



**Atacama
Large
Millimeter /
submillimeter
Array**

Code of Ethics and Conduct Joint ALMA Observatory (JAO)

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I. Introduction

1.1. Objectives

The Observatory is striving to foster a work environment where everyone is treated with respect, courtesy and fairness, and therefore is free of conduct such as mistreatment, injustice and labor or sexual harassment, so that relations in the workplace are based on a treatment compatible with personal dignity, while fostering real collaborative work and the normal development of the potential of everyone working in the organization.

The objective of this Code is to establish the criteria and procedures for reporting and sanctioning mistreatment, labor and sexual harassment in the Joint ALMA Observatory (JAO), as well as the mechanisms for the prevention of hostile work environments that are contrary to the organization's principles and ethics.

The criteria established in this Code reflect the Observatory's diversity and multi-cultural nature, whose wealth contributes toward professionalism and respect for each one of the people who make possible the fulfillment of its mission.

The ALMA Director shall ensure that this Code of Ethics and Conduct is made known to all JAO Staff and Executive staff temporarily assigned to work at the JAO. The Executives shall make all of their respective staff on duty travel to the Observatory aware of this Code. It shall be published in such a way that all other persons to which it applies may easily become aware of it and shall be made applicable to all visits to the ALMA Site and to all contracts of works and services to be performed for the JAO or at the ALMA Site.

Violations of this Code will be deemed as a lack of integrity and a breach of the obligations under the employment contract. These violations may result in whatever sanction is imposed by the internal rules and regulations of the employer or the applicable law.

1.2. Scope

The content and scope of this document is coherent with the authority delegated to the ALMA Director by the Executives and with the responsibility of AUI as the employer of the Local Staff in Chile, both under the trilateral Agreement Concerning the Operations of ALMA signed by representatives of the ALMA Parties ESO, NINS and NSF (hereinafter referred to as the *ALMA Agreement*) as well as under the trilateral Management Agreement Concerning Operations of ALMA signed by the ESO Director General, the AUI President and the NAOJ Director General (hereinafter referred to as the *Management Agreement*).

This Code is mandatory for all JAO Staff, whatever their position or seniority might be. It also applies to members of Executive staff on duty travel to the JAO. The conducts defined in this Code are also required to be observed by all contractors, consultants or external advisors, visitors, visiting scientists and anybody else temporarily assigned to provide services or work for the JAO or at the ALMA Site.

The Code applies to all conducts whether those are related to a fellow JAO Staff or any other person mentioned above, and it is understood as being part, for all purposes, of the policies and procedures in force in the Observatory.

The conducts forbidden under this Code are unacceptable in the workplace and in any other location related to the work, including during job-related trips or meetings and social events related to the Observatory.



It has to be noted that the internal rules, regulations and procedures, either formal or informal, within each of the Executives, legal employers of the JAO Staff, are not superseded by this Code, which remain in force and shall be applied for all those cases provided for by those rules, regulations or procedures.

1.3. Regulatory Background Information

This Code of Conduct is based on the following regulatory framework:

- International agreements and decisions that establish the installation and management of ALMA and the JAO and its Operational Principles.
- Applicable Chilean legislation:
 - Article 19, number 1 of the Political Constitution of the Republic of Chile, which establishes the people's "Right to life and physical and psychological integrity".
 - Law N°20.005, which typifies and sanctions sexual harassment and incorporates this precept regarding all labor relations; be they public or private, thus amending the Labor Code.
 - Law N° 21.015 which encourages the inclusion of persons with disabilities into the workforce.
 - Law N° 20.607, which typifies harassment in the workplace and amends the Labor Code, sanctioning practices involving harassment in the workplace.
 - Law N° 20.609, which establishes measures against discrimination.
- The Internal Rules and Regulations Manual governing Discipline, Hygiene and Safety for the workers of Associated Universities Inc. (AUI).
- Human Resources policies applicable to AUI/NRAO.
- The Policy of Fair Treatment, Courtesy and Respect applicable to ESO.
- The Code of Conduct for Researchers applicable to NAOJ, NINS.
- The Regulations for Workers of NAOJ, NINS.

1.4. Other references

Other regulations applicable to the international staff in each one of the Executives, as well as the previous works carried out by the JAO ("ALMA Policy against Discrimination and Harassment", recommended by the members of the HRAG in July 2011, as well as the ALMA Conflict Management Program, developed in 2013), have been considered.

As a reference regarding the standards expected for scientific bodies related to ALMA or its Parties, the following documents were perused: 2018 NSF Statement of non-tolerance for Harassment at Grantee Institutions; NSF Fact Sheet on Next Steps Against Harassment; NRAO Code of Conduct; ESO's Administrative Circular No. 17 on "Fair treatment, courtesy and respect"; NINS Code of Conduct for Researchers; NINS Employees Regulations; NINS Harassment Prevention Rules; NINS Guidelines on Matters to be Recognized by Employees, etc. to Eliminate Harassment; NINS Guidelines on Matters to be Noted in Responding to a Complaint about Harassment; Science Council of Japan's Code of Conduct for Scientists, Japanese National Public Service Officials Ethics Code. The Square Kilometer Array (SKA) Organization Code of Conduct for Meetings, SKA Organization Code of Ethics, American Astronomical Society Code of Ethics, the Dwingeloo Code of Conduct, the European Union Codes of Conduct and the Compendium of Bullying/Mobbing & Harassment Policies at International Organizations were also considered as reference.

1.5. Acronyms

All of the abbreviations used in this document refer to their initials in English of the definitions, which are found on the following web page: [ALMA Acronym Finder](#).



ALMA:	Atacama Large Millimeter/Submillimeter Array
AUI:	Associated Universities Inc.
ESO:	European Southern Observatory
HRAG:	Human Resources Advisory Group
JAO:	Joint ALMA Observatory
NAOJ:	National Astronomical Observatory of Japan
NINS:	National Institutes of Natural Sciences
NRAO:	National Radio Astronomy Observatory
NSF:	National Science Foundation

1.6. Definitions

- ALMA Director: is the Director of the Joint ALMA Observatory or JAO who manages the office of the Joint ALMA Observatory and who is responsible for leading and managing its operations in Chile.
- ALMA Site: means the Operations Support Facility (OSF) and the Array Operations Site (AOS) including the roads connecting the two sites and the road connecting the OSF with the local Chilean highway as well as the Santiago Central Office (SCO).
- Director's Council: is the committee established in article 7 of the ALMA Agreement aimed at ensuring that all operations are carried out in accordance with the obligations of the Parties, with the rules applicable to the Executives and with the policies established by the Board.
- Board: The ALMA Board is the governing body of the ALMA Project and the primary forum for interactions and decisions between the Parties, acknowledging that the final authority for approval remains in the hands of the Parties. The Board ensures that all operations are carried out in accordance with the terms and provisions of the ALMA Agreement.
- Executives: Are those entities appointed by each Party in order to carry out those activities specifically required for operating and developing ALMA on behalf of the respective Party. ESO is a Party and Executive at the same time. The Executive appointed by the NSF, at present, is Associated Universities Inc. (AUI) and the Executive appointed by NINS is the National Astronomical Observatory of Japan (NAOJ).
- ALMA Core Management Team: is the group composed by the higher level JAO managers and Heads of Departments, led by the ALMA Director.
- HRAG: Advisory group established by the Director's Council, in order to address and coordinate activities related to Human Resources for ALMA, providing advice both to the Director's Council as well as to the ALMA Director on such matters.
- JAO: The Joint ALMA Observatory is the international astronomy observatory installed in Chile jointly by the Parties in order to build and operate ALMA. The Office of the Observatory is managed by the ALMA Director and is made up of the personnel - both local and international – required to carry out its operations in Chile.
- JAO Contact Person: Members of the staff, either local or international, who take voluntary appointments by the ALMA Director to provide advice and assistance to members of the staff who believe they have been subjected to, accused of, have witnessed or need advice regarding any forbidden conduct, according to this Code. The JAO contact persons will be appointed by the ALMA Director for two years renewable and will be duly trained.
- JAO Staff: The International and Local Staff employed by the Executives and assigned to work at the JAO, including those Executive staff temporarily assigned to the JAO according to Art. 10.13 of the Management Agreement.
- International Staff: all employees, other than Local Staff, employed by one of the three Executives under contractual terms and conditions established by the relevant Executive, assigned to work for the JAO in Chile.
- Local Staff: all employees recruited and employed to work for the Joint ALMA Observatory under Chilean contracts of employment, but not those employees hired by one of the



Executives under Chilean contracts of employments to perform functions exclusively for one of the Executives, such as, but not limited to, contracting and procurement, accounting and legal matters, etc.

- Parties: Are the signatories to the ALMA Agreement; i.e. the National Science Foundation of the United States of America (NSF), the European Organisation for Astronomical Research in the Southern Hemisphere (ESO) and the National Institutes of Natural Sciences of Japan (NINS).
- Staff Representation: Either unions or those staff representations available for both Local or International Staff according to the internal rules of their employer, e.g. Staff Associations.



II. Code of Ethics and Conduct applicable to the Joint ALMA Observatory (JAO)

Article 1. Principles

1.1. ALMA collects and delivers high-quality data sets to the scientific community by operating, maintaining and further developing a state-of-the-art observatory to explore the Universe in the Millimeter/sub-millimeter wavelength range. The JAO's purpose is to enable humankind's curiosity about the universe and its cosmic origins.

Therefore, the prime goal of ALMA Operations is to facilitate the scientifically efficient use of the Joint ALMA Observatory (JAO), consistent with operating safely at a high altitude (5000 meters) site in a cost effective manner and with as small as possible impact on the unique environment in and around the ALMA Site in Northern Chile. This Code explains the principles and values that the Observatory wishes to encourage among all of its employees and managers, in order to inspire all of their actions.

The purpose, mission and prime goal of ALMA will be accomplished in a framework of four main values:

- (1) Excellence: We aim for excellence in everything we do.
- (2) Respect and diversity: We treat each other with respect and value our differences.
- (3) Collaboration: We strive to achieve best solutions and outstanding results through teamwork.
- (4) Care: We protect ourselves and those around us, our environment and our resources.

1.2. This Code, therefore, is based on the following principles:

- a. The JAO encourages a labor environment where everyone is treated with respect, courtesy and fairness in order to allow for their professional and personal development.
- b. The JAO is proud of having a multi-national and multi-cultural labor environment. Actions considered as appropriate in one culture might be offensive in another. Individual differences may cause uncertainty as to whether a given conduct is appropriate or, on the contrary, is offensive. Any conduct that could reasonably be perceived as offensive or intimidating by its receiver, irrespective of the intentions of whoever initiates it, must be avoided.
- c. Diversity and inclusion are core values in the Observatory. The JAO acknowledges that differences related to cultural or national origins, race, sex, professional qualifications and others enrich our workplace by providing diverse perspectives and talents.
- d. Teams and staff who are thankful for and accept the cooperation of others and who provide a positive reinforcement are fundamental for complying with the Observatory's mission. In this manner, the JAO urges all of its staff to give their constructive feedback, respect all differences and abstain from any arbitrary discrimination or abuse in any of its forms. Any offense, disrespectful treatment or disagreeable behavior is a breach of this principle.
- e. The JAO fosters safety in the workplace, loyalty and relations of trust between its collaborators, and teamwork and perseverance in achieving the targets and objectives of the Observatory, all within a framework of improvement and process optimization.
- f. The JAO encourages honesty, so its collaborators are capable of providing timely and reliable information for appropriate decisions making. A mistake – which is not due to serious negligence or deceit – is not sanctioned; but its concealment will be.
- g. ALMA is a non-profit, scientific and publicly financed project. The efficient and transparent use of resources are fundamental for providing knowledge in a sustainable manner. Any conflict of interest must be disclosed.
- h. The JAO is conscious of the environment surrounding its installations in the North of Chile and the natural and cultural wealth that makes it a unique place in the world. Its operations



must respect this wealth, minimizing any environmental impact and ensuring that environmental commitments taken by the Executives are met throughout the activities undertaken by all of the Observatory's collaborators.

- i. The Observatory is located in indigenous territory. JAO Staff must respect the Atacama culture and its ancestral heritage in and outside the Observatory.

1.3. The procedure for reporting, resolving and sanctioning harassment, sexual harassment, discrimination or bullying in the workplace or any other forbidden conduct as defined in this Code must respect the following basic principles:




- a. **Privacy:** Discretion must be kept regarding proceedings in order to ensure strict secrecy concerning information and details of each case, guaranteeing the dignity and integrity of whomsoever is involved. The information that is made available for the purpose of formal proceedings shall be disclosed only on a need to know basis and it is expected the information shall be kept private.
- b. **Impartiality:** Assurance must be given that the process is based on objective and well-grounded criteria, free from prejudice, bias or arbitrary preferences regarding any of the persons involved, thus avoiding any kind of discrimination.
- c. **Rapid response:** The processes of reporting, resolution and sanctioning must be carried out without any unnecessary delays, bearing in mind their urgency and avoiding excessive bureaucracy that could impede a prompt resolution of the case.
- d. **Good faith:**
 - i. Each process must be carried out seriously and responsibly in a fair and honest way by all those involved.
 - ii. Good faith reports will not be subject to disciplinary action. Only allegations that the reportee knew to be false, made with malicious intent, may be the object of disciplinary measures in accordance with the Internal Rules and Regulations for Local Staff or each Executive's internal regulations concerning International Staff.
- e. **Presumption of innocence:** Any staff who is the object of an investigation through the formal channels mentioned in this Code will be considered innocent until proven otherwise in accordance with the principles of impartiality and good faith.
- f. **Prohibition of reprisals:** No direct or indirect detrimental action shall be taken, recommended, or threatened against anyone, as consequence of a good faith report of a violation to this Code. This Code and the reporting procedures must inspire the necessary trust for any JAO staff to confront hostile conduct by means of reporting it, without fear of any personal or professional reprisals. Reprisals may be the object of disciplinary measures in accordance with the Internal Regulations for Local Staff or each Executive's internal regulations concerning International Staff.









Article 2. Desired conduct

The JAO will encourage, by means of training activities, feedback or any other positive measures of individual or collective reinforcement, the following conducts which, in accordance with the values of the Observatory, foster a healthy and hostile-free working environment:

- a. Act at all times with integrity, impartiality and discretion, advocating for protecting and encouraging the JAO's multicultural and international nature.
- b. Work with honesty and transparency, avoiding – among other bad practices – conflicts of interest, abuse of power and the inefficient use of resources.
- c. Maintain a harmonious workplace together with the other collaborators of ALMA, including third parties such as contractors, subcontractors and visitors, always acting without intimidation, hostility or offence (such as accusations, negative adjectives referring to

- performance or the attitudes of other people). The managers or supervisors should be models of conduct in this sense, practicing the highest possible standards of conduct.
- d. Provide a workplace that encourages freedom of expression and the respectful exchange of scientific or professional ideas.
 - e. Exercise authority fairly and responsibly.
 - f. Respectfully acknowledge any professional or scientific contributions and ideas from colleagues and collaborators.
 - g. Listen to each other with respect, regardless of the format of the communications (in person, teleconferences, e-mails, remote help tickets within the problems resolution system, such as Jira or others, etc.)
 - h. Transmit concerns regarding decisions taken by colleagues or collaborators through the proper channels, especially to one's direct supervisor.
 - i. Resolve conflicts constructively, either directly with the persons involved or by using the processes defined in this Code.
 - j. Raise conflicts about differences of opinion on the work approaches, to the supervisors or managers of the Observatory, promptly and respectfully, whenever they cannot be resolved directly.
 - k. Handle information properly and carefully, keeping all information confidential when necessary, especially in dealing with commercially or intellectually protected information or sensitive personal data; yet allowing a flow of communications that ease the work of others.
 - l. Declare proactively and in due time any conflict of interest that affects or could affect, directly or indirectly, the objectivity or independence necessary for taking a decision within the framework of one's duties such as recruiting personnel, promotions or upgrades, purchasing processes or tenders, etc. This includes any close relationships between subordinates and direct supervisors.
 - m. Act at all times with due financial and operational diligence, protecting the overall interests of the ALMA Project, with integrity and efficiency whilst responsibly handling resources.

Concept	Definition	Examples (green = expected behavior / red = not appropriate behavior)
Ethics	A series of standards of conduct based on core values that drive decisions, choices and the actions of people and institutions.	<p> A worker witnesses the forgery of a document and reports it to the corresponding persons.</p> <p> Drafting a Scope of Work in such a manner as to ensure that a direct family member wins the contract.</p>
Integrity	Conduct or actions coherent with the moral and ethical rules and principles adopted by persons as well as institutions and which operate as a barrier against bad practices.	<p> A worker takes advantage of his position whilst ordering a certain task to his subordinates, under threat of losing their jobs in the organization.</p>

Concept	Definition	Examples (green = expected behavior / red = not appropriate behavior)
Probity	Acting honestly, decently and ethically	<p> Clocking in on behalf of an absent colleague.</p> <p> Using the company's vehicle only for work-related activities</p>
Objectivity	Acting free from prejudices, bias or arbitrary preferences.	<p> Reporting an incident over a mistake caused involuntarily, accusing another person we do not like for the serious negligence.</p>
Diligence in the use of resources	<p>Doing more and better with less.</p> <p>Rational and optimal use of the Observatory's material resources.</p>	<p> A worker purchases more spare parts than necessary by not checking the inventory.</p> <p> A worker never forgets his tools in the AOS to avoid returning in the Observatory's truck.</p>
Respect and non-discrimination	Treating everybody correctly, without distinction, exclusion or differentiating someone for arbitrary reasons such as race, nationality, ethnic or cultural origin, sex, sexual orientation, etc.	<p> Handing out lunch vouchers to men only.</p> <p> Speaking in Spanish during a meeting where a small group has no knowledge of that language.</p>
Confidentiality and Discretion	<p>Handling information securely, ensuring that only those persons authorized by the Observatory gain access to it.</p> <p>Caution and care whilst handling information and data.</p> <p>Especially important is guaranteeing that personal information is not disclosed without the consent of the person involved.</p>	<p> A worker learns how much a certain colleague earns and comments on it in an e-mail to his work colleagues.</p>

Article 3. Forbidden conduct

Generally speaking, forbidden conduct is that which is subject to administrative or disciplinary measures by the relevant legal employer of the International Staff (ESO, NAOJ and NRAO/AUI) following their own internal policies and regulations, and by AUI as the employer of the Local Staff, particularly in the Internal Regulations concerning Discipline, Hygiene and Safety for the Workers of Associated Universities Inc. (AUI)



Likewise, it is understood that JAO Staff must abstain from incurring in conduct considered as forbidden at all times and in all places related to their work, be that on the ALMA Site or during business trips, meetings and conferences in locations other than the Observatory or when visiting the towns near the ALMA Site in the Atacama territory.

In particular, behaviors such as harassment, sexual harassment, arbitrary discrimination, bullying, physical or verbal aggression and abuse of authority are understood as forbidden.

For this purpose, such acts will have the following meanings:

3.1. Harassment

Harassment is understood as any verbal or physical conduct that can reasonably be considered or be perceived to denigrate, humiliate, cause offence or show hostility or aversion towards another person or which create an intimidating or hostile work environment. It is important to note that harassment is not defined by the intention of the offender but instead by the impact of the behaviour on the recipient.

Conduct involving harassment include, but are not necessarily limited to: (i) name-calling, defamation or negative stereotypes; (ii) threats, intimidation or any other hostile acts; (iii) derogatory jokes; and (iv) any written or graphic material that disparages or shows hostility or aversion toward someone or a group; placed on walls or in any other places on the Observatory premises, or which circulate inside the workplace either electronically or in printed form.

3.2. Sexual harassment

For the purpose of this document, sexual harassment is defined as sexual advances, requests or any other behavior of a sexual nature carried out unduly, using any means and which is non-consensual by whoever is on the receiving end of it.

Sexual harassment may include a variety of behaviors, subtle or otherwise, and it may involve persons of the same or a different gender. Depending on the circumstances, these behaviors may include, but are not necessarily limited to:

- a. Uninvited sexual insinuations or requests for sexual favors;
- b. Indirect or sexual jokes;
- c. Verbal abuse of a sexual nature;
- d. Comments regarding a person's body, sexual prowess or sexual deficiencies;
- e. Gazing with malice; whistling or touching;
- f. Insults or obscene comments or gestures;
- g. Publicly exhibiting sexually suggestive photos or objects in the workplace, and
- h. Any other verbal or physical conduct of a sexual nature.

3.3. Harassment in the Workplace

Any conduct that is defined as harassment in Art. 3.1 and 3.2 above at the place of work, directed at an individual or group of staff which creates an intimidating or hostile work environment. It normally implies a series of incidents, but can be a single, one-off incident.

Assessing and evaluating work performances, disagreement on work-related issues or requests from supervisors or other members of staff to a colleague or to complete their work to an appropriate



standard and in an appropriate way is normally not considered harassment, unless made in a manner which is demeaning or intimidating, or in any other way that is inappropriate.

3.4. Arbitrary Discrimination

Any distinction, exclusion or restraint that cannot be reasonably justified, and which causes deprivation, confusion or a threat in the legitimate exercise of their basic rights, in particular when based on motives such as race, nationality, ethnic or cultural origin, sex, sexual orientation, social or economic situation, ideology or political opinion, religion or belief, unionization or their participation in trade associations or not doing so, civil status, age, affiliations, personal appearance, illness or disability.

This applies, in particular, whenever the conduct (i) is aimed at creating a hostile or offensive effect in the workplace; (ii) is aimed at unjustly or unreasonably interfering with the affected worker's performance in the work place; or (iii) affects in any other way the worker's job opportunities.

3.5. Bullying

Any aggressive or uninvited conduct in the workplace or in relation to the work, that is either verbal, psychological or physical and which can be reasonably considered to humiliate, degrade, offend, intimidate or discriminate against another collaborator of ALMA or which has the effect of creating a hostile or offensive atmosphere in the workplace.

- a. Bullying is normally persistent and follows a pattern, but it can also occur as one isolated incident. Bullying is normally carried out by an individual, but it can also be a group or collective behavior, which is then called mobbing. Exercising the proper authority and providing constructive feedback as a part of the responsibilities of the job and scientific or professional debate carried out respectfully is not considered as bullying .
- b. Aggressive conduct which could also include intimidation, threats, blackmail or coercion.
- c. Deliberate offensive comments relating to professional skills, personal traits, or any personal comment that happens to be abusive or disagreeable and which diminishes whoever receives it, including name-calling, insults, bad jokes or negative stereotypes.
- d. Examples of bullying include, among others: verbal bullying (such as threats, defamation, ridiculing or slander, abusive or offensive comments); physical bullying (such as shoves, blows, attacks or threats of attacks or damage to the workplace or the property), threatening or intimidating gestures or sabotaging the work of the victim.

3.6. Other inappropriate conduct

Any other conduct that is considered inappropriate in the workplace shall be discouraged or repressed, whichever the case may be, following the procedures described in this Code; in particular, but not necessarily limited thereto, if such conduct falls into any one of the following definitions:

- a. Abuse of authority is the improper use of a position of influence, power or authority against another person, in particular if with the intention to improperly influence the career or employment condition of another person.
- b. A hostile labor environment is that which incites by persistent disruptive actions, discriminatory behavior or communications that alter the normal work conditions and which cause one or more staff to feel uncomfortable, fearful or intimidated in the workplace. Some examples of attitudes or conduct that might be perceived as hostile are:
 - i. Constantly interrupting a colleague or someone taking part in a meeting;
 - ii. Attempting to assert authority during a conversation or discussion among other colleagues;



- iii. Shouting;
 - iv. Making inappropriate, scornful or denigrating comments regarding others;
 - v. Exclusionary attitudes, like deliberately leaving a colleague out of a discussion or a chain of e-mails or not acknowledging their contribution to a certain task, etc.;
 - vi. Addressing another person in a vulgar or profane manner;
 - vii. Harassing or pestering someone else in any way;
 - viii. Any other conduct or attitude that might be considered violent or threatening.
- c. Serious and/or repeated noncompliance with the ALMA safety standards in force for the JAO.
 - d. Any violation of the internal regulations applicable to the JAO as well as the internal regulations of the Executives.

Article 4. Procedures and Sanctions

The JAO fosters mutual respect between its staff and it offers a system for solving conflicts when such mutual respect is broken. This is done speedily, impartially, confidentially and without any cost or reprisals whatsoever for those involved.

The aim of the procedures defined in this Code is that of providing the mechanisms that make it easier to identify a conduct that is an assault on dignity together with the timely detection of risk factors in order to prevent these types of situations arising and thus encourage the kind of behavior that better represents the values of the Observatory.

It is the responsibility of the supervisors, JAO Human Resources, the Heads of Department and, in the last instance, of the ALMA Director, to ensure that rapid and effective measures in accordance with the relevant rules of the Executives are taken to stop any forbidden conduct under this Code.

The procedures established may be preventive or corrective, formal or informal. None of these mechanisms prevent the right of any employee, local or international, to use the relevant legal or regulatory procedures that are applicable, according to their employment contract, for resolving labor conflicts or denouncing a forbidden conduct.

4.1. Preventive Mechanisms

The JAO will maintain a policy of permanent care of its organizational integrity and that of its collaborators, including its employees, contractors, subcontractors and visitors. For that purpose, JAO Human Resources, in cooperation with the Human Resources Advisory Group (HRAG), will uphold:

- Plans for broadcasting and standard training schemes that encourage institutional and individual integrity, especially when complying with the rules, principles and values of this Code for everybody working at the Observatory, also involving contractors, subcontractors and suppliers in complying with these guidelines.
- Regular meetings with the supervisors and group managers in order to identify situations that could potentially become a conflict, to intervene at an early stage.
- Guidance to those involved in the informal resolution of particular problems, providing the space, time and tools necessary for resolving possible conflicts.
- Annual questionnaires on conflicts of interest.
- Regular questionnaires on work environment or climate surveys.
- The ALMA Director, through the JAO Human Resources office and in cooperation with the HRAG, is able to take measures, either individually or in groups, to tackle behavior that could be detrimental for the work environment. These measures may be taken irrespective of the



result of any formal or informal resolution processes, and they are not of a disciplinary nature. The aim of these measures is to guarantee that potential incidents involving harassment, sexual harassment, bullying and/or abuse of authority are identified and stopped and that the right measures are put in place to redress them.

JAO expects the JAO Staff to seek orientation from their supervisors or JAO Human Resources in the event of any doubts, both regarding compliance with its operations and functions, as well as with the spirit of principles, policies, protocols and instructions.

The persons receiving reports according to Article 4.2 below shall regularly inform the JAO Human Resources Manager through the dedicated channels in place at each Executive about the number of reports and information received, in particular about the general nature of the reported incidents, without identifying the persons involved or compromising their confidentiality. The JAO Human Resources Manager shall prepare and submit consolidated statistics and general tendencies concerning violations of this Code to the ALMA Director and to the Personnel Committee of the Board once a year, together with the regular report from Human Resources.

4.2. Conflict Resolution Procedures

4.2.1. Reporting an Incident

JAO and the Executives urge everyone to report any incident concerning discrimination, harassment, bullying, reprisals or any other conduct forbidden according to Article 3 above or perceived as contrary to the principles and values contained in this Code, regardless of the identity or job title of the alleged offender. Anybody who feels they have fallen victim to such conduct or has witnessed such conduct is entitled to discuss their concerns with their supervisor or with JAO Human Resources. The JAO will ensure that those channels of communication always remain open.

- a. Under the scope of this Code, everyone should be confident of informing their supervisor, JAO Human Resources or any other appropriate person whenever they are faced with an act that is or could go against this Code, the law or JAO internal rules, procedures and values.
- b. JAO must consider that persons affected by an incident may feel reluctant to report it, so detection and prevention measures are fundamental. It is likely that special assistance might be needed for staff who have reported being victims or witnesses of such conduct or to those who have been accused.
- c. Reports of any incident may be made formally or informally.
 - o Informal reports shall be made to either each Executive's internal Contact Persons or Ombuds representatives, and/or the JAO Contact Persons, who will informally explore and assist in determining options to help resolve conflicts, problematic issues or concerns, and shall bring systemic concerns to the attention of the JAO HR Office for resolution.
 - o The Executives Contact Persons or Ombuds representatives shall not mediate with JAO employees of a different contract, but shall only assist on determining the options available, unless all parties involved explicitly agree.
 - o Formal reports shall be made to the direct supervisor or JAO HR Manager.
- d. The person receiving a formal report shall for this purpose inform the JAO Human Resources Manager and submit to him/her the formal report and information about the current process. If a member of JAO Human Resources is involved in the incident, the information shall be submitted to the ALMA Director, and, if the incident involved the ALMA Director, to the Chair of the Board via the Director/ Director General of the Executive employing the person which filed the formal report.



- e. In any event, supervisors and Heads of Department who witness or learn of any serious violation of this Code are duty bound to report it; however, formal reports can only be made with the consent of the alleged victim.
- f. Even when this Code does not place a time limit for the reporting of an incident, filing a report as early as possible after becoming aware of the incident is recommended because it has been demonstrated that early intervention is the most effective method for resolving real or perceived incidents of a violation of this Code.
- g. Reports may be filed personally, in writing, by e-mail or by phone and are not subject to any formalities. They may include any information the reportee deems important and is confident to report. In particular, the reportee is not obliged to give the names of the alleged offender or the potential victim. The person receiving the report shall, however, encourage the reportee to prepare a note of the details of the incident, as it may be required for any subsequent informal or formal process. This note should include
 - o Place, date and time of incident,
 - o Name of the alleged offender and the potential victim,
 - o Nature of the incident with detailed account of the facts of the incident,
 - o Names of potential witnesses,
 - o How the person reporting felt as victim or witness of the incident,
 - o Identification of any potential documentary or other kind of evidence of the incident.
- h. Reports will always be received and dealt with in strict confidentiality, unless it contains information that represents a serious risk to JAO Staff or other persons. Those persons receiving reports on a potential conduct forbidden under this Code must make sure they do not ignore or minimize the matter, and treat it seriously, confidentially and sensitively.

4.2.2. Informal Process

The informal process is intended to provide an unofficial and confidential forum for addressing incidents and allegations of forbidden conduct that arise at the JAO. The informal process is aimed at solving the issue informally and directly to start with, and so long as this is feasible and appropriate.

- a. The informal process is initiated by a report to any of the JAO contact persons or to the corresponding Executive's internal Contact Persons or Ombuds representatives.
- b. The informal process shall provide the person reporting the incident with an opportunity to talk about the incident in an informal, confidential way and to seek advice on the options and procedures available to him/her. In order to guarantee privacy, any report of forbidden conduct must not be discussed at this stage with anyone other than the person who submitted the report unless this privacy has to be broken due to the seriousness of the conduct reported, which shall be discussed with the person who submitted the report.
- c. He/she may then decide to take further actions with the aim to resolving the process in an informal way or to initiate a formal process, should the nature of the incident be too serious to be dealt with in an informal process.
- d. Should the reportee wish to continue the informal process, the contact person receiving the report shall aim to resolve the conflict, if possible, ensuring the existence of spaces for dialogue in good faith or with direct mediation. Due process shall be followed and the rules regarding confidentiality shall be abided by strictly at all times.
- e. An informal resolution of the issue may include to make the alleged offender aware that the conduct in question represents a violation of this Code, is unacceptable and must stop. This may happen either by the person reporting the incident or, should he/she feel uncomfortable with addressing the alleged offender directly, by his/her supervisor or the supervisor of the alleged offender, by the person receiving the report, a member of the ALMA Core Management Team or a representative of the Staff Representation the reportee is a member of.



The JAO Contact Persons act as a neutral party and do not advocate for the individual, groups or the organization. The only advocacy role is for fairness and equity. While they can recommend that an organization consider establishing or revising policy, the JAO Contact Persons play no formal role in enforcing or deciding to implement policy.

4.2.3. Alternative Mediation

- a. Should the victim of a forbidden conduct and the alleged offender agree to an alternative mediation procedure, the issue shall be deferred to an expert, independent and neutral mediator. The persons involved shall agree on the person of the mediator and may request the JAO Human Resources Manager to recommend potential mediators.
- b. This mechanism is voluntary and the persons involved negotiate directly with the aid of the mediator who will help them to communicate effectively and generate creative solutions to their conflict.
- c. The mediation process will be officially started with the first meeting held by the mediator with the persons concerned. During the course of this meeting, the mediator will supply information pertaining to the mediation process. The mediation process is strictly confidential.
- d. Upon receiving and during the entire process of the mediation, the mediator shall determine whether the mediation does or does not constitute an appropriate system of conflict resolution for that particular case.
- e. The mediator must recognize and respect the self-determination of the persons involved in the resolution of their conflict. Each of them has the power to reach an agreement freely and voluntarily and to abandon the mediation at any time prior to an agreement if they deem it convenient.

4.2.4. Formal Process

In the following cases, a formal investigation shall be initiated:

- In case the informal process has not resulted in a resolution of the conflict; or
- Should one of the persons involved not agree to mediation; or
- In case the conduct in question is too serious to be dealt with in an informal process or an alternative mediation;

The formal process will consist of the following stages:

a. The Formal Report

- Any member of JAO Staff who feels they have fallen victim to conduct forbidden under this Code which he/she considers to be too serious to be dealt with in an informal process or if the informal resolution was not successful may file a formal report provided the alleged offender is also a member of JAO Staff.
- Before any formal investigation can be started, the formal report shall be made in writing to any of the persons as defined in Art. 4.2.1 c) above. It shall include as a minimum the information as mentioned in Art. 4.2.1 lit g) above, the request to initiate the formal process and shall be dated and signed by the person reporting. The recipient of the formal report shall notify the alleged offender in person that a formal report has been filed and inform him/her about the alleged conduct. He/she shall consult with the potential victim and may, if appropriate, recommend to solve the conflict through alternative mediation according to Art 4.2.3 above without a formal investigation. Alternative mediation requires that the potential victim and the alleged offender agree to it.



- At the same time, the person who has received the formal report shall inform the Human Resources department of the Executive(s) employing the potential victim and the alleged offender.

b. The Investigation

- Investigations shall be conducted by a panel which shall be convened by the JAO Human Resources Manager, by the ALMA Director or by the Chair of the ALMA Board, depending on who is leading the investigation, within three business days after having received the formal report and related information. The panel shall be set up by three persons, composed of
 - the JAO Human Resources Manager as Chair. If the case concerns the JAO Human Resources Manager or the ALMA Director, the HRAG shall instead appoint a senior member of the JAO Staff as Chair, which shall not be from the same employer as the JAO Human Resources Manager or the ALMA Director, respectively;
 - one person appointed by the Executive employing the potential victim from among this Executive's or JAO Staff, and
 - one person appointed by the staff representation the potential victim is a member of from among the JAO Staff. In case the potential victim is not a member of a staff representation, the third person shall be appointed by the Chair of the panel.
- The Chair of the panel shall notify all of the persons involved in the incident personally of the beginning of an investigation procedure and immediately set the dates of the investigation meetings so that the parties involved can provide evidence to back/refute the accusation.
- The panel shall start the investigation within a deadline of three business days after it has been convened.
- The investigation must be kept strictly confidential, guaranteeing that all persons involved are duly heard and can present their versions of the incident and any related arguments.
- All of the persons involved will be given a fair and complete opportunity to submit all relevant information relevant to the complaint.
- The investigation will include gathering at least the following background information:
 - Personal and separate statements of those involved.
 - Evidence provided by witnesses who could have observed the alleged conduct or who might have any other relevant knowledge.
 - Background documentation such as correspondence or written instructions.
 - Any other information relevant for the case or a better resolution of the conflict.
- The investigation shall be conducted in a timeline manner and shall be concluded within 15 calendar days following the date of the first investigation meeting. The panel may request an extension of the period of the investigation for another 15 days to further investigate or obtain additional explanations aimed at a better understanding of the case. The request shall be submitted for approval to the employer of the alleged offender.
- The panel, in accordance with the initial information available, may ask the ALMA Director in consultation with the Executives employing the persons involved to put in place some precautionary measures, such as the physical separation of the persons involved, a redistribution of the working time or the work day or telework by one of the persons (always provided that that this is legally feasible), depending on the seriousness of the events reported and the possibilities stemming from their job functions.
- The whole of the investigation process will be set down in writing, leaving a record of the actions taken by the panel, of the statements made by those involved and the evidence provided.
- At any time during the investigation, the panel may suggest the alternative mediation addressed in Article 4.2.3 above, or an alternative conflict resolution mechanism to safeguard the working relationship between the persons involved. Such alternative measures need the consent of all persons involved.



c. Resolution

- After the investigation has ended, and if the matter has not been deferred to an informal resolution mechanism or mediation, the panel shall prepare an investigation report which will include a detailed description of the complaint submitted, the reply from the alleged offender, a description of the investigation procedures and the findings of the investigation. It shall further include recommendations about potential sanctions or disciplinary measures in accordance with the rules applicable to the corresponding legal employer and any other actions to be taken aimed at avoiding such conduct in the future. The investigation report shall be submitted by the panel Chair to the ALMA Director (or to the Chair of the Board if the case involved the ALMA Director).
- After having received the investigation report, the ALMA Director (or the Chair of the Board, if applicable) shall submit it together with any recommendations on disciplinary measures to the employer of the alleged offender within ten business days after having received it.
- Depending on the seriousness of the event, the measures and sanctions to be applied will go from a verbal or written warning up to dismissal, depending on the rules or legislation applicable to the employer of the alleged offender. In any event, the purpose of all of the actions recommended will be to stop any forbidden conduct, if not already stopped, and avoid it being repeated. Any sanctions or disciplinary measures will be decided upon and taken by the employer of the alleged offender in accordance with the rules applicable to the employer of the alleged offender. In order to discharge this duty, each Executive shall have access to the investigation conducted at the JAO and may require further information for better deciding, safeguarding the confidentiality of the process. The employer shall inform the alleged offender and the ALMA Director (or the Chair of the Board, if applicable) of its decision, giving the reasons therefore. With regard to Local Staff, the measures and sanctions will be taken and informed within the time frame stipulated in the Chilean labor law.

Article 5. Infringement of this Code by persons other than JAO Staff

- 5.1.** Incidents of violation of this Code or conflicts solely involving members of personnel employed by the same employer, which are not JAO Staff, e.g. members of personnel from the same Executive on duty travel to the Observatory, contractor staff or visiting scientist from the same institute are not subject to the above procedures. Any reports about infringements of the Code involving only such persons shall be channeled and handled through the respective employer's own reporting channels.
- 5.2.** In those cases in which a report is submitted against a person to which this Code applies according to Section I, Article 1.2 above other than JAO Staff (such as a contractor, visitor, visiting scientist or Executive Staff on temporary mission to the Observatory), the report shall be submitted to the supervisor of the reportee, his/her Head of Department or the JAO Human Resources Manager.
The supervisor, the Head of Department or the JAO Human Resources Manager will contact the person in charge of supervising the contract, the visit or the mission in order to inform them of the situation. The latter will ensure that all of the details concerning the accusation are transmitted to the employer of the alleged offender in writing who shall be asked to investigate the issue and take the appropriate actions.
- 5.3.** The general authority of the ALMA Director over the ALMA Site, including OSF and AOS, remains untouched and may, for example, be exercised if the ALMA Director feels that any such incident may seriously affect the work environment at the Observatory.



Article 6. Updates of this Code

The JAO, through the ALMA Director and in cooperation with the Human Resources Advisory Group, will recommend updates to this Code of Ethics and Conduct whenever necessary for approval by the Director's Council.