Title IX and Sexual Harassment
Resources here today

- Carol Bates MD, Title IX Coordinator for Faculty of Medicine, Associate Dean for Faculty Affairs
- José Martinez, Title IX Coordinator for staff, HMS, Senior HR Compliance Manager
- Carrie Sylven, Title IX Coordinator for HSDM students, Director of Student Affairs, HSDM
- Jen Ryan JD, Title IX Designee HMS/HSDM, Director of Research Integrity
- Melissa Brodrick, Ombudsperson
- Brigid Harrington, Title IX Investigator, Harvard University
Title IX passes 1972

- No person in the United States shall, **on the basis of sex**, be excluded from participation in, or denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

- 1980 appeals court establishes that sexual harassment is illegal and a form of sex discrimination under Title IX.
Goals for today

• The international/national/Harvard picture
• Definitions
• Harvard’s approach
• What can you do to help
## 2006-09 K Award Recipients

<table>
<thead>
<tr>
<th></th>
<th>Women (493)</th>
<th>Men (573)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Perceived gender specific bias in academic environment</td>
<td>70%</td>
<td>22%</td>
</tr>
<tr>
<td>Personally experienced gender bias in academic environment</td>
<td>66%</td>
<td>10%</td>
</tr>
<tr>
<td>Personally experienced gender advantage in academic environment</td>
<td>26%</td>
<td>21%</td>
</tr>
<tr>
<td><strong>Personally experienced harassment</strong>*</td>
<td>30%</td>
<td>4%</td>
</tr>
</tbody>
</table>

62% response rate

*In your professional career, have you encountered unwanted sexual comments, attention, or advances by a superior or colleague*

Jagsi et al JAMA 2016
Of the 150 women who reported harassment...

<table>
<thead>
<tr>
<th>Severity</th>
<th>% reporting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sexist remarks or behavior</td>
<td>92%</td>
</tr>
<tr>
<td>Unwanted sexual advances</td>
<td>41%</td>
</tr>
<tr>
<td>Subtle bribery to engage in sexual behavior</td>
<td>6%</td>
</tr>
<tr>
<td>Threats to engage in sexual behavior</td>
<td>1%</td>
</tr>
<tr>
<td>Coercive advances</td>
<td>9%</td>
</tr>
</tbody>
</table>

Jagsi JAMA 2016
AAU Climate Survey on Sexual Assault and Misconduct

• 11.7% of students in 27 universities reported non-consensual sexual contact by physical force, threats of force or incapacitation

• Amongst female undergraduates, 23% report sexual assault and misconduct including 10.8% reporting penetration

• Only 5-28% of students had reported to campus or law enforcement officials

http://www.aau.edu/Climate-Survey.aspx?id=16525
Personal experience of sexual victimization at Harvard - definitions

- **Penetration**
  - Penis, finger, or object into vagina or anus
  - Oral contact with genitals
- **Sexual touching**
  - Kissing
  - Touching breast, chest, crotch, groin, buttocks
  - Grabbing, groping rubbing in sexual way even if over clothes

Frequency of victimization by force or incapacitation at Harvard

<table>
<thead>
<tr>
<th></th>
<th>Undergraduates</th>
<th>Graduate students</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any sexual assault</td>
<td>25.5%</td>
<td>7.6%</td>
</tr>
<tr>
<td>Non-consensual penetration</td>
<td>11.6%</td>
<td>3.1%</td>
</tr>
<tr>
<td>Sexual touching</td>
<td>19.9%</td>
<td>5.5%</td>
</tr>
</tbody>
</table>

Looking at demographics

<table>
<thead>
<tr>
<th></th>
<th>Undergraduates</th>
<th></th>
<th>Graduate Students</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Heterosexual</td>
<td>Non-Heterosexual</td>
<td>Heterosexual</td>
<td>Non-Heterosexual</td>
</tr>
<tr>
<td>Penetration</td>
<td>7.1%</td>
<td>9.0%</td>
<td>2.3%</td>
<td>5.8%</td>
</tr>
<tr>
<td>Sexual touching</td>
<td>11.9%</td>
<td>19.1%</td>
<td>4.2%</td>
<td>10.7%</td>
</tr>
</tbody>
</table>

Additional information on race, ethnicity in report
Harvard Policy and definitions

“Harvard University is committed to maintaining a safe and healthy educational and work environment in which no member of the University community is, on the basis of sex, sexual orientation, or gender identity, excluded from participation in, denied the benefits of, or subjected to discrimination in any University program or activity.”
Harvard Policy and definitions

• Sexual harassment
  ◦ Quid Pro Quo
  ◦ Hostile Environment
  ◦ Unwelcome Conduct of a Sexual Nature

• Terms
  ◦ Complainant
  ◦ Respondent
Quid pro quo

• Submission to or rejection of such conduct is made either explicitly or implicitly a condition of:
  • employment or academic standing or
  • is used as the basis for employment decisions or
  • for academic evaluation, grades or advancement
Hostile environment

• Conduct that is sufficiently severe, persistent, or pervasive that it interferes with or limits a person’s ability to participate in or benefit from University programs or activities
  ◦ More severe conduct need be less persistent/pervasive
  ◦ Sexual assault sufficiently severe
Unwelcome Conduct of a Sexual Nature

• Did not request or invite and regarded as undesirable or offensive

• If person is impaired or incapacitated, conduct cannot be welcome if “respondent” reasonably could have known that person was impaired.
Harvard Policy: Jurisdiction

- Applies to students, faculty, staff, 3rd parties
- Applies to conduct that occurs
  1) on Harvard property, or
  2) off Harvard property, if:
    a) the conduct was in connection with a University or University-recognized program or activity; or
    b) the conduct may have the effect of creating a hostile environment for a member of the University community.
Harvard Procedures

- Confidentiality
- Interim measures
- Filing a formal complaint
- Formal versus informal resolution
Harvard Procedures

• Concerns about behavior that may violate the Policy can be brought to:
  ◦ Title IX Coordinator
  ◦ Office of Dispute Resolution
  ◦ Harvard University Police Department
  ◦ City police department if assault
  ◦ All or some of the above
Confidential Resources

<table>
<thead>
<tr>
<th></th>
<th>Legal Privilege</th>
<th>Confidential without Privilege</th>
</tr>
</thead>
<tbody>
<tr>
<td>At Harvard</td>
<td>Prohibited from disclosing</td>
<td>Do not need to notify Title IX Coordinator</td>
</tr>
<tr>
<td>Legal Proceeding</td>
<td>Generally prohibited from disclosing</td>
<td>May be required to share</td>
</tr>
<tr>
<td>or External Investigation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Examples</td>
<td>OSAPR Staff providing services as rape crisis counselors, Mental Health Clinicians, Lawyers providing legal advice to clients, Clergy</td>
<td>Ombudsperson, Peer Counselors</td>
</tr>
</tbody>
</table>

Office for Faculty Affairs
What happens if you report to Title IX coordinator?

- Interim measures if needed
- Option for informal resolution
- Information on formal complaint process
- Will keep record
Interim measures

- Individualized, adjustable supports
- Available to any community member who may have experienced sexual or gender-based harassment
- Considered or implemented at any time
- Put in place by Title IX Coordinator
Informal resolution

- Must be agreed to by parties
- Title IX coordinator will determine whether appropriate
  - Severity of harassment
  - Potential risk of hostile environment for others
- Facilitated by Title IX or Office of Dispute Resolution (ODR)
- Resolution generally memorialized in writing
Formal complaint

• Investigated by ODR
  - Trained, impartial investigators
  - Conduct neutral investigations
  - Make findings of fact

• Standard: preponderance of the evidence
Retaliation

• Retaliation is prohibited against person(s) for:
  - Raising an allegation of sexual or gender-based harassment
  - Cooperating in the investigation of a complaint
  - Opposing discriminatory practices

• Retaliation is conduct that could deter a reasonable person from engaging in a protected activity
When events occur at affiliates

- If the Respondent is employed by affiliate and not HMS/HSDM and/or has a primary appointment at another Harvard School and
- The alleged conduct took place outside HMS/HSDM
  - Referred to relevant affiliate or Harvard School for investigation. If it could create hostile environment at HMS/HSDM, HMS/HSDM may conduct joint proceedings with affiliated institution or school
Harvard Title IX resources

• HMS Title IX Coordinators
  - Determined by Respondent

• University Title IX Office
  - www.titleix.harvard.edu

• Office of Sexual Assault Prevention and Response (OSAPR)
How you can help

• Report to a Title IX coordinator
• Without compromising your own safety, try to be an active bystander
  ◦ Look out for each other and step in if you see someone trying to isolate or take advantage of another person
Thanks