

*The SAA Board is enormously grateful to the members of the Task Force on Sexual and Anti-Harassment Policies and Procedures for their dedication over the past four months in putting together this new policy proposal. The safety of SAA events is our highest priority, and the SAA Board would like to give an opportunity to review and comment on this proposed policy. Please note, this document is still a work in progress and not final. We welcome [feedback](#) from all members and non-members who attend our events. The Board requests that [responses](#) be submitted by October 7, so that we can review and discuss the policy recommendations of the task force as well as member comments at our fall meeting on October 11—12, 2019. We look forward to hearing from you, our fellow members.*

*--The SAA Board of Directors*

*\*A link to the feedback form is at the end of the document.*

## **Introduction to draft policy**

In late May 2019, the Task Force on Sexual and Anti-Harassment Policies and Procedures was charged with developing effective and strong policies and procedures to address all forms of harassment in archaeology. We carefully researched and consulted with experts, both within and outside of our field, and recently submitted the following proposed policy to the SAA President and Board. This was accompanied by a list of resources and suggested procedures for implementing the policy. Through this journey, we learned that the way forward was much more complex than we had originally anticipated. Ultimately, to effect significant change, each recommendation must be approved by SAA legal counsel. It is important to state that this issue is not unique to the SAA but is a common barrier for most membership-based organizations who seek to create a culture of safety in their respective disciplines.

The draft policy puts those who have encountered issues of harassment, and in extreme cases, assault, first. The following document will introduce ways to protect the membership through enforcement of the policy and through means of support. We refer to these two paths as reporting and disclosure, which are explained concisely in the policy document that follows. We know from comments on previous drafts of this policy that members will be eager to know more about the details of implementation, that is, the specific procedures to be followed. In order to outline how this policy will be enacted, we must have legal guidance at a level of detail that we were unable to obtain in the three short months to accomplish our charge. This said, we have suggested procedures for implementing the policy, and SAA board and staff are reviewing them and consulting legal counsel.

Harassment and assault have no place in a professional environment and we believe this policy will aid the process for eliminating these behaviors in our discipline. Yet, there remains considerable space for us to learn and grow together as we pursue our chosen professions. We

have recommended that the SAA create an advisory committee to ensure that the work we have begun continues. We hope to work together to make our Society, and the discipline overall, safe and inclusive.

*--Co-Chairs of Task Force on Sexual and Anti-Harassment Policies and Procedures*

## **DRAFT Policy**

# **Society for American Archaeology**

## **Member safety and code of conduct at SAA events**

**29<sup>th</sup> August 2019**

### **Context**

This policy defines a code of conduct for participants in SAA events, and mandates prevention of, and response to, incidents of misconduct (including physical and sexual harassment) in activities sponsored by SAA. It also provides a way for survivors of previous misconduct incidents to participate safely in SAA activities.

### **Principles**

Everyone is entitled to a safe and harassment-free experience when participating in SAA activities.

The values of respect, equity, multicultural pluralism, and non-discrimination should inform conduct of SAA members during all SAA activities in accord with SAA Principles of Archaeological Ethics. All SAA members should aspire to treat each other as having an equally valuable contribution to make. All members should remember our Society (SAA) is enriched by diversity.

Harassment harms the individual. Harassment also damages the SAA community by discouraging participation in the Society and compromising the exchange of ideas that is at the center of SAA's mission to promote and stimulate interest and research in the archaeology of the Americas and beyond.

## **Definitions (alphabetical order)**

Disclosure occurs when an SAA member tells SAA that they are a survivor of misconduct and requests assistance from SAA to ensure their safe participation in SAA activities. The misconduct may have occurred at an SAA activity or elsewhere. Disclosure does not require investigation nor naming the alleged perpetrator(s). Disclosure does not require naming the discloser to the alleged perpetrator(s) or naming of the alleged perpetrator(s) to the SAA.

Discrimination refers to the treatment or consideration of, or making a distinction in favor of or against, a person based on the group, class, or category to which that person belongs rather than on individual merit. Discrimination confers privileges on a certain class or denies privileges to a certain class because of age, sex, gender identity and expression, perceived sexual identity, appearance or body size, employment sector, military status, ethnicity, individual lifestyle, marital status, sexual orientation, physical or cognitive abilities, political affiliation, race, religion or nationality.

Harassment is unwanted attention that a recipient experiences as offensive or disruptive to their wellbeing. Harassment can occur both in person and in other contexts such as online interactions.

- Behaviors that constitute harassment include (but are not necessarily limited to): (a) discrimination prohibited under USA federal and state laws and similar laws in other nations; (b) sexual harassment; (c) personal harassment.
- Sexual harassment is behavior that demeans, humiliates, or threatens an individual on the basis of their sex or gender and can include crude behavior (such as offensive statements, jokes, or gestures); dismissive or insulting modes of address (such as referring to a woman not by her first name but as “babe”); unwelcome sexual attention (such as repeated requests for dates, or non-consensual touch); and coercion. Sex-based harassment also takes nonsexual forms when an individual is targeted because of their gender expression or perceived sexual identity. It singles out some members of the community as acceptable targets and as unworthy of respect. For the purposes of this policy sexual assault is included as an extreme form of sexual harassment.
- Personal harassment is any behavior that serves no legitimate purpose and would be considered by a reasonable person to create an intimidating, humiliating, hostile, or unsafe environment. Examples of personal harassment include denigrating comments about any aspect of another person’s identity, offensive gestures, and bullying. For the

purposes of this policy physical assault is considered as an extreme form of personal harassment.

Misconduct means any behavior prohibited under the code of conduct contained in this policy.

Perpetrator means any individual who has committed one or more incidents of misconduct at any time. Alleged perpetrator means any individual who has been reported as having committed one or more incidents but the alleged activity has not yet been investigated and adjudicated.

Reporting occurs when an SAA member tells SAA that they have survived or witnessed an incident of misconduct at an SAA activity, and requests that SAA investigate and take action (including action directed at the perpetrator) to ensure that the survivor or complainant can continue to participate in SAA activities. A report requires an investigation and disclosure of the identity of the alleged perpetrator(s). If an individual has experienced an incident of misconduct and does not want to identify the alleged perpetrator(s), they may disclose instead.

SAA activities include all activities sanctioned by SAA, including (but not limited to) the annual meeting and other face-to-face activities; webinars and other online education and training; interactions within and between the SAA board, committees, and interest groups; and postings through SAA-sanctioned social media.

SAA safety officers are individuals designated by SAA who have been trained to respond to disclosures and reports of harassment and other misconduct.

SAA members and associated participants include all dues-paying members, SAA staff, vendors, and contractors present during an SAA activity, and any non-members invited by SAA to participate in SAA activities.

Sexual assault is an act in which a person intentionally sexually touches another person without that person's consent, or coerces or physically forces a person to engage in a sexual act against their will.

Survivor means any individual who has experienced incident(s) of misconduct at any time or place. In some contexts in the policy and procedures documents, the terms complainant, reporter, or discloser are used, as appropriate.

## **Policy**

### **1. Jurisdiction and responsibility**

- a. This policy applies to all SAA members during SAA-sponsored activities.
- b. For the purposes of the SAA Annual Meeting, this policy applies to SAA members and associated participants for the entire period of their physical or virtual presence at the meeting, including times when they are interacting with other SAA members outside the official meeting space or times. Specific procedures for other SAA-sponsored activities will vary according to the type, scale, venue, and duration of the event
- c. Various individuals are designated in this policy as having responsibility for its implementation. If a disclosure or report alleges misconduct by one of those individuals, or if one of those individuals is in a conflict of interest, the supervisor of the individual will take on the responsibility for implementing this policy with regard to that disclosure or report. Should the President of SAA be named as an alleged perpetrator or be in a conflict of interest, the Board will designate a Board member to take on the President's responsibilities under this policy.

### **2. Education and communication**

- a. SAA will provide members with information about appropriate conduct and prevention of misconduct during SAA activities, including the presence of this policy and contact information for safety officers.
- b. SAA will take reasonable\* steps to ensure that all SAA activities are conducted in an environment that is free of misconduct
- c. SAA will promote activities that reduce misconduct in the practice of archaeology.

### **3. Member health and safety**

- a. When any member discloses or reports an incident of misconduct, the first priority of SAA must be the health and safety of the member

### **4. Code of Conduct**

- a. SAA members involved in SAA activities and events are expected to conform to the principles and provisions of this policy and to the SAA Statement of Archaeological Ethics, which appears on the SA website.
- b. Any SAA member who is required by their employer or by a legal process to refrain from certain behaviors or from contact with certain individuals must respect those requirements while participating in all SAA activities.
- c. The following behaviors (see definitions above) are prohibited at SAA meetings and events, in person or online:
  - i. harassment of any kind, including sexual harassment, sexual assault, and coercion
  - ii. physical or verbal abuse, including bullying
  - iii. unwelcome comments and/or exclusionary behaviors related to an individual's age, sex, gender identity and expression, perceived sexual identity, appearance or body size, employment sector, military status, ethnicity, individual lifestyle, marital status, sexual orientation, physical or cognitive abilities, political affiliation, race, religion or nationality.
  - iv. intimidation, stalking or following
  - v. retaliation for reporting unacceptable behavior

## **5. Disclosure and accommodation**

- a. A survivor's safety at an SAA activity may be compromised by an incident of misconduct that occurred within or outside SAA jurisdiction at any time or place. In particular, the presence of a perpetrator or alleged perpetrator of misconduct may affect a member's safety. The processes of disclosure and accommodation prioritize the safety of the survivor without the need for an investigation by SAA.
- b. Any SAA member or associated participant may disclose to an SAA safety officer an incident of harassment or misconduct that affects that member's safe participation in an SAA activity, and may request accommodation from SAA to ensure their continuing safe participation in the activity.
- c. In situations where the incident happened recently (at the SAA event), SAA will offer to help the survivor obtain immediate assistance in dealing with physical or mental health concerns.
- d. A disclosure does not trigger an investigation by SAA.
- e. A disclosure need not identify an alleged perpetrator. If the alleged perpetrator is identified in the disclosure, no action will be taken against the alleged perpetrator,

the disclosure will not be reported to the alleged perpetrator, and the name of the alleged perpetrator will not be recorded.

- f. A survivor may disclose an incident of misconduct that occurs while an SAA activity is ongoing. A disclosure can also be made about a past incident of harassment that affects the SAA member's participation in SAA activities. The incident need not have taken place at SAA activities, nor does the survivor nor the alleged perpetrator need to have been an SAA member at the time of the incident.
- g. Because misconduct may cause serious distress, an SAA member may designate a third party to represent them when disclosing an incident to an SAA safety officer and when negotiating an accommodation.
- h. SAA will take reasonable\* and rapid actions to ensure that the survivor can participate as fully as possible in the SAA activity.
- i. Actions taken by SAA to accommodate the needs of the member making a disclosure will not unreasonably\* affect the participation of the alleged perpetrator or other individuals in SAA activities.

## **6. Reporting and investigation**

- a. Any SAA member or associated participant may report to a designated SAA safety officer an incident of misconduct that has been perpetrated on them by another SAA member or associated participant during an activity under the jurisdiction of SAA.
- b. Because misconduct may cause serious distress, an SAA member or associated participant may designate a third party to represent them when reporting an incident to SAA staff and when discussing next steps with SAA. However, in most cases, in order to conduct an investigation, SAA will at some point need evidence from the survivor and permission to release the survivor's name to the alleged perpetrator.
- c. SAA will offer to help the survivor obtain immediate assistance (if required) in dealing with physical or mental health concerns and, if necessary, with law enforcement personnel.
- d. SAA will advise the member or their representative of their options, including: (a) reporting the incident to law enforcement; (b) reporting the incident to other organizations/institutions that may also have jurisdiction over the alleged perpetrator; (c) requesting that SAA undertake an investigation; (d) requesting immediate accommodation under the provisions of a disclosure (see section 5). SAA will also inform the member that these options are not mutually exclusive.

- e. If the SAA member or associated participant reporting the incident requests an investigation, an SAA safety officer will follow the procedures outlined in Section 8.

## **7. Procedures: Disclosure and accommodation**

- a. For each SAA activity, SAA will designate a minimum of two safety officers for disclosures of misconduct. Safety officers will have received appropriate training in how to handle disclosures and reports, and how to provide accommodation.
- b. Safety officers will be on-site and accessible during the annual meeting. Procedures for online seminars and other activities will be customized to specific circumstances and venues.
- c. In the case of disclosures, the safety officer will request from the survivor a statement of the desired accommodation and the reasons for requesting it. The contact person will consult with the Executive Director to determine what accommodation can be offered.

## **8. Procedures: Reporting and Investigation**

- a. For each SAA Annual Meeting, SAA will designate a minimum of two safety officers for disclosures of misconduct (and as appropriate for other SAA-sponsored activities). Safety officers will have received appropriate training in how to handle disclosures and reports, and how to provide accommodation.
- b. Safety officers will be on-site and accessible during the annual meeting. Procedures for online seminars and other activities will be customized to specific circumstances and venues.
- c. Investigations of a report of misconduct will be managed through procedures described in section 9 of this policy.

## **9. Investigation and outcomes of a report of misconduct**

- a. The safety officer will obtain a description of the alleged incident of misconduct from the survivor, including, if possible, the identity of the alleged perpetrator. The safety officer will also obtain statements from any witnesses to the incident.
- b. The safety officer will provide the alleged perpetrator with a description of the incident and request a timely response; the safety officer will inform the alleged perpetrator that retaliation to a report of misconduct is considered a form of misconduct.



- c. The safety officer may assist the survivor and alleged perpetrator in reaching a reconciliation.
- d. The safety officer will make a report to the President and Executive Director of SAA, outlining the known facts.
- e. The President of SAA is empowered to take action based on the findings of the safety officer. Actions may include, but are not restricted to, the following:
  - i. immediate removal of the alleged perpetrator from the activity;
  - ii. requiring the alleged perpetrator to modify and/or restrict their behavior and activity at the event;
  - iii. other reasonable\* steps, consistent with the nature of the alleged misconduct;
  - iv. informing the survivor and alleged perpetrator that no evidence of misconduct has been found.
- f. The survivor and the perpetrator/alleged perpetrator, will receive a copy of the safety officer's report made to the President and a copy of the President's decision.

## **10. Confidentiality, records, reporting**

- a. *Placeholder: statement about confidentiality, protection of privacy, and records retention will be needed here [need legal counsel to shape this—also, given SAA's international members, when drafting this please be sure to check with the EU General Data Protection Regulation that went into effect on May 25, 2018].*
- b. The Executive Director will report annually to the Board the number of requests for accommodation, and, without breaching confidentiality and privacy, will report to the Board the steps taken to provide accommodation to members.
- a. The Executive Director will report annually to the Board the number of reports of misconduct, and, without breaching confidentiality and privacy, will report to the Board the steps taken to investigate the reports and the outcome of the investigations.
- b. SAA leadership will report annually to membership the numbers and types of accommodations and reports of misconduct.

### **Footnote**

\* What constitutes a reasonable accommodation will depend upon circumstances.

“In the law of Negligence, the reasonable person standard is the standard of care that a reasonably prudent person would observe under a given set of circumstances. An individual who subscribes to such standards can avoid liability for negligence. Similarly a reasonable act is that which might fairly and properly be required of an individual.” (West's Encyclopedia of American Law, edition 2. Copyright 2008 The Gale Group, Inc.)

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