activities, encourage ethical behaviour by Staff, colleagues, and employers and to consult with others as needed regarding ethical problems and concerns.
- 1.4. This Code will be regularly reviewed to ensure compliance with any legislative changes.

2 Policy Principles

- 2.1 The Code defines the standards and professional behaviours expected of the SKA Community and sets out the minimum standards of ethical behaviour relating to work carried out in support of the SKA Observatory.
- 2.2 The Code of Ethics applies in the workplace, and outside the workplace, where actions could cause SKA Observatory reputational damage.
- 2.3 SKA Observatory will ensure that the SKA Community is aware of the Code of Ethics and the standards of professional behaviour expected of them. It is the responsibility of all members of the SKA Community to ensure that they understand their responsibilities.
- 2.4 Any member of the SKA Community who experiences or witnesses a possible violation of the SKA Observatory Code of Ethics, is expected to report it as described in section 4.3.3 below.
- 2.5 SKA Observatory believes that all people encountered in professional life should be treated with respect. At no time is abusive, demeaning, humiliating, or intimidating behaviour acceptable; abuse of power is unacceptable.
- 2.6 SKA Observatory encourages everyone to work to provide an environment that encourages the free expression and exchange of ideas, valuing difference and recognising the contribution from those with different cultures, backgrounds, opinions, and ideas.



3 Policy Scope

3.1 This Policy applies to all members of the SKA Community, including but not limited to:

- Employees
- Secondees
- Studentships
- Fellowships
- Consortium members
- Contractors
- Affiliates
- Meeting attendees.

3.2 Employees, Secondees, Studentships, Fellows and Contractors are also required to comply with the SKA Observatory Standards of Conduct and Behaviour.

4 Policy Statement

4.1 Harassment, Bullying and Discrimination

4.1.1 SKA Observatory aims to promote equality of opportunity and fair treatment for all stakeholders.

4.1.2 Harassment or discrimination on the grounds of gender or sex, race, colour, nationality, ethnic and national origin, religion and belief, age, marital or civil partner status, sexual orientation, gender identity and expression, gender reassignment, disability, pregnancy or maternity, family or carers responsibilities or any other protected characteristic defined in local guidance is not acceptable and will not be tolerated.

Harassment

4.1.3 A single incident can amount to harassment.

4.1.4 Acts of harassment can include, but are not limited to, the following:

- verbal harassment (e.g., comments that are offensive or unwelcome, including epithets, slurs, teasing, and stereotyping).
- nonverbal harassment (e.g., obscene gestures).
- distribution, display, or discussion of inappropriate written or graphic material or material that ridicules, denigrates, insults, belittles, or shows hostility or disrespect toward an individual or group); or



- or physical harassment, including unwelcome, unwanted physical contact (e.g., physical assault or violating an individual's personal space).

4.1.5 Sexual harassment is defined as unwanted conduct of a sexual nature and includes, but is not limited to the following;

- verbal sexual harassment (e.g., innuendoes, suggestive comments, jokes of a sexual nature.
- sexual propositions, lewd remarks.
- nonverbal sexual harassment (e.g., the distribution, display, or discussion of sexually oriented written or graphic material); or
- physical sexual harassment (e.g., unwelcome, unwanted, unrequested, or uninvited physical contact).

4.1.6 Stalking can include, but is not limited to:

- following a person.
- contacting or attempting to contact.
- publishing a statement or other material relating to or purporting to relate to a person or purporting to originate from a person.
- interfering with any property in possession of a person; or
- watching or spying on a person.

Bullying

4.1.7 Bullying is defined as unwelcome or unreasonable behaviour that demeans, intimidates, humiliates, or sabotages the work of people, either as individuals or as a group. Bullying behaviour is most often aggressive, persistent, and part of a pattern, but it can also occur as a single egregious incident. It is usually carried out by an individual but can also be an aspect of group behaviour.

4.1.8 Exercising appropriate authority, directing the work of others pursuant to their job responsibilities, and respectful scientific debate are not considered bullying behaviour.

4.1.9 Examples of bullying behaviours include, but are not limited to:

- verbal bullying (e.g., threatening, slandering, ridiculing, or maligning a person; making abusive or offensive remarks).
- physical bullying (e.g., pushing, poking, assaulting, threatening assault, or damaging a person's work area or property).
- gesture bullying (e.g., nonverbal threatening gestures); or
- sabotaging an individual's work.



4.2 Conflicts of Interest

- 4.2.1 Many activities of members of the SKA Community have the potential for a conflict of interest (e.g., reviewing proposals or applications, organising/chairing/participating in panels and committees/working groups)
- 4.2.2 Conflicts of interest may include, but are not limited to;
- situations where the outcome of a deliberation will influence the professional or financial status of one of the participants/affiliated organisations, directly or indirectly; and
 - situations where decisions will affect the status of a person who is close to one of the participants. This may apply where an individual has competing interests or loyalties and/or where affiliations may be perceived as affecting their ability to make a fair decision.
- 4.2.3 Any professional relationship or action that may either be, or may be perceived to be, a conflict of interest should be fully disclosed to the Chair of the panel/committee or working group, event organisers or your line manager (in the case of SKA Observatory Staff) as appropriate.
- 4.2.4 Members of the SKA Community are expected to familiarise themselves with the scope of what may constitute a conflict of interest under various circumstances. Individuals who are unsure if something constitutes a conflict of interest must declare in accordance with 4.3.3 while seeking clarification.
- 4.2.5 Reviewers should disclose conflicts of interest resulting from direct competitive, collaborative, or other relationships with those they are reviewing and recuse themselves from cases where such conflicts preclude an objective evaluation. It is unethical to seek to gain an advantage by means of reviewing the work of others, either through use of private information or biased reviews of other's work. Privileged information or ideas that are obtained through peer review must be kept confidential and not used for competitive gain.
- 4.2.6 If a conflict of interest cannot be properly managed, SKA Observatory should consider whether the activity should be avoided or discontinued.

4.3 Handling Potential Ethical Breaches

- 4.3.1 Within the SKA Community there are numerous stakeholders, and SKA Observatory does not have the oversight authority to accept responsibility for investigating and adjudicating suspected breaches of ethics that are the rightful jurisdiction and responsibility of other community stakeholders.
- 4.3.2 Where an ethical breach occurs by those not governed directly by SKA Observatory, the SKA Observatory reserves the right to take appropriate action, following investigation, that may include exclusion from SKA Observatory hosted activity, removal of rights to represent SKA Observatory or removal of access to SKA Project information. Where appropriate, the SKA Observatory may inform the associated stakeholder organisation. It will be the responsibility of that organisation to determine any further investigative or corrective actions as appropriate.



Filing a Complaint

- 4.3.3 Any person subject to this Code who experiences or witnesses a potential violation of an SKAO ethical standard may file a complaint by sending an email to HR@skao.int providing the following details:
- Name of complainant, organisation, and position
 - Detail of the complaint, referencing the nature of the breach in line with the SKA Observatory's Code. The names of the implicated parties should be provided and, where possible, any other supporting material or evidence.
 - Date and location of the ethical violation
 - Where applicable the names and contact details of potential witnesses.
- 4.3.4 If the complaint is against SKA Observatory's HR team or an individual therein, the email should instead be addressed to the Deputy Director-General.
- 4.3.5 Anonymous complaints will not be accepted. The name of any complainant will be kept confidential, subject to the Confidentiality clauses below 4.5.11 to 4.5.17). Witnesses to, as well as victims of, an alleged ethical violation may bring a complaint.
- 4.3.6 Receipt of complaints will be acknowledged within 7 working days.
- 4.3.7 Whilst the decision whether to progress a complaint any further is up to the person making the complaint, SKA Observatory has a duty to protect its employees and others engaged in SKA Observatory related activities. If, where the circumstances deem it appropriate, SKA Observatory may choose to pursue the matter independently.
- 4.3.8 In the absence of a formal complaint, where SKAO Observatory deems appropriate, it may independently commence an investigation into a potential breach of Ethics by a member of the SKA Community.
- 4.3.9 Members of the SKA Community who make individual or repeated allegations of breaches of the Code of Ethics in bad faith may be considered to be in breach of section 4.1 of this Code, and action under section 0 may be considered.

Jurisdiction, Investigation and Sanctions

- 4.3.10 Where the complaint relates to a SKA Observatory Employee, the SKA Observatory will take action in line with the SKA Observatory Disciplinary Policy.
- 4.3.11 For all other members of the SKA Community, the following will apply:
- the complaint will be investigated by an investigating officer of appropriate seniority, as determined by the SKA Observatory Director-General, and will be supported by HR. The person(s) implicated by the complaint will be notified of the complaint in a timely manner and be given the opportunity to formally respond, providing any evidence or mitigating factors as applicable.
 - SKA Observatory will consider what action may be appropriate to protect any individuals involved pending the outcome of the investigation, bearing in mind the reasonable needs of SKA Observatory and the rights of that person.
 - Following the investigation any of the below actions may be made by the senior investigating officer:



- No action taken.
 - Formal letter issued to the person(s) implicated by the complaint, asking them to refrain from such behaviour in the future.
 - Exclusion from events and/or working groups as applicable.
 - Individual(s) employer(s) notified of the ethical violation; or
 - Other reasonable action as deemed appropriate based on the facts of the case. This may include a recommendation for mediation or other appropriate action.
- The investigation will be conducted, and individuals informed in writing of the outcome in a timely manner. The meaning of “timely” will be decided on a case by case basis at the discretion of the senior investigating officer, considering the detail of the allegations made, but will at all times not exceed sixty (60) days from the date of reporting.
 - Any action taken will be recorded by HR in a confidential log. This record will be held for a defined period of time, as agreed on a case by case basis with the investigating officer, taking into account the nature and seriousness of the violation. All records of the violation will be deleted in line with agreed expiry date.
 - In determining the appropriate action required, consideration may be given to relevant previous actions recorded against that individual under this Code.
- 4.3.12 In the event that a complaint alleges conduct that is, or may be, the subject of other legal or institutional proceedings, the senior investigating officer may, at their discretion, defer further proceedings with respect to the complaint until the conclusion of the other legal or institutional proceedings. Those findings may be used as a basis for considering SKA Observatory actions.
- 4.3.13 Anyone who makes a complaint or who participates in good faith in any investigation must not suffer any form of retaliation or victimisation as a result. Any SKA Observatory Employee found to have retaliated against or victimised someone in this way will be subject to disciplinary action under SKA Observatory’s Disciplinary Policy. For any other member of the SKA Community, they may be subject to a separate investigation in accordance with this Code.

Confidentiality

- 4.3.14 SKA Observatory recognises the nature of the small international community in which it operates and takes the confidentiality of dealing with any complaints raised and resultant actions extremely seriously.
- 4.3.15 The details of a filed complaint, and all proceedings will be kept strictly confidential prior to a final determination of the matter, except that information may be shared with the SKAO lawyers, and any individual designated to assist investigating the complaint.
- 4.3.16 Confidentiality is of prime importance, but it may be appropriate, in some circumstances to share the outcome of a grievance with other individuals who are affected by the decision.
- 4.3.17 The details of a filed complaint, including the outcome will be recorded by HR in a confidential log for an agreed retention period.



- 4.3.18 Details of determinations of violations of the Code shall be kept confidential, unless disclosure of the determination to the public is part of another sanction, for example if compelled by a court order. When dealing with an individual who is not employed by SKA Observatory, their employer will be notified of the outcome of any investigation, as appropriate.
- 4.3.19 The outcome of an investigation may be made public in order to educate the SKA Observatory membership about the requirements of the Code but will not make the identities of the parties known. Equally the outcome of any investigation may contribute to statistical information used for monitoring and/or educational purposes. Initiation of legal action against the SKAO or its Officers or staff members shall constitute a waiver of confidentiality by the person initiating such action.
- 4.3.20 For SKA Observatory staff members/secondee/interns, any sanctions will be in line with the disciplinary policy.
- 4.3.21 Where there is a repeat violation within this time-period, details of any previous action taken will be made available to the current investigating officer and, where applicable, with SKA Observatory lawyers. Otherwise it will be kept confidential.

Appeals

- 4.3.22 For SKA Observatory Employees, any appeals will be in line with the SKAO Disciplinary policy.
- 4.3.23 For other members of the SKA Community, there is no automatic right of appeal. Individuals who wish to appeal may do so in writing to the Director-General stating the grounds of their appeal, recognising it is at the Director-General's discretion whether the request for an appeal is accepted.
- 4.3.24 If an appeal is agreed, the Director-General will appoint an Appeal Panel, which will include the Head of HR.
- 4.3.25 The Appeal Panel will review all information considered, plus any additional relevant information presented as part of the appeal and, within sixty (60) days of the appeal being granted, make a decision to uphold or reverse the determination.
- 4.3.26 The Appeal Panel may set aside the original determination that a violation has occurred, or it may determine that the sanction imposed was not appropriate. This may include increasing the sanction if the original sanction is deemed insufficient.
- 4.3.27 The Appeal Panel shall recommend a course of action to the Director-General, who will then accept or reject the finding. This will constitute the final decision of SKA Observatory with respect to the matter at hand. Both the respondent and the Complainant will be notified of the final appeal determination.
- 4.3.28 A complete record of the appeal will be given to and kept by SKA Observatory HR.



5 Definition of Terms

SKAO	SKA Observatory
Staff	Employees of, or secondees to, the SKAO (as defined in Article 1(k) of the Convention)
Employees	An Individual employed by SKA Observatory under the terms of a Contract of Employment
Secondees	An individual who is temporarily assigned to work at SKA Observatory, but who continues to be employed by another organisation
Studentships	An individual assigned to work at SKA Observatory for either a short term work-experience (usually for 1 or 2 weeks), a short term assignment funded by a partner organisation, or a post of fixed-term duration to support research as part of post-graduate or doctorate study
Fellowships	An individual assigned to work at SKA Observatory. Fellows may be either seconded to SKAO or appointed for a Fixed Term
Consortium Members	A member of a Consortium responsible for delivering an agreed package of work
Contractors	An individual working for SKAO, under an agreed service contract for a specified period of time
Affiliates	An individual who does not have a full employment relationship with SKAO, but who interacts with the Observatory. Includes people who need access to Observatory electronic facilities, studentships, work experience,
SKA Community	<ul style="list-style-type: none"> • Employees • Secondees • Studentships • Fellowships • Consortium members • Contractors • Affiliates • Meeting attendees
Appeal Panel	



6 Reference Documents

6.1 Applicable documents

The following documents are applicable to the extent stated herein. In the event of conflict between the contents of the applicable documents and this document, **the applicable documents** shall take precedence.

[AD1] SKAO Standards of Conduct and Behaviour (SKA-GOV-00000099)

[AD2] SKAO Disciplinary Policy (SKAO-GOV-00000107)

6.2 Reference documents

The following documents are referenced in this document. In the event of conflict between the contents of the referenced documents and this document, **this document** shall take precedence.



7 Policy Approval and Ownership Details

POLICY APPROVAL AND OWNERSHIP DETAILS	
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ORGANISATION DETAILS

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