

Sexual Harassment in Science & UC Sexual Harassment Policy

Background: Sexual Harassment in Science

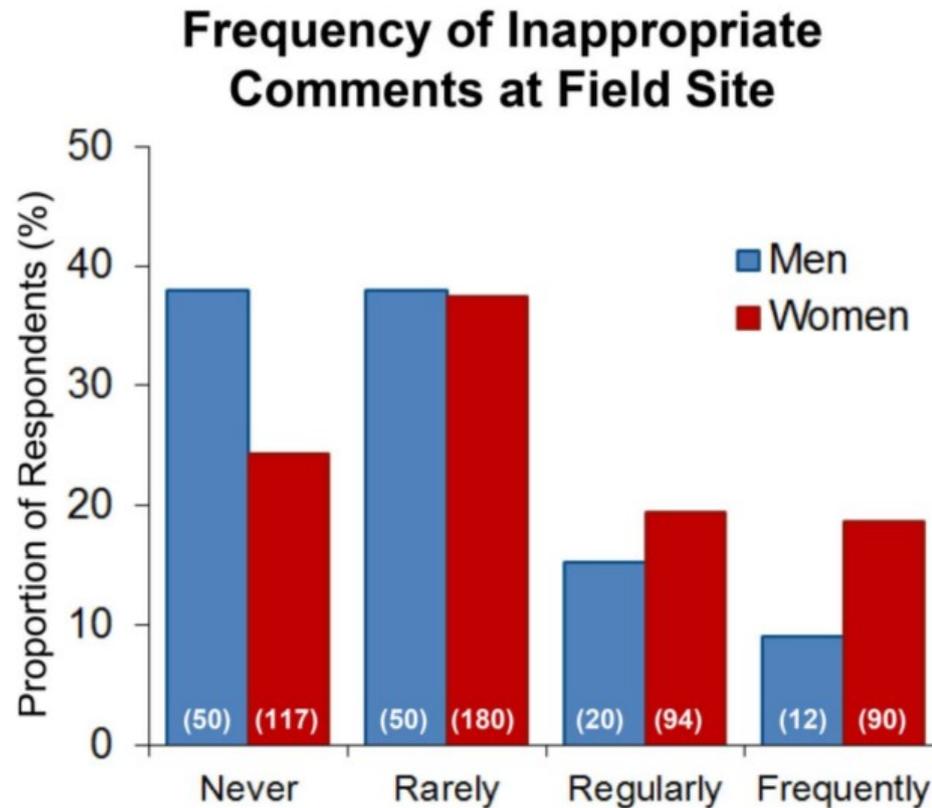
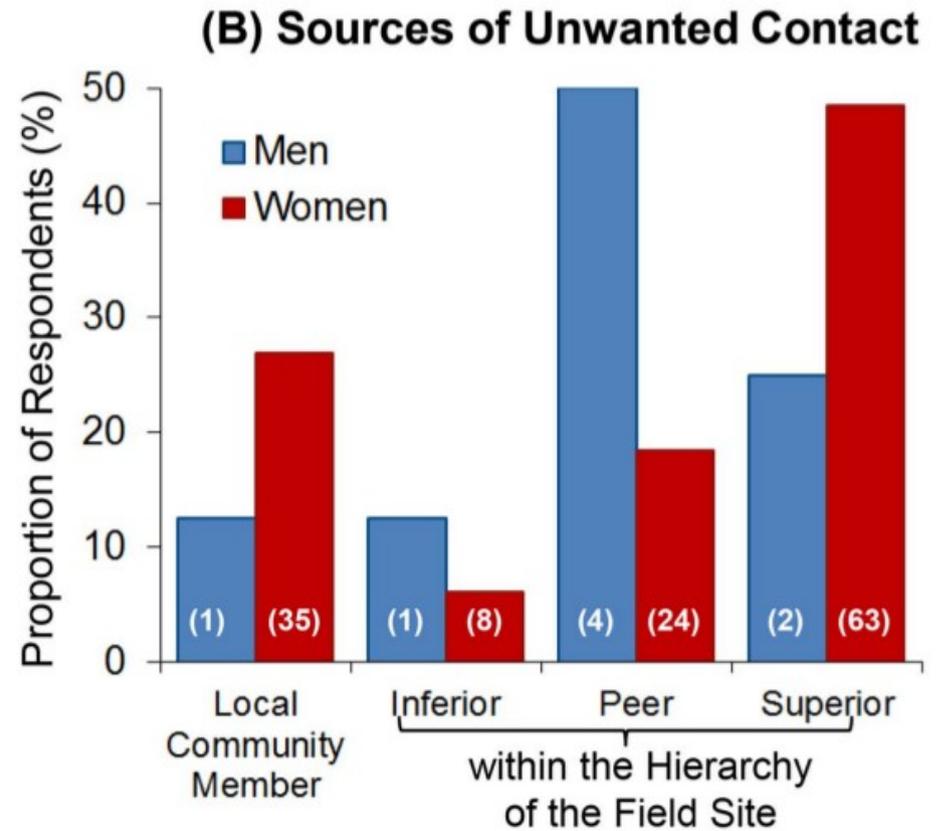
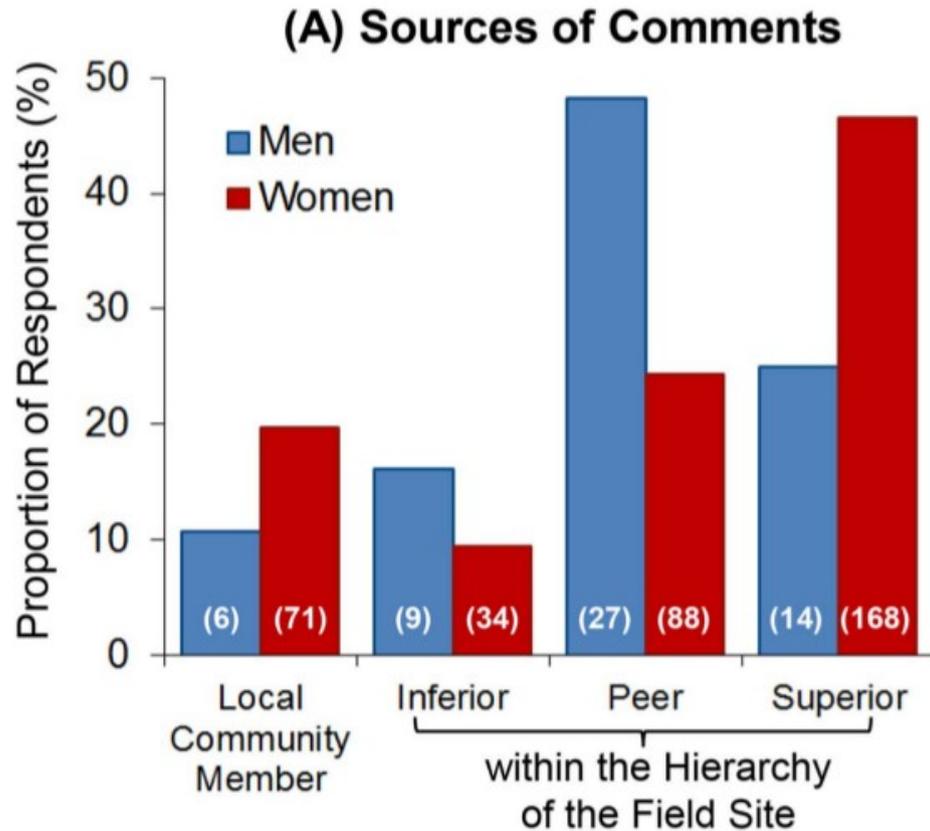


Figure 1. Proportion of survey respondents, by gender, who indicated that inappropriate or sexual comments occurred never, rarely, regularly, or frequently at their most recent or most notable field site (N).
doi:10.1371/journal.pone.0102172.g001

Clancy KBH, Nelson RG, Rutherford JN, Hinde K (2014) Survey of Academic Field Experiences (SAFE): Trainees Report Harassment and Assault. PloS ONE 9(7): e102172. doi:10.1371/journal.pone.0102172

Background: Sexual Harassment in Science



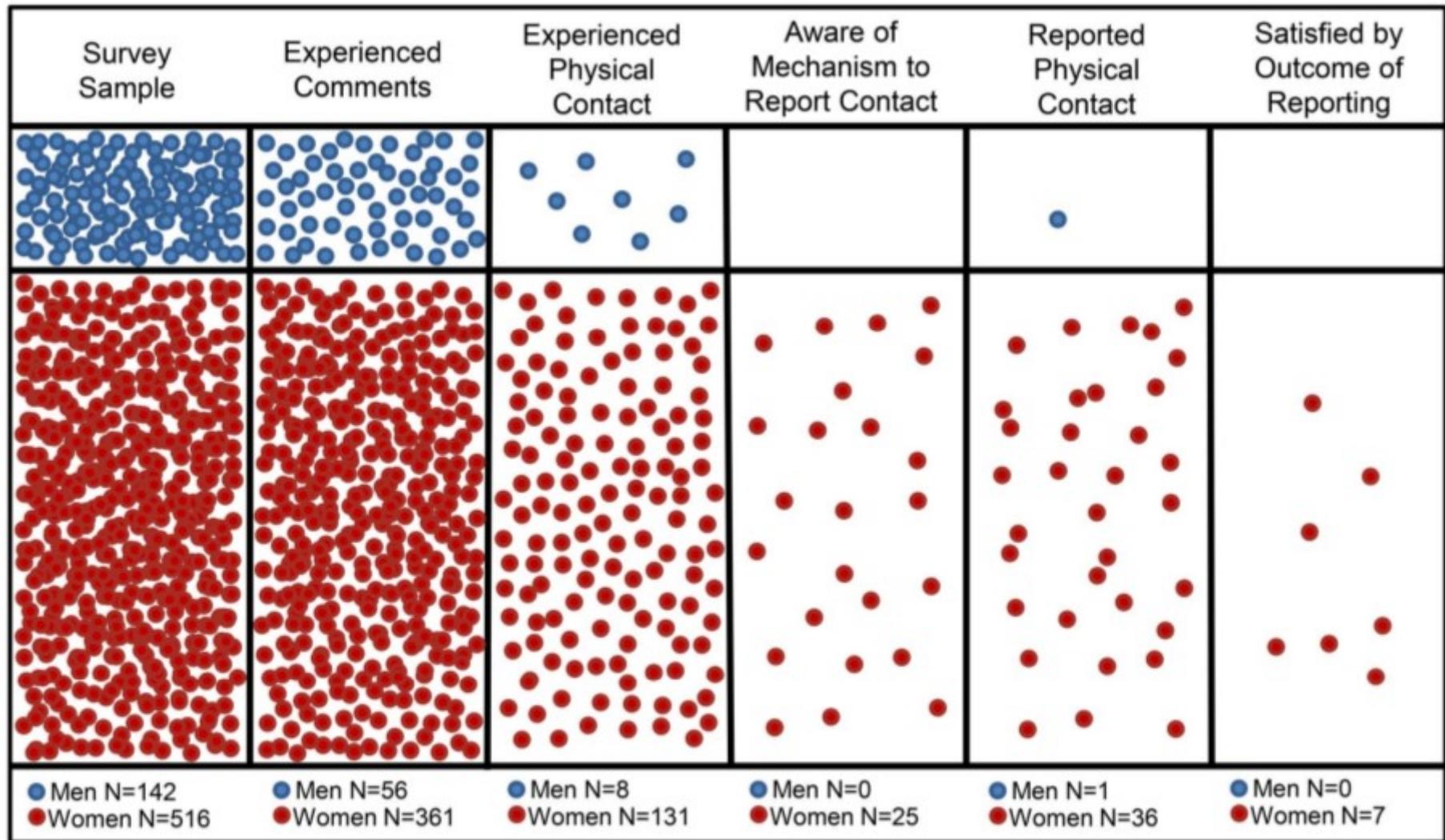


Figure 3. Visual representation of respondents to the survey, their experiences, and who were aware of, made use of, and were satisfied by mechanisms to report unwanted physical contact. Each circle represents one survey respondent. Area for men and women is representative of their relative proportion of survey respondents. Eight respondents declined to provide a dichotomous gender designation and are not represented on this graph.

doi:10.1371/journal.pone.0102172.g003

Sexual Harassment in Physics

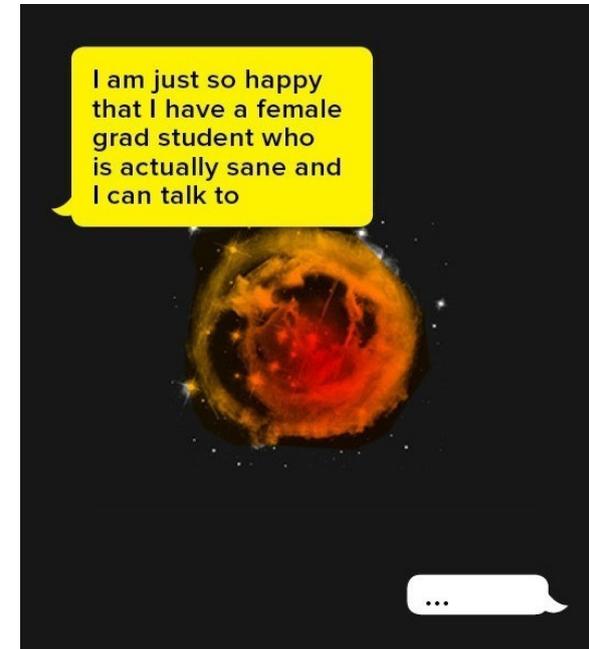


- UC Berkeley Astronomy Professor Geoff Marcy was found to have violated UC sexual harassment policies several times from 2001-2010.
- UC Berkeley's response was to give Marcy “clear expectations concerning his future interactions with students.”
- Eventually under public pressure, Marcy resigned in 2015. UC Berkeley never fired him or took punitive action against him.

Azeen Ghorayshi. “Famous Berkeley Astronomer Violated Sexual Harassment Policies Over Many Years.” *Buzzfeed.com*. BuzzFeed, 2015.

Sexual Harassment in Physics

- CalTech
Astrophysics
Professor Christian Ott was accused of sexual harassment by two students in 2015.
- Caltech found that “There was unambiguous gender-based harassment of both graduate students by the faculty member.”



- Ott was placed on ninth months of unpaid leave. He is required to have “rehabilitative training” before returning to his position.

Azeen Ghorayshi. “He Fell in Love with his Grad Student-- Then Fired Her For It..” *Buzzfeed.com*. BuzzFeed, 2016.

UC Sexual Harassment Policy: A summary

“The University will respond promptly and effectively to reports of Prohibited Conduct and will take appropriate action to prevent, to correct, and when necessary, to discipline behavior that violates this policy on Sexual Violence and Sexual Harassment”

- **Consent:** affirmative, conscious, voluntary, and revocable agreement to engage in sexual activity
- **Prohibited Conduct:** Sexual Assault, Dating Violence, Domestic Violence, Stalking, Invasion of sexual privacy, Sexual Harassment
- **Sexual Harassment:** Unwelcome sexual advances, unwelcome requests for sexual favors, unwelcome verbal, nonverbal or physical conduct of a sexual nature when:
 - Quid Pro Quo
 - Hostile Environment

UC Sexual Harassment Policy: A summary

- **Confidential Resources:** CARE Advocates, Ombuds, Licensed counselors, persons with professional license requiring confidentiality
- **Immunity:** neither a complainant or a witness will be subject to disciplinary sanctions for a violation that occurred at or near the time of incident (except if violation risked another's health or safety or involved academic dishonesty).
- **Retaliation:** Completely prohibited
- **Privacy:** Will be protected to the extent permitted by law and by University policy and procedures. University may require disclosure of certain information during or following an investigation.

UC Sexual Harassment Policy: Required Procedures

- Anyone can make a report anonymously or otherwise to the Title IX officer at any time after the incident occurs.
- Initial assessment will be made as soon as practicable to determine if the report appears to be serious
- Title IX officer may initiate an Alternative Resolution process:
 - Mediation, separating parties, providing safety, referring parties to counseling, referral for disciplinary action, settlement, preventative education or training programs.

UC Sexual Harassment Policy: Formal Investigation

- Complainant has a right to request a formal investigation, but Title IX Officer has final authority for determining whether to initial a formal investigation.
- If complainant does not want a formal investigation, Title IX Officer can do it anyway.
- The investigation shall be completed promptly (typically within 60 days).
- Both parties are allowed to have an adviser present

UC Sexual Harassment Policy: Formal Investigation Outcome

- University will take steps to prevent recurrence of violation and remedy its effects
- Title IX officer will forward Investigation Report to administrator responsible for discipline.
- Sanctions depend on your relationship to the University. If you are both a student and an employee, you can get both types of sanctions
- Disciplinary action can be up to and including dismissal in accordance with University discipline procedure

UC Sexual Harassment Policy: Mandatory Reporting

“Any University employee who is not a Confidential Resource and who receives, in the course of employment, information that a student (undergraduate, graduate, or professional) has suffered sexual violence, sexual harassment, or other prohibited behavior shall promptly notify the Title IX Officer”

- Includes Resident Assistants, Graduate Teaching Assistants, all other student employees, Campus Police, Human Resource Administrators, Academic Personnel, Title IX Professionals, Deans, Department Chairs, Faculty Members.

My Personal Assessment

Pros

- Good definitions of consent, sexual harassment, sexual violence
- Some mandatory reporting should be in place (deans, department heads, some university admin)
- Language appears to take this problem seriously, and a university official acting in good faith could use that language to support their investigation

Cons

- Lack of specifics (timelines, disciplinary action)
- Mandatory reporting far too expansive
- Lack of victim agency wrt formal investigations
- I don't see how this policy ensures the sexual harassment problem as it exists today will be solved

Relevant Information from Faculty Code of Conduct

- No disciplinary action may commence if more than three years have passed between the time when the Chancellor knew about the violation and the notice of disciplinary action.
- During a disciplinary hearing, accused faculty have right to counsel. The witness (typically the victim in sexual assault cases) does not have this right
- The accused faculty may cross-examine the witness, without counsel to object to mistreatment

Objections from UAW 5810 (postdoc union)

- Faculty discipline takes place under Academic Senate Rules and is divorced from the complaint process, which the new policy focuses on.
- Lack of effort to get input from postdoc union about policy
- The prohibited retaliation is impossible to enforce, and must be supplemented by stronger support for complainants, particularly those at the mercy of their PI's (like postdocs)
- Create reporting mechanisms that don't automatically trigger a Title IX complaint (like trained peer advisers) to create enough trust between victims and the complaint system that complaints will actually be reported
- Get rid of the three-year statute of limitations for faculty

Objections from UAW 5810 (postdoc union)

- There should be measurable timelines for each step of the complaint process
 - Students have left messages of complaints without ever hearing back.
 - Initial assessments have taken over a year.
 - The 60-day timeline to complete a formal investigation should not be extended without supervisor approval
 - Title IX office simply isn't adequately funded to deal with all complaints from all over the University “promptly”
- Complaints start in the Title IX office and end in Investigative Reports. From there it's too murky how discipline and remedies take place. There should be specific administrators held accountable to take specific steps to eliminate a hostile work environment.
- Should be a timeframe within which to initiate disciplinary action against a faculty member

Objections from UAW 5810 (postdoc union)

- Give right to counsel for victims during faculty disciplinary hearings.
- Give victims appeal rights. They should be able to seek review of decisions at every step of the Title IX investigation
- Need specific and better Interim measures during a pending investigation
- Tighten the language surrounding sexual assault in the faculty code of conduct
- Conflicting burden of proof for faculty disciplinary hearings and Title IX investigations

Discussion