

Australian Anthropological Society Ethics Accountability and Procedures Review

May 2009

Review Purpose

Section 1.1 of the Australian Anthropological Society's Code of Ethics states:

'The Australian Anthropological Society cannot investigate or adjudicate allegations about unethical behaviour.'

At the last Annual General Meeting of the Society, in December 2008, a motion was put forward that the incoming executive report to the AAS members by 30 June 2009 on the advisability and viability according to the constitution of introducing appropriate procedures to investigate alleged breaches of the AAS code of ethics. As noted in the proposal, such investigations, if endorsed, would entail repealing the last sentence of S.1.1 of the AAS Code of Ethics, which currently stipulates that the AAS cannot investigate and adjudicate breaches of ethics, as well as considering what procedures might be instituted and obtaining quotations for indemnity insurance for the AAS.

Although AAS has developed an excellent code of professional ethics, the last sentence of s 1.1 of the code specifically precludes AAS from investigating alleged breaches of its own code of professional ethics. The original proposer of the ethics amendment, Stephen Bennetts, in his statement of rationale asserted that:

This sentence of the code puts AAS seriously out of step with several analogous professional associations (including ASWA, AAA, AACAI and AURA) which currently have far more robust procedures for dealing with such matters.

The main purpose of this document is to assess that assertion by comparing the AAS code with those of a wide range of similar associations. This document provides a summary of different anthropological and archaeological associations' and societies' Codes of Ethics. It specifically highlights issues of accountability for ethical misconduct and any existing procedures for accountability enforcement. The annex of this document contains full copies of selected, relevant Codes of Ethics. All relevant sections in the annex are bolded and highlighted in the annex.

Summary of Ethics Policies and Procedures – Anthropology

1. American Anthropological Association (AAA)

Website: www.aaanet.org

Key Contact: Current Chair (2008) and Applied Seat, Dena Plemmons (E 06-09) =,
3137 Mission Village Dr., San Diego, CA 92123, (o) 858/752-9585, (f) 858/268-
9369 dplemmons@ucsd.edu

Key Policy: AAA Code of Ethics

Published: February 19th, 2009

Summary of Ethics Policy:

The AAA is probably the most comprehensive anthropological association in terms of ethics (see <http://www.aaanet.org/profdev/ethics/>). The Association has numerous resources on its website regarding ethics including: Statement on Ethics (1971), Commission Review of Ethics (1995), a Committee for Ethics Information, and a Code of Ethics (2009). The Association's Code of Ethics is the most recent and relevant here. The Code states that, "because anthropologists can find themselves in complex situations and subject to more than one code of ethics, the AAA Code of Ethics provides a framework, not an ironclad formula, for making decisions." It also notes that, "no code or set of guidelines can anticipate unique circumstances or direct actions in specific situations. The individual anthropologist must be willing to make carefully considered ethical choices and be prepared to make clear the assumptions, facts and issues on which those choices are based. These guidelines therefore address general contexts, priorities and relationships which should be considered in ethical decision making in anthropological work". The Code outlines key responsibilities in research, teaching, application and dissemination. Relevant statements in the Code are:

- Anthropologists have a duty to be informed about ethical codes relating to their work
- Anthropological researchers should be alert to the danger of compromising anthropological ethics as a condition to engage in research, yet also be alert to proper demands of good citizenship or host- guest relations
- Anthropological researchers have primary ethical obligations to the people, species, and materials they study and to the people with whom they work
- To avoid harm or wrong, understanding that the development of knowledge can lead to change which may be positive or negative for the people or animals worked with or studied
- To work for the long-term conservation of the archaeological, fossil, and historical records

Provisions for Ethics Accountability:

Included on the AAA website is the Final Report of the Commission to Review the AAA Statements on Ethics (1995). This review contains some relevant statements.

"The Commission also felt strongly that given the increasingly complex situations in which persons with anthropological training work, such persons should have training in and ongoing access to education programs in ethics."

"The primary purpose(s) of a professional code of ethics is to help educate and socialize new entrants to the field as well as current members of the discipline; therefore, a code must be of some practical use."

“A code of ethics is a "public moral system in that (1) all persons to whom it applies, those whose behavior is to be guided and judged by that system, understand it, i.e., know what behavior the system prohibits, requires and encourages; and (2) it is not irrational for any of them to accept being guided or judged by."

“A ‘public moral system’ includes rules, which must be followed (unless a violation can be justified), and ideals, which encourage how people ought to behave.”

“Moral rules are not absolute, but justified violations must be impartial (that is, every person may violate the rule in the same situation) and must be public (that is, everyone knows that the specific violation is permitted). It also is understood that there will be disagreement on what constitutes the "same situation."

Procedures for Enforcement:

The Commission Review, 1995 found that the AAA’s previous complex methods of adjudication were largely ineffectual. The Commission Report found stated that,

“To be useful, an adjudication system must

- Ensure due process, which involves collection of data, interviews, hearings, etc
- Have the ability to impose meaningful sanctions
- Have moral, if not legal standing
- Be willing and able to take on all appropriate claims
- Be able to deliver what it promises.

The Commission found that the AAA adjudication process failed to meet all of these tests.”

Key Statements from the Final Report of the Commission to Review the AAA Statements on Ethics

<http://www.aaanet.org/cmtes/ethics/Final-Report-of-the-Commission-to-Review-the-AAA-Statements-on-Ethics.cfm>

Due process is a lengthy and expensive undertaking, which the AAA has neither the resources nor the expertise to carry out. Fairness demands due process; the possibility of costly and lengthy court suits objecting to less than due process demands prudence.

Since no ethics case has ever reached the final stage of the process, the AAA has never had to face the difficult issues of a full-blown investigation and sanctions. The Statements on Ethics are silent on what kinds of sanctions the AAA could issue, and to what effect.

The AAA Statements on Ethics have no legal standing and appear to be on weak moral footing. It seems unfair to seek to apply the code to non-AAA members, none of whom have in any way agreed to be covered by the Statements. Similarly, while new members of the Association are sent copies of the Statements, no member is asked to subscribe to the Statements.

An adjudication process which is severely limited in the number of charges it can investigate inadvertently gives its blessing to questionable acts which it does not have the time or resources to investigate.

By having an adjudication procedure, the AAA implies it is willing and able to hear cases and impose sanctions. The facts that no ethics case has ever reached the final hearing stage in the process and that no sanctions have ever been levied suggest otherwise, demeaning the credibility of the process, the Committee on Ethics, and the Association. Further, the existence of the process leads some people to file claims better suited to other venues with more effective remedies.

The Commission discussed in depth the concept that the AAA at least ought to be a "court" of last resort for bringing a claim of unethical behavior. While such a role might reduce the number of complaints the AAA might have to adjudicate, the process would still face the problems of providing due process and of promising more than it could deliver, plus having to decide what it means to be a court of last resort.

The Commission also weighed the importance of creating an aggressive ethics education program and of maintaining an adjudication program in light of limited AAA resources.

Based on the general principle that an ethics code is primarily a vehicle for education and on the inability of the AAA to carry out a fair and legally defensible adjudication program, the Commission recommended that the AAA direct its energies and resources solely to establishing an ongoing ethics education program.

As reported above, in May 1995 the AAA Section Assembly endorsed and the AAA Executive Board approved the Commission's recommendation to focus the work of the AAA Ethics Committee and the AAA's resources on an ethics education program, and to cease investigation and adjudication of claims of unethical behavior.

Notwithstanding the 1995 review, the current Code of Ethics does not contain any explicit provisions for accountability enforcement stating that “the American Anthropological Association (AAA) does not adjudicate claims for unethical behavior.” Although the AAA does not adjudicate for claims of unethical behaviour, it does maintain a Committee on Ethics Information. The Committee has three main purposes:

1. to increase the number of candidates for all degrees in anthropology receiving training in ethics before graduating;
2. to provide ongoing education in ethical issues for all AAA members, and
3. to provide advice to AAA members facing/raising ethical dilemmas.

The AAA has also recently instigated a Task Force on Ethics to carry out a comprehensive review of its Code of Ethics, this Task Force is set to report to the Executive Board by the 15th of November 2010

2. Anthropology Southern Africa (ASA)

Website: <http://www.asnahome.org/>

Key Contact: Mugsy Spiegel (President of ASnA) mugsy.spiegel@uct.ac.za,

Kees va der Waal (Deputy President of ASnA) csvdw@sun.ac.za

Key Policy: Ethical Guidelines and Principles of Conduct for Anthropologists

Published: 2005

Summary of Ethics Policy:

Anthropology Southern Africa, Ethical Guidelines and Principles of Conduct strongly emphasise the responsibility of anthropologists towards research participants first and foremost. If such participants are deemed to be particularly vulnerable or belong to a particularly vulnerable group, the Guidelines stress that this onus of responsibility be strongly upheld. Key citations within the Guidelines are as follows:

“The nature of our research relationships and the fact that anthropologists often work in contexts characterised by differential access to power and resources imposes upon us a grave responsibility to consider carefully the character of our research and its likely effects for those who participate in it, particularly those in situations of reduced or limited power. Consequently, we need always to be mindful that our research can detrimentally affect our research participants or lead to their feeling they have been harmed by it. It is our responsibility not to embark on research projects that may have such effects, and to discontinue such work if, once begun, it threatens to have such effects.”

“Anthropologists should anticipate potential harm, act to protect respondents and to secure their dignity. If a conflict of interests arises, the rights of research participants are paramount.”

“As anthropologists, we need to recognise that our responsibilities toward research participants may extend in time and space well beyond the completion of the research project.”

“Research may reveal people's vulnerabilities or render them vulnerable. We have the responsibility to ensure that people are not made more vulnerable by our research or its products. Where either of these outcomes seems likely, we should withhold our materials from publication.”

“In addition, the vulnerability of specific individuals and groups must be recognised and attention paid to their needs.”

“We will act in such a way as to ensure that we do not jeopardise other and/or future research in the same research community or place. “

Provisions for Accountability:

The guidelines do not outline any specific provisions for accountability for those that breach or violate the Guidelines. They do however set out that anthropologists should be held to account for the reputation of the discipline in general. To this end, the Guideline states that anthropologists are to be held accountable to their peers (including research participants and scholars both inside and outside the discipline). No further elaborations are made as to how this accountability should be enforced. According to the guide, an anthropologist’s final and primary accountability lie with the subjects of research. Accountability may be questioned specifically where research is likely to have a bearing on public policy, where funding sources create conflicts of interest between research participants and the funder, or jeopardize the anthropologists primary responsibility to research participants. Furthermore the code states that anthropologists should be held to account if conducting research for host governments, where professional responsibilities may be compromised as a condition of conducting research.

Procedures for Enforcement:

The Guidelines do not outline any specific procedures for enforcement of accountability. It is simply noted under section I(iv) that “where there are conflicts of interpretation, these should be noted and appropriate action taken.”

3. Association of Social Anthropologists of the U. K. and the Commonwealth (ASA- UK)

Website: <http://www.theasa.org/>

Key Contact: Professor John Gledhill (Chair), chair@theasa.org

Key Policy: Ethical Guidelines for Good Research Practice

Published: March 1999

Summary of Ethics Policy:

These ethical guidelines set out anthropologists’ responsibilities to a range of stakeholders in descending order of importance: research participants; sponsors, funders and employers; colleagues and the discipline; own and host governments; and the wider society. According to this code responsibility to research participants is of paramount importance. However, these guidelines appear to be less stringent in their approach to protecting the interests of research participants first and foremost, noting that, “under some research conditions, particularly those involving contract research, it may not be possible to fully guarantee research participants’ interests. In such cases anthropologists would be well-advised to consider in advance whether they should pursue that particular piece of research.” Anthropologists are urged to be “be sensitive to the possible consequences of their work and should endeavour to guard against predictably harmful effects” and “try to minimise disturbances both to subjects themselves and to the subjects’ relationships with their environment.” An interesting point of note is that the Guidelines consider the issue of consent to be a process “that may require renegotiation over time; it is an issue to which the anthropologist should return periodically.” Section 1.8 outlines that in terms of participants’ involvement in research “as far as is possible anthropologists should try and involve the people being studied in the planning and execution of research projects, and they should recognise that their obligations to the

participants or the host community may not end (indeed should not end, many would argue) with the completion of their fieldwork or research project.” Therefore, according to these guidelines responsibility for ethical conduct is ongoing.

These Guidelines note that an anthropologist “should be careful not to promise or imply acceptance of conditions which would be contrary to professional ethics or competing commitments. Where conflicts seem likely, they should refer sponsors or other interested parties to the relevant portions of the professional guidelines”. According to the Guidelines,

“anthropologists who work in non-academic settings should be particularly aware of likely constraints on research and publication and of the potentiality for conflict between the aims of the employer, funder or sponsor and the interests of the people studied....They should pay particular attention to matters such as: - their ability to protect the rights and interests of research participants; their ability to make all ethical decisions in their research; and their (and other parties') rights in data collected, in publications, copyright and royalties.

Provisions for Discipline:

The Guidelines state that anthropologists derive certain benefits and privileges as a member of a professional association and as such members owe various obligations to the discipline as a whole, specifically in maintaining its reputation by ensuring the integrity of their methods, relations with participants and the preservation of field sites for future research. Conflicts of interest are to be recognised but no specific procedures for dealing with these are outlined, except to say that researchers “should seek assurance that they will not be required to compromise their professional and scholarly responsibilities as a condition of being granted research access.” Should this not occur the Guidelines note that irresponsible actions may “jeopardise access to a research setting or even to a whole country for other researchers, both anthropologists and non-anthropologists.” Nonetheless, no provisions are outlined in the Guidelines for those who breach ethical boundaries and jeopardize research sites. It is only stated that, “research can never be entirely objective - the selection of topics may reflect a bias in favour of certain cultural or personal values; the employment base of the researcher, the source of funding a various other factors may impose certain priorities, obligations and prohibitions - but anthropologists should strive for objectivity and be open about known barriers to its achievement”

Procedures for Enforcement:

These Guidelines do not contain any procedures of enforcement for those that violate the Guidelines. The epilogue states,

“This statement of ideals does not impose a rigid set of rules backed by institutional sanctions, given the variations in both individuals' moral precepts and the conditions under which they work. Guidelines cannot resolve difficulties in a vacuum nor allocate greater priority to one of the principles than another. Instead, they are aimed at educating anthropologists, sensitizing them to the potential sources of ethical conflict and dilemmas that may arise in research, scholarship and professional practice, at being informative and descriptive rather than authoritarian or prescriptive. They aim to ensure that where a departure from the principles is contemplated or where the privileging of one group or interested party or parties is deemed situationally or legally necessary, the researcher's decisions should be based on foresight and informed deliberation.”

4. Brazilian Association of Anthropology (BAA)

Website: <http://www.abant.org.br/>

Key Contact: aba@abant.org.br
Key Policy: CÓDIGO DE ÉTICA DO ANTROPÓLOGO
Published: 1988

Summary of Ethics Policy:

This code of ethics is extremely brief. It is comprised of three sections, the rights of the anthropologist, the rights of participant populations and the responsibilities of the anthropologist. According to this code, “the rights of the anthropologists must be subordinated to the rights of the populations that are research object and have as counterpart the inherent responsibilities to the exercise of the scientific activity.”. Research must therefore not therefore be used with the intention to cause harm to the group.

Provisions for Accountability:

No provisions for accountability are contained within the code

Procedures for Enforcement:

The code does not outline any procedures for enforcement of accountability for those that breach the code. However, recent correspondence with a member of the Brazilian Association of Anthropology revealed that the Association does have an ethical commission made up of the association’s last three presidents. Its role is to be a forum to sort out ethical conflicts, whenever it is prompted by an association’s member to do so. The informant stated that it has convened only once, more than ten years ago. In this instance the Commission, “played much more the political role of pacifying conflictive visions than anything else”. There, however, is no jurisprudence on how should the commission act. Its main goal is to play an advisory role to the president and the Executive Committee. Although the Association does not have legal means of enforcing any particular resolution, it does bear moral and political power. As such, any negative resolution on a given issue has impact on those involved in a conflict.

5. Canadian Anthropology Society (CASCA)

Website: <http://www.casca.anthropologica.ca/>

Key Contact: Professor Julia Harrison (CASCA President, Chair Women's Studies Associate, Professor Anthropology) □

Key Policy: NA

Published: NA

Summary of Ethics Policy:

No policy was found online. Email contact was made with the Association but no correspondence has been forthcoming

6. German Anthropology Society (DGV)

Website: <http://www.dgv-net.de>

Key Contact: Dr. Annette Hornbacher, Annette.Hornbacher@web.de

Key Policy: Declaration on Ethics (currently being drafted)

Published: NA

Summary of Ethics Policy:

The German Anthropological Society does not currently have any guidelines or codes on ethics. Correspondence with the Society's key representative on ethics revealed that a declaration on ethics is currently being drafted. The following statements on the forthcoming declaration are only the opinion of the ethics spokesperson but should not be read as representative because the draft of the declaration is yet to be discussed by the Associations members nor officially accepted. The views of the German Associations ethics spokesperson were that the Society has decided to draft a declaration and not a "code" because it is felt that they did not want to include any sanctions.

Provisions for Accountability:

"First of all the DGV has no instruments to sanction those who would violate such a code - except by public debates and in the worst case by exclusion, which does not seem to be very threatening for somebody who explicitly violates ethical principles, and which is not viable for those cases that presently raise ethical problems within a legal frame (such as anthropologists working for the military. While many German colleagues fervently attack these anthropologists and even claim that they should be expelled from the DGV, it seems impossible to exclude colleagues who join basic legal organisations of a democratic state). Secondly, the US experience with a code of ethics has proven that sanctions are not helpful but rather create aporetical [sic] situations among the colleagues (accusations, counter attacks, etc). As far as I am informed there has been no accusations since the 'wild days' of the AAA in the aftermath of the Vietnam war, which certainly does not indicate that there are no ethical problems.

"As the chair of a DGV group of 'ethics' I am much more in favour of an institutionalized public debate on ethical issues (including ethics as a core topic of anthropological curricula) that should uplift our sensitivity and consciousness for difficult and sometimes aporetical ethical problems that occur in a cross-cultural context of research and practice. It is my aim to establish ethics not as a given fact that can resolve our problems by applying - as it were - universal principles but rather as an issue of critical public discussion.

Our draft for a declaration of ethics is thus explicitly open for further discussion and reflexive transformation - because we found that a rigid codification of ethics creates inappropriate side effects and results in a pragmatism or political assimilation to given prescriptions rather than improving ethical consciousness and reflexivity."

Procedures for Enforcement:

"Therefore, we will have a panel on anthropologists at war (both as military 'embedded' anthropologists who provide data of military relevance, and as mediatory anthropologists in peace building processes) in October which will probably imply a heated debate on the ethical implications of applied anthropology."

7. Anthropological Association of Western Australia (AAWA)

Website: <http://anthropologywa.org>

Key Contact: jane.mulcock@bigpond.com

Key Policy: Code of Ethics

Published: 1992

Summary of Ethics Policy:

The Anthropological Association of Western Australia's Code of Ethics is identical to that of the Australian Anthropological Society's except for one key difference. Section 9 of the Code adds a grievance procedure to the code. However, grievances may only be pursued in relation to Section 8 of the Constitution.

Provisions for Accountability:

Section 8 of the Constitution states that

“if the Executive Committee considers that a member should be expelled from membership of the Society because of his or her conduct detrimental to the interests of the Association the Committee shall communicate in writing to the member – (a) notice of proposed expulsion and of the time, date and place of the Executive Committee meeting at which the question of expulsion will be decided; and (b) particulars of conduct, not less than 14 days before the date of the Committee meeting referred to in paragraph (a)

8.2 At the Executive Committee meeting referred to in a notice communicated under the subrule (1). The Executive Committee may, having afforded the member concerned a reasonable opportunity to be heard by, or to make representations in writing to, the Committee, expel or decline to expel that member from membership of the Society and shall, forthwith after deciding whether or not so to expel that member, communicate that decision in writing to that member.

Procedures for Enforcement:

8.3 Subject to the subrule (5) a member who is expelled under subrule (2) from membership of the Society ceases to be a member 14 days after the day on which the decision so to expel him or her is communicated to him or her under subrule (2)

8.4 A member who is expelled under subrule (2) from membership of the Association shall, if he or she wishes to appeal against that expulsion, give notice to the Secretary of his or her intention to do so within the period of 14 days referred to in subrule (3)

8.5. When notice is given under subrule (4) –

(a) the Society in a general meeting may, after having afforded the member who gave that notice a reasonable opportunity to be heard by, or to make representations in writing to, the Society in the general meeting, confirm or set aside the decision of the Executive Committee to expel that member; and

(b) the member who gave that notice does not cease to be a member unless and until the decision of the Executive Committee to expel him or her is confirmed under this subrule

8. Association of Social Anthropologists of Aotearoa/ New Zealand

Website: <http://asaanz.rsnz.org/codeofethics.html>

Key Contact: Sita Venkateswar, Massey University, Palmerston North

Key Policy: Principles of Professional Responsibility and Ethical Conduct

Published: 1987

Summary of Ethics Policy:

The New Zealand Association of Social Anthropologist’s ethics principles are similar to that of other organisations reviewed here. They emphasise responsibility to research participants as being of paramount importance, stating “anthropologists must do everything in their power to protect their physical, social, and psychological welfare and to honour their dignity and privacy.” In this code, anthropologists should also try to mitigate foreseeable repercussions of research and publication on the general population being studied. Representation is highlighted as an issue. The code states, “anthropologists should not be present themselves as spokespersons for people who have not given them their consent to act in such a capacity, and they should advocate the right of research participants to be heard directly in contexts where their lives may be affected.”

Provisions for Accountability:

The code does not contain any formal procedures for holding an individual accountable except to say in the Epilogue, “when anthropologists, by their actions, jeopardise research participants, professional colleagues, students or others, or if they otherwise betray their professional commitments, their colleagues may legitimately inquire into the propriety of those actions.”

Procedures for Enforcement:

The code sets out that inquiry into the actions of a member may take place during the annual AGM of the Association. This meeting is to provide forum for discussion of ethical issues. The Association also highlights that while it has the ability to discuss and enquire into allegations of unethical behaviour by members, the Association also bears the duty to “act as a form of protection for those that come under pressure to act in ways contrary to their professional ethics”

9. Society for Applied Anthropology (SAA)

Website: <http://www.sfaa.net/>

Key Contact:

Key Policy: Statement of Ethical and Professional Responsibilities

Published: NA

Summary of Ethics Policy:

This code contains basic standard statements on ethical behaviour including responsibility to participants, confidentiality, responsibilities to discipline, students, colleagues and employees.

Provisions for Accountability:

There are no provisions for accountability within this ethics policy statement

Procedures for Enforcement:

There are no provisions for enforcement within the ethics policy statement

Summary of Ethics Policies and Procedures - Archaeology

10. World Archeological Congress

Website: <http://www.worldarchaeologicalcongress.org>

Key Contact: Claire Smith, President (Australia)

Work: +61(0)8 8201 2336 Fax: +61 (0)8 8201 3845 claire.smith@flinders.edu.au

Key Policy: First Code of Ethics, Adopted by WAC Council in 1990 at WAC-2, Barquisimeto, Venezuela

Published: 1990

Summary of Ethics Policy:

This code is divided into two sections, principles to adhere to and rules to adhere to. Principles set out key stances and ethical considerations that members must make, including, acknowledgement of the importance of cultural heritage and the need to protect it. Rules to adhere to regulate the behaviour of archaeologists, including the stipulation that informed consent for research be given, and that members do not inappropriately tamper with significant artefacts.

Provisions for Accountability:

“The WAC standing Committee on Ethics is committed to upholding WAC’s vision and mission as a global organization of individuals and groups whose work lies in the field of archaeology or who are affected by the practices, policies, or ideas of archaeology.”

Procedures for Enforcement:

“Ethics are not rules to be followed or enforced; they are ideals and guiding principles from which to seek ways of acting and responding to real situations with foresight, precaution, mindfulness and attention to diverse interests and ways of knowing. WAC has in many ways set the standard for ethics in archaeology, and has done a remarkable job of living up to its principles, in great part due to the good hearts, intentions, and acts-large and small-of so many individuals. Ethics are infused fairly seamlessly in everything WAC does; they are enacted in the responses and actions of WAC’s executive, member organizations, and individual members. They create a standpoint of values and responsibilities from which to make decisions as to how to act or respond to particular situations.”

11. Australian Archaeological Association

Website: <http://www.australianarchaeologicalassociation.com.au/ethics>

Key Contact: Secretary, Australian Archaeological Association Inc., School of Geography and Environmental Science, Building 11, □ Monash University, Vic 3800, AUSTRALIA, Telephone:+61 (3) 9902 0109

Key Policy: Ethics

Published: Unknown

Summary of Ethics Policy:

The AAA directs readers firstly to the current guidelines for ethical research with Indigenous parties published by the Australian Institute of Aboriginal and Torres Strait Islander Studies (www.aiatsis.gov.au/data/assets/pdf_file/3512/EthicsGuideA4.pdf). The code then divides into three sections, 1) principles relating to the archaeological record 2) principles relating to indigenous archaeology and 3) principles relating to conduct.

Provisions for Accountability:

Section 32 of the Constitution outlines provisions for accountability. According to the constitution, a member may be expelled from the Association if found guilty of misconduct.

Procedures for Enforcement:

32. (1) Subject to this rule, the Committee may expel a member from the Association if, in the opinion of the Committee the member has been guilty of conduct detrimental to the interests of the Association.

(2) The expulsion of a member pursuant to sub-rule (1) of this rule does not take effect: (a) until the expiration of fourteen days after the service on the member of a notice under sub-rule (3) of this rule; or (b) if the member exercises his right of appeal under this rule, until the conclusion of the special general meeting of the Association convened to hear the appeal; whichever is the later date.

(3) Where the Committee expels a member from the Association, the Public Officer of the Association shall, without undue delay, cause to be served on the member a notice in writing:(a) stating that the Committee has expelled the member; (b)

specifying the grounds for the expulsion; and (c) informing the member that if he so desires he may, within fourteen days after the service of the notice on him, appeal against the expulsion as provided in this rule.

(4) A member on whom a notice under sub-rule (3) of this rule is served may appeal against the expulsion to a special meeting of the Association by delivering or sending by post to the Public Officer of the Association, within fourteen days after the service of that notice, a requisition in writing demanding the convening of such a meeting for the purpose of hearing his appeal.

(5) Upon the receipt of a requisition under sub-rule (3) of this rule, the Public Officer shall forthwith notify the Committee of its receipt and the Committee shall thereupon cause a special general meeting of members of the Association to be held within twenty-one days after the date on which the requisition is received by the Public Officer.

(6) At a special general meeting of the Association convened for the purpose of this rule:

(a) no business other than the question of the expulsion shall be transacted; (b) the Committee may place before the meeting of the Association details of the grounds of the expulsion and the Committee's reasons for the expulsion; (c) the expelled member shall be given an opportunity to be heard; and (d) the members of the Association present shall vote by secret ballot on the question whether the expulsion should be lifted or confirmed.

(7) If at the special meeting of the Association a majority of the members present vote in favour of the lifting of the expulsion, the expulsion shall be deemed to have been lifted and the expelled member is entitled to continue his membership of the Association.

(8) If at the special general meeting of the Association a majority of the members present vote in favour of the confirmation of the expulsion, the expulsion takes effect, and the expelled member ceases to be a member of the Association.

12. Australian Association of Consulting Archaeologists

Website:

http://www.aacai.com.au/index.php?option=com_content&task=view&id=14&Itemid=27

Key Contact: AACAI – [National Executive Committee (NEC)/Membership Secretary/Treasurer/President/Secretary or Secretariat].

c/o Georgia Meros, PO Box 8382, ARMADALE VIC 3143, Australia

Key Policy: AACAI Code of Ethics (1993) and Procedure for Handling Complaints against Members (2006)

Summary of Ethics Policy:

The AACAI Code of Ethics forms a schedule of the Association's Constitution. All members (in all categories) of the AACAI are required to commit to and abide by the Code of Ethics as a condition of their membership of the Association. The Code sets out basic obligations and responsibilities of the member to certain groups including the public, informants, colleagues, and employers.

Provisions for Accountability:

The AACAI has outlines procedures for accountability should accusations of misconduct occur.

“The purpose of the procedure for handling complaints against members is to assist the National Executive Committee (NEC) to handle such complaints in an equitable way, by providing a transparent process in the handling and investigation of complaints.

All members of the Australian Association of Consulting Archaeologists Inc. (AACAI) undertake to abide by the Association’s Code of Ethics, along with other policies, rules and codes as outlined in the constitution and its schedules, when they accept membership of the Association. Several times over recent years the NEC has dealt with complaints against individual members who, it has been alleged, have breached the Code of Ethics. In most cases these matters have been dealt with through a combination of negotiations and arbitration. Disturbingly, although perhaps not surprisingly, some complaints appear to have been motivated by an attempt to disrupt matters being appropriately dealt with elsewhere, such as in the Land and Environment Court of NSW. In such cases it appears that the making of a complaint against members (usually by a non-member) has been used as a tactic to attempt to discredit the member in court.

Most complaints received by the Association about its members relate to perceived or actual breaches of the Association’s Code of Ethics. The AACAI is committed to upholding its Code of Ethics and ensuring that Members abide by the Code, however, more guidance is required on how and when complaints will be handled. The following procedure follows closely the procedure for complaints handling of other similar organisations, specifically the Royal Australian Institute of Architects (RAIA) and Australia ICOMOS.

Specifically, the procedure states that a complaint will not be accepted while the matter or a related matter is being dealt with in the courts.”

At present Clause 38 of the Constitution of the AACAI provides that disciplinary action may be taken against member of the Association.

Specially ‘Where the National Executive Committee is of the opinion that a member of the Association:

- (a) Has refused or neglected to comply with a provision or provisions of the Objects or Rules or Codes of Conduct; or
- (b) Has acted in a manner prejudicial to the interests of the Association; or
- (c) Has been guilty of conduct unbecoming a member.

There is little guidance, however, in the constitution about the process of handling and investigating the complaint before it reaches the stage of implementing disciplinary action. This current document is intended to be consistent with the Constitution, but to clarify the process between the point at which a complaint is received by the organisation and the imposition if necessary, of disciplinary action.

The Association’s Rules and Code of Ethics do not bind archaeologists who are not members of the AACAI and the AACAI cannot assist with complaints about non-members. Nor can the AACAI assist with complaints that are related to matters outside the scope of the Constitution and associated Codes. The AACAI will not investigate a complaint while any other attempt is being made in another forum (such as a court, tribunal or mediation) to resolve an issue relating to any of the same facts or circumstances.”

Procedures for Enforcement:

Under the Constitution (see annexes) the options open to the National Executive to discipline a member are limited to:

- (i) Reprimand the member;
- (ii) Suspend the member from membership of the Association for a specified period; or
- (iii) Expel the member from the Association.

Clauses 38-47 of the Constitution set out how such disciplinary action takes effect and this involves a series of resolutions.

6. Who Can Make an Allegation?

An allegation of a breach of the Rules or Code of Ethics against an AACAI member can be made by a client, a member of the public, or another member of the AACAI.

7. Form of Allegation

Any allegation must be in writing, addressed to the Secretary, name the member against whom the breach is alleged, and be signed and dated by the complainant. The allegation must also state where and when the breach is alleged to have occurred and the Clause of the Constitution or the Code of Ethics or other Rules or Policies alleged to have been breached, and must include sufficient documents or other information to explain the allegation.

8. Confidentiality

All allegations will be dealt with confidentially. Those who will know about the application will be the Secretary of the National Executive Committee (NEC) who receives the complaint, the President of the AACAI (or his or her representative), the volunteer NEC member appointed by the President to conduct the investigation, the NEC Members if called upon to make a resolution on disciplinary action and the member who is the subject of the complaint.

9. Independence

The AACAI will use its best endeavours to ensure that any people investigating or dealing with a complaint are unconnected with the allegation in any way that is likely to involve self interest, conflict of interest or bias.

10. Procedure

When a complaint is received by the NEC, the Secretary will check whether the person named in the allegation was a member of the AACAI when the event or circumstance is alleged to have taken place. If so, the complaint will be acknowledged in writing, and the member concerned will also be notified in writing. Both parties will be asked to confirm that no other procedures outside the complaint to the AACAI are in progress.

The AACAI prefers to resolve any complaint informally through negotiation, and will therefore seek to do this by referring the complainant to another member of the AACAI (usually an NEC member unless a conflict of interest dictates otherwise) with whom the complaint can be discussed.

If the complainant wishes to proceed with a formal allegation, the President will appoint an Assessor, who will be a member of the NEC or a senior member of AACAI (if a conflict with NEC members is involved), to investigate the complaint. If the Assessor considers that the allegation, if true, would constitute a breach of the Code of Ethics or the Constitution, the Assessor will write to the member who is the subject of the

allegation and seek a written response. If, on the other hand, the Assessor does not consider that the allegation, even if true, would constitute a breach of the Code of Ethics or the Constitution, the Assessor will not investigate further.

The Assessor will prepare a report on the investigation for the President. If after investigation the Assessor considers that a breach of the Code of Ethics or Constitution may have occurred, the President will bring the matter to the next meeting of the National Executive Committee to discuss any further action. The complainant will be informed in writing about the results of the investigation. Where the National Executive Committee agrees that a member:

- (a) Has refused or neglected to comply with a provision or provisions of the Objects or Rules or Codes of Conduct; or
- (b) Has acted in a manner prejudicial to the interests of the Association; or
- (c) Has been guilty of conduct unbecoming a member'.

Then the formal steps as outlined in the constitution in clauses 38-47 will be initiated.

If the report of the Assessor concludes that a breach has not occurred the complainant will be informed in writing of that conclusion and that the matter has been deemed to have been dealt with under AACAI procedures.

For further clarification of procedures see **AACAI Constitution - 2.3.8 *Disciplining of Members***

http://www.aacai.com.au/index.php?option=com_content&task=view&id=15&Itemid=28

13. New Zealand Archaeological Association

Website: <http://www.nzarchaeology.org/ethics.pdf>

Key Contact: Secretary moira.white@otagomuseum.govt.nz

Key Policy: Code of Ethics

Published: 1993

Summary of Ethics Policy:

This code of ethics has principles and rules. Principles outline key archaeological sensitivities and moral obligations, rules specifically set out behaviours that an archaeologist must not engage in

Provisions for Accountability:

The code does not contain any provisions for accountability for those that breach the code

Procedures for Enforcement:

There are no procedures for enforcement of the code.

14. Archaeological Institute of America

Website: <http://www.archaeological.org>

Key Contact: governance@aia.bu.edu

Key Policy: AIA Code of Ethics & AIA Code of Professional Standards
Published: 1990

Summary of Ethics Policy:

The AIA code of ethics is extremely brief and stipulates adherence to the general preservation of world archaeological heritage. The Code of Professional Standards, lays these responsibilities out a little further in four broad subheadings: responsibility to the archaeological record, responsibility to the public, responsibility to colleagues and responsibility to the discipline.

Provisions for Accountability:

“This Code of Professional Standards does not seek to legislate all aspects of professional behavior and it recognizes the conflicts embedded in many of the issues addressed.”

Procedures for Enforcement:

The code does not contain any provisions for accountability for those that breach the code and there are no procedures for enforcement of the code.

15. Register of Professional Archaeologists

Website: <http://www.rpanet.org/displaycommon.cfm?an=1&subarticlenbr=3>

Key Contact: Associate Director, Donna Liberto 5024-R Campbell Blvd.

Baltimore, MD 21236, Phone: 410-933-3486 donnal@clemonsmgmt.co

Key Policy: Code of Conduct

Published: NA

Summary of Ethics Policy:

The ethics code of conduct for the Register of Professional Archaeologists contains standard statements regarding the responsibilities of members, including responsibilities to the public, students, colleagues and employers.

Provisions for Accountability:

The Register’s Bylaws make provisions for the appointment of a grievance coordinator.

Section 5.1. Powers. The Grievance Coordinator shall have responsibility for handling allegations of violations of the Code of Conduct and Standards of Research Performance of the Register, in accordance with the Disciplinary Procedures of the Register in effect from time to time.

Section 5.2. Tenure and Qualifications. The Grievance Coordinator shall be a RPA and shall hold office for a term of two years. The Grievance Coordinator-Elect shall automatically succeed to the office of Grievance Coordinator at the end of the Grievance Coordinator’s term of office. The Grievance Coordinator shall be a non-voting, ex-officio member of the Board.

Section 5.3. Removal. The Grievance Coordinator may be impeached for just cause as determined by at least a three-quarters vote of a quorum of the Board. Removal of the impeached Grievance Coordinator requires two-thirds of the votes of the RPAs present and voted, in person or by proxy.

Section 5.4. Vacancy. In the event of a vacancy in the office of the Grievance Coordinator, the Board shall have the power to make an interim appointment for the period of the vacancy.

ARTICLE 6. Grievance Coordinator-Elect.

Section 6.1. General Powers. The Grievance Coordinator-Elect shall be a non-voting, ex-officio member of the Board. The Grievance Coordinator-Elect shall assist the Grievance Coordinator in handling allegations of violations of the Code of Conduct and Standards of Research Performance of the Register. In the event that the Grievance Coordinator requests recusal from a particular case due to a conflict of interest, the Grievance Coordinator-Elect will be assigned responsibility for that particular case by the Board. In the event that both the Grievance Coordinator and the Grievance Coordinator-Elect request recusal from the same case, the Board will appoint a member of the Board or a former Grievance Coordinator as an interim Grievance Coordinator to handle the case.

Section 6.2. Tenure and Qualifications. The Grievance Coordinator-Elect shall be elected from among the RPAs every two years for a two year term of office. At the conclusion of this term the Grievance Coordinator-Elect will automatically succeed to a two year term as Grievance Coordinator.

Section 6.3. Removal. The Grievance Coordinator-Elect may be impeached for just cause as determined by at least a three-quarters vote of a quorum of the full Board. Removal of the impeached Grievance Coordinator-Elect requires two-thirds of the votes of the RPAs present and voted, in person or by proxy.

Section 6.4. Vacancy. In the event of a vacancy in the office of Grievance Coordinator-Elect, the Board shall have the power to make an interim appointment for the period of the vacancy.

Procedures for Enforcement:

ARTICLE 7. Standards Board.

Section 7.1. General Powers. The Standards Board shall hear and decide on all appeals from decisions of the Registrar. In accordance with the Disciplinary Procedures of the Register, the Standards Board shall make final decisions regarding disciplinary action resulting from complaints of violations of the Code of Conduct and Standards of Research Performance that are referred to the Standards Board by the Grievance Coordinator or any person acting in place of the Grievance Coordinator pursuant to these Bylaws.

Section 7.2. Number, Tenure, and Qualifications. The Standards Board shall consist of three RPAs plus a First, Second, and Third Alternate, all of whom must be RPAs. One Standards Board Member and one Alternate shall be elected by a ballot of RPAs each year, and each shall hold office for three years or until a successor shall be duly elected. The Standards Board member with the longest tenure shall serve as Chair of the Standards Board. A Standards Board Member or Alternate actively involved in a grievance case or appeal at the time of the election of a successor shall remain a member of the Standards Board with respect to each such grievance case or appeal until final disposition. The newly elected Standards Board Members and Alternates shall assume all other duties of the position.

Section 7.3. Conflict of Interest. Any Standards Board member perceiving himself or herself, or declared by the Board or by the Standards Board, to have a conflict of interest in a given case to be heard before the Standards Board shall withdraw from the proceedings.

Section 7.4. Meetings. The Standards Board, when convened, shall consist of the three

Members, or Members and Alternates, to make up a quorum of three.

Section 7.5. Removal. A Standards Board Member or Alternate may be impeached for just cause by at least a three-quarters vote of a quorum of the Board. Removal of an impeached Standards Board Member or Alternate requires two-thirds of the votes of the RPAs present and voted, in person or by proxy.

Section 7.6. Vacancy. In the event of the absence, death, resignation, withdrawal, removal, or incapacity of a Member of the Standards Board, the First Alternate, Second Alternate, and Third Alternate, singly and successively, in the order designated, shall fill such vacancy until the vacancy is filled.

Section 7.7. Code of Conduct and Standards of Research Performance. The Register shall maintain a written Code of Conduct and written Standards of Research Performance. These shall be adopted, and may be amended from time to time by the Board.

Section 7.8. Disciplinary Procedures. The Register shall maintain written Disciplinary Procedures. The Disciplinary Procedures of the Register shall be adopted, and may be amended from time to time by the Board.

16. Society for American Archaeologists

Website:

<http://www.saa.org/AbouttheSociety/PrinciplesofArchaeologicalEthics/tabid/203/Default.aspx>

Key Contact: Joe E. Watkins, jwatkins@telepath.com

Key Policy: Principles of Archaeological Ethics

Published: NA

Summary of Ethics Policy:

Eight principles govern ethical codes for the Society of American Archaeologists. The first, stewardship outlines responsibilities towards preserving archaeological artefacts and records. Accountability principle outlines the responsibility to work in good faith with all concerned stakeholders. Commercialisation, forbids the selling of artefacts. Further principles outline similar standard responsibilities of archaeologists in pursuit of their profession.

Provisions for Accountability:

The Society has a bylaw voted by the members to establish a new standing committee, the Committee on Ethics.

Procedures for Enforcement:

The Committee on Ethics is charged with promoting discussion and education about ethical issues in archaeology, and proposing revisions, as necessary, of the Principles of Archaeological Ethics. The committee is not charged with enforcement powers or responsibilities.