

## **DRAFT Policy on Professional Conduct.**

Prefatory comments submitted to President Susan Ackerman by *ad hoc* Ethics Working Group.

### **PROCESS AND CONSULTATION:**

The *ad hoc* Ethics Working Group (“working group”) was charged by former ASOR President Timothy Harrison with engaging in a process designed to yield a holistic ethics policy for ASOR. The intent of a holistic policy is to provide guidelines applying to all parts of our organization equally; to fill in gaps in existing policy; and to redress competing policies within various parts of the organization. In order to develop such a policy, the working group engaged in a process of research and consultation. We members of this working group express our gratitude to ASOR’s current and past president for their support of this process.

During the past several years, working group members have researched the policies of peer organizations, engaged in consultation, and sought guidance through conversation and correspondence with various ASOR officers, trustees, committee chairs, committee members and other individual ASOR members. More recently, to encourage broad participation in this discussion, the working group organized a “speed ethics session” during the ASOR 2013 annual meeting. In this venue, a diverse group of ASOR members presented short, 4-5 minute, pithy statements, arguments or explanations on topics relevant to a holistic policy. The session allowed considerable time for discussion with attendees/audience members. A goal of this well-attended session was to understand what is at stake for various constituencies across a range of issues, and to invite diverse opinions to be expressed. Audience members who were present were offered the opportunity to contribute their opinions as well.

At the November, 2012 and April, 2013 Board meetings, interim reports were submitted to the ASOR Board of Trustees. All those present were invited to be in contact with members of the Working Group in order to express their opinions on issues of concern to them. Additionally, we encouraged the ASOR Trustees to encourage other members to contact the working group to share their perspectives. We thank all those who took the opportunity to do so.

Throughout 2013, members of the working group continued to welcome communication from ASOR members, including ASOR leadership. Beginning in 2013, an email address, [asorethics@gmail.com](mailto:asorethics@gmail.com), was created in order encourage interested members to express their opinions on issues of concern to them. Many

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ASOR members expressed their opinions in the context of the various committee meetings held during the Annual Meeting. Major committees (e.g., CAP, COP, Program) were consulted at various points during the process. Varying forms of input was gathered; some committees submitted formal reports and engaged in a formal process; while members of other committees conveyed their input less formally.

A formal process of policy development and consultation was developed and approved by the Board of Trustees in November, 2013. The consultation process continues during the drafting process. A draft of the holistic policy will be considered for comment and revision at the Spring Executive Committee and Board of Trustees Meeting, and then a period of public comment will occur in 2014 so that a revised final draft can be developed for presentation to the Board of Trustees in advance of its Fall, 2014 meeting.

### **NATURE OF THIS POLICY**

Historically, ASOR's policies have been formulated as detailed statements rather than as articulations of general principles. Working group members found ASOR members overwhelmingly interested in a policy that would provide clear guidelines rather than general principles, although many saw a benefit in both. A section on general principles is included in the DRAFT Policy on Professional Conduct. This section could stand on its own, if desired. For the moment, it is placed at the top of the DRAFT policy, above section 1.

The working group formulated the guidelines as a DRAFT Policy on Professional Conduct. In using the term "Professional" for the conduct described in this DRAFT policy, we aim to create an opposition between professional and unprofessional rather than between professional and amateur or avocational. In the context of the DRAFT Policy of Professional Conduct, professional is defined as working *toward* achieving ASOR's Mission as a whole, while unprofessional *undermines* the achievement of ASOR's Mission as a whole.

The DRAFT Policy on Professional Conduct is intended to inform internal and external audiences of our shared sense of responsibility to the archaeological heritage which, broadly, is all traces of human action in the past and a limited, irreplaceable resource; and to the public; and to each other as colleagues. The guidelines in the DRAFT policy outline how we as ASOR members uphold and affirm those responsibilities for the benefit of these three primary constituencies as

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we undertake to achieve ASOR's Mission and as we seek to realize the goals of ASOR's Strategic Plan. ASOR members assert in this DRAFT policy their respect for the national laws and international conventions adopted by the countries in which ASOR has been incorporated (USA and Canada), as well as for those countries in which individual ASOR members live or work.

### **OPEN ISSUES**

The Working Group is well aware that ASOR is serious about being a principled organization that publishes, presents and supports the research of members who carry out their work to the highest standard. Historically, the primary statements of professional conduct for ASOR members have been the "Statement of ASOR Policy on Preservation and Protection of Archaeological Resources" and the "Statement of General Standards for Projects Affiliated with ASOR" (hereinafter "CAP standards"). This DRAFT policy includes additional content (i.e. beyond the terms originally include in the CAP Standards) that members indicated was essential and appropriate to include in a definition of professional conduct that is carried out to the highest standard.

The latter policy in particular, the CAP Standards, represents minimum standards and practices deemed necessary to ensure that the responsibilities of ASOR members --to archeological heritage, the public, and colleagues-- were being met in fieldwork or publication projects. In the past, only those researchers who chose to affiliate with ASOR through CAP affiliation have demonstrated their support of "CAP Standards." This will change once the DRAFT Policy on Professional Conduct is adopted. In that case, all ASOR members--by virtue of their membership in ASOR-- will be deemed to support the contents of the DRAFT Policy on Professional Conduct which includes the "CAP Standards".

Therefore, we hope that ASOR's Board of Trustees will think carefully about the linkage between the benefits of membership, funding being a significant, potential benefit; and an ASOR Member's overt demonstration of support for the DRAFT Policy for Professional Conduct, such as is currently required through CAP affiliation. We hope that the membership of ASOR can fashion a single, uniform, rational linkage across the entire organization that can apply to all members. We believe this is particularly important in view of the fact that our research and consultation revealed that many ASOR members believe that this situation already exists, that is, for instance, that only those members who overtly demonstrate that

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they uphold the CAP standards are able to gain funding. This is incorrect; a minority of awards is reserved for researchers whose projects have gained CAP affiliation. Additionally, as CAP affiliation is only open to researchers located in American institutions or to researchers/projects with CAARI affiliation, this path is not open to many members. The working group encourages CAP to take up a discussion of the future contours of this policy.

## **CONCLUSION**

The *ad hoc* Ethics Working Group thanks the many ASOR members who contributed to this process and thanks the leadership of ASOR for this opportunity to participate in the important work of envisioning a future for ASOR. We look forward to a robust public comment and critique process in the coming months, which we are confident will lead to the creation of a holistic policy that can support ASOR's mission and strategic goals well into the future.

Submitted by the *ad hoc* Ethics Working Group

Lynn Dodd, chair

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April 29, 2014

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**AMERICAN SCHOOLS OF ORIENTAL RESEARCH**

**Introduction:**

In 2010, Timothy Harrison, ASOR President, created an *ad hoc* Ethics Working Group that was charged with the development of a draft ethics policy for ASOR based on existing policies with the addition of new material. The goal of the enterprise was to create a unified document that would enable all those involved in furthering ASOR's mission to have recourse to clear guidelines that are consistent with ASOR's Mission and Strategic Plan.

**ASOR's mission** is to initiate, encourage and support research into, and public understanding of, the cultures and history of the Near East from the earliest times:

by fostering original research, archaeological excavations, and explorations.

by encouraging scholarship in the basic languages, cultural histories and traditions of the Near Eastern world.

by maintaining an active program of timely dissemination of research results and conclusions.

by maintaining the highest ethical standards of scholarship and public discourse.

by promoting and advocating the highest academic standards in teaching about the Near East and in interdisciplinary research.

by offering educational opportunities in Near Eastern history and archaeology to undergraduates and graduates in North American colleges and universities, and through outreach to the general public.

**ASOR's Strategic Plan** for FY 2011-2015 asserts that ASOR maintains the *highest ethical standards of academic scholarship by promoting the best practices in its collective disciplines*; participating actively in the discussion of ethical issues and public policy that concern the study and preservation of the cultures and history of the Near East; becoming a vital resource about the cultures and history of the Near East for the general public and popular media, engaging in public outreach and education; providing support for student training and educational opportunities; and developing ASOR's archives and offices as a resource.

**ASOR Members are committed to**

**Stewardship** of a limited, irreplaceable record of the human past, and to preservation of its material traces or, at minimum, its thorough documentation.

**Discovery** of new knowledge about the human past through investigations in field sites, libraries, archives, museums, and other locations that allow exploration, study, documentation, analysis, and training.

**Education** to the highest standards of professional expertise, **and training** for future generations, both public and professional, through all feasible outlets.

**Integrity and honesty** about the finds, sources, and results on which we base publications, presentations, exhibits, and conclusions, as the only firm foundation for knowledge about the human past.

As scholars, explorers, educators, and interpreters of material traces of the human past, ASOR members acknowledge their responsibility to (1) archaeological heritage; (2) diverse publics; (3) colleagues.

**I. ASOR members and archaeological heritage**

- 1.1 All artifacts of any type, including those in which are preserved traces of language, creativity, cultural activity, technology or other indications of humankind from past times are considered elements of the archaeological heritage. As set forth in the European Convention on the Protection of the Archaeological Heritage at Valetta in January, 1992, the notion of archaeological heritage also explicitly includes structures, constructions, groups of buildings, developed sites, moveable objects, monuments of other kinds as well as their context, whether situated on land or under water.<sup>1</sup>
- 1.2 Archaeological heritage is a non-renewable, irreplaceable resource, and the protection and stewardship of archaeological heritage is an ethical obligation of ASOR members. The destruction of sites, artifacts, and context represents a part of the world's cultural heritage that can never be recovered.
- 1.3 ASOR members work for the perpetual preservation and protection of the archaeological record, including efforts in support of the conservation of excavated or surveyed remains, the appropriate archiving of archaeological records and data, proper conservation and documentation of artifacts, and public understanding and support for these goals.

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<sup>1</sup> <http://conventions.coe.int/Treaty/en/Treaties/Html/143.htm>

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- 1.4 ASOR members are stewards of archaeological heritage and act as both caretakers and advocates. Archaeological excavation and survey is, by nature, a procedure that destroys contexts. Whenever archaeological remains are removed from their final depositional context, the relationship between that context and the artifacts is severed, so that careful documentation must be used throughout the process of excavation and non-destructive methods of investigation be used whenever possible .
- 1.5 Recognizing that there is an urgent need worldwide to document the endangered archaeological record before it is lost forever, ASOR members support and encourage efforts to document the archaeological record through surveys, inventories, and study of artifacts. When excavation or survey is undertaken, directors of excavations or surveys should plan for appropriate post-excavation site protection in their initial research designs and funding plans, as appropriate. Such plans must take into account the natural conditions affecting the site and the demands of multiple uses.
- 1.6 Directors of excavations and surveys should plan for adequate artifact collection protection, taking into account the need for artifact storage and for maintaining the archives and documentation of the project in perpetuity.
- 1.7 Because development poses a threat to archaeological sites worldwide, ASOR encourages a partnership among governments, developers, and specialists in the study and conservation of archaeological heritage, such as archaeologists, historians and conservators; to make, fund and execute proper plans to preserve the archaeological record. ASOR urges the United States and Canadian governments, UNESCO, ICOM, ICOMOS, the World Bank and other national and international funding bodies to play a leadership role in efforts to protect the world's archaeological and cultural heritage from unnecessary destruction through development.
- 1.8 Warfare and the exercise of military control threaten the archaeological record in many parts of the world. ASOR members endeavor to support the provisions of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its First and Second (1999) Protocols. ASOR members urge all governments to adhere to the terms of the 1954 Hague Convention and its First and Second (1999) Protocols. ASOR members urge the United States of America to join Canada in ratifying the Second Protocol at the earliest possible opportunity. With respect to ASOR's publications and programs, ASOR support for these international conventions means that any research project proposed for ASOR affiliation, or any research report, publication or presentation submitted should be assessed for its conformity to the provisions contained in the Hague Convention of 1954 and its First and Second Protocols. This includes, among other provisions, whether research has been undertaken in a region designated as occupied territory according to the

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definitions of the United States and Canada; whether the requirement for cooperation with competent national authorities has been observed; and whether the requirement that archaeological excavation be undertaken only where required to safeguard, record or preserve cultural property has been observed.

- 1.9 ASOR members take precautions to insure that parts of the archaeological heritage for which they are responsible are fully documented, published to the extent possible, conserved and, to the extent possible, protected from the adverse effects resulting from military actions, warfare, and local political instability.
- 1.10 Archaeological heritage should be used for the benefit of all people, and should not be treated as a commodity to be exploited for private enjoyment or profit.
- 1.11 ASOR members support efforts--that are in accordance with national law and international conventions -to prohibit and prevent the looting of archaeological sites and to disrupt the illicit trade of antiquities because such trade encourages the looting of archaeological sites and thus is a direct cause of the destruction of sites and the loss of the information they contain.
- 1.12 ASOR members refrain from activities that contribute directly or indirectly to the illicit markets for antiquities and to the value of artifacts in such markets through their publication, authentication, or exhibition.
- 1.13 ASOR urges all governments, including the United States and Canada, to establish and enforce a legal framework effective for deterring the illicit trade in antiquities and to devote the necessary resources for law enforcement to apply this legal framework effectively. ASOR members are encouraged to cooperate with law enforcement by providing authentications and valuations upon request from such entities. and to devote the necessary resources for law enforcement to apply this legal framework effectively.
- 1.14 ASOR members explore innovative strategies and support legislation designed to eliminate the illicit trade of antiquities and to enhance the protection of the world's archaeological and cultural heritage.
- 1.15 ASOR members should not participate, directly or indirectly, in the buying and selling or publication of artifacts that have been illegally excavated or exported from the country of origin (the country of their final archaeological deposition) after 1970, the date of the adoption of the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.



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- 1.16 ASOR members recognize that the publication and/or presentation of research that is focused on artifacts that lack a defined archaeological findspot undermines the integrity of archaeological heritage, because it encourages looting and, through admission of suspect artifacts into archaeological heritage, the degradation of archaeological heritage.
- 1.17 Recognizing ASOR's historic commitment to publication and scholarly presentation, ASOR members present material in its publications or annual meetings that derives from a defined archaeological findspot. In order to help protect sites from looting, ASOR is committed to a policy of publication and presentations that include objects from legal excavations (normally with permission of the director of the excavation when it is a first publication). ASOR publications and annual meeting presentations allow first publication or presentation only for objects with a known provenance in an existing collection or documentation of its legal exportation from its country of origin, or a publication record prior to 1970, with the exception noted below for cuneiform texts.
- 1.18 Historically, ASOR has allowed an exception for certain text bearing artifacts, specifically, cuneiform documents that are presumed to come from Iraq (but which may derive from a range of locations where the security of archaeological sites is compromised because of the market pressures that continue to provide incentives for looting and buying of artifacts). In accord with its existing policy, established in November, 2004 by ASOR's Board of Trustees, ASOR has allowed a limited exception to its publication and presentation policy. Henceforth, a similar exception is also allowed, as follows. If a cuneiform text-bearing artifact lacks an established provenance but is demonstrated as having been removed from the country of its final archaeological deposition before 1970 or was in an established collection before 1970, or was published previously; and if the author notes that the artifact lacks provenance in a prominent manner in each reference to such artifacts in all mentions of this material, then an editor of an ASOR publication may choose to allow publication of a cuneiform text-bearing artifact that lacks an established provenance, and the ASOR Program Committee has the option to allow its presentation at ASOR's annual meeting. The Journal of Cuneiform Studies is the venue in which cuneiform text-bearing archaeological materials that have not been documented as being part of any known or published collection before 1970 may be accepted for publication if the following conditions are met: (1) the author notes that the text-bearing artifact is unprovenanced in a prominent manner in all references to the artifact, or to its content, in the original and in any subsequent mentions; and (2) if the author demonstrates that an effort has been made to determine the probable country of origin—which is the location of its final archaeological deposition within a contemporary nation-state--and (3) if, prior to publication, the author receives and is willing to transmit to ASOR a written commitment from the owner of the artifact asserting that the artifact will be returned to the

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Department of Antiquities or equivalent relevant authorities of the country of origin following any conservation or publication. The Program Committee may exercise a similar option with respect to the inclusion of such artifacts in presentations at ASOR's annual meeting, subject to the same conditions.

### **II. ASOR members and colleagues**

#### ASOR members

- 2.1 conduct field research according to highest possible professional standards current in the various disciplines;
- 2.2 ensure that all individuals participating in the excavation shall be fully qualified to carry out their responsibilities,
- 2.3 develop a research design and conservation plan for all projects prior to the start of research and inform colleagues of their role in the overall project,
- 2.4 undertake a prompt and complete final publication,
- 2.5 develop a data management plan so that resulting collections, records and associated documentation shall be properly curated in perpetuity and made accessible in an intelligible form with its metadata, in a manner accessible to other scholars;
- 2.6 normally should obtain permission from project, archive, collection or museum directors prior to the publication or presentation of material from a project, archive, collection or museum;
- 2.7 acknowledge others' material contributions and intellectual products with citation of the source or other appropriate courtesy;
- 2.8 in assembling a research team, refuse to practice discrimination based on categories protected in the USA and Canada (sex, religion, age, race, disability, and sexual orientation);
- 2.9 take all necessary steps to ensure the safety of team members involved in a project.

### **III. ASOR members and the Public**

#### ASOR members

- 3.1 communicate with and act for the benefit of the public, while recognizing that the public is a diverse one.

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- 3.2 educate the general public regarding historical and archaeological interpretations of the past and the methods used in archaeology and history to understand human behavior and culture;
- 3.3 enlist public support for the preservation and scientific study of the archaeological heritage;
- 3.4 provide the public or elected/appointed representatives of the public the necessary data to ensure appropriate decision making with respect to preservation of archaeological heritage;
- 3.5 show sensitivity toward and respect for groups affected by their research, and make every effort to act cooperatively with them;
- 3.6 support the provisions of the *Conflict of Interest Statement for the American Schools of Oriental Research* and ASOR's policies on *Investment and Spending*, *Joint Ventures*, *Non-Discrimination*, *Records Retention*, *Whistleblowers*, and *Website and Social Media Privacy Policy*.
- 3.7 follow existing ASOR committee guidelines, e.g. COP, CAP, Program Committee, which are incorporated here by reference. If there is a conflict between another posted policy and this document, the standards enumerated here shall prevail.
- 3.8 comply with the laws, or regulations, or international conventions governing historical research, archaeology and cultural heritage that have been adopted in the nation-states in which ASOR members live and/or work, as well as those of the USA and Canada.

### POLICY IMPLEMENTATION

- 4.1 ASOR does not adjudicate assertions of unethical behavior and this policy is intended to provide a guide for its members and a reference for those serving ASOR in any capacity. A standing Committee on Professional Conduct shall be established in order to advise ASOR's leadership and to provide guidance to ASOR's membership on the application of this policy or on future revisions to this policy.
- 4.2 This committee shall consist of five ASOR members, of which at least three shall be individual ASOR members, and at least one shall be an institutional member, and in addition shall include the ASOR President as an *ex officio* member and the ASOR Executive Director as a non-voting *ex officio* member.

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- 4.3 The purview of this committee shall be the application of the Policy on Professional Conduct and its revision. Additionally, the Committee shall serve as an organ of institutional memory to record concerns, including those submitted anonymously, about actions that run counter to the mission and strategic plan of ASOR, or which are deemed to contravene aspects of the Policy on Professional Conduct. Such instances shall be recorded by the committee which may investigate them and subsequently provide advice to relevant members of the ASOR leadership on the application of the policy or its revision. The primary mission of this committee is to guide those serving ASOR in any capacity in making decisions and in developing policy that can guide ASOR into the future.