



SOCIETY FOR AMERICAN ARCHAEOLOGY

Board of Directors of the Society for American Archaeology

SAA Background and Resource Guide for Addressing Harassment and Violence

Based upon the Executive Committee of the American Association of Physical Anthropologists Statement on Sexual Harassment and Assault (November 2015)

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I. Introduction and Scope of Policy:

The Society for American Archaeology (SAA) is committed to providing a safe space, free of threats, harassment, or assault, to all of our members regardless of their age, ethnicity, gender identity or expression, sexual orientation, disabilities, religion, marital status, or any other reason unrelated to professional performance. Experiences of harassment and assault and threats of those behaviors, especially those of a sexual- or gender-identity based nature, in educational and workplace contexts can shape an individual's ability to complete their training or pursue their career goals.¹ Professional training and research in archaeology often require many years of preparation, intensive collaboration, and research away from home institutional contexts. Both assault and harassment remain substantial issues in fieldwork situations,² and there are indications that these issues are also relevant at conferences.

This *SAA Background and Resource Guide for Addressing Harassment and Violence* is intended to convey accepted guidelines for appropriate behavior for SAA members and to provide targets of such behavior with resources for seeking legal and institutional recourse. In it, SAA outlines best practices regarding the definition, prevention, and reporting of sexual and other types of harassment and violence in our professional community as well as our expectations for the professional behavior of SAA members. Here we define “and other” specifically as those forms of harassment and violence based upon the targeted person's attributes other than sex, for

¹ Leskinen, Emily A., Cortina, Lilia M., Kabat, Dana B. (2011). “Gender Harassment: Broadening our understanding of sex-based harassment at work.” *Law and Human Behavior*. 35(1): 25-39; Einarsen, Ståle., Hoel, Helge, Zapt, Dieter, Cooper, Cary, Eds. (2011). *Bullying and Harassment in the Workplace: Developments in Research, Theory and Practice. Second Edition*. Boca Raton: CRC Press.

² Clancy, Kathryn B. H., Nelson, Robin G., Rutherford, Julianne R., Hinde, Katie., “Survey of academic field experiences (SAFE): Trainees report harassment and assault”, *PLOS One* 9(7):<http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0102>. Over 90% of female and 70% of male study participants were trainees or employees at the time that they were targeted. For the purposes of this survey, sexual harassment was defined as sexual remarks and comments about physical appearance and/or cognitive sex differences and sexual assault as unwanted physical contact of a sexual nature, including touching, physical threats or rape.

example, gender identity or expression, sexual orientation, ethnicity, disability, religion, and marital status. SAA's Detailed Statement is not intended to constitute legal advice. In the event of any conflict between it and applicable law or institutional policy, the applicable law or institutional policy prevails. SAA members and institutions are encouraged to seek their own counsel for advice in any specific situation.

II. What are sexual harassment, rape, and sexual assault?

According to the United States Equal Opportunity Commission, sexual harassment includes comments directed at someone because of their sex as well as unwelcomed sexual advances or demands for sexual favors.³ The Department of Justice defines rape as forced penetration of any body part of another person without that person's consent.⁴ This definition of rape acknowledges the sex and gender of the perpetrator and victim is irrelevant, a victim is not required to physically resist, and a person may be unable to provide consent (*e.g.*, due to intoxication, psychological coercion, physical incapacitation, or other physical and mental incapacities). Sexual assault includes actual or attempted physical attacks (*e.g.*, rape) and any sexual contact (including fondling or groping) or behavior without explicit consent of the recipient.⁵

SAA members are expected to conduct themselves in a manner consistent with applicable civil and criminal laws prohibiting sexual harassment, rape, and sexual assault.

As archaeologists, we conduct our professional business in diverse spaces including field settings, offices, conferences, workshops, classrooms, and laboratories on college and university campuses and in museums, cultural resource management (CRM) firms, and government institutions throughout the country and abroad, as well as online. Accordingly, sexual harassment and assault can occur in all of these spaces. Many (though not all) archaeologists work under the auspices of federally funded colleges and universities while many others work for federal, tribal, state, and local agencies and organizations. These persons are governed not only by local, state, tribal, and federal criminal and civil law but also by the policies and rules of these institutions and agencies, including Title IX of the Education Amendments (1972), 20 U.S.C. §1681 *et seq.*, and similar legislation in other countries.

III. What are harassment and assault, as defined by the Hate Crimes Prevention Act?

The Hate Crimes Prevention Act prohibits and prescribes penalties for anyone who commits, or attempts to commit, acts of violence against another person because of the actual or perceived "race,⁶ color, religion, or national origin" of any person, or because of real or perceived gender,

³ USEEOC (n.d.) Sexual Harassment

⁴ See, *e.g.*, Attorney General Eric Holder Announces Revisions to the Uniform Crime Report's Definition of Rape. January 6, 2012. Available at <http://www.justice.gov/opa/pr/attorney-general-eric-holder-announces-revisions-uniform-crime-report-s-definition-rape>

⁵ See, *e.g.*, Sexual Assault. Department of Justice. Updated April 2, 2015. <http://www.justice.gov/ovw/sexual-assault>

⁶ Here the SAA Board stresses our recognition that "race" is a socially constructed category, but notes that it is one included in federal and state law and other documents and includes the term when quoting those documents.

sexual orientation, gender identity, or disability. The term “gender identity” means actual or perceived gender-related characteristics.

Such offenses include aggravated sexual abuse or an attempt to commit it. The law defines the term “bodily injury” as a cut, abrasion, bruise, burn, or disfigurement, physical pain, or illness; impairment of the function of a bodily member, organ, or mental faculty; or any other injury to the body, no matter how temporary. The law defines the term “serious bodily injury” as bodily injury that involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

Readers should note that the Hate Crimes Prevention Act specifically excludes solely emotional or psychological harm to the victim (see below). However, in this area, Title VII of the Civil Rights Act of 1964 regarding workplace discrimination and Title IX of the Education Amendments of 1972 (see below) regarding hindrances to educational opportunity may apply to such threats to employee and student security and effectiveness in their respective situations.

IV. Relevant United States federal laws:

Numerous civil and criminal laws enacted at the local, state, and federal level provide varying and overlapping rights and obligations regarding harassment, rape, and sexual assault or assault based upon. These include, without limitation:

- [Title VII of the Civil Rights Act of 1964](http://www.eeoc.gov/laws/statutes/titlevii.cfm), 42 U.S.C. §2000e *et seq.*, which makes it unlawful for employers to make employment decisions (*e.g.*, hiring, firing, promotion, and compensation) on the basis of sex or to limit, segregate, or classify employees or applicants on the basis of sex. It protects individuals (*i.e.*, applicants and employees) from hostile environments (including sexual harassment) in employment.
<http://www.eeoc.gov/laws/statutes/titlevii.cfm>
- [Title IX of the Education Amendments of 1972](http://www.justice.gov/crt/about/cor/coord/titleix.php), 20 U.S.C. §1681 *et seq.*, specifically applies to education programs to protect individuals (*e.g.*, visitors, volunteers, students, and faculty) from being excluded from participation, denied the benefits, or discriminated on the basis of sex. <http://www.justice.gov/crt/about/cor/coord/titleix.php>
- [The Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act](https://www.law.cornell.edu/uscode/text/18/249), 18 U.S.C. §249, makes it a crime to willfully cause bodily injury to another person because of actual or perceived gender, sexual orientation, or gender identity.
<https://www.law.cornell.edu/uscode/text/18/249>
- The reauthorization of the [Violence Against Women Act](https://federalregister.gov/a/2014-24284) (VAWA) includes specific stipulations for issues concerning campus sexual violence (the so-called SaVE Act provision). <https://federalregister.gov/a/2014-24284>
- Criminal offenses for [statutory rape vary by state](https://aspe.hhs.gov/report/statutory-rape-guide-state-laws-and-reporting-requirements-summary-current-state-laws) in terms of minimum age of the victim, minimum age of defendant, and age differential between them.
<https://aspe.hhs.gov/report/statutory-rape-guide-state-laws-and-reporting-requirements-summary-current-state-laws>

- Civil Protection Orders (CPOs) vary by state. The American Bar Association has prepared charts summarizing CPOs for sexual assault and for stalking and harassment in the United States and the District of Columbia.
- http://www.americanbar.org/content/dam/aba/administrative/domestic_violence1/Charts/SA%20CPO%20Final%202015.authcheckdam.pdf
- Many states have or are in the process of adopting legislation specifically regarding sexual misconduct on campus.
- Many private firms and employers have non-discrimination policies and/or regulations that proscribe appropriate behavior for employees.
- Members of the Register of Professional Archaeologists are bound by RPA's [Code of Conduct: Sexual Harassment](http://rpanet.org/?page=RPACodeSexualHarassm).

Generally, U.S. federal statutes set a baseline of protections upon which state and local authorities may provide additional or stronger protections; thus, the law of one jurisdiction may demand a higher standard of conduct than the law of another. The specific conduct required or prohibited varies from place to place as do the proscriptions (*i.e.*, the acts, types of actor, types of victim, or types of setting). For any given circumstance and time, multiple laws apply. State human relations commissions are important resources and can refer individuals to the appropriate authority to handle situations involving civil and criminal laws.⁷

While it is beyond the scope of SAA's Detailed Statement to review all relevant law that may apply to SAA members at any particular time, it is important to remember that depending on the circumstance multiple lines of redress may exist.

V. How does Title IX relate to sexual harassment and assault?

In the United States, private and public colleges and universities that receive federal funds must comply with Title IX of the Education Amendments (1972), 20 U.S.C. §1681 *et seq.* Title IX prohibits discrimination on the basis of sex in educational programs, activities, and employment. Title IX applies regardless of whether federal financial assistance is received directly or indirectly. Title IX applies to all forms of sexual discrimination including sexual harassment, sexual misconduct, sexual violence, and all forms of gender-based harassment. Title IX applies equally to students, staff, and faculty, and is meant to protect students and employees from sexual harassment by any school employee, student, or nonemployee third party.

Title IX requires, among other things, that a school: 1) publish a non-discrimination statement; 2) appoint a Title IX coordinator; 3) adopt and publish grievance procedures that are prompt, equitable, and allow for adequate, reliable, and impartial investigation of complaints; 4) use and enforce appropriate remedies; 5) provide education and prevention programs; 6) provide general training for all campus community members about the school's policies and procedures; and 7) provide specific training for implementers and adjudicators about the school's grievance procedures and its response to complaints of sexual harassment and sexual violence. Therefore, all students and employees at colleges and universities receiving federal financial assistance should have access to these offices and resources. Under Title IX, if a

⁷See <http://www.justice.gov/crt/legalinfo/stateandlocal.php>

school knows or reasonably should know about sexual harassment that creates a hostile work or learning environment, the school must eliminate the harassment, prevent its recurrence, and address its effects.

A school violates Title IX if it has “notice” of a sexually hostile environment and fails to take immediate and corrective action. A school is deemed to have notice if a responsible employee knew or, in the exercise of reasonable care, should have known about the harassment. A responsible employee includes any employee who: 1) has the authority to take action to redress the harassment; 2) has the duty to report to appropriate school officials sexual harassment or any other misconduct by students or employees; or 3) a student could reasonably believe has the authority or responsibility to take action. Unlawful discrimination on the basis of sex includes rape, sexual assault, and sexual harassment (*i.e.*, hostile environment). Many SAA members are affiliated with colleges, universities, and research institutions throughout the United States. Thus, members may be accountable to their colleges and universities via Title IX. Members outside the U.S. will also be bound by any similar legislation in their home country or country of employment.

VI. How do Title VII of the Civil Rights Act and the Violence Against Women Act relate to sexual harassment and assault?

The Civil Rights Act of 1964 (Pub. L. 88-352) (Title VII), as amended, makes it illegal to discriminate against a person on the basis of “race,⁶ color, religion, or national origin,” and, most importantly in the case of sexual harassment and assault, because of sex. The act requires that employers not refuse to hire or discharge an individual or otherwise discriminate against them on the basis of their sex. Discrimination in terms of compensation, terms, conditions, and privileges of employment are also included. Retaliation against someone because they file a complaint or participate in a discrimination investigation is also illegal. As noted by the U.S. Equal Employment Opportunity Commission “*Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964.*”⁸ Any employer with 15 or more employees must comply with Title VII. Those who are pregnant, affected by childbirth, or medical conditions related to pregnancy or childbirth are also covered under the act.

The Violence Against Women (VAWA) Reauthorization Act (2013) prohibits sexual assault, domestic violence, dating violence, and stalking. “*VAWA primarily addresses certain types of violent crime through grant programs to state, tribal, and local governments; nonprofit organizations; and universities. VAWA programs target the crimes of intimate partner violence, dating violence, sexual assault, and stalking.*”⁹

⁸ U.S. Equal Employment Opportunity Commission, Facts About Sexual Harassment, <http://www.eeoc.gov/eeoc/publications/fs-sex.cfm>

⁹ The Violence Against Women Act: Overview, Legislation, and Federal Funding, Congressional Research Service. <https://www.fas.org/sgp/crs/misc/R42499.pdf>

VII. Where do SAA's *Statement on Sexual Harassment and Violence Background and Resource Guide for Addressing Harassment and Assault and Violence* apply?

The statement applies to all physical (field, lab, office, university campuses, and conference settings) and online spaces in which archaeologists conduct professional business.

A. "Home"

In offices, colleges and universities, museums, and other places of research, teaching, and cultural resource management, we are often involved in collaborative endeavors that enable us to engage with colleagues at all stages of their careers and from many disciplines. While these collaborative projects can produce promising results, they can also put us at risk for abuses of power. We encourage everyone to be aware of the rules surrounding appropriate behavior and the available resources in cases of abuses of any sort.

B. Field contexts

Fieldwork is a central component of training and research in archaeology. These research trips often remove us from our home environments, and require us to engage with researchers, staff, and community members from areas around the world. They also require that work relationships be removed from their primary contexts and be situated in spaces that may have different cultural or professional rules. Due to their centrality in training in our discipline, we view the field as a workplace environment and an extension of our working environments at home. As such, SAA holds that all employment, college, university, or other institutional rules regarding appropriate behavior apply in these fieldwork contexts, as do the SAA Statement and SAA Principles of Archaeological Ethics. If fieldwork is conducted under the aegis of a sponsoring institution (*e.g.*, university, museum, or private nonprofit), those laws and regulations, as well as avenues of recourse in cases of offenses against these, apply to the fieldwork situation. If fieldwork is conducted on land managed by federal, state, or local agencies, then the laws and regulations of those jurisdictions may also apply.

C. Social media, email, and other forms of digital socializing and communication

People engage in social media for varied reasons. Activities on social media may be subject to provisions of some or all of the applicable laws discussed above. If using social media professionally (including to network with colleagues or for purposes of public outreach), SAA members are expected to approach the interface as members would a conference, understanding that there are many colleagues who are "friends" who can see the posts and who would hold the author of the post to a high standard of professional behavior.

Before posting or commenting to a professional audience (even if mixed with non-academic "friends"), SAA members are expected to consider this information available to the public. Nothing shared online is truly private, and the information shared may last "forever." Social media can serve as a megaphone, amplifying private conversations beyond the originally intended audience. When using social media, SAA members should consider whether people are likely to interpret the writing in the way it was intended. The same temperament and attitude is also expected of SAA members for email communication with colleagues (including faculty students and staff).

D. Conferences

The SAA is dedicated to providing a harassment-free meeting experience for everyone, regardless of sex, gender identity and expression, sexual orientation, disability, physical appearance, ethnicity, religion, or age. Due to their centrality in professional training and networking in our discipline, conferences are clearly an extension of the educational and workplace environment. As such, all office, agency, college or university, and other appropriate institutional rules regarding appropriate behavior apply in these contexts as does the SAA Statement and SAA Principles of Archaeological Ethics. However, should an incident occur while at a SAA-sponsored conference, meeting, or workshop, the SAA officers, Board of Directors, and session or workshop chairs should be considered safe authorities with whom incidents can be discussed. SAA will not tolerate harassment of meeting participants in any form.

VIII. Suggestions for prevention:

SAA believes that it is the responsibility of each member of our organization to create safe spaces free of discrimination, harassment, or assault. There are clear steps that we can take to help to foster a supportive and safe professional community, in person, in the field, at meetings, and online.

- All SAA members should educate themselves about types of sexual and other misconduct (harassment, rape, sexual assault, assault with the intent to commit bodily harm) and commit to not perpetrating these acts.
- SAA members who are Principal Investigators are encouraged to create and enforce field-site specific codes of conduct.
- SAA members who are Principal Investigators are legally required and strongly encouraged to report all harassment and assault that occurs at their places of research.
- SAA student members are encouraged to research all field schools and programs before attending, should make themselves aware of what resources will be available on site, and should request a code of conduct from the field school administrators.
- SAA student members are also encouraged to discuss all potential field research experiences with a trusted advisor or peer mentor.
- All SAA members are encouraged to request a code of conduct from the Principal Investigators in charge of research and CRM project sites.
- All SAA members should inquire about appropriate reporting mechanisms and university and government resources, in the case that the Principal Investigator fails to provide this information.
- SAA encourages the supervisors of field schools or research experiences to make available: 1) their code of conduct prohibiting sexual and other assault and harassment, and 2) appropriate reporting mechanisms for those who do experience or witness unwanted sexual contact of any type.

Bystander awareness:

Bystanders are those who observe or are subsequently informed of instances of sexual misconduct. Individuals react differently when witnessing or learning about sexual misconduct. It is important that SAA members know how to recognize sexual harassment, rape, or assault and consider safe, responsible, and effective ways to react or intervene.

In addition, the SAA recommends proactive engagement to foster a culture of respect and prevent sexual and other harassment, rape, and assault. The “[It’s On Us Campaign](#),” which aims to establish a collective, societal ownership of the problem of sexual violence and to empower all of us to engage in shifting the cultural norms toward respect, has a useful [toolkit](#) that SAA members may want to review and use.¹⁰

The following information is provided to help bystanders:

A. Ensure safety, then select the most appropriate approach

- Be aware of your surroundings
- Create a distraction
- Interject yourself into the conversation
- Use the power of the group, and tell another person about the situation
- Ask the affected individual if he or she is ok
- Speak out and/or tell an authority figure about the situation

B. Support the affected individual¹¹

- Encourage the affected individual to report the incident
- Respect the individual’s choice either to report or not to report the incident
- Advise the affected individual to seek appropriate support

IX. How to obtain advice if you believe you have a grievance:

SAA is not an adjudicating body. We strongly recommend that our members seek out appropriate authorities with which to file claims of sexual harassment and assault. Typically, the line of formal complaint is through the perpetrator’s home institution or organization. All members should make themselves aware of the appropriate processes at their home institutions as well as the areas (*i.e.*, legal jurisdictions) where fieldwork, meetings, and other business are conducted.

SAA members should also be aware that the Register of Professional Archaeologists, with its Code of Conduct, has investigative powers and is in the position to act with regard to members who have violated that code.

Our goal is to foster a culture that makes our meetings models for safe and open working environments for all. The lines of formal reporting in all cases remain through the perpetrator's

¹⁰http://itsonus.org/assets/files/ItsOnUs_CampaignOrganizingTools.pdf

¹¹For example: <http://stepupprogram.org/topics/sexual-assault/#actionsteps>; <https://rainn.org/get-information/sexual-assault-prevention/bystanders-can-help>

home institution. As stated before, however, should an incident occur while at a SAA-sponsored conference, meeting, or workshop, the SAA officers, Board of Directors, and session or workshop chairs should be considered safe authorities with whom such incidents can initially be discussed.

Formal resources include, but are not limited to:

A. Campus resources

- Office of Human Resources
- Office of Diversity/Equity/Compliance/Human Rights
- Office of legal counsel
- Anti-Discrimination officer
- Ombuds Office
- Field Instructor/Research Office
- Faculty Complaint Professor (formal or informal)
- Title IX or Sexual Harassment Coordinator
- Employee Assistance Program (EAP)
- Codes of Conduct
- Campus police
- Local, state, and federal law enforcement
- Local and state human relations commissions
- State and Federal Attorneys General
- Harassment and Discrimination Policies

B. Field and other resources

- Site supervisor
- Colleagues
- Local, state, and federal law enforcement
- Local and state human relations commissions
- International security agencies (embassies, consulates)

C. Support services

- Student Health Services
- Medical Center Emergency Department
- Counseling and Psychological Services
- Local Crisis Response Center
- Clergy

X. Summary

Sexual or other harassment, violence, and the threats of such behavior will not be tolerated in any form. The SAA is committed to providing safe physical and online spaces for all of its members.

XI. Acknowledgments

The SAA Board of Directors approved this statement on sexual and other harassment and assault after consultation with the SAA Committee on Ethics, SAA legal counsel Mark Scudder, COSWA Chair Jo Ellen Burkholder, WAIG Chair Brenda Bowser, QAIG Chair Dawn Rutecki, Task Force Chairs Janet Levy and Silvia Tomášková, and Former SAA President Meg Conkey. We thank them all for their valuable feedback. The SAA's Detailed Statement is based on a statement drafted by the 2014 and 2015 American Association of Physical Anthropologists Ethics Committees and approved by the AAPA Executive Committee in 2015, with input from the AAPA Counsel, Wes Kennedy, and Title IX Coordinators. We thank the AAPA President Susan Antón and Executive Committee for their collegiality in allowing SAA to base our own substantially modified statement on their thorough and thoughtful research.

XII. Additional Resources:

Clancy, Kathryn B.H., Nelson, Robin G., Rutherford, Julienne R., Hinde, Katie, "Survey of academic field experiences (SAFE): Trainees report harassment and assault", *PLOS One* 9(7): <http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0102>

Muckle, Bob (2014). "On Sexual Harassment and Assault in Archaeology", *The SAA Archaeological Record*
http://depts.washington.edu/anthweb/resources/diverse_pdfs/archy.rec.nov.2014.sex.harass.pdf

Gewin, Virginia (2015). "Social behaviour: Indecent Advances" *Nature* 519: 251-253. <http://www.nature.com/naturejobs/science/articles/10.1038/nj7542-251a>

Meyers, M., Boudreax, T., Carmody, S., Dekle, V., Horton, E., Wright, A., 2015. Preliminary Results of the SEAC Sexual Harassment Survey. *Horizon and Tradition* 57, 19-25.

Wood, Bernard (2015). "Zero tolerance. Period" (editorial). *Science* 350: 487.

"We can Act" – a report developed by the American Philosophical Association Sexual Harassment Ad Hoc Committee
<http://c.ymcdn.com/sites/www.apaonline.org/resource/resmgr/sexualharassmentreport.pdf>

American Association of University Professors Publications:

Sexual harassment policies 2002: <http://www.aaup.org/issues/sexual-harassment/policies-2002>

Current issues and trends: <http://www.aaup.org/issues/sexual-harassment/>

Resources on Sexual Harassment and Assault:

<http://www.aaup.org/issues/sexual-harassment/resources-sexual-assault-and-sexual-harassment>

Department of Education Office of Civil Rights Publications:

2001 Revised Sexual Harassment Guidance:

<http://www2.ed.gov/about/offices/list/ocr/docs/shguide.html>

Dear Colleague Letter: <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.html>

Questions and Answers on Title IX and Sexual Violence (pdf):

<http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>

Bystander resources:

<http://nsvrc.org/bystander-intervention-background-and-general-information>

It's On Us Campaign:

<http://itsonus.org>

Greendot.etcetera: <https://www.livethegreendot.com/>