

## PROTOCOL

### Middle East Studies Association ANTI-SEXUAL HARASSMENT COMMITTEE

November 2019

#### **Mission statement:**

MESA's Board of Directors established the MESA Anti-Sexual Harassment Committee (hereafter ASH) to help create a safe environment at the MESA annual meeting and in the wider Middle East studies community. Its goal is to strengthen the MESA community by building mutual trust and by providing resources to sexual harassment survivors. MESA is an equal opportunity employer and is committed to complying with all federal, state, and local EEO laws during the annual meeting and thereafter.

#### **Definition of Misconduct, Sexual Harassment, and the Abuse of Power:**

Misconduct, whether verbal or physical, consists of the abuse of power by engaging in discriminatory behavior that may be based on, but is not exclusive to, the victim's race, color, gender or gender expression, religion, nationality or national origin, age, marital status, sexual orientation, political beliefs or affiliation, physical ability or disability, chosen research or performance area, parental or caregiver status, or employment status. Misconduct as referred to in this statement includes sexual harassment. It may involve MESA members in their relationships not only with students and colleagues, but also with professional associates and support staff in all educational, research, and employment settings. As one example, this includes the abuse of power by faculty members toward graduate students.

Sexual harassment is the harassment of a person based on a person's sex and/or gender, and gender expression, and affects all sexual orientations. It includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature. It also includes offensive remarks about a person's gender, such as harassing a woman by making negative comments about women in general.

Under Title VII and Title IX, sexual harassment is illegal in both employment and educational contexts in the United States because it creates a hostile environment and results in gender/sex discrimination. Sexual harassment harms the victim, who often has less power, thereby infringing on that person's human rights. Sexual harassment is therefore antithetical to our values as an organization. MESA aims to support vulnerable members of the community and to strategize ways to end harassment. Research suggests that harassment is less prevalent in social organizations that model positive and respectful behavior. The impact of harassment often spans years beyond the actual incident and includes possible retaliation on the part of the harasser.

## **Forms of Harassment:**

No employee, member or attendee should be subjected to sexual harassment or unsolicited and unwelcome sexual overtures, nor should any employee, member or attendee be led to believe that any benefit would in any way depend upon “cooperation” of a sexual nature.

Sexual harassment generally includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature or the threat thereof.

Such threats include situations when an imbalance in power exists, specifically when: (1) An individual is compelled to tolerate the conduct as either an explicit or implicit term or condition of MESA service, annual meeting activity, or employment; (2) an individual's reaction to the conduct is used as a basis for MESA service, annual meeting activity, or employment decisions affecting that individual; (3) the conduct has the purpose or effect of interfering with the individual's MESA service, annual meeting activity, or work performance; or (4) the conduct has the purpose or effect of creating an intimidating, hostile, or offensive environment regarding MESA service, annual meeting activity, or at work.

Sexual harassment is not limited to demands for sexual favors. It also may include such actions as (1) sex-oriented verbal “kidding,” “teasing,” or jokes; (2) repeated offensive, non-consensual, sexual flirtations, advances, or propositions; (3) continued or repeated verbal abuse of a sexual nature; (4) graphic or degrading comments about an individual or his or her appearance that are not part of journalistic inquiry; (5) the display of sexually suggestive objects or pictures that are not related to scholarship and journalism; (6) subtle pressure for sexual activity; (7) sending unwanted sexual material via email or text, and (8) inappropriate physical contact.

It is expected that MESA annual meeting attendees and MESA members will engage thoughtfully and respectfully with one another.

## **Membership:**

ASH members are appointed by MESA’s President upon approval of the Board of Directors. ASH consists of a chair, a member of MESA’s Board, MESA’s President (ex-officio), MESA’s Executive Director (ex-officio), and a MESA member graduate student. Additionally, ASH may include as many as four members-at-large.

ASH members serve three-year terms, renewable at the invitation of the Chair. ASH terms normally begin and end on the last day of the MESA annual meeting. The members’ terms will be staggered to provide continuity on the committee. Occasionally, ASH may recruit new members out of cycle if it deems it necessary.

The ASH Chair can request MESA Board approval of additional members to join as advisors on an ad hoc basis if ASH deems it necessary. For instance, advisory members could be knowledgeable on particular institutions involved in a case and/or have specialized expertise. Advisory members cannot vote. They are appointed for three-year terms, renewable at the invitation of the ASH Chair.

In addition, two ombudspersons serve ASH in an advisory role. The ombudspersons will coordinate their annual meeting attendance to ensure there is always one person present on site.

Since the ombudsperson position is so significant in this process, it is necessary to further expand on their role. The primary duties of an ombudsperson are (1) to work with individuals and groups to explore and assist them in determining options to help resolve conflicts, problematic issues and concerns; and (2) to bring systemic concerns to the attention of the organization for resolution. An ombudsperson listens to and understands issues while remaining neutral with respect to facts; assists in reframing issues and developing and helping individuals evaluate options; guides or coaches individuals to deal directly with other parties; refers individuals to appropriate resolution resources; assists in surfacing issues to formal resolution channels; facilitates informal resolution processes; and identifies new issues and opportunities for systemic change for the organization.

By joining ASH, members agree in principle and in practice to take a stand against sexual harassment in the field of Middle East studies in general and at the MESA annual meeting in particular. They also agree to volunteer regularly to help on cases, especially on site, and to work with the ombuds. They are also willing to participate in committee decision-making on cases and to help draft reports.

The Committee convenes in a formal meeting once a year at MESA's annual meeting. Members maintain close contact between meetings and can take up issues any time during the year. ASH correspondence and administration are handled by the MESA Secretariat. Letters of inquiry and concern may be signed by the MESA President and/or the ASH Chair, as deemed appropriate.

**Boundaries:**

Since MESA is a professional organization that has annual meetings when MESA members come together in the fall, the primary concern of ASH is to achieve a safe environment for the duration of the annual meeting. Hence, all physical spaces used by MESA for the annual meeting as well as all public spaces members attend during the annual meeting form the main focus of the committee's work. Achieving a safe environment at the annual meeting comprises the first, micro-level of engagement by ASH.

In addition, ASH will serve in a supportive capacity in relation to sexual misconduct concerns that arise in the workplaces of all participants, ranging from universities, colleges and community colleges; academic presses; and the MESA Secretariat during the rest of the year. Striving for a safe environment in the field at large beyond the annual meeting comprises the second, macro-level of engagement by ASH.

**Prevention, Swift Action, and Rehabilitation:**

Prevention is the best tool to eliminate sexual harassment. Hence, it is imperative to communicate to all MESA members, employees and participants that MESA will not tolerate

sexual harassment. It is necessary in this context to provide sessions, panels and roundtables on prevention. ASH will develop such information resources to help prevent sexual harassment.

In cases of sexual harassment that do arise, ASH is committed to taking immediate and appropriate action. To this end, ASH has a process for reporting complaints. In following procedures, ASH will make all efforts to stop inappropriate behavior and to develop a rehabilitative model in dealing with harassment. It is important to stress that ASH strives to recommend rehabilitation rather than punish offenders. This is the case because MESA aims to gradually eliminate sexual harassment in the long term rather than suppress it in the short term.

### **Sexual Harassment Complaint Procedure:**

The five-step complaint procedure applies to the two levels of engagement MESA is committed to in the prevention of sexual misconduct (listed in “Boundaries” above): a primary focus on safety for all members at the annual meeting and a secondary focus on the Middle East studies field beyond the meeting.

The first, micro-level of ASH engagement takes place at the MESA annual meeting. ASH will make sure there are ombudspersons and resources available for immediate response to complaints of sexual harassment. These ombudspersons will be volunteers selected from the MESA membership who are survivor-focused and trauma-informed. In the event a case of sexual harassment arises during the meeting, in addition to an immediate response, a report will be prepared after the meeting to address the case and decide on the particular course of action. All the five steps below apply to the first, micro level.

The second, macro-level ASH engagement concerns sexual harassment that involves members of the Middle East studies community at their home institutions, academic or otherwise. In such cases, ASH cannot provide legal counsel or support, and in-depth investigation is beyond the capacity of MESA. Consequently, a possible action would be to add moral pressure by writing to pertinent administrators and other responsible parties expressing MESA’s concern about the issue based on the complaint. In this case, although all the same steps may apply, a letter of concern replaces the report and the end-result is not a decision about, but rather an acknowledgment of the committed sexual harassment.

### **The complaint procedure comprises the following five steps:**

- 1. Reporting:** ASH will develop a reporting form for MESA members to file a case and report to the ombudsperson and committee members. Such reports are vital, as without full documentation of alleged misconduct, MESA cannot investigate and address harassing behavior.

a. A complaint can be brought forward to ASH members and the ombudsperson in person at the annual meeting or by email or telephone to the ombudsperson or ASH members;

b. The MESA website will host a confidential on-line reporting site and the MESA administration will create a generic email address that goes to the ASH Chair and two volunteers selected from within ASH who will then filter reports and route them to ASH members for follow-up;

c. ASH commits to canvassing all MESA members electronically right before the annual meeting asking about specific actions that undermine the safety of MESA's environment. In this electronic message, ASH will also communicate the names of committee members and designated ombudsperson to the MESA membership;

d. At the annual meeting itself, ASH will assign a committee member and an ombudsperson to be on call, offering walk-in hours. In selecting this member and the ombudsperson, ASH will ascertain that both have had professional training to work with reporters and survivors and both will keep information confidential as noted below. The MESA Secretariat will set aside a meeting room for use by the ombuds.

- 2. Documentation:** If a received complaint involves criminal activity, the ombuds will refer the survivor to law enforcement officials upon the consent of the survivor.

All other complaints will be brought to the attention of the committee with the consent of the survivor. The ombudsperson will use the written report form to ensure that the investigation is based on a document made as close to the time of a reported incident as possible. The ombudsperson will ensure that the written report form contains adequate details of the event, such as dates, time, place, parties involved, and allegations. To ensure that due process is followed, the ombudsperson will interview the respondent and document responses. During the entire process, every attempt will be made to retain confidentiality and all records will be retained in a secure file.

Ombudsperson will be there to listen to and support the survivor in every capacity possible. MESA commits to taking immediate action to accommodate the survivor in any way possible; the alleged respondent (harasser) may be asked to exit the MESA meeting by the MESA President if there is clear evidence that harassment has occurred. During the process, the alleged respondent can be accompanied by persons of their choice.

- 3. Committee Discussion and Decision:** If the complaint cannot be resolved, the ombudsperson will discuss the case with the ASH Chair. They will reach a decision regarding the alleged harassment and will prepare the case report.

Upon the survivor's consent, the case report including the decision will be shared with other MESA members that the survivor identifies. The chain of sharing the case report will thus consist of the ombudsperson, ASH Chair, MESA Executive Director and MESA President. This chain will also provide protection to the ombudsperson.

The ASH members will not be privy to the case, but the chair will share the decision with them, asking for their feedback. The members will also assist in the process by providing resources especially regarding rehabilitation services, presenting policy advice, and changing bylaws.

- 4. Drafting the Final Report:** The final report including the decision reached will be presented to the MESA Board with a suggested course of action. In writing the report, one or more members may volunteer to draft the report. If there are no volunteers, the case will not be pursued.

In cases where the evidence supporting an allegation is clear and a decision is made to move ahead immediately with drafting the final report, the committee should engage in due diligence. This means attempting to get as much information as possible as background and/or material for the report. Who makes these efforts at due diligence also depends upon the particular case. It may be the letter writer, or the division of labor that emerges may lead one or more people to make inquiries the results of which are then passed along to the letter writer.

- 5. Finalizing the Report:** Report writer(s) are primarily responsible for incorporating suggested changes into the draft. The file names of successive drafts should be clearly dated so that everyone knows to which draft s/he is referring and/or responding, to ensure accuracy. In the event there are disagreements over relatively minor language/expression issues, the final decision is left to the ASH Chair.

## **Outcomes**

If, after consultation with the ombudsperson, the ASH Chair and MESA President, it is concluded that the complaint is not meritorious, then no further action will be taken, and the survivor and the respondent will be informed of the outcome.

If ASH finds a person has committed sexual harassment during the annual meeting, that is, if the complaint is considered meritorious, then after giving the alleged respondent a chance to respond and upon MESA Board approval, the person will be issued a letter explaining the finding and ensuing decision which would prevent the registration of the respondent at annual meetings for a number of years. ASH will recommend to the Board the time range of the ban and will do so to make the annual meeting a safe place. To reduce the duration of the ban, the respondent will be encouraged to enroll in gender awareness training seminars rooted in feminist theory and praxis.

In addition, ASH will review harassment cases adjudicated by other institutions and, where the respondent has been found to have engaged in sexual harassment, ASH will recommend to the MESA Board that the respondent be prevented from registration at MESA annual meetings for a number of years. If such a harassment case is still ongoing and the respondent is thus still under investigation, ASH will ask the MESA Secretariat to provide the necessary accommodations to the survivor at each annual meeting so that they do not have to share the same panels, roundtables and the like with the respondent.

It is imperative to mention the significance of retaliation and the need for accommodation in helping the survivor negotiate the outcome of sexual harassment. All measures need to be taken to prevent retaliation, so that the survivor will not feel alone and will continue to have equal rights and equal access to all opportunities. ASH members will be vigilant in ensuring that the abuse of power does not extend to other spaces and places.

To achieve this positive outcome of accommodation, those survivors who have reported sexual harassment prior to the annual meeting will be paired with ASH members during the meeting. With the help of the MESA Secretariat, the members will ensure that the survivors will not have to share the same space with the respondents. In addition, a network of advocates will be made available to the survivors upon request. The ombudsperson will assist in cases arising during the annual meeting and will also work with ASH members, advocates and volunteers to make the annual meeting a safe space for everyone, especially for survivors.

During the course of the year, ASH will also develop a set of gender awareness training seminars and will identify other helpful links that it will make available on its website. All those interested in rehabilitation of sexual misconduct rather than punishment can refer to these resources. In addition, ASH also commits to developing Bystander Awareness for those observing or becoming aware of possible harassment with guidance on action to be taken.