

2020 Arizona Archaeology Council Harassment and Assault Policy

The Arizona Archaeological Council's (AAC) bylaws (Article II, Section 2, Bullet point 4) state that a goal of professional archaeology is "To uphold State, Federal, County and Municipal laws, rules, and regulations that protect cultural resources." The mission and ethos of the AAC do not support illegal or unacceptable behavior. AAC's compliance with all applicable laws and regulations includes those prohibiting harassment and assault. The AAC acknowledges that the actions of the Council as well as the individual actions of its membership reflect upon the professional archaeological community. Therefore, the AAC's Harassment and Assault Policy sets out an expectation of responsible professional conduct, during AAC activities, events, and associated practices. This Policy works with the AAC's bylaws, and is intended to cover all professional behavior of AAC members and any non-member who participates in AAC programs or activities.

Unacceptable Behavior

Harassment is any behavior by an individual or group of individuals that contributes to a hostile, intimidating, or unwelcoming environment, including sexual harassment. Harassment includes but is not limited to: stalking, bullying, hostility or abuse based on age, disability, ethnicity, gender expression, gender identity, institutional affiliation, marital status, national origin, race, religion, sex, sexual orientation, socio-economic status, or any other class. Sexual harassment includes unwelcome sexual advances and verbal comments that are sexual in nature or sexually suggestive. Sexual assault is a crime and includes any unwelcomed intimate physical contact, groping, fondling, rape or attempted rape, or any other unwelcome physical contact of a sexual nature.

Reporting Harassment

If anyone attending an AAC-sponsored event is being harassed, witnesses someone else being harassed, or has any other concerns relating to harassment, they should follow the reporting policy outlined in the AAC's bylaws, Article IX, Section 1 – Grievance Procedures. If an incident occurs during an AAC sponsored event, the witness or complainant should speak with event staff or an AAC officer to file a complaint.

While the AAC is neither an investigative, adjudicating, nor a disciplinary body, this policy recognizes the AAC as a private organization with ultimate authority to grant, deny, or revoke membership or attendance of AAC-sponsored events. The AAC has developed a grievance process to address accusations of policy violations. The AAC reserves the right to remove an individual or individuals reasonably believed, upon evidence at hand, to have violated this Policy from any AAC organized or sponsored event without warning or refund, and may prohibit attendance at future AAC meetings, programs, or activities. If within the review process, an allegation is determined to be purposely erroneous, the AAC reserves the right to punitively remove the offender from the membership without warning or refund and prohibit attendance at future AAC meetings, programs, or activities. Those wrongly accused shall have no limitations placed on future AAC membership or participation.

This policy does not extend to incidents that involve AAC members that occur outside the context of AAC-sponsored settings and activities, and we urge AAC members to seek out appropriate authorities with which to file complaints of harassment or assault.

Individuals who are currently sanctioned for harassment or assault by a court of competent jurisdiction or an administrative or regulatory body (e.g. a university, court, or other recognized adjudicating body) will be barred from taking part in AAC events. Appeals may be requested during the advance registration period; 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 grievance procedure written in the AAC bylaws, Article IX, Section 1.

Reviewing Harassment Claims

The AAC Board will receive and review reports of harassment in the context of AAC settings and activities. The complainant will be notified within 48 hours that their complaint has been received and is being reviewed. Upon approval from the complainant, local police will be notified of the report of harassment, and the AAC will facilitate any following investigation. Reviewed complaints may be deemed not to merit further pursuit by the AAC, or they may be deemed to have merit. If the AAC board decides to pursue a report, the board will communicate with the complainant to determine if there is evidence of possible criminal conduct, and will refer the complainant to the police or other proper authority. If the complainant wishes for the AAC Board to actively participate in resolving the complaint, and with the complainant's consent, the Board will discuss the complaint with the alleged harasser and give them an opportunity to respond to the complaint. The AAC board may also facilitate discussion between both parties to achieve an informal resolution. The AAC Board will follow up on the outcome to determine whether the harassing behavior has ceased. The AAC board will document all allegations in regular meeting minutes (without identifying information) and in confidential Council files for future reference.

Two annual reports will be written: One report will contain general information and descriptive statistics such as the number and types of complaints received, how many were pursued, how many were resolved, types of resolutions, etc. No identifying information will be included. This report will be made available to all AAC members. A second confidential report will be prepared and available only to AAC officers. The report will describe the specifics of each complaint received and any actions taken. This confidential report may be consulted only by officers of the AAC in the course of their duties on a need to know basis. This Policy is not intended to constitute legal advice. In the event of any conflict between this Policy and applicable laws or institutional policy, the applicable laws or institutional policy prevails. Members and institutions are encouraged to seek their own counsel for advice regarding any specific situation. The AAC can only promise confidentiality within the parameters of the law. It is not the AAC's role to assist individuals through their institution's or place of employment's internal mechanism for pursuing a complaint of sexual harassment outside the context of AAC programs or activities.

The AAC also encourages members who are conducting field projects to read the Archaeological Institute of America's Statement on Sexual Harassment and Assault Guidelines on Archaeological Field Projects (<https://www.archaeological.org/wp-content/uploads/2019/05/AIA-Statement-on-Sexual-Harassment-and-Assault-and-Guidelines-on-Archaeological-Field-Projects.pdf>)

Relevant Laws

AAC members are expected to conduct themselves in a professional manner consistent with AAC's bylaws, which include abiding by applicable civil and criminal laws prohibiting harassment and assault.

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

1. Title VII of the Civil Rights Act of 1964, 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.
2. Title IX of the Education Amendments of 1972, 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 against on the basis of sex.
3. The Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act, 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.
4. The Violence Against Women Act (VAWA) was reauthorized in 2014 with specific stipulations for issues concerning campus sexual violence (known as the SaVE Act provision).
5. A.R.S §41-1463 protects against discrimination on the basis of sex.
6. In Arizona, sexual abuse is defined in A.R.S §13-1404 as occurring when "A person commits sexual abuse by intentionally or knowingly engaging in sexual contact with any person who is fifteen or more years of age without consent of that person or with any person who is under fifteen years of age if the sexual contact involves only the female breast." Sexual contact is defined in A.R.S §13-3211 as "any direct or indirect fondling or manipulating of any part of the genitals, anus or female breast."
7. In Arizona, ARS §13-1405 and ARS §13-1407 defines sexual conduct with a minor as a crime that involves sexual intercourse or oral sexual contact between a child who is younger than 18 years old, and a defendant of any age. It also includes intercourse or oral sexual contact between a minor who is 15, 16, or 17, and a defendant who is 19 or older (unless the defendant is still in high school), and at least two years older than the minor.
8. Arizona law (ARS §13-1410) defines molestation of a child as sexual contact without penetration (not including touching a female's breast) between a minor who is 14 or younger and a defendant of any age.