

ANNUAL REPORT: SEAC COMMITTEES/TASK FORCES/ETC.

Name of Committee/Task Force: SEAC Task Force on Sexual Harassment and Assault

Current Members: Robbie Ethridge (chair), Vanessa Hanvey, Jesse Nowak, Chris Rodning, Gayle Fritz, Jera Davis, Scot Keith, Patrick Johnson, Michael Fedoroff, Meredith D. Hardy, and Shawn Lambert

Person submitting this report: Robbie Ethridge

Date: October 8, 2021

Activities through the past year, since 2020 annual meeting:

1. Task Force Budget. On August 18, 2021, the Task Force sent a proposed 2021 budget request to the Executive Board; the Board approved the request on 8/30/2021 (see Appendix A: Task Force 2021 Budget). However, on October 5, 2021, the Task Force submitted an additional request to the Board for another \$250 to print 200 additional brochures, which the Board approved the following day. See Items 3, 7, 8, and 9, below, for details on the budget expenditures.

2. Implementing the Sexual Harassment and Assault Response and Prevention (SHARP) Coordinator onto the Executive Committee. In 2019, the Executive Board approved the Task Force recommendation that SEAC add a permanent, voting member to the SEAC Executive Board whose responsibilities would be to oversee the mitigation and prevention of sexual harassment and assault within SEAC. This required a change in the SEAC by-laws. On September 14, 2020, the Task Force submitted a proposal to change the SEAC Constitutions and By-laws to include a Sexual Harassment and Assault Response and Prevention (SHARP) Coordinator and SHARP Standing Committee (see 2019 and 2020 Task Force Yearly Reports on the SEAC website). A vote by SEAC members in Fall 2020 overwhelmingly approved the measure, and two candidates are currently running for the office of SHARP Coordinator. The 2021 SEAC elections will end in mid-October, after this report is due, and the SHARP Coordinator-elect will take office at the end of the 2021 Business Meeting in Durham. They will serve a two-year term (Fall 2021-Fall 2023). After the SHARP Coordinator takes office, they, in consultation with the Executive Board, will determine the size of the SHARP Standing Committee, the terms of the committee members, as well as the members of the committee. Once the SHARP Coordinator is in office we recommend that the President of SEAC dismiss the Task Force (see “Plans for Coming Year,” below).

3. Legal counsel on Proposed Grievance Procedure. The SEAC Executive Board in 2019 approved the Task Force to seek legal counsel on SEAC’s proposed grievance procedure, and they agreed to pay associated costs (see 2019 Task Force Yearly Report on the SEAC website). There was a year delay in completing this task due to the pandemic. In June 2021, Robbie Ethridge contacted Ona Law, PLLC, and on July 25, 2021, Robbie Ethridge, on behalf of SEAC, entered

into an agreement with Ona Law, PLLC, that Attorney Ona would provide legal counsel on SEAC's proposed grievance procedure for a fee of \$750 (see Appendix A: 2021 Task Force Budget and Appendix B: Engagement Letter between SEAC and Ona Law, PLLC).

Ona then closely examined the SEAC Constitution and By Laws and the proposed grievance procedure. He and Ethridge consulted twice about Ona's analysis and both Ethridge and Ona have written preliminary reports (See Appendix C: Task Force Report on Ona's Analysis of SEAC Proposed Grievance Procedure and Appendix D: Ona Law, PLLC, Report on SEAC Grievance Procedure).

Ona and Ethridge requests to meet with the SEAC Executive Board sometime after the SEAC Annual Meetings in Durham, after which they will deliver their final reports.

4. Review Register of Professional Archaeologists (RPA) new membership guidelines and grievance procedures. In 2020, then-SEAC President Janet Levy asked the Task Force to review the RPA revised membership policy and determine whether or not it would be feasible for SEAC to hand over sexual harassment and assault grievances to RPA. This task was suspended because of the pandemic until 2021. In 2021, the Task Force spoke at length with Linda Stine, President of the RPA; the report derived from those conversations are in Appendix E: Task Force Report on Discussions with the Register of Professional Archaeologists (RPA).

5. Code of Conduct for SEAC Annual Meetings and agreement "check box" on conference registration page. In 2018, the Task Force drafted a proposed Code of Conduct for SEAC Annual Meetings, which we then piloted at the 2019 meetings. Due to the pandemic, any follow-up tasks in this regard (see 2020 Task Force Yearly Report) were delayed until 2021.

In 2021, the Task Force reviewed the 2019 Code of Conduct for SEAC Annual Meetings and did not have any recommendations for revisions at this date. It is currently posted on the SEAC website at <https://www.southeasternarchaeology.org/wp-content/uploads/SEAC-Meetings-Code-of-Conduct-2021.pdf>.

The Task Force also reviewed the 2022 Society for American Archaeology (SAA) Meeting Safety Policy and Code of Conduct (online at <https://www.saa.org/annual-meeting/meeting-policies/meeting-safety-policy>). The Task Force decided that, before making any decisions regarding revisions to SEAC's policies and codes in relation to the SAA, that the incoming SHARP Coordinator and Standing Committee monitor, review, and consult with SAA about the 2022 implementation of their policies and codes during the Chicago meetings.

The Task Force pilot for a second time the Code of Conduct for SEAC Annual Meetings at the 2021 meetings in Durham, NC. The 2021 Code of Conduct will be printed in the front pages of the program (see Appendix F: Task Force Copy for Inclusion in 2021 Conference Program).

In 2020, the Task Force recommended to the Executive Committee that conference participants be required to agree to abide by the SEAC Code of Conduct for Annual Meetings, and that conference attendees would make such of an agreement through a “check box” on the conference registration page. The Executive Committee approved the Task Force to pilot a “check box” for the 2020 conference. Due to the pandemic, this effort, with approval from the Executive Board, was postponed until 2021.

After much discussion, in May 2021, a Task Force subcommittee (Chris Rodning, Jera Davis, Patrick Johnson) crafted the proposed wording for a pilot of the SEAC Code of Conduct for Annual Meetings check-box agreement (see Appendix G: Proposed Code of Conduct for Annual Meetings Check-Box Agreement for Conference Registration Page). Due to an oversight, this proposed check-box agreement did not come before the Executive Board at the time.

On June 25, 2021, Ethridge contacted the conference organizers (Margie Scary and Heather Lapham) and the Task Force subcommittee for a status update on the check-box agreement. The organizers replied that they had not received any information about the check-box agreement, and they informed Ethridge that it was too late to put the check-box on the registration page and that they needed confirmation that the check-box agreement was approved by the Executive Board. Meg Kassabaum (SEAC Webmaster and Social Media Editor) contacted the Task Force the same day, and recalled that at the May 2021 Executive Board meeting that the Board discussed the check-box agreement and, amid much debate, had not come to any conclusion about whether or not to include it (please refer to the minutes of the May 2021 SEAC Executive Board meeting for details on this discussion). Maureen Meyers (SEAC President) then reviewed the minutes from the Executive Board meeting and other documentation. In her review, Meyers notes that the Board later agreed to pilot a check-box agreement, but wanted wait to read the final language for the check-box agreement before voting on it. As noted above, the proposed check-box agreement was not submitted to the Board due to an oversight. Meyers then confirmed that the Board, therefore, had not voted on the issue. Ethridge then suspended the check-box agreement for the 2021 conference. The Task Force instead recommends to pilot a check-box agreement for the 2022 meetings (see “Plans for the Coming Year” below).

6. Suggested Code of Conduct for Field Schools and Field Projects and Suggested Template for an Archaeological Field School Agreement. The Task Force reviewed the Suggested Code of Conduct for Field Schools and Field Projects and the Suggested Template for an Archaeological Field School Agreement. The Task Force has no recommendations for revisions at this date. The Suggested Code is currently posted on the SEAC website at <https://www.southeasternarchaeology.org/wp-content/uploads/SEAC-Suggested-Code-of-Conduct-for-Field-Schools-and-Field-Projects-2020.pdf> and the Suggested Template is at <https://www.southeasternarchaeology.org/wp-content/uploads/SEAC-Suggested-Agreement-Form-for-Fieldwork-Code-of-Conduct-2020.pdf>.

7. SEAC Safe Officer Program for 2021. In 2019 the Task Force piloted a SEAC Safe Officer Program (the following year the program was suspended because the meetings were virtual due to the pandemic). In 2019, only two complaints were filed with a Safe Officer and no mitigation was necessary. However, many people told Robbie Ethridge and other Safe Officers how important our presence was at the meetings (see 2019 Task Force Yearly Report on the SEAC website).

Based on this feedback and with permission from the Executive Board, in 2021, the Task Force reviewed the 2019 Safe Officer program and prepared the Safe Officer program for the 2021 face-to-face meetings, considering any problems, recommendations, and gaps in the 2019 program. The Task Force enlisted 2021 Safe Officer volunteers (Robbie Ethridge, Shawn Lambert, Jera Davis, Patrick Johnson, Jesse Nowak). These volunteers will be in Durham for the conference, wear red Safe Officer t-shirts (see Appendix F: Copy for inclusion in the 2021 conference program) and will serve as Safe Officers throughout the entire meeting. At least one of these volunteers will be posted at the conference registration desk during registration hours, and Ethridge will be on call 24/7 throughout the duration of the conference.

In addition, the Task Force submitted information on the Safe Officer program for printing in the program (see Appendix F: Copy for inclusion in the 2021 conference program). It also submitted a request to the Executive Board for money with which to purchase T-shirts for the Safe Officers to wear during the 2021 conference (see Appendix A: 2021 Task Force Budget). The Board approved the expense and the Task Force had five t-shirts printed. The Task Force also will place Safe Officer posters around the conference rooms in conspicuous locations. Ethridge retains the posters from 2019 for use in Durham, so there are no associated costs with the posters.

Robbie Ethridge will conduct a Safe Officer training session at the conference on Sunday, October 25, 4:00-5:30 PM EST, Board Room I. The Safe Officers will be trained in mitigation and reporting to both SEAC and, if necessary, law enforcement. Ethridge will inquire about having local law enforcement representatives from Durham or UNC Chapel Hill to train the Safe Officers in de-escalation techniques.

8. Workshops on mitigating and stopping sexual harassment and assault. In 2021 the Task Force, in association with Carol Colanino, has organized two workshops for the 2021 conference in Durham. They are:

a.) Student Workshop Luncheon. This workshop, titled “Giving Students a Voice: A Platform for Students to Provide Sexual Harassment and Assault Prevention and Best Practices Recommendations,” is organized by Carol Colaninno, Shawn Lambert, and Jesse Nowak, will take place at the 2021 meetings on Monday, October, 25, 12:00-1:00 PM EST, in Grand Ballroom II. This student workshop is being done in coordination with the SEAC Student Affairs Committee (SAC). The Task Force requested from the Executive Board funds to provide 30 box

lunches for this workshop, and the Board approved the expense in August 2021 (See Appendix A: 2021 Task Force Budget). The hotel will provide the food and beverages.

b.) CRM Workshop. This workshop, titled “Supporting the Archaeology Workforce: Developing Harassment-free Environments in Cultural Resource Management,” is also organized by Carol Colaninno, Shawn Lambert, and Jesse Nowak, and will take place at the 2021 meetings on Tuesday, October 26, 3:30-5:00 PM EST, in Junior Ballroom A. The Task Force requested from the Executive Board funds to provide coffee, tea, and light refreshments for 30 people attending this workshop, and the Board approved the expense in August 2021 (see Appendix A: 2021 Task Force Budget). The hotel will provide the food and beverages

9. Brochures for 2021 welcome packets. In 2021 the Task Force determined that brochures stuffed in the welcome bags are an effective means of increasing awareness of and mitigating and preventing sexual harassment and assault; therefore, the Task Force decided to print brochures for the 2021 meetings.

The Task Force then reviewed the current brochure and determined that it did not need updating at this time. It then submitted to the SEAC Board for approval a cost estimate for printing the brochure (see Appendix A: 2021 Task Force Budget). At the time the Task Force submitted this request, estimates for the number of participants for the 2021 meetings was around 300. The number of expected participants has now risen to 500, so on October 5, 2021, the Task Force submitted a request to the Board for an additional \$250 to print 500 brochures. On October 6, 2021, Maureen Meyers, President of SEAC, informed us that the Board approved this expenditure, and the Task Force will have the brochures printed for the 2021 meetings.

Task Force volunteers will be available in Durham on Sunday, October 24, 2021, to stuff the brochures in the welcome bags.

10. Collaborate on NSF project. In June 2019, the Task Force agreed to collaborate with Carol Colaninno, from Southern Illinois University in Edwardsville, and her team on a proposed three-phase NSF project, "Evidence-based Transformation of Undergraduate Field Schools to Promote Safety and Inclusivity among Southeastern Archaeology" (see 2019 Task Force Yearly Report on the SEAC website). We note that Task Force member, Shawn Lambert, is on this team. The role of the Task Force as stipulated in the proposal (p. 12) is to work with their team to disseminate their findings and "to work with the archaeological community through webinars, SEAC conference workshops, and other innovative means to successfully generate a transformation in the ways in which field directors structure their field schools." NSF funded the project in January 2020, and the Colaninno team began the project. The pandemic, naturally, slowed the project somewhat, and in February 2021, Colaninno submitted materials to be posted on the SEAC website. The Task Force asked Meg Kassabaum to post them, which she did. Links to this information can be found at <https://www.southeasternarchaeology.org/sexual-harassment-task-force/>.

We also note that Colannino has been working with Shawn Lambert and others on the Task Force to organize workshops in 2019 and again in 2021 (see 2019 Task Force Yearly Report on the SEAC website and Items 8a and 8b, above). The Task Force thanks her for all her efforts and dedication to these issues.

Plans for coming year:

1. The Sexual Harassment and Assault Response and Prevention (SHARP) Coordinator will take office at the close of the 2021 Business Meeting. The SHARP Coordinator will then work with the Executive Committee to convene a SHARP Standing Committee (see Item 2, above).
2. Once the SHARP Coordinator is in office, we recommend that the SEAC President dissolve the SEAC Task Force on Sexual Harassment and Assault at the conclusion of the Business Meeting in Fall 2021. The SHARP Coordinator and Standing Committee will then assume leadership over issues regarding sexual harassment and assault in the context of SEAC. Robbie Ethridge has agreed to either serve on the SHARP Standing Committee, if so desired, or be available for consultation if and when needed.

The Task Force lists below recommendations for the 2022 year that the SHARP Coordinator may wish to consider. We recommend that the SHARP Coordinator and Standing Committee:

a.) continue to discuss and vet a potential grievance procedure for adoption by SEAC (see Item 3, above). In regard to this, however, we also recommend that SEAC consider if an affiliation with the RPA in order to access the RPA grievance procedure (see Item 4, above)

b.) periodically review and update the Code of Conduct for SEAC Annual Meetings as needed (see Item 5, above).

c.) ask SEAC to adopt the Code of Conduct for the SEAC Annual Meetings as a permanent code (it is currently a pilot code; see Item 5, above).

d.) review the 2022 SAA Meeting Safety Policy and Code of Conduct (online at <https://www.saa.org/annual-meeting/meeting-policies/meeting-safety-policy>) after the SAA 2022 meetings in Chicago to determine if the SAA policy and code has bearing on SEAC's policies and codes (see Item 5, above).

e.) pilot a check-box agreement on the conference registration page for the SEAC Code of Conduct for Annual Meetings for the 2022 meetings (see Item 5, above).

f.) periodically review and update both the Suggested Code of Conduct for Field Schools and Field Projects and Suggested Template for an Archaeological Field School Agreement as needed (see Item 6, above).

g.) continue the SEAC Safe Officer Program for future meetings (see Item 7, above).

h.) continue to hold workshops on mitigating and preventing sexual harassment and assault (see Item 8, above).

i.) obtain funds to print additional Safe Officer posters for placement at the conference and brochures for the 2022 conference welcome bags (see Items 7 and 9, above).

j.) continue to collaborate with Carol Colannino on the NSF project through its completion (see Item 10, above)

k.) distribute another survey within the next two years to assess the impact of the SEAC's efforts to mitigate and prevent sexual harassment and assault since 2014.

Budget requests if any:

The Task Force has no budget requests at this time, although we expect the SHARP Coordinator to submit budget requests for any programming for the 2022 conference.

Concerns, recommendations, debates, etc:

See "Plans for Coming Year," above.

Do you want to be on the agenda for the Board or the Business meeting (or both)?

Robbie Ethridge would like to attend the Board meeting. She will need about 10 to 15 minutes.

Is there anything else you want to say to the board?

The Task Force and Terry Ona would like to brief the Board on the report from Ona Law, PLLC,; and the Task Force would like to report on the RPA options (see Items 3 and 4 above). These reports could occur in one meeting, will take about an hour, and, we, therefore, ask to meet with the Board sometime in November 2021, after the Durham meetings.

Finally, the Task Force extends its gratitude to the SEAC Executive Board and the members of SEAC for taking leadership on the difficult and painful issue of sexual harassment and assault within our organization and our profession. It also acknowledges and thanks the team lead by Maureen Meyers who initiated the SEAC Task Force through their 2014 survey assessing the extent of sexual harassment and assault within SEAC. Since the Task Force under Robbie Ethridge was assembled in 2016, the Executive Board has generously provided funds for various programs and shown tremendous support for our work, and we thank them for both. We also thank Carol Colannino for inviting the Task Force to participate in her NSF project and for her interest in and support of the Task Force's efforts. She has been instrumental in helping to

organize the Task Force workshops in both 2019 and 2022. We also thank the numerous members of SEAC and elsewhere who have told us their stories and have helped shape our efforts. Although there is much still to be done, we believe we have made much progress. We have heard from people around the nation who recognize and appreciate SEAC as one of the first organizations of its kind to diligently address these issues and to test methods for mitigating and preventing sexual harassment and assault within our ranks. We are honored and proud to have been part of it all, and we are honored and proud that SEAC has now institutionalized a Board-level position to continue these efforts. We wish the new SHARP Coordinator and Standing Committee well as they take office and continue the hard work, and we stand ready to help on future endeavors.

{If at all possible, please create this report in Word, so I can merge all the reports into a single document to share with the Board members.}

Please submit by Friday October 8 to Maureen at: mmeyers@newsouthassoc.com

Appendix A: 2021 Task Force Budget

Compiled by: Robbie Ethridge

Date: October 6, 2021

Item	Unit Cost	Quantity	Subtotal	TOTAL
Lawyer fee (Ona Law, PLLC)	\$750.00	flat fee	\$750.00	\$750.00
Safe Officer T-shirts	\$17.50	5	\$87.50	\$87.50
Brochures	\$1.098	500	\$549.00	\$549.00
Food items for workshops (box lunches for student workshop; snacks for CRM workshop; see itemized menu below)				\$726.75
Coffee/tea for CRM workshop (see itemized menu below)				\$137.70
TOTAL (from SEAC)				\$2,250.95

Itemized menu:

Item, Food (2021 SEAC Task Force Workshops)	Cost	Quantity	Subtotal
Lunch on the Go--deli, chicken salad sandwich	\$13.00	12	\$156.00
Lunch on the Go--deli, turkey sandwich	\$13.00	6	\$78.00
Lunch on the Go--deli, tuna salad sandwich	\$13.00	3	\$39.00
Lunch on the Go--deli, roast beef sandwich	\$13.00	2	\$26.00
Lunch on the Go--deli, ham sandwich	\$13.00	2	\$26.00
Lunch on the Go--falafal wrap	\$14.00	5	\$70.00
Dried snack break with sodas and water	\$7.00	25	\$175.00
Subtotal			\$570.00
Management charge (20%)			\$114.00
Taxes (7.5%)			\$42.75
TOTAL			\$726.75

Item, Beverage (Workshop 2, CRM)	Cost	Quantity	Subtotal
Coffee, Regular	\$36.00	1	\$36.00
Coffee, Decaf	\$36.00	1	\$36.00
Hot tea	\$36.00	1	\$36.00
Subtotal			\$108.00
Management charge (20%)			\$21.60
Taxes (7.5%)			\$8.10
TOTAL			\$137.70

GRAND TOTAL			\$864.45
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Appendix B: Engagement Letter between SEAC and Ona Law, PLLC

ONA LAW, PLLC

Terrence Ona
Attorney-at-law
m: 202-322-9184
tfona@onalaw.com

Chicago, IL | Washington, DC | Charlotte, NC

July 21, 2021

Robbie Ethridge, Ph.D.
SOUTHEASTERN ARCHAEOLOGICAL CONFERENCE

RE: ENGAGEMENT LETTER

Dear Prof. Ethridge

Thank you for reaching out to me for your policy review. Please review this engagement letter, which outlines the parameters of my service.

1. I have agreed to provide legal counsel to your organization pertaining to review of SEAC's Grievance Procedure. My counsel will be limited to review of your procedure and policy and will be limited to governance matters and best practices for nonprofit membership organizations and general principals of due process and risk mitigation to the organization. I will not be providing you legal counsel on any issues pertaining to specific state laws.
2. My responsibilities under this agreement are to provide legal counsel and assistance to you in accordance with this letter agreement, and to provide statements to you that clearly state the basis for my fees and charges.
3. During the course of this engagement, I may express opinion or believe to you about the effectiveness of various courses of action or about the various courses of action or about the results that might be anticipated. Such statements are expressions of opinion only, and should not be construed as promises or guaranties.
4. You have the right to terminate my services at any time without limitation. I may withdraw with or without your consent, if I determine in my sole discretion I need to do so.

ONA LAW, PLLC

5. My fee will be a flat fee amount of Seven Hundred Fifty Dollars (\$750) payable upon execution of this engagement letter. Such fee will include all review work, suggested edits, and any follow up calls or meetings with you or SEAC's leadership. I will consider the work completed when SEAC is satisfied with the review.

Thank you again - I look forward to working with

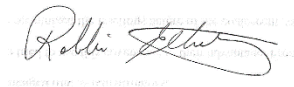
Very truly yours,

Terrence F. Ona



AGREED

SOUTEASTERN ARCHAEOLOGICAL CONFERENCE



Robbie Ethridge, Ph.D.

Date

Chair, SEAC Task Force on Sexual Harassment and Assault

Appendix C: Task Force Report on Ona Law, PLLC, Analysis of SEAC Proposed Grievance Procedure

Date: October 8, 2021

Submitted by: Robbie Ethridge

At the November 2019 SEAC Executive Board meeting, the Board stated that while they could not approve the proposed grievance procedure on sexual harassment and assault as it is currently formulated, the Task Force could move forward with having the proposed procedure vetted by legal counsel. The Board also agreed to pay associated expenses if the Task Force could not retain pro bono legal services (see the 2019 Task Force Yearly Report on the SEAC website). There was a year delay in completing this task due to the pandemic.

In June 2021, Robbie Ethridge contacted Ona Law, PLLC, on the recommendation of Barbara Heath, the President of the Society for Historic Archaeology, and Maureen Meyers, President of SEAC. Ona Law, PLLC, consults with non-profits such as the Society for Historic Archaeology, the Society for American Archaeology, and others on these issues and provided legal counsel at the archaeological Inter-Society Summit which met in Washington, DC, in 2019. Ethridge spoke with Attorney Terry Ona at Ona Law, PLLC, about providing legal counsel on the SEAC proposed grievance procedure. Ona informed Ethridge that the firm charges a flat fee of \$750 dollars for such counsel. The SEAC Executive Board approved this cost in late June 2021 (See Appendix A: 2021 Task Force Budget). On July 25, 2021, Robbie Ethridge, on behalf of SEAC, then entered into an agreement with Ona Law, PLLC, that Attorney Ona would provide legal counsel on SEAC's proposed grievance procedure for a fee of \$750 (see Appendix B: Engagement Letter between SEAC and Ona Law, PLLC).

On July 20, 2021, Ethridge sent Ona a copy of the proposed grievance procedure, and on August 2, 2021, she sent him a copy of the updated SEAC Constitution and Bylaws that included the implementation of a Sexual Harassment and Assault Response and Prevention (SHARP) Coordinator onto the Executive Board. On August 6, 2021, Ona relayed to Ethridge, over the phone, his initial thoughts about the SEAC proposed grievance procedure and Ethridge agreed with all of his comments. Ona advised Ethridge that summarizing the phone conversation in this report could jeopardize attorney-client privilege, and he recommended that she summarize it orally to the Board in a confidential setting. The next step was for Ona to read the grievance procedure, by-laws, and constitution more closely and offer detailed commentary on them.

On August 22, 2021, Ona sent Ethridge via email his red-line commentary on the grievance procedure. Ona was careful to point out in the accompanying email that:

“with regard to sanctions pertaining to termination of membership, you would need to amend your bylaws. Currently, your bylaws state:

Section 6. Membership shall be terminated by voluntary resignation in writing or by non-payment of annual dues, or as noted in Section 7.

Section 7. The Executive Committee may, by three-quarters vote, deny membership to or remove from the membership rolls any member whose acts are contrary to the purposes of the Conference as set forth in Article II of the Articles of Incorporation, who misuses archaeological materials or sites for commercial purposes, who fails to behave in a responsible manner with respect to the archaeological record, or who otherwise makes improper use of membership in the Conference. The action of the Executive Committee may be subject to an appeal to the Conference at its Annual Business Meeting.

Such amendment would look like this:

Section 7. The Executive Committee may, by three-quarters vote, deny membership to or remove from the membership rolls any member whose acts are contrary to the purposes of the Conference as set forth in Article II of the Articles of Incorporation, who misuses archaeological materials or sites for commercial purposes, who fails to behave in a responsible manner with respect to the archaeological record, or who otherwise makes improper use of membership in the Conference, *or who has been determined to have violated any policy of the Conference* [italics added]. The action of the Executive Committee may be subject to an appeal to the Conference at its Annual Business Meeting.”

On September 1, 2021, Ethridge studied Ona’s red-lined commentary and responded using the “Comments” feature (attached below). On October 7, 2021, after reviewing Ethridge’s comments, Ona sent her a red-lined final version of the proposed grievance procedure (attached below).

On September 8, 2021, Ona and Ethridge consulted once again over the phone. Ona commented that the proposed grievance procedure is good but that applying it will require an expenditure of resources in terms of time and money, which would not be insignificant. For example, to apply the grievance procedure, SEAC would want legal counsel on staff or enlist outside legal counsel in order to offset potential liabilities and to ensure that the procedure was done securely and properly. Ona continued that SEAC could either retain legal counsel or that some firms will take on such responsibilities on a case-by-case basis for a flat fee (i.e., \$5,000 to \$10,000 to adjudicate four cases, etc.). He also noted that SEAC could purchase liability insurance or add a rider to any current insurance policies; this would, of course, entail additional costs to SEAC. Again, Ona advised Ethridge to not include in this report other issues discussed in this phone conversation because of the jeopardy to attorney-client privilege, but to instead relay the discussions orally in a confidential setting.

On October 7, 2021, Ona submitted a preliminary report of his legal counsel on the proposed grievance procedure. (See Appendix D: Ona Law, PLLC, Report on SEAC Grievance Procedure).

Finally, to fully brief the Executive Board on Ona’s analysis, including the above-mentioned phone conversations, Ona and Ethridge request a confidential meeting via Zoom with the Board sometime after the November 2021 SEAC annual meeting in Durham. Afterwards, Ona will work with us to finalize further procedures the Board deems appropriate.

Proposed Grievance Procedure with Ona and Ethridge comments and edits from August 2021:

SEAC PROCESS FOR REPORTING, INVESTIGATING, AND ADJUDICATING

SEXUAL HARASSMENT AND SEXUAL ASSAULT COMPLAINTS

PROPOSAL SUBMITTED TO SEAC EXECUTIVE BOARD

NOVEMBER 2018 BY THE SEAC TASK FORCE ON SEXUAL HARASSMENT AND SEXUAL ASSAULT

Contact: Robbie Ethridge, Chair, SEAC Task Force, rethridg@olemiss.edu, 662-816-6369

Note: The following proposal is a draft proposal for comment. It adheres to grievance procedures regarding scientific misconduct and ethics violations in place by the American Geophysical Union, the American Astronomical Society, and the Register of Professional Archaeologists. The language of this proposal will need to be adjusted and vetted by legal counsel before implementation. We ask the members of SEAC to consider the proposal and to offer comments and suggestions for revisions at the 2018 meetings and afterwards until the second week of January 2018.

To that end, the Task Force will participate in a Plenary Session at the August meetings on Friday, November 16, 2018, 3-5 pm, Ogeethorpe DE, to gather feedback from the membership at large. In addition, if you would like to submit comments and suggestions via email please contact Robbie Ethridge (rethridg@olemiss.edu) or the Immediate Past President, Jay Johnson (sajay@olemiss.edu).

After gathering input from the membership, the Executive Board will determine whether or not a grievance procedure is warranted for SEAC. If the Executive Board determines that a grievance procedure is needed, the Task Force will then revise the proposal, taking into consideration comments and discussion from the membership as well as from legal counsel, and submit a final proposal for approval by the Executive Board.

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SEAC PROCESS FOR REPORTING, INVESTIGATING, AND ADJUDICATING

SEXUAL HARASSMENT COMPLAINTS

PREAMBLE

SECTION 1: DEFINITIONS

1.1 Legal Definitions

1.2 SEAC Definition of Sexual Harassment

1.3 SEAC Definition of Sexual Assault

SECTION 2: INVOLVED PARTIES

2.1 The Sexual Harassment and Assault-Response Coordinator (SHARC/SHRC)

2.2 The Ethics Committee and the Executive Board

2.3 The Complainant and the Respondent

SECTION 3: GREIVANCE PROCEDURE

3.1 Formal and Informal Allegations

3.2 Procedure for the Preliminary Investigation

3.3 Procedure for the Formal Investigation

3.4 Review by the SEAC Executive Board

3.5 Sanctions

3.6 Appeals

3.7 Use of Legal Counsel

3.8 Sexual Assault

3.9 Conflict of Interest

3.10 Statute of Limitations

3.11 Retaliation is Prohibited

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SECTION 1- DEFINITIONS

1.1 Legal Definitions

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.¹ The Department of Justice defines rape as forced penetration of any body part of another person without that person's consent.² This definition of rape acknowledges that 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.³

1.2 SEAC Definition of

¹U.S. Equal Employment Opportunity Commission, "Facts About Sexual Harassment," see <http://www.eeoc.gov/eeoc/publications/fs-sex.cfm>.

²See, "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>.

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PREAMBLE

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Examples of Sexual Harassment

These are various types of sexual harassment, which are strictly prohibited:

- Physical acts of a sexual nature, including unwanted touching of any type (such as unwelcome kissing or hugging).
- Unwanted sexual advances or propositions.
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SECTION 2: INVOLVED PARTIES

2.1 The Sexual Harassment and Assault Response Prevention Coordinator (SHARCSHARP)

The SEAC President will appoint a SHARCSHRC for a three-year term. The SHARCSHRC will chair the Ethics Committee and be responsible for coordinating responses, investigations, recommendations, and reports related to allegations of sexual harassment and assault, whether informal or formal. The SHARCSHRC will also be responsible for writing a yearly report on the activities of the SHARCSHRC and the Ethics Committee. The SHARCSHRC will also keep records of any allegations filed with the Ethics Committee. At the close of an investigation, the SHARCSHRC will submit digital files of all proceedings to the SEAC secretary for permanent archiving. The SHARCSHRC will take on all other responsibilities detailed below as the Chair of the Ethics Committee.

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The SHARCSHRC will also be responsible for reviewing the current state of SEAC policy, practices, and grievance procedures in regards to regarding sexual harassment and assault, and, as appropriate, recommend updates and revisions. The SHARCSHRC 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. The SHARCSHRC will also be responsible for appointing a committee to devise, implement, and analyze any follow-up surveys on sexual harassment and assault deemed advisable by the Executive Board.

Commented [RE1]: We need to keep the SHARP designation because that is what is now in the by-laws.

Also, we would like to keep something about assault in here, if only to define it and say it is a criminal act.

Commented [RE2]: All of this needs updating in view of the new by-laws.

2.2 The Ethics Committee and the SEAC Executive Board

—The SEAC Task Force recommends that SEAC institute an ethics or grievance committee (herein referred to as the Ethics Committee). The Ethics Committee reports to the Executive Board and is responsible for investigating allegations of sexual harassment and sexual assault, adjudicating the allegation, and recommending appropriate remedial action. The SHARCSHRC will chair the Ethics Committee, and work with the SEAC President to appoint four (4) additional members from the SEAC membership. In order to establish rotating terms, the members of the inaugural committee will serve 1, 2, and 3-year terms. After year 1, newly appointed members will serve 3 consecutive years. Depending on the case, the Ethics Committee reserves the right to enlist additional members if necessary.⁴ The Chair is responsible for finding temporary substitutes for any committee members that recuse themselves for whatever reason from processing an allegation. The Chair will name one of the committee members as the Vice Chair to assist and serve as Chair in the event that the Chair has a conflict of interest or if the Chair cannot serve for other reasons.

After an allegation has been thoroughly processed (see below), as described herein, the Ethics 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 Ethics Committee and will determine whether or not to accept the Ethics Committee's determination and recommendations for consequences or, alternately, ask the Ethics Committee for further processing. The Executive Board has the final authority to accept or reject the Ethics Committee's determination and recommendations and to determine what actions will be taken if an allegation of sexual harassment or sexual assault is found to be substantiated. Any reports of sexual assault must be reported to police authorities.

⁴ To establish rotating terms, the members of the inaugural committee will serve one (1), two (2), and three (3) year terms. After year one, newly appointed members will serve three (3) consecutive years. Depending on the case, the Ethics Committee reserves the right to enlist additional members if necessary.

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2.3 The Complainant and the Respondent

The Complainant is the individual(s) who registers the allegation with the SEAC Ethics Committee. The complainant 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 ~~and assault~~ may be submitted in any form (i.e., verbally, in writing, electronically) to any member of the SEAC Ethics Committee (members and their contact information will be posted on the SEAC website) at any time. *[Note: There are on-line confidential reporting mechanisms, such as Ethics Point, that can be used to file formal complaints. If SEAC is interested, the Task Force can further investigate such services.]* However, SEAC cannot adjudicate anonymous allegations, and all formal complaints, therefore, must be filed by a Complainant that is willing to identify herself or himself her/him/themself to the Ethics Committee, the Executive Board, and the Respondent. Allegations for both SEAC-related activities and non-SEAC-related activities (such as a field school) can be filed.

The SEAC Ethics Committee and Executive Board will observe strict confidentiality when an allegation of sexual harassment ~~or sexual assault~~ 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 ~~and assault~~ 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

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harassment or assault in bad faith will be subject to disciplinary action such as verbal warnings and/or expulsion from SEAC events. The Ethics Committee will treat all allegations and all parties involved with fairness, objectivity, and confidentiality.

When an allegation of sexual harassment or assault involves activity that is against the U.S. code of law, or the code of law in other respective regions, the SEAC Ethics Committee will work with all appropriate authorities and home institutions as needed and required to resolve the allegation. Such authorities include but are not limited to (1) research, business, governmental, and academic institutions; (2) U.S. civil and criminal courts; or (3) police and other enforcement bodies.

The SEAC Ethics Committee is committed to listening to and to addressing complaints and to guiding Complainants through options confidentially before she or he decides/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 Ethics Committee mediating a dialog between the Complainant and Respondent, speaking with the Respondent without the Complainant present and without revealing the Complainant's identity if requested, asking the Respondent to avoid the Complainant, asking the Respondent to leave the annual conference meeting, and so on.

Proceeding with a Formal Complaint

After speaking with a member of the Ethics Committee to initially lodge a complaint, if the Complainant wants to proceed with a formal allegation, complaint ("Complaint"), the Complainant must submit a formal allegation 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.

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2. A description of the allegation that, if possible, includes dates, places, and circumstances of the alleged misconduct. However, the Ethics 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~~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 the Complainant's talk, ~~barring the Respondent from a~~any SEAC activity ~~including a session in which Complaint is participating,~~ or providing the Complainant with an escort during SEAC activities.

3.2 Procedure for the Preliminary Investigation

Upon receipt of an allegation, the Chair of the Ethics Committee will notify the SEAC President within ~~ten~~ (10) business days that ~~an allegation~~complaint has been filed. The Chair will also acknowledge receipt of the allegation to the Complainant within 10 business days. The Ethics Committee will review the material and conclude either Item (a) or Item (b) below within ~~fifteen~~ (15) business days of receipt of the allegation: does or does not constitute sexual harassment as defined by SEAC and whether further investigation is merited

~~—— (a) does not constitute sexual harassment or sexual assault as defined by SEAC (see SEAC~~

Background and Resource Guide for Addressing Sexual Harassment and Violence on the SEAC website) and no further action is warranted, or

— (b) appears to constitute sexual harassment or sexual assault as defined by SEAC and requires further investigation.

The Ethics Committee will report their conclusions to the SEAC President. If the Ethics Committee agrees that the allegation does not constitute sexual harassment or sexual assault as defined by SEAC, then the Chair of the Ethics Committee will notify the Complainant immediately and the allegation will be dismissed.

If the Ethics Committee believes that the allegation may constitute sexual harassment or sexual assault, then the Chair will provide notification to the Respondent and Complainant and the Ethics Committee will begin its investigations. The Chair will explain, in writing, the details of the complaint to the alleged offender. If the Respondent admits to the alleged misconduct at any time during the procedure, the investigation will be halted and the Ethics Committee will prepare recommendations to the Executive Board for actions and or sanctions to be taken.

3.3 Procedure for the Formal Investigation

The Ethics Committee 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 to be 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. *[Note: SEAC could also retain external consultants or legal counsel to investigate an allegation. If SEAC is interested, the Task Force can further investigate such services and make recommendations.]*

1. The Chair of the Ethics Committee will consult with the 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 Chair of the Ethics Committee 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 Ethics Committee for a time extension if needed.

4. The Ethics 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 Ethics Committee deems it otherwise necessary).

5. After collecting the evidence, the Ethics 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 location). SEAC will cover any necessary travel expenses for all concerned. The Chair will schedule the meetings/conference calls and advise the Respondent and Complainant at least 15 business days in advance. All information that has been collected by the committee 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 Ethics Committee will summarize the allegation and associated evidence of sexual harassment or sexual assault, and the Complainant and Respondent will be given the opportunity to respond.

7. The Committee, in Executive Session, will then consider all the evidence presented; make a finding as to whether sexual harassment or sexual assault has occurred; and recommend a response by SEAC. The Ethics Committee recommendations require a majority vote.

8. The finding and recommendation of the Ethics Committee will be forwarded to the Executive Board in a report prepared by the Ethics Committee and submitted by the Chair. 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 fact-finding activities of the committee, (3) discussion and conclusion of the fact finding, (4) recommendations for actions and or sanctions to be taken, and (5) appendices as needed containing supporting documents and written statements.

9. 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 Ethics Committee, 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 and recommendations submitted in the Ethics Committee report within fifteen (15) business days of receipt of the report. The Executive Board, by majority vote, will either accept or reject the Ethics Committee's recommendations of actions to be taken. However, the Executive Board may not reject the conclusions (findings) of the Ethics Committee. The Board can request additional investigations or processing which the Ethics Committee will have up to ninety (90) days to conduct. The Board will notify immediately the Chair 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 Ethics Committee for their files. The Respondent has the right to accept or reject the recommended sanctions and will inform the Chair of the Ethics Committee in writing within

thirty (30) days of receipt of the notification as to his/her/their decision. If the Respondent accepts the sanctions, the Chair will complete the disciplinary action. If the Respondent does not respond within the 30 days, the Chair 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 Ethics Committee and to determine what actions or sanctions should be taken if an allegation is substantiated.

3.5 Sanctions

If a finding of sexual harassment ~~or sexual assault~~ has been made, the Ethics Committee will recommend to the Executive Board appropriate actions or sanctions as well as the period over which the sanction will be in effect, and/or recommendations for education or training. Sanctions, in increasing severity, may include but are not limited to the following:

- a. Written reprimand or warning.
- b. Removal from SEAC volunteer position.
- c. Withdrawal/retraction of presentations, publication, or posters.
- d. Suspension from publishing in *Southeastern Archaeology* for a specific period, including permanently.
- e. Removal from SEACs Compliance List (see SEAC Task Force 2018 Report).
- f. Suspension from making presentations at SEAC-sponsored meeting(s) for a specific period, including permanently.
- g. Suspension of membership.
- h. Permanent expulsion from SEAC.
- i. Denial or revocation of honors and awards.
- j. Notification to respondent's home institution.

When a SEAC member is sanctioned by another organization for sexual harassment ~~or sexual assault~~, the Executive Board may consider separate sanctions for SEAC. All members are required to self-report if they are currently under investigation or have been ~~convicted~~accused of sexual harassment or sexual assault when they are nominated for a SEAC committee or office or selected to receive SEAC award. Nominations for awards and recognition will include a statement that to best of knowledge of the nominator, the nominee is not currently under investigation and has not been ~~convicted~~accused of sexual harassment or sexual assault. A member may request in writing from the SEAC Executive Board an exemption from this reporting requirement if there are mitigating circumstances that the Executive Board should consider.

3.6 Appeals

Once the Executive Board has decided on actions to be taken against the Respondent, the Respondent has ~~60 business~~ninety (90) days to file an appeal of the sanction and/or the finding. An appeal must be based on new evidence or reconsideration of evidence and include a narrative justification for the appeal. The Executive Board will review the appeal and sustain or revise its decision on the sanction or refer the appeal to the Ethics Committee for reconsideration of the finding. 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 Ethics Committee of their decision and what, if any, course of action will be taken.

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

3.7 Use of Legal Counsel

The Ethics committee shall retain legal counsel for any review of an allegation or Complaint. Such legal counsel shall be identified and approved by the President or Board of Directors. SEAC shall 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, but is limited in its capacity to act on allegations of sexual assault. In instance where sexual assault has occurred, individuals should report such incidents to local law enforcement. Individuals can notify the SEAC when sexual assault has occurred, and SEAC will take all possible measures to maintain a safe environment, which will include removal of any individual accused of such sexual assault from a meeting and providing an escort to the individual making such allegation. The SEAC will take all possible steps to protect the identity of the individual making the allegation.

3.10 Conflict of Interest

Real~~Actual~~ or apparent conflicts of interest must be avoided in all actions by the Ethics Committee, the Ethics Committee Chair, 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.

3.810 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 and sexual assault to file a complaint within one to two years (1) year of the incident taking place so that a timely

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investigation may be carried out. However, SEAC, at its discretion, may investigate older incidents on a case-by-case basis; and, there is no absolute SEAC statute of limitation for considering breaches of SEAC policy on sexual harassment and sexual assault.

3.9.11 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.

Proposed Grievance Procedure with Ona's final comments and edits from October 7, 2021

SEAC PROCESS FOR REPORTING, INVESTIGATING, AND ADJUDICATING

SEXUAL HARASSMENT AND SEXUAL ASSAULT COMPLAINTS

PROPOSAL SUBMITTED TO SEAC EXECUTIVE BOARD

NOVEMBER 2018 BY THE SEAC TASK FORCE ON SEXUAL HARASSMENT AND SEXUAL ASSAULT

Contact: Robbie Ethridge, Chair, SEAC Task Force, rethridg@olemiss.edu, 662-816-6369

Note: The following proposal is a draft proposal for comment. It adheres to grievance procedures regarding scientific misconduct and ethics violations in place by the American Geophysical Union, the American Astronomical Society, and the Register of Professional Archaeologists. The language of this proposal will need to be adjusted and vetted by legal counsel before implementation. We ask the members of SEAC to consider the proposal and to offer comments and suggestions for revisions at the 2018 _____ meetings and afterwards until the second week of January 2019. _____.

To that end, the Task Force will participate in a Plenary Session at the Augusta _____ meetings on Friday, November 16, 2018, 3-5 pm, Ogeethorpe DE, _____, to gather feedback from the membership at large. In addition, if you would like to submit comments and suggestions via email please contact Robbie Ethridge (rethridg@olemiss.edu) or the Immediate Past President, Jay Johnson (sajay@olemiss.edu).

After gathering input from the membership, the Executive Board will determine whether or not a grievance procedure is warranted for SEAC. If the Executive Board determines that a grievance procedure is needed, the Task Force will then revise the proposal, taking into consideration comments and discussion from the membership as well as from legal counsel, and submit a final proposal for approval by the Executive Board.

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SEAC PROCESS FOR REPORTING, INVESTIGATING, AND ADJUDICATING

SEXUAL HARASSMENT AND ASSAULT COMPLAINTS

PREAMBLE

SECTION 1: DEFINITIONS

1.1 Legal Definitions

1.2 SEAC Definition of Sexual Harassment

1.3 SEAC Definition of Sexual Assault

SECTION 2: INVOLVED PARTIES

2.1 The Sexual Harassment and Assault-Response Coordinator (SHARC/SHRC)

2.2 The Ethics Committee and the Executive Board

2.3 The Complainant and the Respondent

SECTION 3: GREIVANCE PROCEDURE

3.1 Formal and Informal Allegations

3.2 Procedure for the Preliminary Investigation

3.3 Procedure for the Formal Investigation

3.4 Review by the SEAC Executive Board

3.5 Sanctions

3.6 Appeals

3.7 Use of Legal Counsel

3.8 Sexual Assault

3.9 Conflict of Interest

3.10 Statute of Limitations

3.11 Retaliation is Prohibited

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SECTION 1- DEFINITIONS

1.1 Legal Definitions

—— 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.¹ The Department of Justice defines rape as forced penetration of any body part of another person without that person's consent.² This definition of rape acknowledges that 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.³

1.2 SEAC Definition of

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This Policy also provides for a process to notify SEAC of sexual assault.

1.3.4.4. Sexual Harassment

SEAC considers sexual harassment to be scientific misconduct (see SEAC Task Force 2018 Report). Sexual harassment is defined as deliberate and unsolicited verbal comments, gestures, or physical contact that is unwelcomed. This includes suggestion that any person's promotion, employment, compensation or treatment is in any way contingent upon or related to their participation in or rejection of conduct of a sexual nature. Sexual harassment also includes unwanted advances, flirtations, sexually degrading words used to describe an individual, display of sexually suggestive objects or pictures, suggestive comments including sexual jokes, or verbal or physical conduct of a sexual nature. Hostility toward or intimidation of members of the opposite sex may also be sexual harassment. Sexual harassment is a violation of Title VII of the Civil Rights Act of 1964.

Sexual harassment includes unwelcome or offensive conduct based on sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and transgender status. The 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.

Examples of Sexual Harassment

These are various types of sexual harassment, which are strictly prohibited:

- Physical acts of a sexual nature, including unwanted touching of any type (such as unwelcome kissing or hugging).
- Unwanted 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.
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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.

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SEAC considers sexual assault to be unlawful conduct prosecuted by the state as defined by the applicable jurisdiction. Further, SEAC considers sexual assault to be scientific misconduct (see SEAC Task Force 2018 Report).

SEAC defines sexual assault as any actual or attempted physical attacks (such as rape) and any sexual contact or behavior without explicit consent of the recipient. This includes fondling, groping, grabbing, kissing, and so on.

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2.1 The Sexual Harassment and Assault Response Coordinator (SHARC)

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2.2 The Ethics Committee and the SEAC Executive Board

The SEAC Task Force recommends that SEAC institute an ethics or grievance committee (herein referred to as the Ethics Committee). The Ethics Committee reports to the Executive Board and is responsible for investigating allegations of sexual harassment and sexual assault, adjudicating the allegation, and recommending appropriate remedial action. The SHARC will chair the Ethics Committee, and work with the SEAC President to appoint four (4) additional members from the SEAC membership. In order to establish rotating terms, the members of the inaugural committee will serve 1, 2, and 3 year terms. After year 1, newly appointed members will serve 3 consecutive years. Depending on the case, the Ethics Committee reserves the right to enlist additional members if necessary.⁴ The Chair is responsible for finding temporary substitutes for any committee members that recuse themselves for whatever reason from processing an allegation. The Chair will name one of the committee members as the Vice Chair to assist and serve as Chair in the event that the Chair has a conflict of interest or if the Chair cannot serve for other reasons.

After an allegation has been ~~thoroughly processed (see below)~~, as described herein, the Ethics 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 Ethics Committee and will determine whether or not to accept the Ethics Committee's determination and recommendations ~~for consequences~~ or, alternately, ask the Ethics Committee for further processing. The Executive Board has the final authority to accept or reject the Ethics Committee's determination and recommendations and to determine what actions will be taken if an allegation of sexual harassment or sexual assault is found to be substantiated.

2.3 The Complainant and the Respondent

⁴ To establish rotating terms, the members of the inaugural committee will serve one (1), two (2), and three (3) year terms. After year one, newly appointed members will serve three (3) consecutive years. Depending on the case, the Ethics Committee reserves the right to enlist additional members if necessary.

The Complainant is the individual(s) who registers the allegation with the SEAC Ethics Committee. The ~~complainant~~ 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 ~~and assault~~ may be submitted in any form (i.e., verbally, in writing, electronically) to any member of the SEAC Ethics Committee (members and their contact information will be posted on the SEAC website) at any time. *[Note: There are on-line confidential reporting mechanisms, such as Ethics Point, that can be used to file formal complaints. If SEAC is interested, the Task Force can further investigate such services.]* However, SEAC cannot adjudicate anonymous allegations, and all formal complaints, therefore, must be filed by a Complainant that is willing to identify ~~herself or himself~~ her/him/themself to the Ethics Committee, the Executive Board, and the Respondent. Allegations for both SEAC-related activities and non-SEAC-related activities (such as a field school) can be filed.

The SEAC Ethics Committee and Executive Board will observe strict confidentiality when an allegation of sexual harassment or sexual assault 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 and assault 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 ~~and~~

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expulsion from SEAC events. The Ethics Committee will treat all allegations and all parties involved with fairness, objectivity, and confidentiality.

When an allegation of sexual harassment or assault involves ~~criminal conduct~~ activity that is against the U.S. code of law, or the code of law in other respective regions under state or federal law, the SEAC Ethics Committee will work with all appropriate authorities and home institutions as needed and required to resolve the allegation. Such authorities include but are not limited to (1) research, business, governmental, and academic institutions; or (2) U.S. civil and criminal courts; or (3) police and other law enforcement bodies/agencies.

The SEAC Ethics Committee is committed to listening to and to addressing complaints and to guiding Complainants through options confidentially before she or he decides/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 Ethics Committee mediating a dialog between the Complainant and Respondent, speaking with the Respondent without the Complainant present and without revealing the Complainant's identity if requested, asking the Respondent to avoid the Complainant, asking the Respondent to leave the annual conference meeting, and so on.

Proceeding with a Formal Complaint

After speaking with a member of the Ethics Committee to initially lodge a complaint, if the Complainant wants to proceed with a formal allegation/complaint ("Complaint"), the Complainant must submit a formal allegation/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.

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2. A description of the allegation that, if possible, includes dates, places, and circumstances of the alleged misconduct. However, the Ethics 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~~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 the Complainant's talk, barring the Respondent from a any SEAC activity including a session in which Complaint is participating, or providing the Complainant with an escort during SEAC activities.

3.2 Procedure for the Preliminary Investigation

Upon receipt of an allegation, the Chair of the Ethics Committee will notify the SEAC President within ten (10) business days that an ~~allegation~~complaint has been filed. The Chair will also acknowledge receipt of the allegation to the Complainant within ten (10) business days. The Ethics Committee will review the material and conclude either item (a) or item (b) below within fifteen (15) business days of receipt of the allegation: does or does not constitute sexual harassment as defined by SEAC and whether further investigation is merited

~~—— (a) does not constitute sexual harassment or sexual assault as defined by SEAC (see SEAC~~

Background and Resource Guide for Addressing Sexual Harassment and Violence on the SEAC website) and no further action is warranted, or

— (b) appears to constitute sexual harassment or sexual assault as defined by SEAC and requires further investigation.

The Ethics Committee will report their conclusions to the SEAC President. If the Ethics Committee agrees that the allegation does not constitute sexual harassment or sexual assault as defined by SEAC, then the Chair of the Ethics Committee will notify the Complainant immediately and the allegation will be dismissed.

If the Ethics Committee believes that the allegation may constitute sexual harassment or sexual assault, then the Chair will provide notification to the Respondent and Complainant and the Ethics Committee will begin its investigations. The Chair will explain, in writing, the details of the complaint to the alleged offender. If the Respondent admits to the alleged misconduct at any time during the procedure, the investigation will be halted and the Ethics Committee will prepare recommendations to the Executive Board for actions and or sanctions to be taken.

3.3 Procedure for the Formal Investigation

The Ethics Committee 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 to be 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. *[Note: SEAC could also retain external consultants or legal counsel to investigate an allegation. If SEAC is interested, the Task Force can further investigate such services and make recommendations.]*

1. The Chair of the Ethics Committee will consult with the 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 Chair of the Ethics Committee 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 Ethics Committee for a time extension if needed.

4. The Ethics 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 Ethics Committee deems it otherwise necessary).

5. After collecting the evidence, the Ethics 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 location). SEAC will cover any necessary travel expenses for all concerned. The Chair will schedule the meetings/conference calls and advise the Respondent and Complainant at least 15 business days in advance. All information that has been collected by the committee 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 Ethics Committee will summarize the allegation and associated evidence of sexual harassment or sexual assault, and the Complainant and Respondent will be given the opportunity to respond.

7. The Committee, in Executive Session, will then consider all the evidence presented; make a finding as to whether sexual harassment or sexual assault has occurred; and recommend a response by SEAC. The Ethics Committee recommendations require a majority vote.

8. The finding and recommendation of the Ethics Committee will be forwarded to the Executive Board in a report prepared by the Ethics Committee and submitted by the Chair. 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 fact-finding activities of the committee, (3) discussion and conclusion of the fact finding, (4) recommendations for actions and or sanctions to be taken, and (5) appendices as needed containing supporting documents and written statements.

9. 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 Ethics Committee, 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 and recommendations submitted in the Ethics Committee report within fifteen (15) business days of receipt of the report. The Executive Board, by majority vote, will either accept or reject the Ethics Committee's recommendations of actions to be taken. However, the Executive Board may not reject the conclusions (findings) of the Ethics Committee. The Board can request additional investigations or processing which the Ethics Committee will have up to ninety (90) days to conduct. The Board will notify immediately the Chair 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 Ethics Committee for their files. The Respondent has the right to accept or reject the recommended sanctions and will inform the Chair of the Ethics Committee in writing within

thirty (30) days of receipt of the notification as to his/her/their decision. If the Respondent accepts the sanctions, the Chair will complete the disciplinary action. If the Respondent does not respond within the 30 days, the Chair 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 Ethics Committee and to determine what actions or sanctions should be taken if an allegation is substantiated.

3.5 Sanctions

Sexual Harassment

If a finding of sexual harassment ~~or sexual assault~~ has been made, the Ethics Committee will recommend to the Executive Board appropriate actions or sanctions as well as the period over which the sanction will be in effect, and/or recommendations for education or training. Sanctions, in increasing severity, may include but are not limited to the following:

- a. Written reprimand or warning.
- b. Removal from SEAC volunteer position.
- c. Withdrawal/retraction of presentations, publication, or posters.
- d. Suspension from publishing in *Southeastern Archaeology* for a specific period, including permanently.
- e. Removal from SEACs Compliance List (see SEAC Task Force 2018 Report).
- f. Suspension from making presentations at SEAC-sponsored meeting(s) for a specific period, including permanently.
- g. Suspension of membership.
- h. Permanent expulsion from SEAC.
- i. Denial or revocation of honors and awards.
- j. Notification to respondent's home institution.

When a SEAC member is sanctioned by another organization for sexual harassment or sexual assault, the Executive Board may consider separate sanctions for SEAC. All members are required to self-report if they are currently under investigation or have been ~~convicted~~accused of sexual harassment ~~or sexual assault~~ when they are nominated for a SEAC committee or office or selected to receive SEAC award. Nominations for awards and recognition will include a statement that to best of knowledge of the nominator, the nominee is not currently under investigation and has not been ~~convicted~~accused of sexual harassment ~~or sexual assault~~. A member may request in writing from the SEAC Executive Board an exemption from this reporting requirement if there are mitigating circumstances that the Executive Board should consider.

Sexual Assault

If determined that a sexual assault conviction has occurred or a sexual assault criminal investigation is underway, the Ethics Committee will recommend to the Executive Board appropriate actions or sanctions as well as the period over which the sanction will be in effect. Sanctions may include but are not limited to the following:

- a. Removal from SEAC volunteer position.
- b. Withdrawal/retraction of presentations, publication, or posters.
- c. Suspension from publishing in *Southeastern Archaeology* for a specific period, including permanently.
- d. Removal from SEACs Compliance List (see SEAC Task Force 2018 Report).
- e. Suspension from making presentations at SEAC-sponsored meeting(s) for a specific period, including permanently.
- f. Suspension of membership.
- g. Permanent expulsion from SEAC.
- h. Denial or revocation of honors and awards.

i. Notification to respondent's home institution.

When a SEAC member is sanctioned by another organization for sexual assault, the Executive Board may consider separate sanctions for SEAC. All members are required to self-report if they are currently under investigation for sexual assault when they are nominated for a SEAC committee or office or selected to receive SEAC award. Nominations for awards and recognition will include a statement the nominee is not currently under investigation and has not been accused sexual assault.

3.6 Appeals

Once the Executive Board has decided on actions to be taken against the Respondent, the Respondent has ~~60-business~~ninety (90) days to file an appeal of the sanction and/or the finding. An appeal must be based on new evidence or reconsideration of evidence and include a narrative justification for the appeal. The Executive Board will review the appeal and sustain or revise its decision on the sanction or refer the appeal to the Ethics Committee for reconsideration of the finding. 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 Ethics Committee of their decision and what, if any, course of action will be taken.

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

3.7 Use of Legal Counsel

The Ethics committee shall retain legal counsel for any review of an allegation or Complaint. Such legal counsel shall be identified and approved by the President or Board of Directors. SEAC shall 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, but is limited in its capacity to act on allegations of sexual assault. In instance where sexual assault has occurred, individuals should report such incidents to local law enforcement. Individuals can notify the SEAC when sexual assault has occurred, and SEAC will take all possible measures to maintain a safe environment, which will include removal of any individual accused of such sexual assault from a meeting and providing an escort to the individual making such allegation. The SEAC will take all possible steps to protect the identity of the individual making the allegation.

3.10 Conflict of Interest

Real~~Actual~~ or apparent conflicts of interest must be avoided in all actions by the Ethics Committee, the Ethics Committee Chair, 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.

3.810 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 and sexual assault to file a complaint within one to two years (1) year of the incident taking place so that a timely

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investigation may be carried out. However, SEAC, at its discretion, may investigate older incidents on a case-by-case basis; and, there is no absolute SEAC statute of limitation for considering breaches of SEAC policy on sexual harassment and sexual assault.

3.9.11 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.

Appendix D: Ona Law, PLLC, Report on SEAC Proposed Grievance Procedure

ONA LAW, PLLC

Terrence F. Ona
Attorney-at-Law
Admitted: • D.C. • IL • NC

MEMORANDUM

October 7, 2021

TO: Robbie Etheridge, Ph.D.
Chair, SEAC Task Force
The Southeastern Archaeological Conference (SEAC)

FROM: Terrence F. Ona

RE: SEAC Process for Reporting, Investigating, and Adjudicating Sexual Harassment and Assault Complaints

CONFIDENTIAL/ATTORNEY CLIENT PRIVILEGED COMMUNICATION

Further to your request and our discussion, I am providing this high-level overview of SEAC's draft document, *SEAC Process for Reporting, Investigating, and Adjudicating Sexual Harassment and Assault Complaints* (hereinafter, the "Policy.") Specifically, this analysis will touch upon key issues regarding the proposed Policy and minimizing risk with implementation of the Policy should SEAC adopt it.

This opinion memorandum is limited to issues of governance best practices and general legal principles; no analysis has been conducted with regard to any specific state's laws.

EXECUTIVE SUMMARY

The draft Policy is highly detailed and structured. I have offered suggested edits in the attached mark-up. Generally, there are no legal concerns of note; however, with any investigative or adjudicative process, there is an eliminate of risk of which to be aware as the organization implements the process and procedures contained therein. Contained in this memorandum are general principles SEACH should consider to minimize legal exposure to SEAC.

DISCUSSION

Sexual Harassment

Sexual Harassment policies are common for organizations. Such policies serve to state the organization's opposition to harassing conduct (often stated as zero-tolerance), process for reporting such conduct, and consequences should an accused individual be found to have engaged in such behavior.

Historically, harassment policies for membership organizations like SEAC have closely tracked those used in the employer context. For such policies, sexual harassment claims were examined under the lens of the federal discrimination statutes and determining whether sexual harassment occurred in a given

context was narrow. In such instances, the prohibited conduct was often described as unwanted touching or invitations of *quid pro quo* engagements. Boorish behavior, off-color jokes, etc. were often overlooked and fell beneath the standard of what was then considered sexual harassment.

In recent years, sexual harassment policies have expanded greatly. They are broader in terms of the scope of prohibited conduct and now include unwanted advances, offensive remarks or jokes, and generally poor judgment by an individual interacting with another. In this regard, such policies do not necessarily track applicable harassment laws. This is, of course, permissible as each membership organization may define for itself its rules, policies, and procedures.

Organizations that adopt sexual harassment policies that are 1) broad; 2) contain an investigative element; and 3) incorporate sanctions against a member who is found to have engaged in conduct prohibited by the policy are the norm. On the one hand, this has become standard, and indeed, necessary if an organization is to be current and desires to make a strong statement against such conduct. On the other hand, organizations that adopt aggressive policies incur a greater degree of risk than those that do not.

Ultimately, what an organization's sexual harassment policies and procedures state is of lesser importance than how the organization applies and implements the same when claims arise.

For example, with a live claim, communication with the parties, both complainant and respondent, is important – and to be more specific, how these parties are communicated with is key. A policy statement cannot legislate the quality of communications. This can only be done in practice. For the complainant, maintaining a neutral and objective, yet empathetic approach is recommended. For the respondent, a neutral and objective approach is also key, paying special attention to principles of due process and fundamental fairness. Additionally with respect to a respondent, the organization should be cognizant of the potential of defamation claims.

Sexual Assault

SEAC's Policy is unique if not unconventional in that the Policy includes sexual assault. Sexual assault is a criminal offense, the elements of which vary in degree by jurisdiction; however, generally, it is defined as "any nonconsensual sexual act proscribed by Federal, tribal, or state law, including when the victim lacks the capacity to consent."¹ As with all crimes, the government is charged with the responsibility of investigation and prosecution and ultimately, judgment.

Organizational policies typically avoid any investigative or adjudicative process related to criminal acts. Most organizations simply provide for sanctions in the event a member has been convicted of a criminal act, after the state has itself adjudicated the matter. It is common for an organization's policies or governing documents to provide that membership status of an individual who has been convicted of a crime may be terminated or suspended. It is less common for an organization to attempt to field a complaint of criminal conduct and investigate it in any way. To the extent that it obligates itself through the Policy to investigate or adjudicate claims involving criminal conduct, SEAC would be well advised to proceed cautiously in such cases.

¹ See U.S. Department of Justice, "What is sexual assault?" <https://www.justice.gov/ovw/sexual-assault#sa>

Implementing the Policy in Practice

With any organizational policy that incorporates an investigative or adjudicative process that may result in action against an individual, it is critical to be deliberate about strict adherence to the parameters the organization sets forth for itself. In this case, those parameters are stated in the Policy. Paying close attention to deadlines, confidentiality, and communications is the key to minimizing risk. Organizations end up in precarious situations when they diverge from their own stated procedures and policies. In this regard, minimizing risk to an organization when it implements policies like SEAC's rests firmly on how the processes are executed.

I strongly recommend SEAC retain legal counsel to advise it when a claim under the Policy arises; to that end, I have included language requiring use of legal counsel in the draft mark-up. (See Section 3.7.)

When a complaint or report is made to SEAC under the Policy, great care should be taken to 1) ensure the Policy is followed without exception; and 2) SEAC retains legal counsel to advise those members charged with overseeing the adjudicative process.

I also recommend that SEAC consider amending its bylaws to 1) align actions against members the organization can take pursuant to the Policy; and 2) incorporate indemnification provisions to obligate SEAC to indemnify and defend its board of directors and any member leaders involved with the Policy's enforcement. Related to this, I also recommend SEAC obtain directors and officer's liability insurance.

CONCLUSION

Organizational policies addressing harassment, or any prohibited conduct vary widely. Some policies are simply stated and broad; others are highly structured and complex. SEAC's proposed Policy leans towards the latter. Which approach matters less than how the organization handles actual complaints in real time.

Appendix E: Task Force Report on Discussions with the Register of Professional Archaeologists (RPA)

Date: October 6, 2021

Submitted by: Robbie Ethridge, Chair of Task Force

When the Task Force first convened in 2016, we began exploring the possibility of implementing a grievance procedure to adjudicate complaints against SEAC members in regard to sexual harassment and assault. In this process, we closely examined, among others, the Register of Professional Archaeologists (RPA) grievance procedure for persons violating the RPA Code of Conduct and Standards for Research Performance. At the time, the RPA Code of Conduct did not include sexual harassment and assault, and the RPA code has since been revised to include sexual harassment.

The Task Force then wanted to explore the possibility of, rather than having a separate SEAC grievance procedure, having the RPA handle sexual harassment grievances (and perhaps other ethical violations) through the RPA. In 2018, the Task Force invited Mike Polk, the then-Grievance Coordinator for the RPA to the SEAC meetings in Augusta, Georgia, for consultation with the Task Force and SEAC Officers. They met on November 14 and again on November 15, 2018. Polk detailed the RPA grievance procedure, the costs involved, the risks, the use of legal counsel, insurance against law suits, the number of grievances brought to them, answered questions, and so on. He also advised the Task Force on constructing a grievance procedure.

One concern that arose during the meetings was the costs associated with becoming an RPA registrant (the RPA fee structure is online at <https://rpanet.org/faq>). Another was that, according to the RPA grievance procedure, anyone can lodge a complaint with the RPA, but the RPA will only initiate the grievance procedure for complaints against RPA registrants. Therefore, for the RPA to handle complaints originating against a SEAC member, the respondent (the accused) is required to be an RPA registrant. At the time, the RPA membership requirements, as well as the costs, precluded many SEAC members from joining the RPA.

When Ethridge and the SEAC Officers briefed the Executive Board on their meetings with Polk, the issue of membership was insurmountable, and the Board decided that they could not require SEAC members to be RPA registrants, and, therefore, RPA could not adjudicate sexual harassment complaints against SEAC members. The Board then asked the Task Force to proceed with writing a proposed grievance procedure for SEAC (see 2018 Task Force Yearly Report).

However, in 2020, the RPA revised its membership requirements (see Table 1 below), and then-SEAC President Janet Levy asked the Task Force to review the RPA revised membership policy and determine whether or not it would be feasible for SEAC to hand over sexual harassment and assault grievances to RPA. This task was suspended in 2020 because of the pandemic and renewed in fall 2021.

On September 21, 2021, Robbie Ethridge, Chair of the Task Force, contacted Linda Stine, President of the RPA (2020-2021) to arrange a meeting to discuss this issue. Ethridge then organized a Zoom meeting with Stine and Maureen Meyers, President of SEAC, for October 5, 2021.

At this meeting, Stine explained that, under the new membership requirements, especially the new category of RA (Registered Archaeologist), most, if not all, SEAC members would be eligible to register with the RPA. Meyers, using a sample of the memberships of SEAC and RPA registrants, estimates that, to-date, about one-third, or around 270/810 SEAC members, are also registrants with RPA.

Stine then pointed to the RPA's "Affiliated Societies" program (see details at https://rpanet.org/affiliated_societies). According to the RPA website: "This program is open to state level archaeological professional councils, state archaeological societies, and regional, national, and international archaeological societies. The basic requirements for becoming an affiliated society are 1) for the society to embrace the Register's Code of Conduct and Standards of Research Performance as their own statement on ethics; and 2) the payment of an annual fee to the Register that is based on the size of their membership." For SEAC, the cost would be \$500/year; individual members of the Affiliated Society, however, receive a substantial discount on their fees (see <https://rpanet.org/faq>).

There are numerous benefits to being a registrant with the RPA, either individually or as an Affiliated Society (see Table 2 below). However, for our purposes, Stine is inquiring whether or not the RPA will adjudicate through their grievance procedure any sexual harassment complaints against a member of an Affiliated Society, whether or not that member is an RPA or RA registrant. In other words, by becoming an Affiliated Society, would the RPA provide SEAC access to its full-scale grievance procedure for all SEAC members? Once Stine has an answer to this question, she will discuss the issue again with Ethridge and Meyers.

Ethridge requests a meeting with Executive Board soon after the 2021 meetings in order to discuss the possibilities of an affiliation with the RPA.

Table 1. Register of Professional Archaeologists Membership Categories and Requirements (adapted from the RPA website <https://rpanet.org/why-register>).

CATEGORY 1: REQUIREMENTS FOR RPA (REGISTER OF PROFESSIONAL ARCHAEOLOGISTS) REGISTRATION

- 1. Accept the RPA Code and Standards.** The applicant must accept and agree to abide by the standards the Code of Conduct, Standards of Research Performance, and Grievance Procedures of the Register of Professional Archaeologists.
- 2. Hold an advanced degree in archaeology or a related field.** The applicant must have an advanced degree (such as an M.A., M.S., Ph.D., or equivalent) from an accredited institution and submit their official transcript with their application. The degree must be in archaeology, anthropology, classics, or another germane discipline with a specialization in archaeology.
- 3. Design, execute, and report on archaeological research and analysis in a thesis, dissertation, or equivalent documents.** The report must include substantive data analysis by the applicant directed towards an explicit archaeological research problem.

CATEGORY 2: REQUIREMENTS FOR RA (REGISTERED ARCHAEOLOGISTS) REGISTRATION

- 1. Accept the Register of Professional Archaeologists Code and Standards.** The applicant must accept and agree to abide by the standards the Code of Conduct, Standards of Research Performance, and Grievance Procedures of the Register of Professional Archaeologists.
- 2. Hold a Bachelor's degree.**
- 3. Have at least two years of supervised work experience within the archaeological field.** Accepted experience includes employment, internship, laboratory work, or field work. Participation in a field school for credit does NOT meet the qualification.
- 4. Have a thesis or equivalent work completed.**

Table 2. Benefits to SEAC and SEAC members in becoming an RA, RPA, and Affiliated Society to the Register of Professional Archaeologists (adapted from the RPA website pages <https://rpanet.org/why-register> and https://rpanet.org/affiliated_societies).

BENEFITS to REGISTER OF PROFESSIONAL ARCHAEOLOGISTS REGISTRANTS

- A professional home – The RPA is international and the largest archaeological professional registry in the Americas
- Work in more places – RPA registration is required to do archaeological work in many jurisdictions.
- Support for professionalism – Our grievance process protects RPAs/RAs who follow the Code of Conduct (Code) and Standards for Research Performance (Standards).
- Education – We screen and certify continuing professional education programs and notify RPAs/RAs of these opportunities to improve their professional practice in diverse and dynamic discipline.
- Marketing – The RPA promotes the use of RPAs/RAs through advertising and outreach to industry associations and the public.
- Get paid more – RPAs/RAs generally earn higher salaries and have greater job responsibilities than archaeologists who are not registered.
- A customizable professional profile.
- Tools for connecting and collaborating with archaeological colleagues.
- Team management capabilities, such as workspaces, message boards, and more.
- An easy way to manage your RPA account and renew your registration.
- Exclusive access to premium workshops.
- Specialty use of JSTOR resources.
- Collaborative and dynamic opportunities for career growth.
- Professional networking opportunities.

BENEFITS TO REGISTER OF PROFESSIONAL ARCHAEOLOGISTS AFFILIATED SOCIETIES

- Access to RPA grievance procedure for violations of the RPA Code of Conduct, including sexual harassment, and Standards for Research Performance.
- Members of RPA-affiliated societies save \$40 in discounted registration/renewal fees.

APPENDIX F: Task Force Copy for Inclusion in the 2021 Conference Program

For inclusion in the pocket programs:



2021 SEAC Annual Meeting Code of Conduct

No participant and attendee at SEAC events should be subjected to sexual harassment or sexual assault. If you are subjected to harassment or assault at a SEAC event, please contact a SEAC Safe Officer or a voting officer of SEAC. For the full statement of the Meetings Code of Conduct for 2021 see the full program or go to <https://www.southeasternarchaeology.org/sexual-harassment-task-force/>.

2021 SEAC Safe Officer Program

Any SEAC participant who has been subjected to sexual harassment, assault, discrimination, or other unwanted behaviors can report these behaviors to a SEAC Safe Officer. They are Robbie Ethridge, Patrick Johnson, Shawn Lambert, Jesse Nowak, and Jera Davis. If you would like to make a report, please contact any of these officers, speak with the officer on duty at the registration desk, or for 24-hour reporting, call or text Robbie Ethridge at 662-816-6369. For more information see the full program or go to <https://www.southeasternarchaeology.org/sexual-harassment-task-force/>.

For inclusion in the long program:



2021 SEAC Annual Meeting Code of Conduct

This code of conduct applies to all participants at annual meetings of the Southeastern Archaeological Conference (SEAC), including presenters, vendors, exhibitors, and other attendees.

SEAC considers sexual harassment and assault to be forms of professional and scientific misconduct that are antagonistic to the practice of archaeology and the lives and careers of archaeologists, archaeology students, and prospective archaeologists. Sexual harassment and assault are also illegal according to U.S. federal law. Sexual harassment includes “unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature,” as well as “offensive remarks about a person's sex” that are considered to be illegal in cases when such commentary is “so frequent or severe that it creates a hostile or offensive work environment.” Examples of sexual harassment include (but are not limited to) offensive statements and gestures, repeated requests for unwanted social interaction or physical contact, dismissive or denigrating modes of referring to individuals based on physical characteristics or gender expression, and stalking. Sexual assault is a form of violence, and examples of sexual assault include (but are not limited to) groping, touching without consent, forced participation in sexual acts, and intimidation or torture through sexual activity.

Cases of sexual harassment and assault can have and do have long-lasting and far-reaching effects on those subjected to them and on the archaeology community. Such occurrences can be and often are traumatic, with negative impacts on health, wellness, opportunities, and career trajectories. They have detrimental impacts on people, on the archaeology community, and on the practice of archaeology and related fields.

No participant and attendee at SEAC events should be subjected to sexual harassment or sexual assault. SEAC is not an adjudicating body, but if a SEAC member is subjected to sexual harassment or sexual assault while at any SEAC-related event, we ask them to file a complaint by speaking with, texting, emailing, or calling a SEAC Safe Officer or a voting officer of SEAC. SEAC can consider but cannot act on anonymous complaints, nor complaints made via social media. When a SEAC Safe Officer or voting officer receives a complaint and shares the relevant information with the SEAC president, SEAC will then take reasonable and appropriate actions to ensure the safety of SEAC members and participants in SEAC events and programs in the form(s) of providing escorts and advocacy by SEAC Safe Officers, by advising

Complainants (individuals who file complaints) about their options, by reporting allegations of potentially illegal activities to local authorities, by requesting that a Respondent (the person who is alleged to have violated this code of conduct) modify their behavior (and stay away from a Complainant if that person is identified), or by other actions as appropriate. SEAC expects members and annual meeting attendees to comply with requests to alter or to moderate behavior based on reasonable and credible complaints.

We assume that all registrants for SEAC activities will have read and will understand this code of conduct; and they must agree to abide by Principle 9 (Safe Educational and Workplace Environments) in the Principles of Archaeological Ethics by the Society for American Archaeology (SAA), which states that:

Archaeologists in all work, educational, and other professional settings, including fieldwork and conferences, are responsible for training the next generation of archaeologists. Part of these responsibilities involves fostering a supportive and safe environment for students and trainees. This includes knowing the laws and policies of their home nation and institutional workplace that pertain to harassment and assault based upon sex, gender identity, sexual orientation, ethnicity, disability, national origin, religion, or marital status. SAA members will abide by these laws and ensure that the work and educational settings in which they have responsible roles as supervisors are conducted so as to avoid violations of these laws and act to maintain safe and respectful work and learning environments.

As an organization, SEAC promotes inclusivity and opportunity, it expects adherence to codes of professional ethics and to U.S. law, and it recognizes sexual harassment and sexual assault as antithetical to the principles and values of SEAC and the profession of archaeology as a whole. SEAC supports the viewpoints and policy statements of other organizations on the problems posed by sexual harassment and assault in archaeology, including those by the Society for American Archaeology (SAA), the Society for Historical Archaeology (SHA), the Canadian Archaeological Association (CAA), the American Anthropological Association (AAA), the Archaeological Institute of America (AIA), the Society for Classical Studies (SCS), the American Historical Association (AHA), the American Physical Society (APS), and the American Geophysical Union (AGU).

SEAC members with concerns about issues related to sexual harassment and assault should feel welcome to discuss those concerns confidentially with the voting officers of SEAC, members of the SEAC Task Force on Sexual Harassment and Assault, and individuals designated as SEAC Safe Officers. Individual members of SEAC and SEAC as an organization should strive to create safe and supportive environments for participation in all its events and programs. Public awareness about the problems of sexual harassment and assault in archaeology will ideally reduce the prevalence of these problems in the long run.

Relevant Web Sites

SEAC

- <https://www.southeasternarchaeology.org/sexual-harassment-task-force/>

SAA

- <https://www.saa.org/annual-meeting/submissions/anti-harassment-policy>

- https://documents.saa.org/container/docs/default-source/doc-careerpractice/harassment_resource.pdf?sfvrsn=d5b7b7d8_4
- <https://www.saa.org/career-practice/saa-statements-guidelines/statement-details/2015/11/01/saa-statement-on-sexual-harassment-and-violence>
- <https://www.saa.org/career-practice/ethics-in-professional-archaeology>
- <https://www.saa.org/annual-meeting/submissions/anti-harassment-policy>

SHA

- <https://sha.org/about-us/sha-sexual-harassment-discrimination-policy/>

CAA

- <https://canadianarchaeology.com/caa/about/committees/caa-committee-members-safety>

AAA

- <https://www.americananthro.org/LearnAndTeach/Content.aspx?ItemNumber=22956&navItemNumber=22957>

AIA

- <https://www.archaeological.org/wp-content/uploads/2019/05/AIA-Statement-on-Sexual-Harassment-and-Assault-and-Guidelines-on-Archaeological-Field-Projects.pdf>

SCS

- <https://classicalstudies.org/scs-news/scs-statement-harassment-annual-meeting>

AHA

- <https://www.historians.org/about-aha-and-membership/governance/policies-and-documents-of-the-association/code-of-professional-conduct-at-officially-sanctioned-aha-activities>

AGU

- <https://harassment.agu.org/>
- <https://www.agu.org/Plan-for-a-Meeting/AGUMeetings/Meetings-Resources/Meetings-code-of-conduct>

APS

- <https://www.aps.org/meetings/policies/code-conduct.cfm>

For inclusion in the “pocket” program:



2021 SEAC Safe Officer Program

The SEAC Task Force on Sexual Harassment and Assault will continue the *SEAC Safe Officer* program for the 2021 meetings in Durham. Any SEAC participant who has been subjected to sexual harassment, assault, discrimination, or other unwanted behaviors can report these behaviors to our on-site volunteers. SEAC Safe Officers will be available at the registration desk during registration hours, as well as at all SEAC-sponsored evening events and on-call 24 hours a day throughout the meetings. SEAC Safe Officers will be wearing red T-shirts as shown above.

The 2021 SEAC Safe Officers are Robbie Ethridge, Patrick Johnson, Shawn Lambert, Jesse Nowak, and Jera Davis. If you would like to make a report, please contact any of these officers, speak with the officer on duty at the registration desk, or for 24-hour reporting, call or text Robbie Ethridge at 662-816-6369. For more information see <https://www.southeasternarchaeology.org/sexual-harassment-task-force/>.

The role of the SEAC Safe Officers is outlined in the SEAC Meetings Code of Conduct. The code states, "No participant and attendee at SEAC events should be subjected to sexual harassment or sexual assault. SEAC is not an adjudicating body, but if a SEAC member is subjected to sexual harassment or sexual assault while at any SEAC-related event, we ask them to file a complaint by speaking with, texting, emailing, or calling a SEAC Safe Officer or a voting officer of SEAC. SEAC can consider but cannot act on anonymous complaints, nor complaints made via social media. When a SEAC Safe Officer or voting officer receives a complaint and shares the relevant information with the SEAC president, SEAC will then take reasonable and appropriate actions to ensure the safety of SEAC members and participants in SEAC events and programs in the form(s) of providing escorts and advocacy by SEAC Safe Officers, by advising Complainants (individuals who file complaints) about their options, by reporting allegations of potentially illegal activities to local authorities, by requesting that a Respondent (the person who is alleged to have violated this code of conduct) modify their behavior (and stay away from a Complainant if that person is identified), or by other actions as appropriate. SEAC expects members and annual meeting attendees to comply with requests to alter or to moderate behavior based on reasonable and credible complaints."

Appendix G: Proposed Code of Conduct for Annual Meetings Check-Box Agreement for Conference Registration Page

[] By checking this box, I acknowledge that: (1) attendees are required to abide by the 2021 SEAC Annual Meeting Code of Conduct 2021; (2) SEAC SAFE Officers or members of the SEAC Executive Committee will issue formal warnings to first-time offenders; and (3) repeat offenders may be asked to withdraw from the meetings and meeting venues.