1. Introduction

Recent high-profile reports of the endemic sexual harassment and abuse in the Film industry, Westminster, and other businesses have prompted a wider discussion of the situation faced by (predominantly) women, dis/Abled and members of the LGBT+ community in everyday life and in all professions, including our own. The hash-tag #MeToo has drawn out more than 1.7 million voices and demonstrated how prevalent the reality of sexual harassment is, and archaeology is by no means a bastion of equality, safe from all the dangers of other professions. Although for some this will be a difficult conversation - it is something which must be brought out into the open if it is to be tackled.

If you are currently experiencing, or have experienced sexual harassment you are not alone and there are systems in place which can help.

This short guide is primarily aimed at field archaeologists - whether they be volunteers or students, those employed within the commercial sector and the organisations who run excavations. It is hoped that it will provide an initial point of reference and is designed primarily to signpost services and create procedures to prevent cases of sexual harassment, sexual assault and rape. If you have experienced sexual assault or rape then there are specific organisations who are better placed to advise and support you (links are contained within Section 6). Harassment can also take the form of Gender, Sexuality, Racial, Religious, Ethnic or Dis/Ability Harassment as well as bullying. Bullying or harassment can be between two individuals or it may involve groups of people. It might be obvious or it might be insidious. It may be persistent or an isolated incident. It can also occur in written communications, by phone or through email, not just face-to-face. One person’s ‘robust management’ or ‘joke/banter’ may be regarded as bullying by someone else. None of this can be tolerated in the workplace OR on archaeological projects.

Institutional Policies

Field schools and archaeological employers should have institutional policies and all staff and students should be made aware of these (for example – Durham University along with other institutions has this page dealing with Sexual Violence and Misconduct: https://www.dur.ac.uk/sexualviolence/). Where field schools/archaeological units are working with other agencies/companies it would be prudent if the policy included the procedures for reporting/dealing with harassment from staff employed by external companies. Institutions should be mindful of the risks and types of cyber bullying and harassment and policies should include reporting procedures and strategies for dealing with such situations. All policies should be communicated to staff/participants.

Policies should be freely available online but should this not be the case then they should be provided upon request. Some organisations may already include this information in an induction session for students, staff or teaching assistants. If you are organising an excavation outside of one of these scenarios (for example working with a group of volunteers), then the BAJR sample policy which accompanies this document will provide a framework for you to use and adapt to suit your particular training event. This is to ensure all participants in extra mural projects are aware of expected behaviors and how to interact with their colleagues in an appropriate manner.
2. Definitions

Sexual Harassment

The most important thing to be aware of when discussing sexual harassment is that it is defined as behaviour of a sexual nature or content that is making you feel intimidated or offended. You do not have to put up with it, and whilst people may not always be aware that their actions are having a negative effect this in no way excuses their behaviour – nor does it prevent you acting to put an end to it.

Sexual harassment is illegal under the Equality Act 2010

Sexual harassment is a form of unlawful discrimination under the Equality Act 2010. The law says it is sexual harassment if the behaviour is either meant to, or has the effect of:

- violating your dignity, or
- creating an intimidating, hostile, degrading, humiliating or offensive environment

Sexual harassment can include:

- sexual comments or jokes
- physical behaviour, including unwelcome sexual advances, touching and various forms of sexual assault
- displaying pictures, photos or drawings of a sexual nature
- sending emails or texts with a sexual content (www.citizensadvice.org.uk)

For example

Site workers display page 3 topless girls in the site hut. If you find it offensive or it makes you feel uncomfortable, ask them to remove it. If they don’t you can take action under Equality Act as this could be construed as sexual harassment.

If you witness a clique or group repeatedly making sexual reference to another team member (even out of their hearing) you have the right to request this stops – It is not harmless banter

The worst examples would see an individual taking sexual advantage of another after a site party or perhaps using their status to force their advances on another.

This is no longer harassment this is now Sexual Assault or Rape (depending on circumstances) and is a serious crime.

When deciding what is sexual harassment or bullying it is important to remember that it is the effect of the behavior on the recipient that counts – and not how it appears to another person. Remember also that the individual may not recognize that their behavior is considered to be harassment or that it is inappropriate. This does not excuse the behavior and it must be addressed but the approach to situation may differ slightly in certain circumstances. Think of what your parent or guardian would think if they were standing there and heard or saw the words or actions taking place. It is up to everyone to stamp out sexual harassment.
Sexual Assault

It is also vitally important that people are aware that unwanted touching can constitute sexual assault which is a criminal offence under the Sexual Offences Act 2003 (www.cps.gov.uk).

The Crown Prosecution Service defines the elements of the offence of sexual assault as:
A person (A) intentionally touches another person (B)
the touching is sexual
(B) does not consent to the touching, and
(A) does not reasonably believe that (B) consents

Rape and Assault by Penetration

The Sexual Offences Act 2003 also covers rape and assault by penetration. The Crown Prosecution Service defines the elements of the offence of rape are:
(A) intentionally penetrates the vagina, anus or mouth of another person (B) with his penis;
(B) does not consent to the penetration, and
(A) does not reasonably believe that (B) consents

It clarifies that rape is still a crime of basic intent, and drunkenness is no defence.

The Crown Prosecution Service defines the elements of the offence of assault by penetration are:
A person (A) intentionally penetrates the vagina or anus of another person (B) with a part of their body or anything else:
The penetration is sexual
(B) does not consent to the penetration, and
(A) does not reasonably believe that (B) consents.

The definitions of rape and sexual assault have been included because, much like with the situations mentioned above in Hollywood and Westminster, there are individuals working within archaeology who appear to be associated with multiple incidents of sexual assault and rape. It is not believed that any of these allegations have yet been reported to the police and it must be reiterated here that there are a myriad number of reasons why rapes and sexual assaults go unreported. The burden of guilt lies wholly on the perpetrators not to carry out these abhorrent acts, and not on the victims/survivors to prevent further assaults by reporting the crimes. If you have been affected by these crimes we would urge you to seek support from the organisations named below who have the skills and expertise to help you.
Managers and supervisors have a duty to prevent sexual harassment and, if it does occur, to respond effectively to a complaint. It is also important to speak up for others if you can see that a particular conversation or culture is developing which is making certain group members uncomfortable as they may be unable to speak up for themselves.

The following passage is not intended to imply that archaeology is a more dangerous or predatory profession than others, but there are certain elements within how archaeological fieldwork is structured which places individuals at increased risk of sexual harassment and bullying.

Field schools and excavations conducted away from the unit base can form their own small microcosm of the real world, and usual boundaries of behavior may become blurred. In these situations, relationships and friendships can develop very quickly and be very intense with staff living, working and socialising together. There can be situations where heavy drinking becomes commonplace and this can result in an intimidating atmosphere where individuals can become less focused on their behavior and the implications of this for others in the group. This can be particularly pronounced in groups with a large gender imbalance or where there is an imbalance in power amongst staff. In these situations, inappropriate behavior risks becoming normalised and excused as “pack mentality”.

An awareness of this - and the potential for abuse which can arise from the situation is vital, and an open dialogue is needed if individuals who are uncomfortable are to be empowered to speak up. It must not simply be assumed that because an individual has not brought a complaint that there are no problems. There are many reasons why women do not raise complaints – examining the current media will show how negative their treatment can be if they do speak up. Time and time again victims of abuse have been questioned on their motives, their actions, their inactions, their silence, their motives for speaking up, their clothing and these factors often stop women bringing complaints for fear of not being believed or being ostracised by the group.

No advice on how to protect yourself from attack is given in this document as it is not the responsibility of the victim to take action to avoid being harassed, assaulted or attacked – let us be clear it is the responsibility of the perpetrator not to carry out the harassment, assault or attack. Actions can however be taken by organisations managing field schools/commercial excavations to minimise the risks to all students, staff and volunteers.

One key consideration which can often be overlooked is that, unless sharing is specifically requested, wherever possible staff should have individual, lockable rooms within shared houses/Bed and Breakfasts/hotels. If individual rooms are not available, then it is not appropriate to place individuals of different genders in shared bedrooms.

Insisting that people share is a particularly problematic area for LGBT+ people as it places them in a very difficult situation as some individuals may feel forced to disclose their sexuality/gender identity to their room-mate – a person who they have potentially never met before. This places an added vulnerability as a person’s sexuality/gender identity is a private
matter for them to discuss if and when they choose, not something which they need to disclose to strangers due to lack of thought on behalf of their employers. Having to reveal sexuality/gender identity in this context can also lead to an increased risk of bullying and potentially physical abuse. Similar considerations must be taken into account should site facilities have gender spaces such as separate toilets/changing rooms.

It is also not acceptable to enquire as to the sexuality/gender identity of staff members prior to employment/working away in an attempt to avoid this situation as this is illegal under the 2010 Equality Act which clearly states that staff cannot be discriminated against because of their sexuality. The simplest way to avoid this is for a company to adopt a single-rooms for all policy.

When choosing accommodation, the organiser should ideally visit venues or use recommendations where possible. There should be a named individual on call should any staff feel uncomfortable with the safety of their room. A plan should be in place to relocate staff who feel vulnerable.

Having an approachable, named person with appropriate training introduced to staff and students will give individuals who are being harassed a point of contact with senior management where complaints/concerns can be raised and addressed without fear of reprisal. A site with open communication routes where people understand the clearly laid rules of acceptable behaviour, and where there are clearly signposted routes of complaint and consequences of inappropriate conduct offers the best protection for all project participants.

Although there are clearly defined boundaries between teaching staff and students at universities, the boundaries between other staff such as project specific supervisors may be less well defined and ideally these should be clarified in the university policies which are implemented prior to the commencement of the project.

Commercial companies should implement a code of conduct which defines both what is considered harassment or bullying, and how more senior staff should interact with junior employees. In an employment context, unwanted and offensive behaviour or sexual advances on the part of an employee directed towards someone who is less senior is a particularly insidious form of abuse. The more junior the staff member the more vulnerable they are, particularly if they are employed on a short-term basis and are fearful that speaking up will result in the loss of employment and the withholding of a reference for future employment. An awareness that this can happen within organisations is vital, as is the frank and open discussion with new starters that the company has a policy in place and who to contact should they feel that they are suffering from harassment.

With an increased reliance on digital technology it is vital that staff are not put in a position where they are effectively forced to disclose their personal phone number/email to others, either within the company or on site. Company mobiles would be the preferred means of separating personal and private communication and staff should be issued with, or have access to, a company phone/email when necessary (i.e. when carrying out a watching brief or to speak to contractors). Where it is necessary for staff members to have the personal numbers of others, such as to arrange shared lifts to work, there should be a clearly communicated privacy policy with numbers preprogramed into a work phone.
There is also a risk of unsolicited pictures, for example “dick pics” being sent to (predominately) female staff either via social media accounts or open Wi-Fi etc. There should be robust reporting procedures in place for this sort of harassment – it is not appropriate to pass it off as unimportant and suggest that it is deleted/blacked. Where people are working closely together, particularly when also sharing accommodation and socialising outside work social media bullying is a potential risk. Mobile phone videos can be posted online without consent and these may be misused or cause distress and again it is important that these issues are raised with staff beforehand to outline acceptable behaviour.

People may feel uncomfortable reporting experiences of harassment or bullying. Ensuring that procedures are clear and transparent (for example having the policy available in the site hut) will reflect the serious nature of these claims whilst enabling people to notify instances of harassment or bullying without feeling like a ‘troublemaker’ or ‘prude’. See Appendix 1 for Template Policy Help.

Sites where there are multiple companies/institutions working in close proximity can cause additional problems, and employers need to be aware that they have a responsibility to safeguard staff and ensure that the procedure to report bullying/harassment/abuse is communicated to staff. An awareness is needed that where any group is in a minority that they can be especially vulnerable. The obvious example of this is the under representation of women in the construction industry but this extends to all groups.

It is hoped that the principal contractor on site will make individuals aware of all the policies and complaints procedures however it is important that the individual’s employer also provides support and steps in should the staff member be made to feel uncomfortable. Bullying of site staff by other contractors can occur where archaeologists are in the minority and again additional support for field staff should be in place to be deployed if needed. All incidents of bullying/harassment/abuse should be reported to the employer of the perpetrator and to the appropriate agency if necessary.

4. Consider your position

Responsibilities of Supervisor/Manager/Academic staff

As the person with authority it is your responsibility to ensure sexual harassment or bullying does not happen; be aware of the types of language and behaviour that can be regarded as harassment and remember that the person being harassed may not recognise it themselves (i.e. vulnerable adults) or may not feel confident to come forward. The easiest way to do this is to lead by example, to speak up if you hear or see unacceptable behaviour from colleagues. An atmosphere where sexual banter or active bullying of individuals is prevalent is not acceptable and a lack of complaints may mean people are too embarrassed or nervous to come forward rather than there being no problem.

Managers and Supervisors on extra mural projects may find complaints awkward to deal with; there may be little differentiation in terms of age between themselves and the parties involved or conversely they may be faced with speaking to someone significantly older. Few people like confrontation, or have received any training in this area, so it is important that any complaints are dealt with quickly and discreetly. If a situation does develop then it is important to be seen to take charge (but not take sides) as the situation is unlikely to just ‘disappear’.
Holding the necessary conversation in private is essential. Although this may be tricky in a small team, the importance of confidentiality cannot be underestimated.

**For example**

A trans man is working on your site but certain members of the team are refusing to use the correct pronouns, deliberately using her/she rather than his/he or they/them. They have been corrected and are also making an elaborate show of correcting themselves. No specific complaint has been made.

In these circumstances it is not appropriate to simply ignore the issue for fear of causing offence or because it is an issue outside your experience – this is bullying, and it must be addressed. Don’t guess at which pronoun would be preferred – ask, and then use it and ensure that others are using the correct terms. If they are not them the guidelines for tackling bullying should be followed. Further information has been included in Section 6.

When an informal approach is being undertaken then make clear at the start that the ensuing discussion that the behaviour in question is not acceptable, explain the effect of the behaviour and therefore why it must cease immediately. In a university setting further action could include being sent home and/or a report being added to any university fieldwork report and in a commercial setting formal sanctions could result in an official warning or termination of employment.

Any complaints against university staff or those employed by contracting units should comply with the relevant organisational policy, which will have formal procedures in place. They should be documented even if no further action has been taken to ensure that there is a record of events. This is particularly important in the event that the situation escalates or that there are further incidents on different sites/involving different individuals.

**Responsibilities of volunteers/students/peers**

If a sexual harassment and Bullying policy/statement is not included in your induction, ask to see a copy!

Help create a supportive and inclusive environment, if you see or hear something speak out – often a simple observation stated out loud is enough to make others think about the effect of their comments/behaviour. Remember that just because you do not mind ‘banter’ others may not feel the same. This is the duty of all people on a project or site.

It is your responsibility to reflect on the consequences of your behaviour towards other team members and to prevent it when seen happening to others. If you are the focus of harassment or bullying or any form of unwanted sexual advances, sexual assault or rape, then be aware of your legal rights and the policy of the company or institution that you are with – they have a duty to protect you.
5. Still not sure?

If you have been made to feel uncomfortable or feel bullied and harassed but are unsure about speaking up, think about the totality of the particular circumstances; the nature, frequency, location, context of the behavior. Keep a simple record of instances can help clarify a pattern of harassment such as **what happened, when and how it made you feel** - this will help in both formal and informal situations.

Many bullies and sexual predators will wait until there is no one else present. However, if you do have witnesses to any incidents note their names too.

Don’t suffer in silence. Discussing your problems with your family, friends, colleagues or your union will make a difference and help you to think through how to sort them out.

Remember also that the CIfA Code of Conduct Principal 5 can be used to bring further sanctions against an individual who is a member of the Chartered Institute, if applicable.

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6. Additional Links

**ACAS: Bullying and harassment**


**Acas has produced a guidance leaflet on bullying and harassment for employees**


**Acas has also produced a guidance leaflet on bullying and harassment for Employers and Managers**


**CIfA Equality and Diversity Group**

[https://www.archaeologists.net/equality-diversity-group](https://www.archaeologists.net/equality-diversity-group)

**Citizens Advice: Sexual harassment**

Citizens Advice: Harassment

Citizens Advice: Bullying and harassment

Protect – Whistleblowing Service
https://www.archaeologists.net/membership/pcaw

Rape and Sexual Offences: Sexual Offences Act 2003 and 1956

Rape Crisis England & Wales
www.rapecrisis.org.uk/sexualharassment.php

Rape Crisis Scotland
https://www.rapecrisisscotland.org.uk/

Samaritans
https://www.samaritans.org/

Sexual orientation discrimination Equality and Human Rights Commission

Society for Historical Archaeology (USA) Sexual Harassment and Discrimination Policy

Stonewall - Stonewall campaigns for the equality of lesbian, gay, bi and trans people across Britain
https://www.stonewall.org.uk/

Transwhat – A Guide towards Allyship
http://transwhat.org/?fbclid=IwAR2FcDpK2yW_3vE8MsF51_rT70Ji10haKHClwaurAk2TVSpZKl8ckD1w
REFERENCES
http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0102172


Appendix 1: Template Policy. Based on current best practice.

This does not have to be a complicated document, especially for small companies or projects, and may well be a section within other policy documents (please try and write your policy in your own words), but a checklist for a specific policy on bullying and sexual harassment could include the following:

STATEMENT OF COMMITMENT FROM SENIOR MANAGEMENT
The company managers do not tolerate any form of harassment or victimisation and expects all members of the company, including its visitors and contractors to treat each other with respect, courtesy and consideration. Those in positions of authority, such as Department Heads, Project Managers and Project Officers, have formal responsibilities under this Policy and are expected to familiarise themselves with the Policy and Procedures on appointment. All those in positions of authority, have a duty to implement this Policy and to make every effort to ensure that harassment and victimisation do not occur in the areas of work for which they are responsible and, that if they do occur, any concerns are investigated promptly and effectively.

ACKNOWLEDGEMENT THAT BULLYING AND HARASSMENT ARE PROBLEMS FOR THE ORGANISATION
All staff have a responsibility to treat colleagues and peers with dignity and respect. This means respecting the feelings, sensibilities, cultural, religious and belief differences of others and considering how your behaviour is being perceived. It is important to acknowledge that bullying and harassment does happen, but our company is clear that we wish to promote a culture where bullying and harassment are acknowledged to be unacceptable and are not tolerated, and where allegations of such behaviour are dealt with fairly and in a timely fashion, without fear of victimisation.

EXAMPLES OF UNACCEPTABLE BEHAVIOUR
Harassment may be an isolated occurrence or repetitive: it may occur against one or more individuals. Harassment may be, but is not limited to:

- Physical contact – ranging from touching to serious sexual assault, gestures, intimidation, aggressive behaviour.
- Verbal – unwelcome remarks, suggestions and sexual propositions, malicious gossip, jokes and banter, offensive language.
- Non-verbal – offensive literature or pictures, graffiti and computer imagery, isolation or non-co-operation and exclusion or isolation from social activities.

Bullying is unlikely to be a single or isolated instance. It is usually, but not exclusively repeated and persistent behaviour which is offensive, abusive, intimidating, malicious or insulting. Bullying includes but is not limited to:

- Conduct which is intimidating, physically abusive or threatening
- Conduct that denigrates, ridicules or humiliates an individual, especially in front of colleagues
- Picking on one person when there is a communal problem
- Shouting at an individual to get things done
- Consistently undermining someone and their ability to do the job
- Setting unrealistic targets or excessive workloads
- “cyber bullying” i.e. bullying via e-mail, twitter or Facebook (Care and sensitivity should be practised with regard to the choice of context and language.)
- Setting an individual up to fail and then blaming them for the failure e.g. by giving inadequate instructions or unreasonable deadlines

RESPONSIBILITIES OF SUPERVISORIAL STAFF AND MANAGERS

Managers have a responsibility to ensure that harassment, discrimination and bullying is not permitted within their area of management, and that incidents arising are dealt with firmly and fairly using the company grievance procedures. Complaints should be taken seriously and investigations carried out in line with accepted procedure. All members of staff have a personal responsibility to ensure their own conduct does not cause offence. Issues of harassment, discrimination or bullying should be raised in a timely manner in order that any investigation is carried out at the earliest opportunity.

CONFIDENTIALITY FOR ANY COMPLAINANT

All internal complaints, investigations and subsequent actions must be treated in strict confidence. Only relevant people will be involved in dealing with a complaint. All parties must respect the confidentiality of everyone involved. Breaches in confidentiality will be dealt with through the company disciplinary procedure. Include a section on how your procedure will protect the rights of both complainant and accused until such times as an investigation has been undertaken OR if the situation can be resolved without recourse to formal investigation procedures.

REFERENCE TO GRIEVANCE PROCEDURES (FORMAL AND INFORMAL), INCLUDING TIMESCALES FOR ACTION

Informal: discuss the matter with a colleague; a trade union representative or friend. It may be helpful for you to keep a note of the details of any relevant incidents

Informal: Often, people are unaware that their behaviour is perceived as harassment, discrimination or bullying. In some cases speaking to, or writing a letter to, the person concerned to let them know their behaviour is unacceptable to you, can be sufficient to remedy the situation.
**Initial Formal:** Discuss the matter with a senior Manager or Supervisor providing a written document detailing any relevant incidents, requesting in writing that they discuss the matter with the individual or individuals.

Possible outcomes include:
- Complaint not founded
- Situation mutually resolved
- Complaint founded

**Formal:** where the informal and initial formal approaches are unsuccessful the appropriate Grievance Regulation should be followed as per your company policy and procedures.

**INVESTIGATION PROCEDURES, INCLUDING TIMESCALES FOR ACTION**

As per company Grievance procedure

**REFERENCE TO DISCIPLINARY PROCEDURES, INCLUDING TIMESCALES FOR ACTION**

COUNSELLING AND SUPPORT AVAILABILITY

As per company Grievance procedure

**TRAINING FOR MANAGERS AND SUPERVISORIAL STAFF**

A good starting point is:


**PROTECTION FROM VICTIMISATION**

The Equality Act 2010 makes it unlawful to subject an employee to detriment because they have raised (or are threatening to raise) a complaint about discrimination, sexual harassment, bullying or other form of harassment – known as “victimisation.”

**HOW THE POLICY IS TO BE IMPLEMENTED, REVIEWED AND MONITORED.**

The Company will monitor all reported incidents of harassment, discrimination and bullying and will review the effectiveness of this policy regularly.

Last updated. Xxxxx 201x

This statement of policy will gain credibility if staff are involved in its development. It should be made clear that the policy applies to all staff from Project Managers to Site Assistants, Support Staff to Volunteers, on and off the premises, including working away from base and outwith working hours. The policy should also make plain that bullying or harassment of staff by visitors to the organisation will not be tolerated and will be acted on accordingly.
BAJR Sample Document for volunteers and participants on a community project.

You can add the following section to any information pack you provide to participants. This should not be in lieu of the full policy – see above – that will be available to all to read.

The XXXXXXX project has a zero tolerance policy on sexual harassment and bullying. If you feel uncomfortable or are feeling threatened with a situation either during work time or extra curricular activities, then please follow the following listed escalations. A full policy document is available to read – please ask XXXXXX for a copy.

1. If possible discuss the situation with a close friend or trusted colleague (#)
2. Politely ask the person(s) to cease perhaps with a written letter.
3. If the behaviour does not cease immediately keep a written record and request a meeting with supervisor/ site manager.

# If required, and the nature of the harassment was serious – such as sexual assault or rape, then request immediate support from an appropriate agency.