



Bylaws Amendment Referendum

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Two proposed bylaw amendments are presented below to the SAA membership for consideration. The first (Amendment #1) was proposed by a group of SAA members through the referendum process provided for in the SAA bylaws. The second was proposed by the SAA Board of Directors to follow the intent of Amendment #1 while broadening its scope. The Bylaws Committee has reviewed both amendments, and its process and recommendation are included in this ballot.

Statement from the SAA Board of Directors

SAA's Board and staff condemn harassment in all its forms and welcome the efforts of members to improve our bylaws via the petition process. We believe that both of these amendments are consistent with our goals of protecting members and modernizing SAA. The cost of complacency in these matters is too high, and we are committed to regaining the trust of our membership by taking definitive actions. This referendum is a major step in our ongoing process of listening, learning, and growing, and the Board is currently drafting policies to implement whichever amendment the membership elects to approve.

All people deserve to feel safe at SAA's events, and confident that the leadership of the organization will listen to them. This vote is an important step in realizing these goals.

The package that follows includes

1. Background information for each amendment
2. Recommendation of the Bylaws Committee
3. Instructions
 - a. Ballot for proposed Amendment #1
 - b. Ballot for proposed Amendment #2

Composition of the Bylaws Committee

The Bylaws Committee is a standing SAA committee designated in the SAA Bylaws and charged with examining proposed amendments and preparing recommendations to the SAA membership. The members of the Bylaw Committee are

- Patricia A. Gilman
- Kyle Bocinsky
- Lynne Sebastian
- Dean R. Snow

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Background for Amendment #1

Article IX, Section 4 of the Bylaws of the Society for American Archaeology ("SAA") states that a petition for a referendum vote containing the signatures of more than ten percent (10%) of the paid voting SAA members must be referred to the membership for vote by ballot. The SAA has received such a request ("Referendum") signed by more than 10% of the membership. This level of support of the membership for the amendment clearly demonstrates deeply held concerns within the archaeological community. Two of the four Bylaws Committee members were among the petition signers.

The language of the Referendum is as follows:

We formally petition the Board of Directors for a referendum vote on the adoption into bylaws of the following policy, adapted from a policy adopted on April 16th, 2019, by the American Anthropological Association:

Individuals who are currently sanctioned for assault or harassment by an adjudicating institution (e.g., a university, court, or other recognized adjudicating body) will be barred from taking part in SAA events, including annual meetings. Appeals may be requested in the case of advance registration; on-site registration for such individuals will not be permitted. If a current member is sanctioned for sexual misconduct, their membership may be terminated, subject to the procedures defined in the SAA bylaws, Article IV, Section 13 - Termination of Membership.

Because the Petition requests an amendment to the SAA bylaws, Article XV, Section 1 of the SAA bylaws requires that the Petition be submitted to the SAA Executive Director and to the Bylaws Committee to prepare a recommendation to the membership. In determining its recommendation in this case, the Bylaws Committee considered the following:

- a. Bylaws establish the guiding principles under which an organization operates. The principle in question here might be stated as, "There are transgressions against the values of the organization that warrant revocation of member privileges and even termination of membership." Bylaws, as one of the governing documents of an organization, are rightly difficult to change.
- b. Policies implement bylaws and can be readily revised or augmented to respond to and address a current or changing situation. Policies are "living documents," and they offer the flexibility to allow the Board of Directors to make important governance decisions quickly and to align SAA's governance with changing views within the profession. As an example, twice in the last decade task forces have recommended that changes to the SAA Principles of Archaeological Ethics were necessary, and the Board was able to respond quickly by adopting the needed changes through policy.
- c. The SAA bylaws provide limited *general* authority for addressing transgressions against the ideals, objectives, and accepted standards of the Society (Article IV, Section 13). Such transgressions would certainly include assault and harassment, but also many other kinds of criminal behavior as well as wrongdoings specific to the practice of archaeology such as ARPA (Archaeological

Resources Protection Act) violations, trafficking in artifacts, and plagiarism. The details of sanctioning specific **types** of transgressions are better developed in policy.

- d. The bylaw amendment proposed by the petitioners addresses a specific type of transgression against the “ideals, objectives, and accepted standards of the Society” and identifies specific sanctions for that single type of transgression.

Background for Amendment #2

Article XV, Section 1 of the SAA bylaws also provides the authority for the SAA Board of Directors to propose amendments to the bylaws. The SAA Board of Directors recognizes both the critical importance of the problem addressed by the petitioners and the appropriateness of the sanctions proposed. The Board is concerned, however, about efforts to address specific types of transgressions individually within the bylaws rather than addressing specifics through policy under the aegis of an umbrella bylaw amendment. The Board, therefore, has proposed an alternative bylaw amendment (Amendment #2), printed below along with the amendment proposed by the petitioners (Amendment #1).

The SAA Bylaws Committee has also prepared a recommendation to the membership concerning Amendment #2. In determining its recommendation in this case, the Bylaws Committee considered the following:

- a. Amendment #2 provides for the same sanctions the petitioners have proposed—it bars those who have been found by a third-party adjudicating body to have violated the SAA standards of behavior from attending SAA meetings and events, and it provides for termination of membership.
- b. Amendment #2 applies to all conduct or actions contrary to the ideals, objectives, and accepted standards of the Society, including, but not limited to, sexual harassment and assault.
- c. Amendment #2 adds the SAA Principles of Archaeological Ethics to the list of documents defining the Society’s standards of behavior.
- d. Amendment #2 further defines the notion of an “adjudicating institution” from Amendment #1 using legal terms: “a court of competent jurisdiction or an administrative or regulatory body.”

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SAA Bylaws Committee Recommendation to the Membership

The SAA Bylaws Committee developed its recommendation independently from the Board of Directors.

The Committee unanimously recommends that the membership vote not to approve (vote “no” on)

Proposed Amendment #1 on the next page and to **approve (vote “yes” on)** Proposed Amendment #2 on the next page, for the following reasons:

- a. Amendment #2 provides for the same sanctions the petitioners have proposed—it bars those who have been found by a third-party adjudicating body to have violated the SAA standards of behavior from attending SAA meetings and events, and it provides for termination of membership.
- b. Amendment #2 is broader and covers all conduct and actions against SAA ideals, objectives, or accepted standards, including sexual harassment and assault.
- c. Under Amendment #2, individual policies to address specific types of transgressions would be developed as needed when issues concerning conduct or actions contrary to the ideals, objectives, and accepted standards of the Society arise.

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INSTRUCTIONS

A simple majority of “yes” votes (50% plus one vote) is required for adoption of a bylaw amendment.

Please vote “yes” or “no” for **each** proposed amendment (Amendment #1 and Amendment #2). The proposed amendments are discussed in greater detail on the previous pages (click the Back button on the bottom of this page to re-review).

Because Amendment #2 is an expansion of Amendment #1, only one of these will be adopted. If both Amendment #1 and Amendment #2 receive a majority of “yes” votes, then the amendment that receives the higher proportion of “yes” votes to “no” votes shall be adopted.

If neither Amendment #1 nor Amendment #2 receives a majority of “yes” votes, then the current bylaws shall remain without amendment.

Proposed Amendment #1

Shall Article IV of the Bylaws of the Society for American Archaeology be amended to include a new Section 14, as follows:

Article IV, Section 14 — Ban on Attendance by Those Sanctioned for Assault or Harassment

Individuals who are currently sanctioned for assault or harassment by an adjudicating institution (e.g., a university, court, or other recognized adjudicating body) will be barred from taking part in SAA events, including annual meetings. Appeals may be requested in the case of advance registration; on-site registration for such individuals will not be permitted. If a current member is sanctioned for sexual misconduct, their membership may be

Proposed Amendment #2

Shall Article IX of the Bylaws of the Society for American Archaeology be amended to include a new Section 4, as follows, with the current Sections 4–7 being renumbered as 5–8:

Article IX: Meetings and Voting, Section 4 — Ban on Attendance at the Annual Meeting

1. Upon being presented with credible evidence that an individual has been found, by a court of competent jurisdiction or an administrative or regulatory body, to have engaged in conduct or actions contrary to the ideals, objectives, and accepted standards of the Society as set forth in these Bylaws, Board policies, or the SAA Principles of Archaeological Ethics, the Board may bar that individual from attending the Annual Meeting and other SAA-sponsored

terminated, subject to the procedures defined in the SAA bylaws, Article IV, Section 13 - Termination of Membership.

events, permanently or for a specific term.

2. Such conduct or action shall include, but is not limited to, sexual assault and harassment.

Select one:

☐ Yes

☐ No

Shall Article IV, Section 13 of the Bylaws of the Society for American Archaeology be amended to replace Section 13.1 as follows, to add Section 13.2 as follows, to renumber the original Section 13.2 to be Section 13.3, and to add Sections 13.4 and 13.5. Text that is to be removed is shown as ~~strike-out~~; text that is to be added is shown as **bold**; text that remains unchanged is shown as normal text.

*Article IV: Membership, Section 13 —
Termination of Membership*

1. ~~The Board may, by three-quarters vote of the members present and voting, remove from the membership rolls any member whose acts are contrary to the ideals, objectives, and accepted standards of the Society as set forth in these Bylaws or Board policies or who otherwise makes improper use of membership in the Society. The action of the Board may be subject to any appeals to the Society at its Annual Business Meeting.~~

1. Upon being presented with credible evidence that an individual has been found, by a court of competent jurisdiction or an administrative or regulatory body (the "Adjudicating Body"), to have engaged in conduct or actions contrary to the ideals, objectives, and accepted standards of the Society as set forth in these Bylaws, Board policies, or the SAA Principles of Archaeological Ethics, or for other reasons at its discretion, the Board may, by three-quarters vote of the Board members present and voting, remove the member from the membership rolls for a specific term or permanently. Upon being presented with evidence that the ruling of the Adjudicating Body was duly overturned on appeal, the Board may reconsider its determination and choose

to reinstate the member to the membership rolls.

2. Such conduct or action shall include, but is not limited to, sexual assault and harassment.
3. The membership of those members who are under suspension for nonpayment of dues at the close of a membership year shall be terminated.
4. An individual whose SAA membership is terminated under this Article IV, Section 13.1, may request reinstatement to membership for good cause shown. A showing of "good cause" for purposes of reinstatement shall be considered only in limited instances of extraordinary circumstances, or for new, material information not available to the Board at the time of termination.
5. An individual whose membership has been terminated for a reason other than nonpayment of dues is ineligible for reinstatement of membership except through an action of the Board described under this Article IV, Section 13.4.

Select one:

☐ Yes

☐ No

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