

**Western History Association**  
**Policy on Sexual Harassment and Sexual Misconduct**

**Preamble**

The Western History Association (WHA) works to maintain an environment that allows persons in the historical profession to flourish by encouraging respectful, inclusive, and equitable treatment of all who participate in WHA activities. As a statement of principle, the WHA rejects harassment, discrimination, and retaliation by any means, based on sex, gender identity, gender expression, or sexual orientation. Sexual harassment creates a hostile environment that impedes the advancement of historical knowledge by marginalizing individuals and communities. It also damages productivity and career growth, and prevents the healthy exchange of ideas. We affirm that discrimination and harassment are unacceptable in any research or learning environment. The WHA is committed to providing a safe, productive, and welcoming environment for all.

The following policy pertains to all WHA activities, including events associated with WHA conferences and any WHA-related business occurring throughout the year. It encompasses interactions in person, by telephone, and by electronic communication. The policy applies to all members and participants as well as employees, contractors, vendors, volunteers, and guests. During conferences, informal events organized by participants in conjunction with the conference are also covered by this policy. If, for instance, a panel goes to dinner at a restaurant off-campus or an editor and author go for coffee, harassment at the off-site location will be considered a violation of this policy.

**Expected Behavior**

All participants, attendees, volunteers, and vendors involved in WHA activities will be treated with respect and consideration. The WHA values a diversity of views and opinions and adheres to the [standards of professional conduct enumerated by the American Historical Association](#) and [Code of Professional Conduct at Officially Sanctioned AHA Activities](#).

The WHA encourages anyone who witnesses harm or potential harm to a participant in a WHA activity to be proactive in helping to mitigate or avoid that harm.

Alert hotel staff, security personnel, or law enforcement if you see a situation in which someone might be in imminent physical danger.

**Unacceptable Behavior**

The WHA does not tolerate sexual harassment. Sexual harassment is a type of discrimination that consists of a single intense and severe act, or of multiple persistent or pervasive acts that are unwanted, unwelcome, demeaning, abusive, or offensive. As defined by the 2018 National Academies of Sciences report on sexual harassment in the academy, sexual harassment is composed of three categories of behavior:

- 1) **gender harassment:** verbal and nonverbal behaviors that convey hostility, objectification, exclusion, or second-class status toward members of one gender,

2) **unwanted sexual attention:** verbal or physical unwelcome sexual advances, which can include assault, and

3) **sexual coercion:** when favorable professional or educational treatment is conditioned on sexual activity. Harassing behavior can be either directly targeted at an individual or exist at a more general level of sexual harassment in an environment.<sup>1</sup>

Sexual harassment does not refer to occasional compliments of a socially acceptable nature or consensual personal and social relationships without discriminatory effect. It refers to behavior that reasonably situated persons would regard as not welcome and as personally intimidating, hostile, or offensive. According to the US Equal Employment Opportunity Commission (EEOC) guidelines, the victim of harassment can be anyone affected by the offensive conduct, not just the individual at whom the conduct is directed.

The WHA does not tolerate any form of sexual misconduct. Sexual misconduct is a broad term encompassing any unwelcome behavior of a sexual nature that is committed without consent<sup>2</sup> or by force, intimidation, coercion, or manipulation. Sexual misconduct can be committed by a person of any gender, and it can occur between people of similar or different genders. Sexual misconduct may vary in its severity and consists of a range of behavior or attempted behavior. It can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. It includes but is not limited to: sexual assault (a continuum of conduct from rape to nonphysical forms of pressure that compel individuals to engage in sexual activity against individuals' will); sexual exploitation (engaging in nonconsensual, unjust, or abusive activity against their will); and sexual intimidation (threatening another person that you will commit a sex act against them or engaging in indecent exposure).

Any form of retaliation against a complainant of sexual harassment or other forms of sexual misconduct also constitutes a violation of these policies.

WHA members and other conference attendees should be aware that their home institution's policies (such as Title IX) may require them to report allegations of sexual harassment or other forms of sexual misconduct involving people affiliated with their institution

This policy will be clearly and prominently displayed on the WHA website. All participants in the annual meeting or WHA activities and anyone obtaining or renewing a WHA membership will be required to acknowledge the policy formally as well as their responsibility to abide by it

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<sup>1</sup> For further guidance on the definition and types of sexual harassment, see, [National Academies of Sciences, Engineering, and Medicine, \*Sexual Harassment of Women: Climate, Culture, and Consequences in Academic Sciences, Engineering, and Medicine\* \(2018\).](#)

<sup>2</sup> Consent is a freely and affirmatively communicated willingness to participate in a particular sexual activity or behavior, expressed either by words or clear, unambiguous actions. Consent can be withdrawn at any time, and by definition, a person is incapable of consent if the person is unable to understand the facts, nature, extent, or implications of the situation and/or if the person is incapacitated, which includes incapacitation by extreme intoxication, drug use, mental disability, or being unconscious. Critically, the person initiating a particular sexual activity or behavior bears the responsibility of receiving consent.

through their membership profiles, submission of potential conference presentations, and in the conference registration process.

**Western History Association**  
**Enforcement Clause for Policy on Sexual Harassment and Sexual Misconduct**

**The Professional Environment Committee**

The WHA Council will designate a Professional Environment Committee (PEC), which will receive reports and complaints from anyone who participates in a WHA activity and who has experienced or witnessed violations of this policy. To avoid potential conflicts of interest, any member of the Executive Committee (WHA President, President-Elect, or Executive Director), or PEC member receiving complaints and providing advice will not carry out warning or enforcement measures against the accused person.

The PEC will also make publicly available the reporting procedures, provide resources, and discuss issues with WHA members and event participants. The PEC's contact information will be made available on the WHA website and in annual meeting registration materials. Neither the committee nor any other WHA official can provide legal advice to those who make reports under this policy.

**Making a Report**

If you witness unacceptable behavior, as described above, during an WHA activity, please report the incident to a member of the PEC of the WHA Executive Committee.

Upon receipt of a report, a member of the PEC, but not the one who received the report, will notify the accused individual/s about whom the report was filed. The individual/s will be asked to desist from the offensive and unacceptable behavior. The individual/s in question is/are expected to comply immediately. If they do not do so, then they may be asked to remove themselves from the activity. The PEC, in possible collaboration with hotel (and/or convention center) security (if applicable), may take any action deemed necessary and appropriate, including immediate removal from the activity without refund.

**Making a Complaint**

If you experience any unacceptable behavior, as described above, during an WHA activity, please make a complaint about the incident to a member of the PEC or the WHA Executive Committee.

Upon receipt of the complaint, a member of the PEC, but not the one who received the complaint, will notify the accused individual/s about whom the complaint was filed. The individual/s will be asked to desist from the offensive and unacceptable behavior. The individual/s in question is/are expected to comply immediately. If they do not do so, then they may be asked to remove themselves from the activity. The PEC, in possible collaboration with hotel (and/or convention center) security (if applicable), may take any action deemed necessary and appropriate, including immediate removal from the activity without refund.

### **Investigative Review and Possible Consequences**

The WHA will review each complaint and endeavor to respond proportionally and fairly. Responses may range from informal resolutions agreed to by the parties to investigations conducted by trained external investigators.

The WHA reserves the right to take interim steps during an activity, such as a request to the offender to desist from any offensive and unacceptable behavior, the issuance of a narrowly tailored “no contact” directive between the parties, or the immediate removal from the activity without refund.

In investigating a report and/or complaint, the PEC will hear from both the accuser and the accused. The PEC will endeavor to complete its investigation and issue a determination within ninety (90) days of receipt of a complaint by the PEC or the WHA Executive Committee. If a violation is determined by the PEC, possible consequences may be implemented during or after the activity. The consequences may include:

- Warn the violator to cease their behavior and that any further complaints or reports will result in more serious consequences
- Issue a “no-contact” directive that prohibits the violator from contacting the complainant.
- Require that the violator immediately leave the activity and not return, without refund.
- Ban the violator from future activities (either indefinitely or for a certain time period).
- Immediately end any volunteer responsibilities and privileges the violator holds.
- Require that the violator not volunteer or serve as a contract employee or vendor for WHA either indefinitely or for a certain time period.
- Remove, without refund, and ban the violator from membership in WHA, following established procedures.

In cases of noncompliance with this policy, or repeated violations, the WHA reserves the right to prohibit attendance at any future activities, participation in programs, committee appointments, or receipt of awards.

### **Appeals**

A violator who wishes to appeal the PEC’s determination may notify the WHA Executive Committee in writing within thirty (30) days of receiving the determination from the PEC. The WHA Executive Committee may conduct an additional investigation as it deems necessary in its sole discretion. A determination of the PEC may only be overturned by a majority vote of the entire WHA Executive Committee. The WHA Executive Committee will endeavor to complete the appeal and issue a decision within sixty (60) days of receipt of the appeal from the violator.

### **Tracking of Allegations and Decisions**

The WHA will record allegations and decisions in a secure WHA database with access limited to the use of the PEC and the Executive Committee. The record will include the allegations and relevant reports and decisions. Reports will be maintained for up to ten years in a secure database, to help address the issue of repeat offenders. The PEC will compile a confidential summary report of sexual harassment and sexual misconduct cases to be made available to the

WHA Executive Committee annually. WHA members will receive an annual report documenting a general summary of complaints received and their outcomes.

Professional Environment Committee, 2022

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### **Definitions<sup>3</sup> (NAS, 29)**

**Consent:** Consent is a freely and affirmatively communicated willingness to participate in a particular sexual activity or behavior, expressed either by words or clear, unambiguous actions. Consent can be withdrawn at any time, and by definition, a person is incapable of consent if the person is unable to understand the facts, nature, extent, or implications of the situation and/or if the person is incapacitated, which includes incapacitation by extreme intoxication, drug use, mental disability, or being unconscious. Critically, the person initiating a particular sexual activity or behavior bears the responsibility of receiving consent.

**Discriminatory behavior:** An umbrella term that includes biased treatment based upon characteristics such as race, color, ethnicity, age, sex, age, disability status, pregnancy status, national origin, and veteran status, among others. The term includes the different forms of sexual harassment, as well as other forms of sex/gender discrimination.

**Sex/gender discrimination:** A broad term that includes discrimination and harassment based upon gender or sex. In addition to sexually harassing behavior, examples of this include pay or hiring discrimination based upon one's sex or gender.

**Sexual harassment:** A type of sex/gender discrimination that encompasses gender harassment, unwanted sexual attention, and sexual coercion.

**Gender harassment:** Verbal and nonverbal behaviors that convey hostility, exclusion, or second-class status about members of one gender. Examples include use of language such as "dyke, tranny, and, bitch," jokes such as "Don't be a pussy," and comments that denigrate a group or individuals in gendered terms. This type of harassment is sometimes further broken down into sexist hostility and crude harassment.

**Unwanted sexual attention:** Unwelcome sexual advances, which can include assault. Examples include repeated requests for dates and persistent attempts to establish sexual relationships despite rejection.

**Sexual coercion:** A type of sexual harassment in which favorable professional or educational treatment is conditioned on sexual activity (such as through the use of bribes or threats). Examples include promises of a better grade or a letter of reference in exchange for sexual favors.

**Ambient harassment:** General level of sexual harassment in a particular setting as defined by the frequency of harassing behaviors of all types and levels of severity. In this type of harassment the people negatively affected are not directly targeted. Examples include bystanders who witness other students or coworkers repeatedly targeted by unwanted sexual attention.

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<sup>3</sup> Reproduced with permission from [\*The Sexual Harassment of Women: Climate, Culture, and Consequences in Academic Sciences, Engineering, and Medicine\* \(2019\)](#) by the National Academies of Sciences, Courtesy of the National Academies Press, Washington, D.C.

**Hostile environment harassment:** A legal term referring to sexual harassment that is “severe or pervasive” enough to alter the conditions of employment, interfere with one’s work performance, or impede one’s ability to get an education. Both gender harassment and unwanted sexual attention can contribute to a hostile environment.

**Quid pro quo sexual harassment:** A legal term that parallels sexual coercion. It is a type of sexual harassment in which favorable professional or educational treatment is conditioned on sexual activity (such as through the use of bribes or threats). Examples include promises of a better grade or a letter of reference in exchange for sexual favors.

**Incivility:** Rude and insensitive behavior that shows a lack of regard for others (not necessarily related to sex or gender).