

Testimony of

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"A Review of Sexual Harassment and Misconduct in Science"

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Good morning Chairwoman Comstock, Ranking Member Lipinski, and Members of the Committee. My name is Kristina Larsen. I am an attorney, and a large part of my private practice is advocating for women and underrepresented individuals in STEM and in academia who are experiencing discrimination, harassment, and retaliation. I have represented and advised undergraduate students, Masters students, Ph.D. students, Postdocs, and faculty at all levels. Prior to entering private practice I was a Human Resources administrator at the University of California, San Diego for more than 20 years.

I would like to thank you for holding a hearing on this important topic and for the honor to appear before you today to discuss sexual harassment and other workplace misconduct in science.

Before I begin, I would like to address a few important points. First, although many University policies address both sexual harassment and sexual violence, the processes and problems with reporting and adjudicating sexual violence are different than those for addressing sexual harassment, and I would not do justice to either issue if I attempted to discuss them both here today. Today my comments focus solely on sexual harassment. I have represented and advised many survivors of sexual violence and in focusing on sexual harassment and other misconduct at this hearing, it is not my intent to ignore or minimize the substantial obstacles still faced by survivors of sexual violence on college campuses.

Second, for the purposes of brevity it is necessary to sometimes speak using general terms. While I may refer to challenges or barriers faced by women in science, it is important to acknowledge that not all women will experience the same challenges or barriers, and some may not experience any at all.

Having represented many women of color, I would also like to recognize the significant additional challenges and barriers often faced by women and persons of color in science (see [Double Jeopardy? Gender Bias Against Women in Science](#)).

Finally, to illustrate how certain policies or processes detrimentally impact individuals, I have been given permission to share the personal stories of several courageous and brilliant women. In all cases I will identify the University where the events occurred, but I will not name my client unless they have explicitly given me permission to use their first name.

We are all here today because we are committed to the common goal of ensuring that more women are able to succeed in STEM fields.

To this end I want to acknowledge the important work those on this Committee and in Congress are doing to increase interest among and exposure to STEM fields for young girls, including recent legislation like the *Code Like a Girl Act* and the *Building Blocks of STEM Act*.

Increased interest and access are critical. As Assistant Vice Chancellor at UC San Diego I was involved in efforts to increase the numbers of female graduate students and postdocs in STEM fields. I am also proud of my contributions toward increasing the number of female and under-represented faculty in STEM departments. I continue this work as a board member supporting the important efforts underway at the [Center for Diverse Leadership in Science](#) at UCLA.

But despite all of our collective efforts to increase interest, access, and hires in STEM fields, we are still failing to achieve our goal because too often we are sending these brilliant individuals barreling headfirst into a massive and sometimes impenetrable “brick wall”.

This “wall” is not any one thing; it is a complex set of conditions, many unique or exacerbated by the decentralized and individualized nature of academia.

That said, I acknowledge that the term sexual harassment is commonly used by all of us - including in the media - as a “catch all” term to describe a more complex set of conditions and obstacles faced by women in the workplace. But I have also observed that many, including the peers of “notorious” faculty, their department chairs, deans, other administrators and leaders - despite having had mandatory sexual harassment prevention training – continue to default to an outdated and often stereotyped notion of what sexual harassment looks like, and these notions are often reinforced by popular culture and in the media. In fact if you Google “sexual harassment” you will find pages of images, many showing a man with his hand on the shoulder or leg of an, attractive woman in a business suit.

As a result, centering a conversation around sexual harassment often leads to a frustrating disconnect between what women are experiencing – the actions and inactions that detrimentally impact them, and what those around them believe the problem to be.

By starting with a more comprehensive examination of how gender biases impact women in science more acutely than in other workplaces, and the range of abuses that occur in academia, it becomes clearer why the current laws, policies and reporting processes have been – to date - so ineffective.

In turn I hope this will allow us to identify creative solutions that will result in the outcome this Committee and all of us want - an unfettered career path to success for women and all underrepresented individuals who are interested in STEM.

Invisible Hand Discrimination

Gender and racial biases are not unique to academia; we know from 40 plus years of research that all of us carry implicit and explicit biases. But in academia these biases flourish behind the seemingly ironclad curtain of department autonomy and individual academic freedom. This is because anyone with the responsibility to stop gender bias is usually in the administrative side of the university and does not have any authority to pierce the department autonomy and take action, and those with the authority to address the issue do not believe they have any responsibility to do anything about it.

The result is what Pamela Haag terms “Invisible Hand Discrimination”:

Such discrimination is real in its effects but elusive in the law. It falls between the two major legal theories of discrimination: It does not happen because an individual consciously intends to discriminate (the theory of disparate treatment), or because a policy or practice discriminates (the theory of disparate impact). Instead, it happens because decision makers unwittingly discriminate in applying otherwise valid policies. Invisible-hand discrimination isn't irrelevant or fanciful -- just hard to prove, given that sex-discrimination law is ill equipped to handle subconscious bias. ([Navigating the New Subtleties of Sex-Discrimination Cases in Academia, Chronicle of Higher Education, P. Haag, February 11, 2005](#))

In 1999, MIT conducted a study focused on the treatment of female faculty members as compared to their male counterparts. They found that while gender bias was not necessarily conscious or willful on the part of men, it was very real: “...it operates in a ‘stealth-like way,’ ... Unintentional as it may be, though, it can have devastating effects on women's careers”. The MIT study concluded that the gender bias experienced by women amounted to “many small factors that work slightly against women and accumulate over time, so that a little less ends up being a lot less”. ([An MIT Professor's Suspicion of Bias Leads to a New Movement for Academic Women, Chronicle of Higher Education, R. Wilson, December 3, 1999](#))

This invisible hand discrimination is prevalent in large part because of the entrepreneurial nature of scientific discovery. Each person desiring to advance in STEM must constantly negotiate to succeed: their lab space, renovation budget, funding sources, office space, start up funds, teaching load, personnel support, committee service, and the list goes on.

Yet we also know from the extensive research on gender biases that many of the attributes needed to do this successfully do not conform with the stereotype of how many (men and women) will expect women to behave.

In addition, movement up the academic ranks by those more junior is largely predicated on the perceptions of those more senior, yet processes that rely on personal perception will open the door to implicit and explicit biases being introduced. Even when more than one opinion is sought, these opinions are

influenced by the informal sharing of these perceptions among those with influence in the field.

These biased perceptions are then “laundered” through the evaluation process both within the university and within the field, and are touted as objective and neutral. Yet as I have seen time and time again, the most objective and neutral evaluation results in a bias infused decision. This is the first challenge many women will face, and our current discrimination laws are ill equipped to address it, as are current university policies and procedures.

Abuse of Power

In a recent piece in the Chronicle of Higher Education, K.A. Amienne made an astute observation:

Anytime you have a highly competitive system in which a single person has the power to make or break someone else’s career — whether it’s the crowded, greasy pole of Hollywood or a flooded Ph.D. pipeline — you will have abuse.

Not only rape and overt sexual aggression, but also the many complicated and twisted forms of abuse that can sink a woman’s chances of succeeding in an already biased business. ([Chronicle of Higher Education, November 2, 2017, K.A. Amienne](#))

Ms. Amienne is absolutely correct, and this is particularly true in scientific training and discovery because it is, by design, founded upon this individualized hierarchical power structure in which one or a few academics may entirely control the fate of the aspiring scientist.

Abuse flourishes in this environment, and almost every conversation I have had with a person on the receiving end of abuse in academia will include with some version of “I am afraid to speak up/report/fight back” because [NAME] is “really powerful” or “a big presence/superstar/well respected in the field” or “very influential”.

The first time I heard a faculty member tell me they would “ruin” someone more junior to them was 24 years ago, only months after being hired as the Human Resources manager for a department in the School of Medicine at UC San Diego. I was shocked when a senior male professor bragged to me that he would “destroy” a more junior (and the only female) professor in the department.

The only thing that has changed in those 24 years is that I am no longer shocked when I hear someone say this. Twenty four years ago, this male professor did successfully drive the only female faculty member out of the department, and out of academia (although I am happy to report that in her case, she did return to academia and is now a senior professor at another University in the Midwest); I have several clients today experiencing something very similar to what she did 24 years ago.

To be clear, abuse of power can happen to anyone regardless of race, ethnicity or gender; I have seen men be targeted too. But, in their book “Faculty Incivility”

authors Twale and De Luca share research going back to the 1970s concluding that those targeted for abuse in academia are most often those individuals who are “different than the others or who threaten the status quo” and this aligns with my own experiences. (*Faculty Incivility: The Rise of the Academic Bully Culture and What to Do About It*, 1st Edition, Darla J. Twale and Barbara M. De Luca, Jossy-Bass, 2008)

Even with the understanding that those who are “different” are more likely to become targets for abuse, this doesn’t necessarily explain *why* any one individual becomes targeted. It is a question I am asked a lot. When I’m short on time my answer is simply because the more senior person can. Of course it is more complex than that, but quite frankly not much.

Like systematic bias, the many ways in which power is abused against those with less power are difficult to address under our current laws, policies or reporting processes. Even the conduct that in theory is reportable under Title IX and VI is too often not adequately resolved for the reasons presented below.

How Science Agencies and Research Institutions Handle Complaints and Conduct Training under Title IX of the Education Amendments of 1972 and Title VI of the Civil Rights Act of 1964 and Other Relevant Policies

There are more than 2,600 accredited Universities and Colleges in the United States and this does not include independent research institutes or other government sponsored research facilities. This means there are thousands of different policies and procedures for handling complaints of harassment, discrimination, and retaliation in scientific institutions.

The Organization of, and Definitions Used in Institution Policies are Not Consistent

How a university’s policies are organized can impact how effective they are addressing the discrimination, harassment or retaliation when reported.

The University of California has one policy defining “[Sexual Violence and Sexual Harassment](#)”, and another, entirely separate policy addressing [Discrimination, Harassment, and Affirmative Action in the Workplace](#). The definition of sexual harassment in the UC policy does not include any language distinguishing between sexual harassment and gender-based harassment predicated on sex-stereotyping.

If one believed they were being “sexually harassed” they would be directed to the campus Title IX office, but if they believed they were being “discriminated against or harassed”, they “are encouraged to submit complaints through their local Human Resources office, Affirmative Action/Equal Employment Opportunity office, Academic Personnel office, Labor Relations office, or the University Whistleblower Hotline.”

It is nearly impossible for someone to “categorize” what they are experiencing into either sexual harassment or discrimination or harassment based on gender or other

protected category. As we have said above, it is most often a messy combination of all these things.

In contrast, Caltech has one effective policy that broadly defines all forms of gender discrimination and harassment as [Sexual Misconduct](#), and it explains clearly the difference between gender based harassment and sexual harassment:

Gender-Based Harassment is harassment based on an individual's actual or perceived sex, including harassing or bullying conduct based on the individual's gender expression, gender identity, transgender status, gender transition, or nonconformity with sex stereotypes.

Sexual Harassment is pervasive and/or severe unwelcome sexual advances, requests for sexual favors, and other conduct of a sexual nature when ...

Caltech's Sexual Misconduct also makes clear that behavior does not need to rise to the level of "unlawful harassment to be determined inappropriate"

In addition Caltech also has a comprehensive [Unlawful Harassment](#) policy and both policies are administered by, and reported to the Assistant Vice President for Equity, Accessibility, and Inclusion Initiatives, who is also designated as Caltech's Title IX Coordinator.

Challenges Because of the University's Organization

There is typically a sharp divide between administrative and academic structures within a university. Within the academic structure, there is an added split between faculty governance and academic administrative functions (shared governance). The result is too often those with official responsibility (usually on the administrative side of the university) rarely have authority to do anything meaningful about what is reported to them about faculty, and those who could have authority to take meaningful action (on the academic side of the house) believe they do not have any authority or responsibility to do so.

It Can Be Very Hard to Figure Out How to "Formally" Report

There are often too many places to report and too few requirements to act for those receiving the complaint.

Individuals hearing complaints are very often "mandatory reporters." But many times they either don't report on it or, if they do, nothing is done as a result of the report because Title IX will almost never begin a formal investigation without a "named complainant" agreeing to file a formal report.

In every single case I have been involved in, by the time the abused individual gets to the right office in order to file a formal complaint they have told their story dozens if not hundreds of times; they are already exhausted and demoralized and they haven't even started to resolve their complaint yet.

There are no consequences for failing to report incidents to Title IX

When one of my clients at Duke informed her dean about the abuse she was experiencing, the dean ordered her to tell no one. Over the next year this made matters worse, she was further isolated and blocked from accomplishing the research she needed to. She was eventually fired from Duke and with no one willing to write her a letter of recommendation, effectively pushed entirely out of the field. When she sought advice as to whether she could litigate against Duke, she was told that since they had done something for her (they moved her office away from the abuser), the fact that their actions rendered her “unemployable” in the field did not matter; they had not been “deliberately indifferent”.

The complainants are often pressured into “informally resolving” their complaints

Almost all the processes for both sexual misconduct and discrimination push informal resolution, and informal resolution is often discussed as a way to resolve the issues with both sides assuming some of the blame and having to compromise, even though one side is being abused and the other side is abusing. Most importantly, it leaves no formal trail of the reported misconduct.

The above issues are all present with one of my clients at UCLA. She has relentlessly endured discrimination, harassment and retaliation from powerful senior male faculty in her department. Over a three-year period she made over 90 attempts to report what she experienced to more than 20 different administrators at UCLA; not one of which was considered a formal complaint. When she would meet with one person, she was almost always directed to another office.

She learned that a number of the faculty in her department had attempted to convince others to vote against awarding her tenure (despite a record considered by some to be the strongest ever for tenure), because she had not “expressed being sufficiently contrite” and was considered by these senior men to be “arrogant” and “aggressive.” She sought help from UCLA’s Discrimination Complaint Office. Over a period of several months she met multiple times with the Discrimination Complaint Officer, but was told her claims appeared to be more “gender based” than “race based”, and was referred to the Title IX office.

Seven months ago she filed what was finally recognized as a “formal” complaint, and just last week we were informed they will finally conduct an “intake” interview to determine whether an investigation is warranted. When I reminded the Title IX officer that her claims were discrimination and harassment based on both gender and race, he told us that they normally didn’t handle race based claims, but would see if they could make an exception in her case.

The Title IX Coordinator

Title IX Coordinators often lack the authority to be effective.

Over the years I have met with, and worked with many campus Title IX coordinators. Without exception they have all been very good people who want to

do the right thing, but very often have little power to do anything to actually stop the abusive conduct of faculty. When they do take action, they are often overruled by someone above them after a “powerful” faculty member hears about the complaint, and in turn complains to someone higher up on the academic side of the university.

For example, in the spring of 2017 Nga, a Masters student at the Florida Institute of Technology (FIT), and a research assistant for the onsite Applied Behavior Analysis program director, went on a research trip with a professor to Sierra Leone.

Before departing Nga was “warned” about this professor by more than one person, though no specifics were provided. In Sierra Leone this professor became extremely controlling and at one point effectively forced Nga to share a hotel room with him; she ended up sleeping on a chair and at one point, after the professor climbed into the bed while she was sitting on it, she ended up staying in the lobby of the hotel. When she decided to move to a different hotel and informed him she was uncomfortable with his treatment of her, he effectively fired her as a research assistant on the spot in Sierra Leone. He ordered her to immediately stop speaking with the other researchers on their project, ordered the female associate to obtain any materials or data she had, and made her pay the female associate for her accommodations in Bo prior to moving to the new hotel. He then basically abandoned her in Bo, Sierra Leone. This young woman, in a dangerous country for the first time, had to figure out travel arrangements on her own and pay for transportation back to Freetown in order to catch her flight home.

As you can imagine, her experience in Sierra Leone was traumatic. Instead of learning valuable career skills and building collaborative relationships with others in her field, she came back in financial debt, feeling isolated, abused and betrayed by her professor’s conduct.

Nga formally complained to Title IX in May of 2017. In August of 2017 she received a letter from FIT’s Title IX officer advising her that she (the Title IX officer) had reviewed her complaint and the professor’s response and, “as a result, [professor] received a reprimand and other sanctions.”

That fall my client learned that her former professor, known throughout the whisper network as someone emotionally manipulative and abusive to his female students in addition to his “legendary” “boundary issues”, had been invited to speak at a women’s conference. I spoke to another student of his and she described there being a collective “gasp” when many of female students learned this (by the way I reached out to another of his students and she said she was still too traumatized by how he treated her to talk with me).

On October 11th Nga wrote the following to the conference organizers:

"I wanted to respectfully inform you that [NAME] had a title 9 claim filed against him this summer, which resulted in FIT reprimanding and implementing sanctions on him. In August, he attempted to appeal this ruling. However, he was denied. [NAME] is prohibited from contacting me.

I felt that it was important you knew this before you allowed him to be the speaker at WIBA. WIBA is a place for women and for those that support women in their careers and private lives. I considered not speaking up, but I didn't want other women to possibly go through what I went through. ...I sincerely hope that WIBA will seriously reconsider him as an invited speaker at this point in time."

The committee organizers thanked her for having the courage to reach out and the professor was uninvited as a speaker at this conference.

On October 30th, 2017 Nga was ordered to the Title IX office. For almost two hours she was admonished by the Title IX officer for having spoken of her complaint to others, she was informed that her doing so constituted "retaliation" because she was "endeavoring to harm the career of the respondent and prevent him from further pursuits such as presenting at conferences", and if she continued to "retaliate" against her advisor she would be expelled from FIT.

Before leaving she was presented with a formal Letter of Warning in which she was advised to immediately "cease and desist from actions that could be construed as, or appear to be, retaliatory against the respondent". She was also handed a "No Contact Order", issued by the FIT's Director of Security. The NCO listed the "Incident Type" as Nga's "alleged University Code of Conduct Violation #4 Harassment". Finally, after two hours, with her visibly upset and still crying, she was made to sign a document stating she understood the "allegations" against her and that it was her responsibility to "abide by FIT's policy and procedures".

A little more than two months later Nga received a certified letter from FIT dated January 3, 2018. It was written by Dr. Monica Baloga, FIT's Senior Vice President for Academics and Provost and in this letter Dr. Baloga effectively overruled the Title IX office: "I am writing to rescind and clarify an August 24, 2017 letter sent to you by Dr. Joni Oglesby regarding a complaint you filed regarding [NAME]. Specifically, following an investigation into your complaint, the University did not determine that [NAME] violated the University's Title IX Policy. To the extend Dr. Oglesby's letter suggests otherwise, it is incorrect....[NAME] was provided a warning that he should exercise better judgment in subsequent out-of-country trips. He was also instructed to take a course on Title IX and Sexual Harassment, which is required of all faculty members."

Challenges with the Investigation Process

In almost every case I am aware of, the respondent's response to a complaint of bias is that the accuser was simply not producing good quality work, or some other

variation of she's just a weak scientist. But the only individuals that are usually consulted to corroborate whether this is true are often other people who are paid by the accused's grant funding, or in some cases their "weakness" is set up.

In one case at UCSD, my client, a post-doc researcher in the lab of a faculty member known "widely" for being abusive, vindictive and sexist, filed a sexual harassment complaint against him after having endured years of abuse. Before she was granted a green card he would remind her frequently that he could fire her and get her deported, and to avoid deportation he expected her to work late into the night, and on weekends and holidays. When a faculty FTE was approved in the department he informed my client he was proposing his male postdoc, because "he had a family to feed" (she too was a parent).

At one point he asked her to do something she considered research misconduct and she told him no. Despite an excellent performance record up to that point, almost immediately he declared her a "poor researcher", ordered her to switch to another project she was less familiar with and began hounding her on a daily basis with requests for updates and data, then criticizing her when she wasn't able to produce it in his timeline.

In response to her complaint the respondent claimed she was a "bad scientist" and to corroborate this the Title IX officer interviewed other people in the lab. Unfortunately for my client, the others were also paid by the accused person's funding, and understood clearly they would be "next" to lose their funding if they didn't agree with the version of the story told by their boss. The Title IX officer did not find sexual harassment.

Incidentally, the Title IX officer did find that he had retaliated against my client after she filed her complaint, and referred the matter on for discipline. Less than a month later she received a letter from the Title IX officer informing my client her finding had been "rescinded" and the matter would not be reviewed by an investigator at the Office of the President; she decided to drop the matter rather than go through the traumatic investigative process again. She also took a substantial demotion and left his lab. She is now a staff researcher and will likely never rise any higher than this. The man who discriminated, harassed and retaliated against my client continues to get grant funding and awards from his peers.

Two other clients, both postdoc fellows, were kicked out of a PI's lab after they informed him they were pregnant. He told both women they would never succeed in science as mothers and he didn't want to waste his resources on them. Both filed complaints in Title IX but the office would not consider the complaints together. Instead they are being handled separately even though they establish a pattern of behavior. Again the PI's excuse was they each was a "weak" scientist. In investigating this matter those interviewed to corroborate were all funded by this same PI.

Timeliness

While most policies have timeliness requirements, there are no consequences for not meeting those timelines, nor is there any requirement that Title IX offices be sufficiently staffed to handle the volume of investigations they receive. The result is very often a frustrating delay in starting or completing investigations with no recourse for the accuser.

After a Finding

In the very rare instance there is a finding against a faculty member, there is a strong incentive to informally (and secretly) settle with the faculty member. The disciplinary process is managed entirely by faculty peers, who are very often not legally trained or advised. This can introduce a level of uncertainty that most administrators want to avoid.

There is also little or no effort placed into helping the target of abuse recover from the physical, psychological and professional damage done by what will almost certainly by the time of a finding be years of abuse.

The Problems with Secrecy

Every person I know who reported abuse by faculty member did so for the sole purpose of trying to ensure this never happened to anyone else. In the case of several young women at Cornell, they learned quite accidentally that all of them had had an almost identical and completely inappropriate experience with a faculty member.

Together they filed a complaint with Title IX. While initially appreciative of the complaint, Title IX eventually stopped communicating with them and when they finally inquired many months later about what had happened, they were told Title IX could not tell them what had happened. Neither, does it seem, that anyone in the department was told formally, including students.

This secrecy leaves students and junior scientists vulnerable and is the primary reason that so much of the conduct becomes serial conduct. It also leaves those who have suffered significant abuse with little closure, most especially assurances that their sacrifice may have saved someone else from experiencing the same.

The Impact of How Science Agencies and Research Institutions Handle Complaints on Women's Participation in Science

Without exception, the hundreds of amazing women I have met with, advised and/or represented over the years tell me what happened to them *after* they attempted to report harassment, discrimination or retaliation was far more traumatic and damaging than the harassment, discrimination or retaliation itself.

Most suffer from the effects of PTSS, brought on by their constant state of being unsafe and the knowledge no one will do anything to stop the conduct from impacting them. Most have reported significant health effects from the prolonged abuse they have experienced coupled with the inaction of anyone else witnessing what is happening to them, including weight gain, physical illness, insomnia, depression, anxiety; two reported having miscarriages brought about by the stress.

Many decide to, or are at this moment contemplating whether to stay in science given how they have been treated.

For example, with only one semester remaining before she earns her Masters degree, Nga's immediate and understandable reaction to learning that her University valued a serially abusive faculty member over a vulnerable student abandoned in a third world country, she considered dropping out of her program. She told me she did not want a degree from a University that did not live its values. I am grateful that Nga ultimately chose not to drop out, but I very much understand her sense of betrayal. This is a very common feeling among the amazing women I have had the privilege to represent.

Recommendations for Improving the Complaint and Resolution Process

- In cases where abuse against students is reported, especially if it is reported to have occurred in the field, universities should be required to interview other students, both former and present to ascertain if there are others who have experienced similar conduct.
- Universities should be required to develop procedures for investigating systemic gender and racial biases including measure to be taken in response.
- Universities should not be permitted to have statute of limitations on reporting of abuse.
- In cases where a faculty member is found to have abused students or others in the field, especially when a pattern of behavior is found, universities should be required to inform the complainants as well as the department and all other students of the conduct found to be inappropriate as well as the consequences imposed to ensure no other persons are harmed by the conduct.
- Universities should be required to disclose findings to future employers and should not be permitted to agree to total confidentiality regarding the circumstances of the complaint.
- Even when the process works as it is supposed to, the accuser is almost always so irreparably harmed they will ultimately decide to leave the field or science

altogether. When there is a finding of abuse, faculty member should be responsible for making reparations, including repairing any damage to the accused reputation and they should be required to be personally responsible for financial reparations.

- The University should be required to pay for counseling or other medical services or other services required to help rehabilitate the career the complainant.

The Role of Funding Agencies and Professional Societies

I am grateful to NSF for their bold requirement that Institutions report findings of sexual harassment to them.

However by the time an individual has waded through the intense pressure from multiple sources to “amicably resolve” the harassment, discrimination or retaliation directed at them, finally figured out how and to whom to formally report sexual harassment or discrimination, and survived the glacially slow investigation and finding process (during which they are often relentlessly bullied and ostracized by their peers), it has almost always taken too great a toll on the individual’s personal and professional reputation, physical health, or their psyche (or all), and they may still choose to leave science, even if the process results in a “finding” against their abuser.

In addition, given the already hard fit between the types of biases and abusive conduct women experience and an institution’s sexual harassment and discrimination policies and processes, the requirement to report findings of sexual harassment to funding agencies may actually create a greater incentive for universities to “find” that an abuser did not violate the letter of their policy.

Finally, as the stakes are raised for finding sexual harassment or discrimination, Title IX officers – who are keenly aware of how powerful faculty are and how easy it is for them to be overridden – may want to take even more time to complete investigations, further slowing an already frustrating slow process.

- So, in addition to holding universities responsible for reporting findings of sexual harassment, funding agencies and professional societies might also consider establishing direct reporting processes to allow individuals – both those being abused and peers observing the abuse to report any form of “abuse”, even that which may fall short of legally defined sexual harassment or discrimination, but that is clearly still inappropriate. I acknowledge that some already do this; I hope this trend continues.

I want to recognize AGU as one of the most innovative and progressive professional societies working to combat the barriers impacting women and underrepresented individuals. This is a testament to their great leadership.

- I encourage all professional societies to consider revising their codes of conduct, using as a foundation feedback from female and underrepresented graduate students and junior professors about the types of conduct they experience that creates unnecessary barriers and obstacles for them. I also encourage professional societies to continue their efforts to expect all members of professional societies to enforce codes of conduct, not just those experiencing violations of these codes.
- I recommend that funding agencies or professional societies consider creating a fund to pay for legal advocates to advise graduate students or junior faculty who are contemplating reporting sexual harassment and discrimination, or even just for those seeking help addressing harmful abuse of power. More than any other feedback I am told over and over that I am almost always the first person who has just validated that what they were experiencing was wrong – even if it wasn't illegal, it is wrong and for the first time they feel they have someone on their side and who will speak for them. As a lawyer with 20 years of experience in and around universities, it is challenging for me to figure this out sometimes; it can be nearly impossible for a graduate student.

While I believe junior faculty also need this type of support, it is vital for graduate students. I am contacted by at least one graduate student every single week asking for my help and advice. Unfortunately I cannot advise the all, but every graduate student case I have taken, I do pro bono. I am proud to say that in at least three of these cases the student has reconsidered leaving the field because of my advocacy. It could make a big difference in terms of individuals feeling supported and deciding to stay in science.

- I also recommend that funding agencies and professional societies review their processes for granting awards and honors, with an eye toward eliminating opportunities for implicit or explicit bias. For example, creating a two-part funding review process, the first of which would be blind. For awards, consider whether current requirements for letters of recommendation are creating barriers for some to be considered for awards.
- Consider introducing new awards to highlight those who have had the courage to stand up to abusers, and incorporate as a factor in earning all prestigious awards, abiding by the code of conduct, and reviewing how and from whom recommendations are required before someone can be considered for an award.

Thank you again for the honor to appear before you today.