

# SEAC PROCESS FOR REPORTING, INVESTIGATING, AND ADJUDICATING

## SEXUAL HARASSMENT COMPLAINTS

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## **PREAMBLE**

The Southeastern Archaeological Conference (SEAC) and its members are committed to full compliance with all laws and regulations, to maintaining the highest ethical standards in the way SEAC conducts its operations and activities, to broadening equity, diversity, and inclusion, and to creating a culture of belonging within the conference and the profession.

This below “SEAC Process for Reporting, Investigating, and Adjudicating Sexual Harassment Complaints” (“Policy”) creates an enforceable Code of Conduct which prohibits members from engaging in harassing behavior (that is, unwelcome conduct) directed toward a person because of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and transgender status. Such behavior may be reflected in a single incident, in multiple incidents, or in a pattern of conduct. The Policy further outlines procedures to address reported violations.

## **PROHIBITED CONDUCT**

### **1.1 Sexual Harassment Prohibited**

SEAC members shall not engage in conduct constituting sexual harassment as defined in this Policy. This Policy provides a mechanism for SEAC to investigate and sanction harassment by SEAC members and non-member attendees at SEAC events, SEAC-sponsored events, and events related to SEAC business. It also provides a mechanism for SEAC to implement reciprocal sanctions in the event it learns any SEAC member has been sanctioned for conduct elsewhere that, had it occurred at a SEAC event, would be prohibited by this Policy.

### **1.2 Sexual Harassment**

Sexual harassment, as used in this Policy, is harassment on the basis of sex. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or participation in or benefit from any archaeological programs; (2) submission to or rejection of such conduct by an individual is used as the basis for decisions involving an individual's employment or participation in or benefit from any archaeological programs; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or participation in or benefit from any archaeological programs or creating an intimidating, hostile, or offensive working environment.

Conduct may violate this Policy even if it is not motivated by sexual desire. It may be reflected in a single incident or in multiple incidents, or in a pattern of conduct. In determining whether alleged conduct constitutes sexual harassment, the totality of the circumstances will be reviewed, such as the nature of the sexual advances and the context in which the alleged incidents occurred.

#### Examples of Sexual Harassment

The following are examples of behavior that may constitute sexual harassment:

- Physical acts of a sexual nature, including unwelcome touching of any type (such as unwelcome kissing or hugging).
- Unwelcome sexual advances or propositions.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality (including sexual orientation or attraction), or the sexual experience of that person or any other person.
- Sex stereotyping, that is, viewing conduct or traits as inappropriate because they may not conform to other people's ideas about how somebody of a particular sex should act or look. (This includes stereotyping based on gender identity and expression, gender orientation, and/or transgender status.)
- Sexual displays or publications (including digital publications or content), such as displaying or referencing pictures, posters, calendars, or other materials that are sexually demeaning or pornographic.
- Hostile actions against people because of their sex, sexual orientation, gender identity, or transgender status.

SEAC urges its members to use discretion, care, and awareness that their words and actions communicate respect for others. This is especially important for those in positions of authority since those of lower rank may be reluctant or intimidated to express their objections.

### **1.3 Sexual Assault**

The term "sexual assault" means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent. Sexual assault is a criminal act and

reports of sexual assault are investigated by law enforcement and prosecuted by the state, tribe, or federal governments.

## **SECTION 2: INVOLVED PARTIES**

### **2.1 The Sexual Harassment and Assault Response and Prevention Coordinator**

#### **(SHARP Coordinator)**

SEAC membership elects a SHARP Coordinator for a three (3)-year term and, with the aid of the SEAC President, appoints a SHARP Committee. The SHARP Coordinator will chair the SHARP Committee and be responsible for coordinating responses, collecting reported information, supporting the complainant and respondent, and providing recommendations to the SEAC Executive Board, related to allegations of sexual harassment and assault, whether informal or formal. The SHARP Coordinator will also be responsible for writing a yearly report on the activities of the SHARP Committee. The SHARP Coordinator will also keep records of any allegations filed with the Executive Board. At the close of an investigation, the SHARP Coordinator will submit digital files of all proceedings to the SEAC Secretary for permanent archiving. The SHARP Coordinator will take on all other responsibilities detailed below as the Chair of the SHARP Committee.

The SHARP Coordinator will serve as the liaison between the Executive Board and SHARP Committee; however, the SHARP Coordinator will not act in the capacity of an advocate and will remain objective and impartial.

The SHARP Coordinator will also be responsible for reviewing the current state of SEAC policy, practices, and grievance procedures regarding sexual harassment and assault and, as appropriate, recommend updates and revisions. The SHARP Coordinator will also make recommendations, if appropriate, for any additional resources, guidance, or training that may be helpful or needed in mitigating and assessing allegations of sexual harassment and assault

## **2.2 The SHARP Committee as Investigative Body and the SEAC Executive Board as Adjudicating Body**

The SHARP Committee reports to the Executive Board and is responsible for investigating allegations of sexual harassment, and recommending appropriate remedial action at which point the Executive Board will adjudicate the allegations.

After an allegation has been processed as described herein, the SHARP Committee will submit a report which will include their recommendation for any remedial actions to the SEAC Executive Board. The Executive Board will review the findings of the SHARP Committee and will determine whether or not to accept the SHARP Committee's determination or, alternatively,, ask the SHARP Committee for further processing. The Executive Board has the final authority to accept or reject the SHARP Committee's determination and to determine what actions will be taken if an allegation is found to be substantiated. SEAC encourages any victims of sexual assault to report such complaints to law enforcement.

## **2.3 The Complainant and the Respondent**

The Complainant is the individual(s) who registers the allegation with the SEAC SHARP Committee. The Complainant need not be a SEAC member. The Respondent is the individual(s) against whom the allegation is made. The Respondent must be a SEAC member at the time of the alleged harassment or assault.

## **SECTION 3: GRIEVANCE PROCEDURE**

### **3.1 Formal and Informal Allegations**

#### Initial Allegation Prior to Submitting a Formal Complaint

Allegations of sexual harassment may be submitted through an established process outlined on SEAC's website. However, SEAC cannot adjudicate anonymous allegations, and all formal complaints, therefore, must be filed by a complainant who is willing to identify her/him/themself to the SHARP Committee, the Executive Board, and the Respondent. Allegations occurring at or during SEAC-related activities or business can be filed.

The SEAC SHARP Committee and Executive Board will observe strict confidentiality when an allegation of sexual harassment is reported, up until the investigation process has been completed and a ruling by the Executive Board has been made, at which point confidentiality may or may not be preserved, depending on the case and the findings. SEAC recognizes that an allegation of sexual harassment is not, in and of itself, proof of misconduct and that an allegation bears the potential to damage the reputation and career of an accused party. Those making allegations of harassment or assault in bad faith will be subject to disciplinary action such as verbal warnings or expulsion from SEAC events. The SHARP Committee will treat all allegations and all parties involved with fairness, objectivity, and confidentiality.

The SEAC SHARP Committee commits to listening to and to addressing complaints and to guiding Complainants through options confidentially before she/he/they decide how to proceed, including details for informal solutions and formal complaints. Informal solutions, if so desired by the Complainant, include such things as asking the Respondent to issue an apology and assurances that the action will not happen again, a member of the SHARP Committee and Executive Board mediating a dialog between the Complainant and Respondent, speaking with the Respondent, asking the



Respondent to avoid the Complainant, providing escorts for the Complainant during SEAC events, and so on.

### Proceeding with a Formal Complaint

After speaking with a member of the SHARP Committee to initially lodge a complaint, if the Complainant wants to proceed with a formal complaint (“Complaint”), the Complainant must submit a Complaint in writing that includes:

1. The name and affiliation of the person(s) submitting the allegation and the name and identifying information of the person(s) alleged to have committed the misconduct.
2. A description of the allegation that, if possible, includes dates, places, and circumstances of the alleged misconduct. However, the SHARP Committee understands that in many cases the Complainant may remember details about some aspects of the offense but not all. We advise anyone who is experiencing unacceptable behavior, if possible, to keep detailed records of such incidents, to speak with confidants or others about the incident, or otherwise document the incident as best as one can.
3. Any documents or other relevant items with annotation showing specifically how the item relates to the allegation.
4. If possible, a list of any witnesses or bystanders who are willing to testify.
5. A statement explaining any conflict(s) of interest the Complainant has with the accused. A conflict of interest does not preclude the filing of an allegation.

After filing a Complaint with SEAC, a Complainant may request that SEAC provide protections from harassment, discrimination, or bullying at SEAC activities. Such actions may include barring the Respondent from any SEAC activity or business including any session(s) in which the Complainant is participating, or providing the Complainant with an escort during SEAC activities.

SEAC cannot take any complaints involving ongoing litigation or other adversarial legal proceedings; any such complaints will be held in abeyance until such procedures are completed.

### **3.2 Procedure for the Preliminary Investigation**

Upon receipt of an allegation, the SHARP Coordinator will notify the SEAC President within ten (10) business days that a complaint has been filed. The SHARP Coordinator will also acknowledge receipt of the allegation to the Complainant within 10 business days. The Executive Board will review the SHARP Coordinator's notification and within fifteen (15) business days of receipt of the notification determine if the allegation does or does not constitute sexual harassment as defined by SEAC and whether further review is merited.

The Executive Board will report their conclusions to the SEAC President. If the Executive Board agrees that the allegation does not constitute sexual harassment as defined by SEAC, then the SHARP Coordinator will notify the Complainant immediately and the allegation will be dismissed.

If the Executive Board believes that the allegation may constitute sexual harassment, then the SHARP Coordinator will provide notification to the Respondent and Complainant, and the Executive Board will begin a formal review and hearing process. The SHARP Coordinator will explain, in writing, the details of the complaint to the Respondent. If the Respondent admits to the alleged misconduct at any time during the procedure, the process will be halted and the SHARP Committee will prepare recommendations to the Executive Board for actions and/or sanctions to be taken.

### **3.3 Procedure for the Formal Investigation**

The SHARP Committee serves as the investigative body and has ninety (90) days to complete its investigation, but may ask for an extension of time from the SEAC President if needed. If the internet and conference calls are used as part of the investigation, adequate security and confidentiality of the

proceedings must be taken. Additional members may be added to a specific investigation to provide subject matter expertise pursuant to the allegation. In certain cases, the SHARP Committee, in consultation and with approval by the Executive Board, may appoint a neutral outside source (i.e., the law firm for which SEAC maintains an established agreement) to conduct the investigation.

1. The SHARP Coordinator will consult with the SHARP Committee to determine the schedule of the investigation and make assignments regarding specific actions to be undertaken by the committee members. All procedures will be conducted under strict confidentiality.

2. The SHARP Coordinator will formally notify the Complainant and Respondent in writing that an allegation has been received and will be investigated and will provide an approximate timetable and description of the investigation.

3. The Respondent will have fifteen (15) business days to submit any exculpatory evidence. Likewise the Complainant has fifteen (15) business days to submit any additional evidence other than what was submitted in the formal allegation process. The Complainant and Respondent may also provide written statements from themselves or others as part of the proceedings. In both cases, the Respondent or the Complainant may ask the SHARP Committee for a time extension if needed.

4. The SHARP Committee will be responsible for the collection of any additional information and evidence (including speaking with witnesses, especially if the facts are in dispute or if the Executive Board deems it otherwise necessary.)

5. After collecting the evidence, the SHARP Committee will conduct separate interviews with both the Complainant and the Respondent (this can be done either through teleconferencing or a meeting held at a mutually agreed upon time and location). The SHARP Coordinator will schedule the meetings/conference calls and advise the Respondent and Complainant at least 15 business days in advance. All information that the SHARP Committee has collected will be forwarded to both the

Complainant and the Respondent no later than 10 business days before the meeting/conference call, so that all parties may evaluate it.

6. During the meeting/conference call the SHARP Committee will summarize the allegation and associated evidence of sexual harassment, and in separate interviews, the Complainant and Respondent will be given the opportunity to respond.

7. The SHARP Coordinator will then convene with the SEAC Executive Board to review all documentation.

8. The Executive Board will then consider all the evidence presented; make a finding as to whether sexual harassment has occurred; and adjudicate a response. The Executive Board response requires a majority of the members to be present.

9. The finding and recommendation of the Executive Board will be forwarded to the SHARP Coordinator and the SHARP Coordinator will prepare a report for SEAC's records. The report should be a clear, complete, and final determination of all charges. At a minimum, the report will include the following: (1) summary of the alleged misconduct, (2) summary of the evidence submitted by the Complainant and Respondent to the SHARP Committee, (3) discussion and conclusion of the evidence, (4) recommendations for actions and/or sanctions to be taken, and (5) appendices as needed containing supporting documents and written statements.

10. A Respondent may retain the services of an attorney at their own cost. SEAC may also retain services of an attorney if it deems this necessary. If an attorney is needed, as determined by the SHARP Committee, in consultation with the SEAC President, the Executive Board should ensure adequate resources are available to secure the necessary legal services.

### **3.4 Review by the SEAC Executive Board**

The Executive Board will review findings submitted in the SHARP Coordinator's report within fifteen (15) business days of receipt of the report. The Board can request additional investigations or processing which the SHARP Committee will have up to ninety (90) days to conduct. The Board will notify immediately the SHARP Coordinator and the Respondent and the Complainant of its decision. The Executive Board will summarize its action in a report for the record and a copy forwarded to the SHARP Committee for their files. The Respondent has the right to accept or reject the recommended sanctions and will inform the SHARP Coordinator in writing within thirty (30) days of receipt of the notification as to his/her/their decision. If the Respondent accepts the sanctions, the SHARP Coordinator will complete the disciplinary action. If the Respondent does not respond within the 30 days, the SHARP Coordinator will send another notification and request an immediate response. If the Respondent does not accept the findings and the sanctions, the Respondent has the right to appeal (see below).

The Executive Board has the final authority to accept or reject the recommendations of the SHARP Committee and to determine what actions or sanctions should be taken if an allegation is substantiated. Any sanctions must be agreed upon by three-fourths of the Executive Board. The SHARP Coordinator is not considered a voting member of the Executive Board when votes are held to determine sanctions based on the Policy.

### **3.5 Sanctions**

If a finding of sexual harassment has been made the Executive Board will consider appropriate actions or sanctions as well as the period over which the sanction will be in effect, and/or recommendations for education or training. The Executive Board may consider sexual harassment improper use of SEAC membership and that such conduct is contrary to the purposes of the Conference

as outlined in its Articles of Incorporation. Sanctions, in increasing severity, may include but are not limited to the following:

- a. Verbal reprimand or warning.
- b. Written reprimand or warning.
- c. Removal from SEAC-related events, business, and activities for a specific period, including permanently.
- d. Removal from SEAC volunteer position.
- e. Withdrawal/retraction of presentations, publication, or posters.
- f. Suspension from publishing in *Southeastern Archaeology* for a specific period, including permanently.
- g. Suspension from making presentations at SEAC-sponsored meeting(s) for a specific period, including permanently.
- h. Suspension of membership.
- i. Permanent expulsion from SEAC.
- j. Denial or revocation of honors and awards.

When a SEAC member is sanctioned by another organization, institution, agency, or workplace for sexual harassment and this information is brought to the attention of the SHARP Coordinator, the SHARP Coordinator, acting as a representative of SEAC, will request an official, verified account, that included due process, of the sanctions. The SHARP Coordinator will bring the sanction to the Executive Board. The Executive Board will review the sanction and may consider separate sanctions following sections 3.4 and 3.5 of this document. If SEAC imposes sanctions, the Respondent may appeal following section 3.6 of this document.

### **3.6 Appeals**

Once the Executive Board has decided on actions to be taken against the Respondent, the

Respondent has ninety (90) days to file an appeal of the sanction and/or the finding. The Executive Board will review the appeal and sustain or revise its decision on the sanction. The Executive Board will evaluate the appeal within thirty (30) days of receipt, at which time the President will inform both the Respondent, the Complainant, and the SHARP Coordinator of their decision and what, if any, course of action will be taken.

If the Executive Board requests the SHARP Committee to reconsider their findings after an appeal, the SHARP Committee has up to ninety (90) days to reconsider the finding. If necessary, the SHARP Committee may ask the Board for an extension of time for gathering additional information. The SHARP Committee then follows the guidelines established above in the grievance procedure.

### **3.7 Use of Legal Counsel**

The Executive Board and SHARP Committee shall maintain its agreement with legal counsel to review or assist in the investigation of an allegation or complaint. Such legal counsel shall be identified and approved by the President or Executive Board. SEAC can also confer with legal counsel if an allegation of sexual assault has occurred (see Section 3.8 below.)

### **3.8 Sexual Assault**

Sexual assault is a criminal act. Crimes are investigated by law enforcement and prosecuted by the state. SEAC takes allegations of sexual assault seriously and is limited in its capacity to act on allegations of sexual assault. In an instance where sexual assault has occurred, individuals should report such incidents to local law enforcement. Individuals can notify SEAC when sexual assault has occurred, and SEAC will take all possible measures to maintain a safe environment, which can include removal of any individual accused of such sexual assault from a meeting and providing an escort to the individual

making such allegation. SEAC will take all possible steps to protect the identity of the individual making the allegation.

### **3.9 Conflict of Interest**

Actual or apparent conflicts of interest must be avoided in all actions by the SHARP Committee, the SHARP Coordinator, the subject matter experts retained by the Committee, and the Executive Board during an investigation. To this end, members of the relevant committee must recuse themselves from participation in the investigation if they are from the same institution (for institutions with multiple campuses this applies only to the same physical campus), have worked closely with, have a personal relationship with, or are related to either the Complainant or Respondent.

At minimum, three SHARP members must be available, with no conflicts of interest, to conduct the investigation. The President and Executive Board, in consultation with the SHARP Coordinator, will name one of the committee members as the Vice Coordinator to assist and serve as Coordinator in the event that the Coordinator has a conflict of interest or if the Coordinator cannot serve for other reasons. If less than three SHARP committee members are able to proceed with an investigation due to an actual or perceived conflict of interest, the President and Executive Board will appoint acting SHARP Committee members to lead the investigation, with preference given to former Task Force and SHARP Committee members and/or former SEAC elected officers.

If the President recuses themselves, the Executive Board will appoint the next officer of succession as documented in the SEAC bylaws Article IV .

### **3.10 Release of Sanctions**

The SHARP Coordinator will be responsible for responding to any inquiries about current or former members who have been sanctioned. The SHARP Coordinator and SEAC President, in



consultation with SEAC’s legal counsel, will review requests on a case-by-case basis. All requests for the release of sanctions must be reviewed by legal counsel. In the rare case that the SHARP Coordinator and SEAC President believe it is an imperative to release the results of any sanctions, the Executive Board will be notified. Information related to ongoing investigations will not be released. Information related to investigations that did not result in sanctions will not be released. SHARP Committee activities, including the number of investigations, outcomes, and sanctions will be reported in the Committee’s annual report to the Executive Board with names of those involved remaining confidential.

### **3.11 Statute of Limitations**

The shorter the period between incident and report helps greatly in the ability to investigate and bring proper remedy to a case. SEAC encourages anyone subjected to sexual harassment to file a complaint within one (1) year of the incident taking place so that a timely investigation may be carried out. However, the SEAC SHARP Coordinator and President, in consultation with previous individuals who have held these offices, may investigate older incidents on a case-by-case basis.

### **3.12 Retaliation is Prohibited**

SEAC will not tolerate any form of retaliation against persons who file a complaint or assist in the investigation. Retaliation is a serious violation of SEAC policy and will be subject to disciplinary action and grievance procedures outlined above.

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