

American Association of Physical Anthropologists Statement on Sexual Harassment and Assault

I. Preamble A:

The American Association of Physical Anthropologists (AAPA) is committed to providing a safe space, free of threats, harassment or assault, to all of our members regardless of age, ethnicity, race, gender identity or expression, sexual orientation, disabilities, religion, marital status, or any other reason unrelated to professional performance.

II. Preamble B:

Experiences of sexual harassment, assault and threats of those behaviors in educational and workplace contexts can shape an individual's ability to complete their training or pursue their career goals.¹ Professional training and research in anthropology often requires many years of preparation, intensive collaboration, and research away from home institutional contexts. Sexual assault and harassment in field research in particular remains a substantial issue with 64% of respondents to a recent survey reporting having experienced sexual harassment and more than 20% reporting having been the victims of sexual assault². Thus, the AAPA provides this Statement on Sexual Harassment and Assault to establish guidelines for appropriate behavior for members of our organization.

III. Introduction and Scope of Policy:

With this document, the AAPA outlines best practices regarding the definition, prevention, and reporting of sexual harassment and assault for our professional community as well as our expectations for professional behavior of our members.

This Statement is intended to provide useful information and best practices; it is not intended to constitute legal advice. In the event of any conflict between this Statement and applicable law or

¹ Leskinen, E.A., Cortina, L.M., Kabat, D.B. (2011). "Gender Harassment: Broadening our understanding of sex-based harassment at work." *Law and Human Behavior*. 35(1): 25-39; Einarsen, S., Hoel, H., Zapf, D., Cooper, C. Eds. (2011). *Bullying and Harassment in the Workplace: Developments in Research, Theory and Practice. Second Edition*. Boca Raton: CRC Press.

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

institutional policy, the applicable law or institutional policy prevails. Members and institutions are encouraged to seek their own counsel for advice in any specific situation.

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

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

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

As biological anthropologists, we conduct our professional business in diverse spaces including field settings, conferences, workshops, online, classrooms, and laboratories on colleges and universities throughout the country and abroad. Accordingly, sexual harassment and assault can occur in all of these spaces. The majority of biological anthropologists work under the auspices of federally funded colleges and universities. Thus, we are governed not only by local, state and federal criminal and civil law but also by the policies and rules of these institutions, including Title IX of the Education Amendments (1972), 20 U.S.C. §1681 *et seq.*, and similar legislation in other countries.

V. Relevant Laws Including Title IX.

A. What are the relevant laws?

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

- Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e *et seq.*, which makes it unlawful for employers to make employment decisions (*e.g.*, hiring, firing, promotion, and compensation) on the basis of sex or to limit, segregate, or classify employees or applicants on the basis of sex. It protects individuals (*i.e.*, applicants and employees) from hostile environments (including sexual harassment) in employment.⁶

³ USEEOC (n.d.) Sexual Harassment.

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

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

⁶ See <http://www.eeoc.gov/laws/statutes/titlevii.cfm>

- Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 *et seq.*, specifically applies to education programs to protect individuals (*e.g.*, visitors, volunteers, students, and faculty) from being excluded from participation, denied the benefits, or discriminated on the basis of sex.⁷
- The Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act, 18 U.S.C. §249, makes it a crime to willfully cause bodily injury to another person because of actual or perceived gender, sexual orientation, or gender identity.⁸
- The Violence Against Women Act (VAWA) was reauthorized in 2014 with specific stipulations for issues concerning campus sexual violence (the so-called SaVE Act provision).
- Criminal offenses for statutory rape vary by state in terms of minimum age of the victim, minimum age of defendant, and age differential between them.⁹
- Civil Protection Orders (CPOs) vary by state. The American Bar Association has prepared charts summarizing CPOs for sexual assault and stalking and harassment in the 50 states and District of Columbia.¹⁰
- Many states have or are in the process of adopting legislation specifically regarding sexual misconduct on campus.

Generally, federal statutes set a baseline of protections upon which state and local authorities may provide additional or stronger protections; thus, the law of one jurisdiction may demand a higher standard of conduct than the law of another. The specific conduct required or prohibited varies from place to place as do the proscriptions (*i.e.* the acts, types of actor, types of victim, or types of setting). For any given circumstance and time, multiple laws apply. State human relations commissions are important resources and can refer individuals to the appropriate authority to handle situations involving civil and criminal laws.¹¹

While it is beyond the scope of this Statement on Sexual Harassment and Assault to review all relevant law that may apply to AAPA members at any particular time, it is important to remember that depending on the circumstance multiple lines of redress may exist.

B. How does Title IX relate to this Statement on Sexual Harassment and Assault?

In the United States, private and public colleges and universities that receive Federal funds must comply with Title IX. Title IX of the Education Amendments (1972), 20 U.S.C. §1681 *et seq.*, prohibits discrimination on the basis of sex in educational programs, activities and employment. Title IX applies regardless of whether federal financial assistance is received directly or indirectly. And Title IX applies to all forms of sexual discrimination including sexual harassment, sexual misconduct, sexual violence, and all forms of gender-based harassment. Title

⁷ See <http://www.justice.gov/crt/about/cor/coord/titleix.php>

⁸ See <https://www.law.cornell.edu/uscode/text/18/249>

⁹ See, *e.g.*, <http://aspe.hhs.gov/hsp/08/SR/StateLaws/>

¹⁰ Sexual Assault CPOs

http://www.americanbar.org/content/dam/aba/administrative/domestic_violence1/Charts/SA%20CPO%20Final%202015.authcheckdam.pdf and Stalking and Harassment CPOs

http://www.americanbar.org/content/dam/aba/migrated/domviol/pdfs/stalkingHarassment_cpo_chart.authcheckdam.pdf

¹¹ For contact information see, *e.g.*, <http://www.justice.gov/crt/legalinfo/stateandlocal.php>

IX applies equally to students, staff, and faculty, and is meant to protect students and employees from sexual harassment by any school employee, student, or nonemployee third party.

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

A school violates Title IX if it has 'notice' of a sexually hostile environment and fails to take immediate and corrective action. A school is deemed to have notice if a responsible employee knew or, in the exercise of reasonable care, should have known about the harassment. A responsible employee includes any employee who 1) has the authority to take action to redress the harassment; 2) has the duty to report to appropriate school officials sexual harassment or any other misconduct by students or employees; or 3) a student could reasonably believe has the authority or responsibility to take action. Unlawful discrimination on the basis of sex includes rape, sexual assault, and sexual harassment (*i.e.*, hostile environment). The majority of our members are affiliated with colleges, universities, and research institutions throughout the United States. Thus, in addition to accountability to the AAPA Code of Ethics¹² and this statement on sexual harassment, we are accountable to our colleges and universities via Title IX¹³. Members outside the U.S. will also be bound by any similar legislation in their home country or country of employment.

VI. Where does the AAPA Statement on Sexual Harassment and Assault apply?

This statement applies to all physical (field, lab, university campuses, conference locations) and online spaces in which biological anthropologists conduct professional business.

A. "Home"

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

¹² AAPA Ethics Code: <http://physanth.org/documents/3/ethics.pdf>

¹³ Title IX: http://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html

B. Field Contexts

Fieldwork is a central component of training and research in biological anthropology. These research trips often remove us from our home environments, and require us to engage with researchers, staff and community members from areas all around the world. They also require that work relationships are removed from their primary context and are situated in spaces that may have different cultural or professional rules. Due to their centrality in training in our discipline, we view the field as a workplace environment and an extension of our working environments at home. As such, all college, university, or institutional rules regarding appropriate behavior apply in these fieldwork contexts as does the AAPA statement and AAPA Code of Ethics.

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

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

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

D. Conferences

The AAPA is dedicated to providing a harassment-free conference experience for everyone, regardless of gender, gender identity and expression, sexual orientation, disability, physical appearance, race, ethnicity, religion, or age. Due to their centrality in professional training and networking in our discipline, conferences are clearly an extension of the workplace environment. As such, all college, university, or institutional rules regarding appropriate behavior apply in these contexts as does the AAPA statement and AAPA Code of Ethics. We will not tolerate harassment of conference participants in any form.

VII. Suggestions for prevention:

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

- All AAPA members and researchers should educate themselves about types of sexual misconduct (harassment, rape, and sexual assault) and commit to not perpetrating these acts.
- AAPA members and researchers who are Principal Investigators are encouraged to create and enforce field-site specific codes of conduct.
- AAPA members and researchers who are Principal Investigators are legally required and strongly encouraged to report all harassment and assault that occurs at their places of research
- Junior scholars are encouraged to research all field research schools and programs before attending, and should make themselves aware of what resources will be available on site.
- Junior scholars are also encouraged to discuss all potential field research experiences with a trusted advisor or peer mentor.
- All researchers are encouraged to request a code of conduct from principal investigators in charge of research sites.
- All researchers should inquire about appropriate reporting mechanisms and university resources, in the case that the Principal Investigator fails to provide this information.
- The AAPA requires that all field schools or research experiences advertised on the AAPA website or through AAPA supported social media write, and make available on demand (1) a code of conduct prohibiting sexual assault and harassment and (2) appropriate reporting mechanisms for those who do experience or witness unwanted sexual contact of any type.

VIII. Bystander awareness:

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

In addition, the AAPA recommends proactive engagement to foster a culture of respect and prevent sexual harassment, rape, and assault. The “It’s On Us Campaign,” which aims to establish a collective, societal ownership of the problem of sexual violence and to empower all of us to engage in shifting the cultural norms toward respect, has a useful toolkit that AAPA members may want to review and use.¹⁴

The following information is provided to help bystanders:

A. Ensure safety, then select the most appropriate approach

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

¹⁴ Available at http://itsonus.org/assets/files/ItsOnUs_CampaignOrganizingTools.pdf

B. Support the affected individual¹⁵

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

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

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

Our goal is to foster a culture that makes our meetings models for safe and open working environments for all. The lines of formal reporting in all cases remain through the perpetrator's home institution; however, should an incident occur while at an AAPA sponsored meeting or workshop, the AAPA officers, executive committee members, session and workshop chairs should be considered safe authorities with whom incidents can and should be discussed.

Formal resources include, but are not limited to:

A. Campus resources

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

B. Field and other off-campus resources

- Site supervisor
- Colleagues
- Local, state, and federal law enforcement
- Local and state human relations commissions

¹⁵ <http://stepupprogram.org/topics/sexual-assault/#actionsteps>; <https://rainn.org/get-information/sexual-assault-prevention/bystanders-can-help>

-International security agencies (embassies, consulates)

C. Support services

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

X. Summary:

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

XI. Acknowledgements:

The AAPA Executive Committee endorsed this statement on sexual harassment and assault, which was posted online in November of 2015. The AAPA membership discussed and supported the statement during the 2016 business meeting in Atlanta. As of April of 2016, the AAPA Statement has formed the basis for that adopted by the Paleoanthropology Society and the Society of American Archaeology. The AAPA statement was drafted by the 2014 and 2015 AAPA Ethics Committees and amended by the AAPA Executive Committee in 2015 with input from the AAPA Counsel, Wes Kennedy, and Title IX Coordinators.

The Sexual Harassment Statement Subcommittee of the Ethics Committee conceived and drafted the document. Subcommittee members were: Robin Nelson (Chair), Robin Bernstein, Eric Delson, Holly Dunsworth, Erin Riley, Andrea Taylor, and Jennifer Wagner. The Ethics Committee reviewed and amended the draft. Ethics Committee members were: Graciela Cabana and Jennifer Wagner (Co-Chairs, 2015), Erin Riley (Chair, 2014), Deborah Bolnick, Bert Covert, Eric Delson, Heather J.H. Edgar, Ann M. Kakaliouras, Angela Mallard, Robin Nelson, Karen Rosenberg, Elle Saine, Heather Shattuck-Heidorn, and Trudy Turner. The AAPA Executive Committee members reviewed, amended and approved the document for posting. The Executive Committee members were: Susan Antón (President), Karen Rosenberg (Past-President), M. Anne Katzenberg (Vice President), Anne Grauer (Secretary-Treasurer), Peter Ellison, Leslea Hlusko, Joan Richtsmeier, J. Josh Snodgrass, Anne Stone and Trudy Turner,

XII. Additional Resources:

AAPA Code of Ethics

<http://physanth.org/documents/3/ethics.pdf>

Clancy, K.B.H., Nelson, R.G., Rutherford, J.R., Hinde, K., “Survey of academic field experiences (SAFE): Trainees report harassment and assault”, *PLOS One* 9(7):

<http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0102>

Muckle, Bob (2014). “On Sexual Harassment and Assault in Archaeology”, *The SAA Archaeological Record*

http://depts.washington.edu/anthweb/resources/diverse_pdfs/archy.rec.nov.2014.sex.harass.pdf

Gewin, Virginia (2015). “Social behaviour: Indecent Advances” *Nature* 519: 251-253.

<http://www.nature.com/naturejobs/science/articles/10.1038/nj7542-251a>

“We can Act” – a report developed by the American Philosophical Association Sexual Harassment Ad Hoc Committee

<http://c.ymcdn.com/sites/www.apaonline.org/resource/resmgr/sexualharassmentreport.pdf>

American Association of University Professors

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

Department of Education Office of Civil Rights Publications:

[2001 Revised Sexual Harassment Guidance](#)

[April 4, 2011 DCL addressing student on student sexual harassment](#)

[April 29, 2014 Questions and Answers on Title IX and Sexual Violence](#)

Current issues and trends 2005:

<http://www.aaup.org/issues/sexual-harassment/resources-sexual-harassmentsexual-harassment-higher-education-current-issues-and-trends>

Other resources for academics:

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

Bystander resources:

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

It’s On Us Campaign:

<http://itsonus.org>

Greendot, etc:

<https://www.live.thegreendot.com/>