

Congress of the United States

House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

2321 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6301

(202) 225-6371

www.science.house.gov

January 18, 2018

The Honorable Gene L. Dodaro
Comptroller General of the United States
U.S. Government Accountability Office (GAO)
441 G Street, NW
Washington, D.C. 20548

Dear Mr. Dodaro,

The Committee on Science, Space, and Technology is continuing its oversight of increasing claims of sexual harassment within the scientific community. Recently, a disturbing number of cases have emerged regarding inappropriate behavior and sexual harassment of women in the scientific and academic communities. This is not a new phenomenon but this troubling behavior is now beginning to receive the attention it deserves.

Sexual harassment has a significant negative impact on the ability of female students and early career researchers to engage in research at the same level as their male peers. By withdrawing from research to escape harassment or being actively sidelined and discriminated against as a form of retaliation for refusing unwanted sexual advances, female students can be prevented from pursuing the experiences they need to develop into independent researchers. Often, this results in talented women struggling to compete and complete their academic careers, ultimately deciding to leave science altogether.¹ Equitable access to education and research experiences cannot be ensured for women in the sciences until gender discrimination, implicit bias, and sexual harassment are no longer potential barriers to their success.

An increasing number of reports have highlighted prominent members of the academic scientific community that have been found guilty or accused of various forms of sexual harassment.² These recent allegations of misconduct have shown a spotlight on this pernicious

¹ See Joan C. Williams & Kate Massinger, *How Women Are Harassed Out of Science*, THE ATLANTIC (Jul. 25, 2016), <https://www.theatlantic.com/science/archive/2016/07/how-women-are-harassed-out-of-science/492521/>; Lydia Zepeda, *Sexual harassment and the toll it takes*, SCIENCE MAGAZINE (Jan. 4, 2018), <http://www.sciencemag.org/careers/2018/01/sexual-harassment-and-toll-it-takes>; Brandy Zadrozny, *Two-Thirds of These Female Scientists Say They've Been Sexually Harassed*, THE DAILY BEAST (Jul. 16, 2014), <https://www.thedailybeast.com/two-thirds-of-these-female-scientists-say-theyve-been-sexually-harassed>.

² See Sarah Scoles, *Month by Month, 2016 Cemented Science's Sexual Harassment Problem*, WIRED (Dec. 29, 2016), <https://www.wired.com/2016/12/can-build-calendar-sexual-harassment-stories-science/>; Rachel Feltman, *Astronomy's snowballing sexual harassment scandal picks up even more cases*, WASH. POST (Jan. 13, 2016),

problem. High profile allegations of misconduct against University of California, Berkeley astronomer, Dr. Geoffrey Marcy, emerged in 2015.³ Berkeley found that Marcy violated the University's sexual harassment policies, and allegedly "engaged in inappropriate physical behavior with students, including unwanted massages, kisses, and groping."⁴ In response to pressure from the academic community, Marcy chose to resign.⁵ Berkeley was heavily criticized for not firing Marcy following the university's investigation and findings.⁶ In the intervening years, numerous accounts of sexual harassment by leading scientists across disciplines have surfaced, including a California Institute of Technology astrophysicist⁷, a University of Chicago molecular biologist⁸, a University of Washington microbiologist⁹, a University of Kentucky entomologist¹⁰, and a University of Rochester cognitive scientist.¹¹ Most of these cases have resulted in the resignation or firing of the accused sexual harasser. More recently, Boston University found that a prominent geologist sexually harassed a former graduate student during long-duration research expeditions at a remote Antarctic field site.¹²

These examples demonstrate sexual harassment is not outside the norm for women in academia. A 2016 workshop put on by the National Academies of Science, Engineering, and Medicine revealed that between "40-70 percent of women had experienced sexual harassment during their careers or as students."¹³ A 2015 Association of American Universities Campus Climate Survey on Sexual Assault and Sexual Misconduct revealed that, of victims of sexual

https://www.washingtonpost.com/news/speaking-of-science/wp/2016/01/13/astronomys-snowballing-sexual-harassment-scandal-picks-up-even-more-cases/?tid=a_inl&utm_term=.4650b62d41f7.

³ Azeen Ghorayshi, *Famous Berkeley Astronomer Violated Sexual Harassment Policies Over Many Years*, BUZZFEED (Oct. 9, 2015), https://www.buzzfeed.com/azeenghorayshi/famous-astronomer-allegedly-sexually-harassed-students?utm_term=.edVaNZbDA#.mceRQ7qWn; Ross Andersen, *The Consequences of Sexual Harassment in Astronomy*, THE ATLANTIC (Oct. 10, 2015), <https://www.theatlantic.com/science/archive/2015/10/sexual-harassment-geoff-marcy/410089/>.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ Azeen Ghorayshi, *A Caltech Professor Who Harassed Two Female Students Has Resigned*, BUZZFEED (Aug. 2, 2017), https://www.buzzfeed.com/azeenghorayshi/christian-ott-has-resigned?utm_term=.noaq8oPOG#.dhLyKD1b4.

⁸ Amy Harmon, *Chicago Professor Resigns Amid Sexual Misconduct Investigation*, N.Y. TIMES (Feb. 2, 2016), <https://nyti.ms/2jOaf9l>.

⁹ Azeen Ghorayshi, *In Unprecedented Move, The University Of Washington Just Fired A Professor For Sexual Harassment*, BUZZFEED (Aug. 3, 2017), https://www.buzzfeed.com/azeenghorayshi/uw-fired-michael-katze?utm_term=.qt8Y57rnd#.nsVdqONAj.

¹⁰ Marjorie Kirk, *Kernel obtains withheld records; victims say UK trying to protect professor in sexual assault case*, KENTUCKY KERNEL (Aug. 13, 2016), http://www.kykernel.com/news/kernel-obtains-withheld-records-victims-say-uk-trying-to-protect/article_1434f31e-6175-11e6-8148-2f5a5ecb7147.html.

¹¹ Vivian Wang, *Rochester Launches New Inquiry Into Harassment Accusations*, N.Y. TIMES (Sept. 20, 2017), <https://nyti.ms/2jJw3rb>; Madison Pauly, *She Was a Rising Star at a Major University. Then a Lecherous Professor Made Her Life Hell*, MOTHER JONES (Sept. 8, 2017), <http://www.motherjones.com/politics/2017/09/she-was-a-rising-star-at-a-major-university-then-a-lecherous-professor-made-her-life-hell/#>.

¹² Meredith Wadman, *Boston University concludes geologist sexually harassed student*, SCIENCE (Nov. 17, 2017), <http://www.sciencemag.org/news/2017/11/breaking-boston-university-concludes-geologist-sexually-harassed-student>.

¹³ Comm. on Women in Sci., Eng'g, & Med., *Addressing Sexual Harassment in the Science, Engineering, and Medical Workplaces – A Scoping Workshop Summary*, NAT'L ACADS. OF SCI., ENG'G, & MED. (May 2016), http://sites.nationalacademies.org/pga/cwsem/pga_173087.

harassment, only 7.7 percent of victims reported it to either the appropriate university, agency or another official.¹⁴ Additionally, of those victims of sexual harassment only 9 percent of women and 5 percent of men reported their experience to an agency or program.¹⁵ The second most common reason cited by students for not reporting their experiences is that they “did not think anything would be done.”¹⁶ This raises a question of whether the current systems and protections in place to address harassment are ineffective, inadequate, or inaccessible to those who need them.

Title IX of the Education Amendments of 1972 put a system in place designed to ensure that institutions receiving federal funding provide all students, regardless of sex, equal access to educational programs and activities.¹⁷ Under Title IX, federal agencies awarding grants to educational institutions are obligated to take steps to ensure that such institutions do not discriminate based on gender.¹⁸ According to the National Science Foundation’s National Center for Science and Engineering Statistics, the federal science agencies awarding the most funding to universities and colleges are:

- National Institutes of Health (NIH) (part of the Department of Health and Human Service (HHS) (\$16.6 billion);
- National Science Foundation (NSF) (\$5.3 billion);
- Department of Defense (DOD) (\$3.5 billion);
- U.S. Department of Agriculture (USDA) (\$1.4 billion);
- Department of Energy (DOE) (\$1.3 billion); and
- National Aeronautics and Space Administration (NASA) (\$1.1 billion).¹⁹

While the mechanisms used to ensure compliance with Title IX vary from agency to agency, the general process includes (1) investigating complaints, (2) conducting compliance reviews, and (3) providing technical assistance to institutions. If an institution fails to comply with Title IX, a grant-awarding agency may opt to terminate federal funding to that institution.

In 2015, the GAO released a report titled, *Women in STEM Research: Better Data and Information Sharing Could Improve Oversight of Federal Grant-making and Title IX Compliance*, in response to a request from Ranking Member Eddie Bernice Johnson, Congresswoman Louise M. Slaughter, and Congresswoman Rosa DeLauro.²⁰ The focus of the

¹⁴ ASS’N OF AM. UNIV., *Report on the AAU Campus Climate Survey on Sexual Assault and Sexual Misconduct* 35 (2015), <https://www.aau.edu/sites/default/files/AAU-Files/Key-Issues/Campus-Safety/AAU-Campus-Climate-Survey-FINAL-10-20-17.pdf>.

¹⁵ *Id.* at 122.

¹⁶ *Id.*

¹⁷ 20 U.S.C. § 1681.

¹⁸ 20 U.S.C. § 1682.

¹⁹ *Survey of Federal Science and Engineering Support to Universities, Colleges, and Nonprofit Institutions, Fiscal Year 2015*, NAT’L SCI. FOUND. (Aug. 2017), <https://ncesdata.nsf.gov/fedsupport/2015/> (Table 8: All S&E activities: FY 2015 by agency and type of activity).

²⁰ U.S. GOV’T ACCOUNTABILITY OFFICE, *WOMEN IN STEM RESEARCH: BETTER DATA AND INFORMATION SHARING COULD IMPROVE OVERSIGHT OF FEDERAL GRANT-MAKING AND TITLE IX COMPLIANCE* (Dec. 2015), <https://www.gao.gov/assets/680/673987.pdf>.

report was the discrimination component of Title IX, analyzing differential success rates among male and female STEM grant recipients.²¹ GAO determined that:

- Two of the six agencies reviewed—DOD and HHS—were not conducting required Title IX compliance reviews;
- Five of the six agencies expressed desire for greater interagency information sharing on Title IX;
- Three agencies selected for review had data limitations that precluded complete insight into success rates; and
- DOD and DOE, despite data limitations, showed evidence of disparities in success rates among men and women.²²

These findings are troubling, and the Committee hopes to gain a greater understanding of whether such data collection and Title IX compliance issues affect agencies' responsiveness to sexual harassment cases. The Committee is also concerned about agencies' abilities to effectively monitor compliance with Title IX, due to potential issues of staffing and overall organization.

The Committee would like to gain a broader understanding of Title IX compliance programs as they stand at federal grant-making agencies, specifically with respect to sexual harassment by federally funded researchers. Further, the Committee would like to understand agency policies and processes related to sexual harassment that may fall outside of Title IX requirements, for example, how agencies share information with each other about cases under review and how they make decisions about the status of federal grants and eligibility for new grants when there is a finding of harassment.

In order to evaluate these issues and appropriately inform the Committee, we request that GAO address the following questions for the following agencies, NIH, NSF, USDA, DOE and NASA:

1. How many cases of sexual assault or harassment are currently before each of these grant-making agencies? Since 2013, how many cases of sexual assault or harassment have been through investigation and resolution process at these agencies?
2. Does each of these agencies have a clear policy regarding sexual harassment by grantees? To what extent do these policies vary across these agencies? What are the key procedures at each agency when the agency is notified of a complaint regarding a grantee? Do those procedures vary substantively across these agencies?
3. How are agency policies and procedures regarding sexual harassment by grantees communicated to grant recipients? How are such policies and procedures communicated to students and other researchers who are not the principal investigator

²¹ *Id.*

²²

but who are supported by federal grants? If a student or other researcher wants to report sexual harassment directly to a funding agency, is there clear and publicly available guidance on how to do so and whom to contact at the agency?

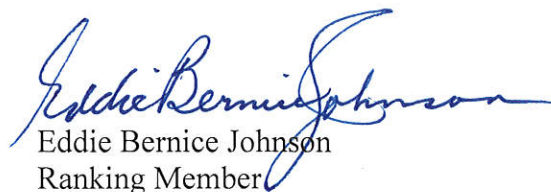
4. What is the organizational chart of the office tasked with addressing Title IX harassment complaints at each agency? (This may help indicate the value of Title IX compliance by the agency). Do each of these agencies have sufficient resources to adequately address sexual harassment complaints according to Title IX requirements and according to any additional policies and procedures defined by the agency outside of Title IX requirements?
5. Do grant-making agencies have specific requirements that they be informed of any allegations of sexual harassment, gender discrimination, or related issues by the grantor institution or laboratory? When an agency is notified of a complaint, what is the process by which it communicates with other grant-making agencies? If an agency makes a decision to terminate grant funding when there is a finding against a researcher, is there a standardized procedure for notifying other funding agencies and/or recording the finding on a centralized database of federal grantees? Who has access or should have access to such a database?
6. Does GAO have any recommendations regarding ways to better oversee and enforce compliance with Title IX requirements by federal agencies?

To discuss this request in more detail please have your staff contact Dahlia Sokolov or Douglas Pasternak of the Committee's Minority staff at (202) 225-6375 or Cliff Shannon or Ashley Callen of the Majority staff at (202) 225-6371. Your assistance in this matter is greatly appreciated.

Sincerely,



Lamar Smith
Chairman



Eddie Bernice Johnson
Ranking Member