Who Am I? Why Do I Do This? Why Do I Have So Many Dogs?
Content / Trigger Warning

Content in this presentation contains information and discussions involving topics such as sexual harassment, sexual assault, and gender-based harassment, which some viewers may find triggering.

If you find the information discussed during the presentation triggering, please feel free to exit the session at anytime.

**Resource Information:**

For Emory University Students: If you need support at any time, please call Emory’s RESPECT advocates at: 470-270-5360

For Emory University Faculty and Staff: If you need support at anytime, please call Emory’s Faculty, Staff, Assistance Program at (404) 727-4328
Roadmap

- Intro and Definitions

- Take-away #1: Sex and Gender-based Harassment in Research Settings
  - NASEM Report & Video

- Take-away #2: Disclosures of Sex-Based Discrimination by Research Participants
  - Sex discrimination, sexual harassment, and sexual violence as a research topic
  - Ancillary disclosures
  - BONUS topic: What about child sexual abuse?

- Take-away #3: Who Has to Report (and How?)
  - Confidential Resources, Responsible Employees, and Officials with Authority
  - How to Report Sex and Gender-Based Harassment

  - Bonus Point #1: What Happens After a Report
    - The Title IX Process
    - University Resources
    - How to eliminate barriers to Reporting

- Bonus Point #2: Sex-Based Discrimination and Harassment Prevention at Emory

- Closing Remarks
Intro and Definitions
The Legal Landscape

- VAWA
- CSA
- DOE Ed Regs (New)
- DCL
- CLERY
- NPRM
- ADA
- TITLE VI
- DCL FAQs
- OCR
- TITLE IX
- DOJ
- DOEd Regs (Old)
- DOL
- Title VII
- Campus SAVE
- OVW

Mandatory Reporting under State Laws
The Legal Landscape (in a nutshell)

**Federal Laws:**
Title IX vs Title VII

**University Policies**
Policy 8.2
Sex and Gender-Based Harassment and Discrimination Policy
Policy 1.3
Equal Opportunity and Discriminatory Harassment Policy
Definitions

“Complainant or Impacted Party” means a victim impacted by sex and gender-based harassment and discrimination.

“Respondent” means an individual who is reported to have committed Prohibited Conduct.

A “Report” is any instance of known or suspected discrimination or harassment that is brought to the attention of DTIX.

A “Formal Complaint” is a written document signed by a Complainant (or a Title IX coordinator) requesting a formal grievance/investigation, or alternate resolution agreement, of a reported incident of sexual misconduct.
Title IX
Sexual Harassment

“Sexual Harassment” occurs when:

1) An Employee conditions the provision of an aid, benefit, or service of the university on an individual’s participation in unwelcome sexual conduct (Quid Pro Quo), or

(2) an individual is subjected to unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies the individual equal access to the University’s education program or activity; or


For a complete description of definitions related to sexual misconduct, please refer to Emory’s Sex and Gender-Based Harassment and Discrimination Policy 8.2
“Gender-Based Harassment” means **unwelcome conduct** based upon an individual’s actual or perceived sex, sexual orientation, gender identity, gender expression, or pregnancy. Such harassment may include acts of aggression, intimidation, or hostility, whether verbal, graphic, physical, or otherwise, *even if the acts do not involve conduct of a sexual nature*, when the behavior:

- Effectively denies access to a University program or activities; or
- Creates a working, learning, program or activity environment that a reasonable person would find intimidating, hostile or offensive.

For a complete description of definitions related to sexual misconduct, please refer to Emory’s Sex and Gender-Based Harassment and Discrimination Policy 8.2
“Retaliation” means any adverse action or threatened action, taken or made, personally or through a third party, against someone who has filed a sexual harassment/misconduct complaint (a Complainant), has been the subject of a sexual harassment/misconduct complaint (a Respondent), or any other individual who engages with the University in connection with sexual harassment/misconduct.

All individuals and groups of individuals, not just a Respondent or Complainant, are prohibited from engaging in retaliation.
Sex and Gender-Based Harassment and Discrimination Policy 8.2

PROHIBITED CONDUCT:

Sexual misconduct can occur in many forms, including, but not limited to:

- Sexual Harassment (prohibited conduct)
- Gender-Based Harassment
- Sexual Exploitation
- Violating a Protective Order
- Aiding, Facilitating, or Assisting in Prohibited Conduct
- Nonconsensual intercourse
- Non-consensual contact
- Nonconsensual intercourse

For additional information please review the Sexual Misconduct Policy:
https://emory.ellucid.com/documents/view/16836/?security=4f04881ae0dceb9ae11c4a4115a74ae7de40de24b
Sex and Gender-based Harassment in Research Settings
Sex and Gender-Based Harassment in STEM
Costs of Sexual Harassment:

• Costs compounded for women of color, LGBTQ+ women
• Damage to research integrity
• Students’ academic experience
• Individual health consequences
• Decreased work performance
  • Lack of communication, poor clinical outcomes
  • Loss of talent in STEM fields
Disclosures of Sex-Based Discrimination by Research Participants
Sex Discrimination, Sexual Harassment, and Sexual Violence as a Research Area

- Emory does not have a mandatory reporter exception for research.

- Case by case evaluation whether research will obtain information that the University is legally required to respond to, and if a waiver can be granted, or resources and information provided to research subjects in advance as part of informed consent practices.
Disclosures by Research Participants

- A research participant may report inappropriate behavior by a member of the research team
- A study participant may mention being a survivor of some type of sexual misconduct

- How do you handle the different types of unanticipated disclosures when they arise.
BONUS QUESTION: What about child abuse reporting?

In the wake of widespread child abuse at Penn State, Emory developed a campus-wide policy requiring faculty, staff, volunteers, students and third-parties to immediately report suspected Child Abuse to the Emory Police Department by submitting the Suspected Child Abuse Reporting Form or by making an oral report.

If a child is in imminent danger, Emory University faculty, staff, volunteers, students and third-parties should call 911 if not on Emory’s campus or the Emory Police Department at 404-727-6111 if on Emory’s campus to obtain immediate protection for the child.
Who Has to Report? And How?
Mandatory Reporters vs Responsible Employees

A “responsible employee” is an individual who, based on their role within the University, is required to report to the Title IX office information about Sex and Gender-Based Harassment and Discrimination.

(1) University Employees (including Faculty and Staff);
(2) Resident Advisors (“RAs”); and
(3) Teaching Assistants or Teaching Associates

Officials with Authority (OWA) – federal designation for a specific group of employees with obligations to respond to reports of sexual harassment (like me)
What are Confidential Resources

- There are several categories of University employees that have legal confidentiality designations that are recognized as being exempt from Emory’s reporting requirements

- Counseling and Psychological Services (CAPS) - Atlanta Campus
- Counseling and Career Services (CCS) – Oxford Campus
- Office of Spiritual and Religious Life – Both campuses
- Student Health Services (SHS) – both campuses
- Emory Ombuds Office - Atlanta and Oxford Campuses
- Faculty and Staff Assistance Program (FSAP) – all employees
Channels for Reporting

- DTIX’s Title IX Coordinators (by email or phone)
  - Danica Myers, Interim University Title IX Coordinator
  - Marti McCaleb, Title IX Coordinator for Faculty and Staff / Interim Title IX Coordinator for Students

- Deputy Title IX Coordinator (by email or phone)

- Online reporting form: tinyurl.com/emorytitleixreport
Our Deputy Title IX Coordinators

- Dr. Anne Burkholder –Candler School of Theology
- Rhiannon Hubert –Oxford College
- Joanne P. Williams –Rollins School of Public Health
- Blaire Wilson –Emory College of Arts & Sciences
- Katherine Brokaw –School of Law
- Jennifer Cason–Laney Graduate School
- William (Bill) Eley –School of Medicine
- Harriet Ruskin –Goizueta Business School
- Arnita Howard –Nell Hodgson Woodruff School of Nursing
Finding the Right Words

If you think someone is about to disclose, or if they have already disclosed w/o knowing you are obligated to report:

• May I interrupt you for a moment? It sounds like you’re about to share some personal information with me, and I want to provide you some important information before you do.

• I want to make sure you know that when I hear anything that suggests someone at Emory has experienced sexual misconduct, discrimination, or harassment, I’m required to share that with a member of Emory’s Title IX team, who will ensure the person gets information about their rights, choices, and available resources.

• If you feel comfortable talking with me, I will listen and do whatever I can to help, but it’s important to me to be transparent with you about my responsibility to share what I know with the Title IX team.

• If you would prefer to talk with a confidential resource who is not obligated to contact the Title IX team, like a counselor or another confidential resource, I can help connect you with one.

• I know that was a lot of information, but I want to support your ability to make informed choices. Can I clarify any of the information I just shared with you? What feels like the best way to proceed?
Finding the Right Words

After someone has made a disclosure:

- I am so sorry, and I’m really glad that you trust me enough to share this with me.

- As we discussed, I will contact a member of Emory’s Title IX team, and you will likely get an email from that person providing you with more information and inviting you to meet in person (or by Zoom) so they can see what your needs are, make sure you’re aware of your rights and available resources and accommodations, and see how they can help.

- In the meantime, what are you feeling like you need the most right now? How can I help?

- Let’s see if I can help you connect with the right resources.
Bonus Topic #1: What Happens After a Report?
What Happens After you Report

REMEMBER: Report ≠ Complaint

Does NOT automatically trigger a formal response or investigation

• Provide Supportive Measures and Request for Intake Meeting
• Intake Meeting
  ➢ Discuss the Title IX Process for Formal and Informal Resolution
  ➢ Confidentiality
  ➢ Supportive Measures
  ➢ Right to Advisor of your choice

• For allegations of sexual harassment involving f/s respondents, intake meeting will include DEI investigator as well. Please note: with very limited exceptions as needed to protect campus or individual safety, neither DTIX nor DEI will take formal action without complainant’s authorization. However, because Title VII (employment discrimination law) gives an affirmative obligation to prevent and/or remedy known hostile work environments, informal response may be appropriate in certain cases.
Bonus Topic #2: Sexual Harassment Prevention and Breaking Down Barriers
Barriers to Reporting

- Normalized behavior
- Power differentials
- Fear of retaliation
- Don’t want to get the person in “trouble”
- One’s identity and lived experiences may create additional challenges
- Concern that nothing can / will be done
- Lack of knowledge
- Insufficient attention to a work climate that tolerates gender and sexual harassment
Preventing Sexual Harassment in STEM

### Interventions for Preventing Sexual Harassment

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<th>Create Diverse, Inclusive, and Respectful Environments</th>
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<td><strong>Hiring and Promotion:</strong> Take explicit steps to achieve greater gender and racial equity in hiring and promotions, and improve the representation of women at every level.</td>
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<td>- The University of Michigan Committee on Strategies and Tactics for Retaining to Improve Diversity and Excellence (STRIDE) offers Faculty Recruitment Workshops for faculty members with an important role in faculty recruitment.</td>
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<th>Improve Transparency and Accountability</th>
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<td><strong>Clear Policies:</strong> Develop and share clear, accessible, and consistent policies on sexual harassment and standards of behavior. Make clear that people will be held accountable for violating the policies.</td>
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<td>- Include a range of clear disciplinary actions that correspond with the severity of the harassment.</td>
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<td>- Engage the academic community in policy and practice reviews. Some institutions have created student advisory boards and forums for students to meet with the Title IX Review Committee.</td>
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<th>Transparency about Handling Reports</th>
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<td>Be as transparent as possible about how the institution is handling reports of sexual harassment.</td>
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<td>- Yale University publishes a semiannual Report of Complaints of Sexual Misconduct and an annual campus safety report to inform the campus community.</td>
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<th>Assess Climate</th>
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<td>Utilize climate surveys to further investigate and address systemic sexual harassment.</td>
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<td>- The results of climate surveys should be shared publicly to demonstrate to the campus community that the institution takes the issue seriously. The Administrator-Researcher Campus Climate Collaborative (ARCC) survey has been used by more than 1,500 higher education institutions.</td>
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<th>Research Integrity</th>
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<td>Consider sexual harassment equally important as research misconduct in terms of its effect on the integrity of research.</td>
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<td>- The U.S. Geological Survey and the Department of the Interior have broad scientific integrity policies that apply.</td>
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### Provide Support for the Target

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<th>Access to Support Services:</th>
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<td>Provide means for the target of harassment to access support services (social services, health care, legal, career/professional).</td>
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<th>Informal Reporting:</th>
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<td>Provide alternative and less formal means of recording information about the experience and reporting the experience.</td>
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<td>- Provide anonymous, confidential reporting systems. Callisto is an online system that allows targets to control the disclosure of information, access supportive services, and share information on alleged perpetrators.</td>
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<tr>
<td>- Explore the use of restorative justice processes. The Campus PRISM (Promoting Restorative Initiatives for Sexual Misconduct) Project calls for accountability through collaboration and prevention through education.</td>
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<th>Prevent Retaliation:</th>
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<td>Develop approaches to prevent the target from experiencing or fearing retaliation in academic settings.</td>
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<td>- Be prepared to take action to ensure the target of the harassment is able to continue their academic work. This could include using mutual no contact orders between the accused and accuser, changing class schedules, changing the locks at the housing facility or workplace, rescinding building access for the accused, and reassigning advisors, mentors, and supervisors.</td>
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### Diffuse the Hierarchical and Dependent Relationship Between Trainees and Faculty

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<th>Mentoring Networks:</th>
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<td>Adopt mentoring networks or committee-based advising that allows for a diversity of potential pathways for advice, funding, support, and informal reporting of harassment.</td>
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<th>Independent Research Funding:</th>
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<td>Develop ways research funding can be provided to the trainee rather than just the principal investigator.</td>
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### Strive for Strong and Diverse Leadership

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<th>Make it an Explicit Goal:</th>
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<td>College and university presidents, provosts, chancellors, and program directors must make the reduction and prevention of sexual harassment an explicit goal of their tenure.</td>
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<th>Develop Leadership Skills:</th>
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<td>Support and facilitate leaders at every level (university, school, college, department, lab) in developing skills in leadership, conflict resolution, mediation, negotiation, and de-escalation, and ensure a clear understanding of policies and procedures for handling sexual harassment issues.</td>
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<th>Move Beyond Legal Liability:</th>
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<td>Leadership training programs should include training on how to recognize and handle sexual harassment, including from take explicit steps to create a culture and climate to reduce and prevent sexual harassment—and not just protect the institution against liability.</td>
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Request a Team Training

Email titleix@emory.edu for more information or details or to request a specialized training to address your team’s specific questions or concerns!