



# SOCIETIES CONSORTIUM ON SEXUAL HARASSMENT IN STEMM

An initiative to advance *professional and ethical conduct, climate & culture*

## CASE STUDY LIBRARY

### 2. Power and Picnics Don't Mix

*Case Study 2 falls within the category of "incident(s) involving people who bring money and prestige to an institution, e.g., a person that becomes "too big to fail."*

A female tenured professor and society board member has brought in significant research funding and greatly enhanced the prestige of a university as an up-and-coming program for women interested in computer science careers. She also writes and publishes historic-romance graphic novels, under a pen name, in her free time. The professor pressures her Black male graduate assistant/advisee to read one of her books, which has a racist and sexualized title and content, and discuss it at a picnic lunch. Despite the student raising his concerns with another faculty member in the department, when he meets his advisor for the picnic, she attempts to kiss and grope him.

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## Introduction: How to Use the Case Study and Supplemental Materials

### **The “Case Study” Documents**

**Section 1 of this document** contains only the “Facts” of the case study with related “Pause & Process” questions, which also segment the facts into digestible chunks.

**Section 2 of this document** analyzes the facts. It repeats within gray boxes the relevant “Facts” for each segment and its associated “Pause & Process” questions within light grey boxes. Additional content supports individual analysis and/or group discussion, including suggested:

- **Responses** to the “Pause & Process” questions and related analysis of that section of the fact pattern;
- **Actions to Prevent or Remedy** harm that could have been taken; and
- **Review** items – resources and tools that can be used when considering what actions to take.

These resources and tools can be found on the Consortium webpage: [Societies Consortium on Sexual Harassment in STEMM](#). The Compendium of Existing Resources is available publicly. Model policies and tools require members to log in. In addition, members can find resources and peer support by visiting the **Consortium LinkedIn Platform (CLIP)** -- A members-only space for collaboration and thought-partnership.

### **Using the Documents**

- (1) **Individual learners:** Read **Section 1 before reading Section 2’s “Response” and “Action” steps**. Consider each “Pause & Process” question; it may be helpful to record your thoughts. Then, go to Section 2 to review the analysis. Do the offered responses reflect your own thoughts and experiences? Are there any differences between your experiences and those of individuals in the case study? Do your views, or the offered responses, change if the aim is to create a field where people of all identities and stages of career are welcomed and able to thrive?

*For additional resources and actions an individual can take, refer to the following Supplemental Materials:*

[Section 5. Reflection Questions for Individual Action](#)

[Section 6. National Support Resources](#)

- (1) **Facilitators of group learning sessions:** Each Case Study is designed for flexible use and provides options. A Case Study can be **segmented into bite-size chunks—one for each group of “Pause & Process” question(s)—to create a stand-alone 1-2 hour learning experience**. A note at the start of Section 2 identifies several “Pause & Process” segments that can also be **chunked together to create a 2-3 hour learning experience**. Include the “Introduction” in any chunk to set the stage (the facts and background on each main character to help participants develop empathy). Another option is to combine these short learning experiences into a **workshop series conducted over time, but that is not required**.

**Some societies may want to start using a Case Study with one or two stakeholder groups (e.g., an ethics committee, leadership team, or a student group) and then expand out to include other stakeholders.**

Facilitators are advised to give Section 1 (or the introduction and the segment(s) you will be addressing in your session) to participants as a stand-alone pre-read to prepare for group discussion and/or role playing. We advise not providing a preview of Section 2 (the analysis).

**Section 2** is a Facilitator-only resource if the Case Study is used for group discussion. Review “Responses” to the “Pause & Process” questions *in advance* of facilitating a discussion for guidance on the scope of issues and how a group might examine them. Review suggested “Actions” for discussion ideas and steps societies and institutions can take to enhance their policies and practices to create more inclusive and equitable climate and culture within their organizations and fields more broadly.

*Also review* -- [Section 3. Facilitator Preparation and Practices \(Supplemental Material\)](#)—which provides additional guidance on up-front methods for establishing inclusive learning in group discussions, as well as some recommended practices for facilitating potentially difficult discussions.

## Section 1. Facts and Scope of Issues

Section 1 details the events that took place during the case study and provides “Pause & Process” questions at key intervals, inviting the learner to consider the facts and events from a variety of perspectives, with a lens of empathy and reduced defensiveness, and to identify actions that might have prevented or mitigated the associated harms. In Section 2, we discuss and recommend actions for each “Pause & Process” question.

### **FACTS, Part 1 – Introduction:**

Professor Little is a White, female identifying, tenured computer science professor at a mid-sized, public university. Dr. Little serves on the board of the American Association of Computer Scientists (AACS). Over the years -- given the demand for computer science professors, and the dearth of female professors in the field -- Dr. Little has had several visiting professorships at large research institutions and has received competitive offers for a tenured professorship. She was recently awarded a coveted “innovation” grant from a tech giant that would bring \$2 million to upgrade the University’s computer research laboratory. Professors Little’s classes are extremely popular and she is in high demand as an academic advisor. She has a strict policy to write no more than three letters of recommendations per year for select graduate students seeking employment, or admission to a doctoral program.

Professor Little double majored as an undergraduate in computer science and creative writing. Only one of her professors in computer science was a woman and Little was one of only three women in that major in her class and often the only woman in a lab or classroom. She had the opposite experience in her writing courses. To succeed in her computer science major, Little assumed “alpha-male” norms of conduct that she observed. She further developed these norms as she progressed through graduate school and into the professoriate. Creative writing is her passion, and she remains at the University in part because it generously allows her periodic breaks from classroom instruction. She uses this time to write best-selling, historic-romance, graphic novels under a pen name. One of her novels is soon to be released.

Michael, a Black, male-identifying graduate student, is one of Dr. Little’s advisees and works closely with her preparing computer labs for undergraduates. During one planning session, Michael noticed the publisher’s copy of Professor Little’s new book on her desk. The front cover contained a racist and sexually provocative title and image, so he awkwardly looked away. Professor Little noticed, and told Michael “Oh, I don’t read that stuff, I write it. That’s my pen name,” she noted laughing. Professor Little offered Michael the book and said, “I’d love to know your opinion as a Black man.” The book, titled “My Master’s Slave,” tells a story, primarily through images, some sexually explicit, of a Black man who acts as a submissive in a relationship with a white woman.

Michael felt compelled to accept the book to remain in Dr. Little’s good graces and because of the importance of receiving one of Professor Little’s coveted letters of recommendation. He felt very uncomfortable reading it, due to its sexual content and racist stereotyping, and he tried to avoid discussing the book with Professor Little--despite her frequently asking him whether he had any comments--by saying, “I’m still working on it.” Eventually, Professor Little sent Michael an email that read, “Michael, I am curious to know your thoughts on my book. Can we meet for lunch to discuss? I’ll

bring a picnic and a bottle of wine and we can meet at Lookout Tree.” Lookout Tree is located in a secluded area that is a frequent spot for campus picnics but is also known as a place for romantic trysts.

**Pause &  
Process**

1. **From Michael’s, Dr. Little’s, the University’s and AACCS’ perspectives**, did the University’s or AACCS’ policies or practices help them to understand conduct norms expected of faculty and society leaders in their relationships with students?
2. Is it acceptable for a faculty advisor to invite her advisee to lunch?
3. **From the University’s and/or AACCS’s perspectives**, should it be a violation of its code of ethics for a professor and society leader to write and publish romance novels, as an avocation, that contain erotic and racially derogatory and stereotyping content?

**FACTS, Part 2 – The Picnic:** Upon receiving this email, Michael became concerned and talked to Dr. Charles, an untenured, female identifying, computer science professor. Michael told Dr. Charles that he felt he was being pressured into a relationship, and that he believed Dr. Little had targeted him because he is a Black man. He did not want to be put in a position where he had to offend his advisor by rejecting her advances. He was hoping that, as a fellow faculty member, Dr. Charles could explain to Dr. Little that her picnic invitation was inappropriate and that she was making students uncomfortable by asking them to discuss her novels. Professor Charles considered speaking with Dr. Little, but was fearful of rocking the boat. She was going to be a co-principal investigator with Professor Little on the innovation grant which would solidify Dr. Charles’ opportunity to earn tenure. Instead, she reported Michael’s concerns to the chair of the department. The chair was also reluctant to confront Dr. Little because Dr. Little recruits many female candidates which had significantly raised the stature of the department as an excellent place for female, computer science majors. His wife is also close friends with Dr. Little. Nevertheless, the chair told Professor Charles that he would “take care of the situation.” He asked Professor Charles not to tell anyone else about the accusations. Professor Charles agreed, but she did let Michael know that the situation would be taken care of. The chair then visited Professor Little’s office and told her that, “Some people feel uncomfortable about the type of novels you write. You should try not to bring your hobby to work.” The chair also affirmed that everyone in the department was very excited about the innovation grant and that Dr. Little was highly valued by the University.

Having still not gotten a response from Michael, Professor Little stopped him after class and said, “Did you get my email about having lunch?” Michael, assuming the chair had spoken to Professor Little, agreed to meet for the picnic but suggested an alternate location in a more public space. They met there later in the week. Dr. Little brought a picnic basket and poured them both wine that she had packed. They discussed a research project, but eventually, Dr. Little asked Michael about her novel, particularly if there were any scenes in the book that he enjoyed. She had moved closer to Michael and attempted to kiss him. Michael was anxious not to offend Dr. Little but moved away saying, “You’re a very attractive woman, but I don’t think a relationship with my faculty advisor is a good idea.” Dr. Little moved closer again saying, “It will be our little secret,” and she reached for his crotch. Michael quickly excused himself saying he was sorry but he had a class to attend.

Pause &  
Process

4. **From Michael's, the University's and AACSB's perspectives**, did Michael experience sexual and racial harassment?
5. **From Michael's, the University's and AACSB's perspectives**, was Michael in a position to object to Dr. Little's advances?
6. **Given Michael's position as an early career professional**, how could the behavior he encountered impact his career trajectories? What special concerns and challenges arise when implementing policies in incidents involving early career professionals and such professionals of color?
7. Did the University have well-understood and adequate reporting policies? Were Michael's attempts to "report" what was happening effective?

**FACTS, Part 3 – The fallout from the incident:**

Michael again went to Professor Charles for assistance with what had become a very difficult situation. Upon realizing that the chair did not "take care of the situation" as promised, Professor Charles went to the college president and relayed Michael's account of the picnic. She also encouraged Michael to file a Title IX complaint, a race based equal opportunity complaint, and to share his story publicly in the school newspaper. Michael took her advice, but wrote the newspaper story anonymously and without mentioning the gender of the parties involved. He wanted to protect himself, and he also feared that others would not accept that a male student was the subject of sexual harassment by a female professor.

With the story going public, the school initiated an investigation limited to sexual harassment. After many stalled efforts, the University determined who was involved and also learned of rumors that other male students had been subject to unwanted sexual attention from Dr. Little. It resolved the investigation, however, with an inconclusive finding due to the fact that there were differing accounts of what had happened between Michael and Dr. Little. There were no witnesses to the events. Professor Little denied pressuring Michael to read or discuss her novel, though she acknowledged that she offered Michael the copy on her desk, but only if he was interested. She acknowledged that she was interested in a relationship with her advisee, but that he misconstrued any pressure on her part. Dr. Little adamantly denied making sexual advances. Other students were unwilling to come forward with their stories. The racist title and content of the book were not addressed by the University.

It had taken 18 months for the University to complete its investigation, during which time Dr. Little was permitted to continue with all of her University work. Despite its inconclusive finding, given the controversy the allegations caused on campus, and the bad judgement demonstrated in pursuing a student, Professor Little was asked to consider resigning. She agreed and immediately secured a position at another institution. Professor Little was still able to conduct most of the work under the innovation grant during the time the University took to conduct the investigation. However, Professor Charles was told that since she was hesitant about Professor Little's ability to conduct herself acceptably in her faculty role, Dr. Charles would be removed as a co-principal investigator from the grant, to ensure that she felt safe and comfortable at work. Michael felt compelled to seek out a new advisor.

Pause &  
Process

8. **From the University’s perspective**, did policies and conduct codes help them determine if a student, faculty or society member was acting at odds with the institutions’ policies and aims?
9. **From the perspectives of students, faculty, AACS, and the field**, how well did the University respond to the incident once it was made known to them. Was their response likely to prevent recurrence?
10. **From the University’s and AACS’ perspective**, if no one is formally reporting concerns about their experiences, can they assume nothing problematic is occurring? How could the University and AACS assess experiences without relying on reporting alone?

#### FACTS, Part 4 – AACS’ Response:

AACS heard through the grapevine that an investigation had been initiated once the incident was shared in the school newspaper. The President of the society met with the full board, including Professor Little, and discussed what should be done to address the allegations against their fellow board member. Professor Little explained that she was innocent and should not have any action taken against her. The racial harassment was not addressed. In an effort to allow the investigation to proceed without further complications, the board allowed her to remain in her position pending the outcome.

After the investigation was completed and she resigned from her home institution, the board, without Professor Little’s input, decided to remove her from the society. They told Dr. Little that even though she was not found responsible for any misconduct, they were concerned about the allegations and the impact on AACS of the public nature of the allegations against a board member of the organization. They notified the membership by placing a notice on the members only website that said “We thank Dr. Little for her outstanding service to AACS. At this time, Dr. Little will no longer be a member of AACS.” They declined all requests for comment about why she no longer served as a member of the organization.

#### Pause & Process

11. **From AACS’ perspective**, did its policies and conduct codes help it determine if a student, faculty or society member was acting at odds with the society’s policies and aims?
12. **From the perspectives of students, faculty, AACS, and the field**, how well did AACS respond to the incident once it was made known to them. Was its process fair and equitable? Was it likely to prevent recurrence?

## Section 2. Discussion & Suggested Responses

Identity-based harassment and bias can have disparate and devastating impact on individuals who are early in their careers<sup>1</sup> or have less social capital in a field (disproportionately, but not always, women, women of color, members of the LGBTQ+ community, or people who identify as members of other marginalized groups in STEMM). Our discussion of this case study examines points throughout the experiences detailed to shine light on – and create understanding and empathy for -- the various perspectives involved in the case study. Power differentials are often at play in

<sup>1</sup> “Early career” can include post-doctoral scholars, residents, non-tenure track faculty/researchers, untenured tenure-track faculty (e.g., assistant professor), and other professionals. Graduate and undergraduate students are also included, although their position is distinct. Within this group, there are differences in the experiences and agency of each role in relation to the others that may influence the effect on them of others’ misconduct and the response.

instances of sexual harassment, assault, and intersecting racial and gender-based harassment. However, peers and those in earlier stages of education or career can also cause harm.<sup>2</sup>

It is important to consider the case study from two perspectives (1) What happened, and what was done well or could have been done better in relation to these facts? and (2) In light of the **Section 4 Elements** what actions can be taken beyond the case at hand to advance a more inclusive, equitable and ethical climate and culture in the institution, society, and field.

**NOTE: For group facilitators creating a single, stand-alone learning experience,** consider using:

- (1) Introduction + Facts centered on “Pause & Process” questions 2, 3 and 4; or
- (2) Introduction + Facts centered on “Pause & Process” questions 1, 8 and 11; or
- (3) Introduction + Facts centered on “Pause & Process” questions 5 and 7; or
- (4) Introduction + Facts centered on “Pause & Process” questions 9 and 12

### ANALYSIS, Part 1 – Introduction:

*Professor Little is a White, female identifying, tenured computer science professor at a mid-sized, public university. Dr. Little serves on the board of the American Association of Computer Scientists (AACS). Over the years- given the demand for computer science professors, and the dearth of female professors in the field--Dr. Little has had several visiting professorships at large research institutions and has received competitive offers for tenured professorship. She was recently awarded a coveted “innovation” grant from a tech giant that would bring \$2 million to upgrade the University’s computer research laboratory. Professors Little’s classes are extremely popular and she is in high demand as an academic advisor. She has a strict policy to write no more than three letters of recommendations per year for select graduate students seeking employment, or admission to a doctoral program.*

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<sup>2</sup> In discussing these power differentials, the analysis uses terms such as “a mid-career professional.” This is a person who has past entry-level and, for faculty, typically has been tenured (i.e., tenured associate professors). A “late-career professional” is generally a person who has been promoted to top tenured faculty ranks and/or has gained honors or other substantial renown and influence in a field (e.g., tenured full professors, distinguished professors, endowed professors, emeritus professors and researchers with world renown and top honors).

*titled “My Master’s Slave” tells a story, primarily through images, some sexually explicit, of a Black man who acts as a submissive in a relationship with a white woman.*

*Michael felt compelled to accept the book to remain in Dr. Little’s good graces and because of the importance of receiving one of Professor Little’s coveted letters of recommendation. He felt very uncomfortable reading it, due to its sexual content and racial stereotyping, and he tried to avoid discussing the book with Professor Little--despite her frequently asking him whether he had any comments--by saying, “I’m still working on it.” Eventually, Professor Little sent Michael an email that read, “Michael, I am curious to know your thoughts of my book. Can we meet for lunch to discuss? I’ll bring a picnic and a bottle of wine and we can meet at Lookout Tree.” Lookout Tree is located in a secluded area that is a frequent spot for campus picnics but is also known as a place for romantic trysts.*



1. **From the Michael’s, Dr. Little’s, the University’s and AACCS’ perspectives,** did the University’s or AACCS’ policies or practices help them to understand conduct norms expected of faculty and society leaders in their relationships with students?
2. Is it acceptable for a faculty advisor to invite her advisee to lunch?
3. **From the University’s and/or AACCS’s perspectives,** should it be a violation of its a code of ethics for a professor and society leader to write and publish romance novels, as an avocation, that contain erotic and racially derogatory and stereotyping content?

**RESPONSE:**

- We do not know from this case study of the existence, or content, of any University or society conduct policies. However, based on the title and content of the book and what transpired between Professor Little and her student, Professor Little completely lacked understanding of, or ignored, a faculty member’s responsibility for maintaining a relationship of trust with students and associated acceptable behavior—particularly, but not exclusively, when a faculty member is in an evaluative or mentoring role with a student. Also, there was no evidence of the University or society providing guidance regarding the appropriate boundaries of faculty/student relationships—or any member of the academic community’s responsibilities regarding sexual and racial harassment. Academic communities bring together people in a range of roles, stages of career, influence, and experiences in the field and society-at-large. What is “obviously” unprofessional behavior or a breach of academic and community responsibility to some may not be understood as such by all. That—or Dr. Little’s belief that she “earned” the privilege to ignore standards that apply to less “productive” faculty—is borne out by the facts of this case. Despite Michael’s understandable discomfort and reluctance, as a student and a Black man, the professor continued to pressure him to read and discuss a novel she authored, unrelated to any of the academic work they are doing, and that had a racist and sexualized title and content. Sexually provocative and racist conversations and treatment have no role in professional and learning settings (where unrelated to the substance of the work)—and certainly have no role in a faculty or other evaluator/mentor-student relationship. Moreover, the ethical problems of the situation were exacerbated by racial and positional power dynamics between Dr. Little and Michael. The power differential between them was extreme given her status as a White woman and in her leadership role at both the University and AACCS, her role as the student’s advisor, and her influence over his career.
- It is certainly appropriate for a faculty advisor to invite a student, even an advisee, to lunch. Here, however, the suggested lunch location was isolated and understood by the community to be a place with romantic overtones. Professor Little’s offer to bring alcohol (with its known potential to reduce inhibitions and

negatively impact boundaries of professional behavior), as well as the suggestion that they discuss at lunch the racist and sexualized book, served to turn what might have been an acceptable invitation into a proposition that constituted sexual and racial harassment.

- It is unclear what, if any, policy the University or society had regarding faculty's private work (whenever undertaken, as faculty typically are not subject to strict "work hours"). Professor Little should be allowed to pursue an avocation without violating conduct codes—provided that the avocation does not adversely affect her ability to fulfill her roles and responsibilities as a faculty member and student advisor. Those duties should include creating a welcoming learning environment for all students and maintaining relationships of integrity and trust with students, free of sexual and racial harassment. Generally, faculty have more freedom in their private lives to engage in activities and express opinions publicly that are at odds with the positions of their university or society, than department chairs, society leaders, and other administrators have in their private lives. (That is because leaders and administrators' job duties include responsibility for leading implementation of university and society mission and policies.) Here the faculty member was a society leader, which elevates her responsibility. And, in any event, a faculty member must not violate their relationship of trust with students, particularly those with whom they regularly engage, supervise or mentor.

This case might have posed a difficult question about whether the professor could carry out her responsibilities to students at the University and AACSB while publishing books with racist sexualized content in her private life. A pseudonym may have weighed in favor of Dr. Little's freedom in her private life had it effectively masked her identity. However, she both displayed a racist and sexualized book, with an explicit cover, unrelated to her University work in the workplace (which amounted to racial and sexual harassment and should violate policy in any event) **and** she failed to maintain her anonymity and to keep such work separate from her responsibilities and roles as a faculty member and society leader. No one -- particularly those in direct subordinate positions or positions of lesser power -- should be exposed to such content in a work or learning environment when it is unnecessary to the University or society program, let alone be made to feel compelled to purchase, read, or comment on it.

### ***First Amendment Considerations***

Private entities, such as the society, are not subject to the First Amendment of the U.S. Constitution (although some states have laws that apply similar principles on public and private entities). Public universities are subject to the First Amendment. As employees of a public university, faculty do not give up all of their First Amendment speech rights. However, the Supreme Court has held that public employers can significantly regulate employee speech (at work and even outside the workplace) to get the business of the public employer done. This is in stark contrast to the much greater restrictions on the government's regulation of the general public's speech rights.

There is a balancing test for public employee speech on matters of "public concern," such as certain political speech. But even then, the First Amendment has been interpreted to recognize that employee speech cannot be allowed to overburden the public entity's ability to accomplish its business. A public employee's job duties and whom they must work with and be trusted by are considered in the balance. Regulation that is reasonable for faculty speech on matters of public concern under the First Amendment is influenced by the education policies of academic freedom and responsibility (which complement but are distinct from First Amendment rights and apply to both public and private universities).

In this case, there was no academic freedom interest and—because the faculty member made known her private-life speech (whether or not her books are "matters of public concern") in a way that caused sexual and racial harassment—the adverse impact on the faculty member's ability to fulfill her duties to students she directly supervises and mentors was substantial. Consequently, it is unlikely that any First Amendment—or academic freedom—interest would be legitimately recognized.

#### **ACTIONS TO PREVENT OR REMEDY:**

- It should be clear to anyone, that a faculty member's sexual advances, and providing racist sexualized content to a student she supervises and mentors, unrelated to University work, are unethical and breach the academic responsibility of professors. The case demonstrates the need for effective policy, regardless of what "should be clear." Policies and associated conduct norms should be tied to *specific* aims of inclusion, diversity, ethical conduct, and excellence—backed by a range of real-world examples of behavior that is expected, inclusionary and ethical vs. harmful, exclusionary and, therefore, unprofessional and unethical. To be effective, the examples should be developed with input by people of many identities and stages of career to help individuals (particularly those in the dominant roles) to "walk in others' shoes" and elevate understanding of why the conduct is unethical and harmful. Clear definitions of key terms (with examples) are also important to create clear boundaries.
- Offering **specific examples of "Dos and Don'ts"** will make expectations more concrete, understandable and easier to practice for people, in all roles, including by addressing: boundaries between acceptable promotion of research and faculty work, versus requirements to be sensitive to the potential impact of non-university and avocational activities on university duties and to take appropriate precautions (e.g., in this case, maintaining anonymity and keeping the books out of the workplace); expectations for socializing between faculty and students in all settings; and specific ground rules for faculty/student relationships. It may be useful, given the inherent power differential and potential for misunderstandings and abuse, to **prohibit romantic relationships between faculty and students**. At a minimum, relationships between a faculty member and those students for whom the faculty member is in an evaluative, supervisory, mentoring, or similar role should be prohibited. Some institutions require a faculty member (or other employee) to disclose the intent to initiate such a relationship to a designated authority, to enable

protective measures for the student. If anyone needs to make an adjustment (including a change in work), good policies place the burden on the faculty member, not the student.

- Guidance, and perhaps even **bright line rules** allowing alcohol only at registered university or society events (with proper protocols) and prohibiting faculty and staff otherwise providing alcohol to students or serving alcohol in any setting where they are present may be the preferred route. This may be particularly important in connection with serving alcohol to those in a subordinate relationship due to alcohol's potential impact on behavior, exacerbating the harmful effects on these students of the power imbalance.
- **Inclusive conduct norms and expectations must be socialized** known, owned, shared, and accessible. Simply having policies available (which is not even clear in this case) makes knowledge and ownership extremely unlikely. While robust policies are needed to assure authority to enforce them, highlights (with links to full policies) should be shared in accessible formats such as summaries of key elements, and of specific aims and expectations and included in student, staff, faculty, trainee (e.g., post-doc and resident) handbooks; made part of each group's orientation; and can be practiced through role-play using case studies. **This is not a "one and done" endeavor.** Members of the community need to be introduced, reintroduced, and provided multiple opportunities to engage with conduct policy and explore their real-world application.

#### REVIEW:

- [Section 4 Elements](#) to learn more about effective practices to elevate and infuse equity principles
- Visit the **Consortium LinkedIn Platform (CLIP)** -- A members-only space for collaboration and thought-partnership for members of the Societies Consortium
- Societies Consortium Roadmap Towards Excellence and Integrity in STEMM (**Roadmap**)/Stage 1 -- "First Steps: Starting Somewhere" (access **Roadmap** from Consortium's **Homepage**/Latest News/May 28, 2020 entry), including Ethics/Conduct Short Form Policies/Dos and Don'ts ((click on documents linkd in gray box to access)
- Societies Consortium 5-Step Slide Guide (**5-Step Guide**), with more detailed guidance on first steps to creating and socializing basic inclusive conduct expectations (access **5-Step Guide** through **Roadmap**/Stage 1 (click on **5-Slide Guide** link in gray box))
- **Societies Consortium Model Ethics/Conduct-Harassment Policy** (access under **Library**/Model Policies, or through **Roadmap**/Stage 2: "Choose Your Adventure: Policy Development"/Meetings & Conduct Ethics Policies (click on link to documents in gray box))
- Societies Consortium Model Glossary of Terms (**Model Glossary**) (access under **Library**/Model policies)

#### ANALYSIS, Part 2 -- The picnic:

*Upon receiving this email, Michael became concerned and talked to Dr. Charles, an untenured, female identifying, computer science professor. Michael told Dr. Charles that he felt he was being pressured him into a relationship, and that he believed Dr. Little had targeted him because he is a Black man. He did not want to be put in a position where he had to offend his advisor by rejecting her advances. He was hoping that, as a fellow faculty member, Dr. Charles could explain to Dr. Little that her picnic invitation was inappropriate and that she was making students uncomfortable by asking them to discuss her novels. Professor Charles considered speaking with Dr. Little, but was fearful of rocking the boat. She was going to be a co-principal investigator with Professor Little on the innovation grant which would solidify Dr. Charles' opportunity to earn tenure. Instead, she reported Michael's concerns to the chair of the department. The chair was also reluctant to confront Dr. Little because Dr. Little recruits many female candidates which had significantly raised the stature of the department as an*

*excellent place for female, computer science majors. His wife was also close friends with Dr. Little. Nevertheless, the chair told Professor Charles that he would “take care of the situation.” He asked Professor Charles not to tell anyone else about the accusations. Professor Charles agreed, but she did let Michael know that the situation would be taken care of. The chair then visited Professor Little’s office and told her that, “Some people feel uncomfortable about the type of novels you write. You should try not to bring your hobby to work.” The chair also affirmed that everyone in the department was very excited about the innovation grant and that Dr. Little was highly valued by the University.*

*Having still not gotten a response from Michael, Professor Little stopped him after class and said, “Did you get my email about having lunch?” Michael, assuming the chair had spoken to Professor Little, agreed to meet for the picnic but suggested an alternate location in a more public space. They met there later in the week. Dr. Little brought a picnic basket and poured them both wine that she had packed. They discussed a research project, but eventually, Dr. Little asked Michael about her novel, particularly if there were any scenes in the book that he enjoyed. She had moved closer to Michael and attempted to kiss him. Michael was anxious not to offend Dr. Little but moved away saying, “You’re a very attractive woman, but I don’t think a relationship with my faculty advisor is a good idea.” Dr. Little moved closer again saying, “It will be our little secret,” and she reached for his crotch. Michael quickly excused himself saying he was sorry but he had a class to attend.*

4. **From Michael’s, the University’s and AACSB’ perspectives,** did Michael experience sexual and racial harassment?
5. **From Michael’s, the University’s and AACSB’ perspectives,** was Michael in a position to object to Dr. Little’s advances?
6. **Given Michael’s position as an early career professional,** how could the behavior he encountered impact his career trajectories? What special concerns and challenges arise when implementing policies in incidents involving early career professionals and such professionals of color?

**RESPONSE:**

- Michael clearly experienced sexual and racial harassment. He made many attempts to convey his discomfort with Professor Little’s advances and took steps to protect himself. These included avoiding a discussion of her novel; avoiding her invitation to lunch; reaching out for help to another professor; only later accepting the invitation after he talked with an ally who promised that the situation had been handled; suggesting an alternate, more public space for lunch with Dr. Little; and politely declining her sexual advances. These were all difficult steps given the racial and positional power differential involved and Michael’s dependence on Dr. Little as his advisor and her control over his recommendation, major influence on the department’s research agenda, and ultimate impact on his career. Despite Michael’s and Dr. Charles’ respective requests to senior allies for assistance, Michael was the only one to suggest to Dr. Little that a relationship was inappropriate, but he was in the least powerful position to stop her. Not surprisingly, despite his efforts, Michael found himself in a position where he was asked to discuss racist sexualized content, unrelated to his academic program and work, with his faculty advisor and to fend off sexual advances. Ultimately, Michael felt compelled to seek a new advisor and face the possibility of negative consequences.
- The difficulty Michael faced was exacerbated by the failure of more senior members of the University community to fulfill their duty to confront Dr. Little and prevent her abusive actions, leaving Michael very much on his own. Dr. Charles was understandably reluctant to confront Dr. Little due to the power dynamics

of their own professional relationship. She appropriately sought to engage the chair, who *was* in a position to protect Michael. But the chair’s informal and light-touch conversation with Dr. Little was wholly inadequate to address the situation. The chair used vague, conciliatory language, failed to set out clear expectations for Dr. Little going forward (beyond a suggestion that she not bring her “private” hobby to work), and failed to make clear the adverse consequences to Dr. Little if she did not comply. The chair did not address the full extent of her unprofessional behavior—constituting sexual and racial harassment—when she pressured Michael to read her romance novel with its racist title and content, suggested a romantic picnic, or otherwise suggested that they engage in a relationship. Even before the lunch, Dr. Little’s conduct should have constituted a breach of conduct requirements and warranted a serious response.

- Also, while the chair’s avoidance in confronting Dr. Little’s unacceptable behavior may have had short-term benefits – it allowed the University to retain the benefits of Dr. Little’s innovation grant – in the long term, it is likely to damage the University’s reputation and its program. With or without clear policies, current members of the community, and future applicants, are likely ( not unreasonably) to have the impression that the chair will tolerate sexual and racial harassment by star faculty, which contributes to a hostile climate in the department for those of less powerful positions and identities. Talented people may disengage from the department, decide not to apply, or leave the field all together – all of which result in inequity for individuals and diminished excellence and integrity of the program and field.

**ACTIONS TO PREVENT OR REMEDY:**

- **Courageous and consistent leadership action – backed by clearly articulated policies that reflect mission and aims of integrity and inclusion for excellence – can have a significant positive impact.** Such action includes **consistently** establishing funding priorities and making honors, research support, and hiring decisions under an overall policy that defines excellence and integrity as an inextricable combination of high-quality work and ethical, inclusive, and equitable conduct (with specific examples). Courageous leadership also entails role modeling expected conduct—especially in difficult situations. Such policy-backed action is important if the aim is to create a welcoming climate where all talent can thrive.
- Broad community understanding and ownership of such policies and leaders’ **consistent application** of the policies to everyone—regardless of position—are critical. One-off actions that advance short-term benefits and favor power over core principles of integrity and excellence (as occurred in this case) can create long-term harm to people, a program, an entity, and a field. Early-career professionals are often uncertain about the conduct norms that an institution or society expects. They may understandably assume that behavior that occurs—particularly behavior of faculty and society leaders—even when in violation of express society aims or policies, is, in fact, accepted as the norm (at least for those in power). The perception (by people in the full range of roles in a community) that the rules don’t apply to everyone is exacerbated when the perpetrator is a “star” member of the community and leaders fail to effectively respond to their misconduct.
- Encouraging courageous leadership and community ownership of ethical and inclusive policies may require ongoing orientation and training to build and reinforce understanding of conduct expectations, the rationales behind them, and empathy for those in vulnerable positions (the ability to walk in others’ shoes). To do so, consider engaging case studies in small group discussions, providing safe means (anonymized, if desired) for those who are harmed and willing to tell their stories, providing specific examples of positive/expected and harmful/prohibited conduct, and elevating research regarding the negative impact of harassment and bias.
- **Special considerations concerning impact on early career professionals, including that:**
  - Students and early career professionals are highly dependent on the good will of professors, advisors, and mentors as they seek to advance in academics and careers.

- Accessing limited, competitive research opportunities are necessary to succeed, and are often largely controlled by one professor who can enhance or derail a student’s or early career professional’s prospects.
- While the limited number of opportunities speaks to the importance of faculty, post-doc, resident, and student mentorship and sponsorship, it also creates significant potential for abuse of power and requires high ethical standards, including clear boundaries between professional and personal and degrees of influence. Leaders or “stars” can have an outsized impact—positive or negative..
- **Input by people of many identities and stages of career in policy development and identification of harmful conduct is important.** It is critical for members of dominant groups to listen to, learn from, serve the needs of, and include in leadership roles, students and early career professionals, especially women, members of the LGBTQ+ community, and people of color. Without the voices of those who are harmed, the causes of harm can’t be identified, let alone prevented or addressed.
- **Mentoring and funding strategies that diminish the outside influence and power of any one faculty member can minimize opportunities for abusive conduct.** Consider providing committee-based mentoring and advising (rather than solo mentors) and a centralized fund for research experiences and training also administered by a committee.
- **Provide easily accessible support services focused on gender and racial equity and options for raising concerns (e.g., anonymously, with confidential ombudspersons or advisors, with allies).** Highlighting such resources and options in orientation and informational materials and in prominent places on campus and at society activities can help those in vulnerable positions when they experience harmful behavior and demonstrates a commitment to inclusion, equity, and wellbeing for everyone.
- **It is also important for institutions and societies to equip students and early career professionals with know-how on taking self-protective actions in the moment**—without diminishing the responsibility of institutions, societies and everyone in their communities to prevent and respond well to harassment, including by adopting and consistently implementing policies, elevating understanding, and holding everyone accountable. Michael did an admirable job of trying to protect himself in this case, though it is unclear whether he had been guided by the University or AACSB on how. Due to the dereliction of duty by leaders, Michael’s actions didn’t suffice—but would have if the right policies and leaders were in place

#### REVIEW:

- **Societies Consortium Fourth Annual Members Convening/Panel discussion -- Transformative Leadership: Centering Ethics, Equity, Diversity, and Inclusion in a STEMM Society’s Mission, Vision, Goals, and Actions for Excellence and Integrity in the Fields** (access through **Library/Societies Consortium Guiding Documents/Societies Consortium Annual All Member Convening Documents/4<sup>th</sup> Annual All Member Convening** Sept. 20-21, 2022)
- **Societies Consortium 3/24/22 Hot Topic Webinar:** Engaging student and early career members in society leadership (access under **Library/Practical Implementation Tools**)
- **[Section 4 Elements](#)** to learn more about effective practices for communicating policies and expected norms
- **Roadmap/Stage 1/Communicate inclusive conduct expectations**
- Societies Consortium Compendium of Existing Resources (**Compendium**) (access **Compendium** under Consortium’s **Library/Practical Implementation Tools**)/Understanding the Compendium/click on to access: Sexual Harassment of Women, Climate, Culture, and Consequences in Academic Sciences, Engineering and Medicine (**NASEM June 2018 Report**)
- **Compendium/Mentoring, including National Academies of Science, Engineering and Medicine (NASEM), The Science of Effective Mentorship in STEMM**
- **[Section 6. National Support Resources](#)**



**7. Did the University have well-understood and adequate reporting policies? Were Michael’s attempts to “report” what was happening to him effective?**

**RESPONSE:**

- It is unclear whether the University had developed or made easily accessible policies and procedures for reporting conduct concerns—but that appears unlikely. Each target of harassment has their own needs that must be ascertained and met as much as possible. Michael may have hoped that by relying on informally raising his concerns, he could avoid embarrassing or offending Dr. Little. His greatest need may have been to be assured that her unacceptable behavior would be stopped. He may not have wanted to pursue a formal process with a “finding of responsibility” for a policy violation. He may have wanted to be able to seek another advisor, without risking Dr. Little’s ire, or even to enable her to re-establish her relationship with him as her advisee within healthy boundaries. These could be appropriate goals—if they were authentically Michael’s and he was not coerced. Due to the Chair’s and University’s failures, however, any such goals could not be realized.
- While Michael did not “formally” report the incident, this should not be necessary to cause the University to take steps to protect him, as well as other members of the community. Michael sought out an ally, Professor Charles, who further reported the problem to the department chair, who was clearly in a position to take action on behalf of the University. That no one took sufficient action to protect Michael – and potentially other students – demonstrates a failure of the University to have clear conduct policies and response procedures—or to apply them consistently to “star” members of the community. (It also is a violation of Title IX for a University that receives federal funding.) This in turn sends the message that sexual and racial harassment is tolerated, at least when the perpetrator is a “star.” That such a perception exists is further reinforced by the decision of other students not to come forward with their own accounts of unwanted sexual advances by Dr. Little. As discussed above, this perception is reasonable in the circumstances and is likely to both encourage bad behavior and result in some talent disengaging from the department, deciding not to apply, or leaving the field all together – all of which result in the diminished excellence of the program and field.

**ACTIONS TO PREVENT OR REMEDY**

- As this case demonstrates, it is essential to establish a range of well-known **and** safe reporting and resolution options (anonymous, informal, and formal) and to provide for confidential guidance (e.g., by an ombudsperson) on the pros and cons of each option so that targets can make decisions that are best for them. Training people who can serve as allies (including both peers and faculty members) would support efforts to encourage **effective** reporting – early in the process – that can prevent an escalation of the problem and lead to change. Effective reporting policies must also prohibit retaliation—and that prohibition must be consistently applied.
- **In addition to reporting options, it is critical to change any reality and perception (whether or not the perception is accurate) that a society or institution tolerates harassment or won’t enforce policies when leaders or distinguished researchers are the perpetrators.** The benefits for targets of reporting must outweigh the perceived risks, considering the experience of people in a range of roles with the existing power structure. Creating accurate and positive perceptions requires an institution or society to adopt and consistently apply adequate conduct policies and norms against all members of its community, as well as reporting back to its community about the kinds and frequency of misconduct and the kinds of response (without specific details to protect privacy). Doing so helps the community internalize that prohibitions against unprofessional and unethical conduct are seriously enforced against everyone. With that

confidence, people, are more likely to report concerns which may, in turn, prevent problematic conduct from escalating into more troubling behavior.

**REVIEW:**

- [Section 4 Elements](#) to learn more about effective practices for communicating policies **and** reporting options
- **Roadmap/Stage 1** Communicate inclusive conduct expectations **and** reporting options
- **5-Step Guide**, with more detailed guidance on first steps to creating and socializing basic inclusive conduct expectations **and** reporting options
- **Compendium/Ombuds Programs**
- **Compendium/National Academies June 2018 Report**), Chapter 6, Ombuds Offices
- **Compendium/Training A. Advocate & Ally Training**
- **Societies Consortium Model Reporting Out Template** -- Reporting Out on Conduct Concerns and accompanying Design Guide (access under **Library/Practical Implementation Tools**)

**ANALYSIS, Part 3 – The fallout from the incident:**

*Michael again went to Professor Charles for assistance with what had become a very difficult situation. Upon realizing that the chair did not “take care of the situation” as promised, Professor Charles went to the college president and relayed Michael’s account of the picnic. She also encouraged Michael to file a Title IX complaint, a race based equal opportunity complaint, and to share his story publicly in the school newspaper. Michael took her advice, but wrote the newspaper story anonymously and without mentioning the gender of the parties involved. He wanted to protect himself, and he also feared that others would not accept that a male student was the subject of sexual harassment by a female professor.*

*With the story going public, the school initiated an investigation limited to sexual harassment. After many stalled efforts, the University determined who was involved and also learned of rumors that other male students had been subject to unwanted sexual attention from Dr. Little. It resolved the investigation, however, with an inconclusive finding due to the fact that there were differing accounts of what had happened between Michael and Dr. Little. There were no witnesses to the events. Professor Little denied pressuring Michael to read or discuss her novel, though she acknowledged that she offered Michael the copy on her desk, but only if he was interested. She acknowledged that she was interested in a relationship with her advisee, but that he misconstrued any pressure on her part. Dr. Little adamantly denied making sexual advances. Other students were unwilling to come forward with their stories. The racist title and content of the book were not addressed by the University.*

*It took 18 months for the University to complete its investigation, during which time Dr. little was permitted to continue all of her University work. Despite its inconclusive finding, given the controversy the allegations caused on campus, and the bad judgement demonstrated in pursuing a student, Professor Little was asked to consider resigning. She agreed and immediately secured a position at another institution. Professor Little was still able to conduct most of the work under the innovation grant during the time the University took to conduct the investigation. However, Professor Charles was told that since she was hesitant about Professor Little’s ability to conduct herself acceptably in her faculty role, Dr. Charles would be removed as a co-principal investigator from the grant, to ensure that she felt safe and comfortable at work. Michael felt compelled to seek out a new advisor.*



8. **From Dr. Little’s, the University’s and AACCS’ perspectives, did policies and conduct codes help them determine if a student, faculty or society member was acting at odds with the institutions’ respective policies and aims?**
9. **From the perspectives of students, faculty, AACCS, and the field, how well did the University respond to the incident once it was made known to them. Was their response likely to prevent recurrence?**

**RESPONSE:**

- We do not know the content or aims, of the University’s or AACCS’ conduct policies, if any. We do not know if there was a policy against romantic relationships between faculty and students (or even between faculty in evaluative or mentoring roles with a student). That the University undertook an investigation would indicate that allegations made by Michael regarding Dr. Little’s groping and unwanted sexual advances, if proven, were recognized as a violation of Title IX, even if no institutional conduct policy was in place. (The department chair’s inadequate response, including failure to notify the Title IX coordinator who could have advised Michael of his options, immediately upon hearing of Michael’s concerns from Professor Charles, and the chair’s instructing Professor Charles not to notify anyone else (which would include the Title IX coordinator), also are likely violations.) The failure of the University to investigate and address the racial harassment, where facts evidencing that harassment were undisputed (in the title of the book exposed on Dr. Little’s desk and given to Michael) is a violation of Title VI (prohibiting racial discrimination by recipients of federal funding). In any event, meeting baseline legal requirements is not enough if the goal is to create an ethical, inclusive and equitable climate where all talent can thrive. Some of the conduct that would violate any good policy was undisputed (see below), and should have enabled the University to make a finding. Moreover, without an ultimate finding under its Title IX investigation and in light of the reluctance of other students to come forward with allegations, as well as the complete lack of attention to the racial harassment, it is unlikely that the University’s eventual investigation, begun under pressure of publicity, would prevent future incidents by other powerful faculty.
- It is unclear whether the University had a policy against faculty-student romantic relationships (or at least when the faculty member is in an evaluative or mentoring role with a student). It appears from the lack of findings in the investigation, however, that any policy failed to make clear that power differentials can make “consent” impossible—even when a faculty member does not overtly pressure a student (with consent even less possible when the faculty member advises or supervises the student). In light of Dr. Little’s evaluative and mentoring role for Michael, his allegation that Dr. Little pressured him would be credible under any good policy, based on Dr. Little’s own admission (not of “pressuring” Michael, per se, but of wanting a romantic relationship with him and giving her sexualized book to him to review even “just if he was interested”). Here, the University deemed Dr. Little to have merely exercised “bad judgment”—indicating that any policy was inadequate both as a deterrent and as a foundation for taking action to resolve abusive situations. Merely suggesting that a faculty member resign is unacceptable—some faculty members would ignore such a suggestion. In this case, Dr. Little agreed to leave but was allowed to complete her research on the innovation grant first and then went on to another institution where she could continue her harmful behavior.
- The result of the lengthy (though limited and ineffectual) investigation arguably did more harm than good. It resulted in harm to Dr. Charles who was removed from her co-principal investigator role on the innovation grant—which could be determined to be illegal and highly inappropriate retaliation against Dr. Charles for trying to address Dr. Little’s harassment of Michael. It failed to address Michael’s needs and adversely affected his prospects for a strong recommendation from an influential advisor. In this highly publicized situation, Dr. Little’s ability to complete her research without consequences before leaving for

another position communicated a harmful message to the everyone involved, as well as the entire community, that “stars” will be protected, and targets of misconduct will suffer the consequences.

**ACTIONS TO PREVENT OR REMEDY:**

- Policy standards, guidance, training, and enforcement that **satisfy, but exceed, bare legal requirements** are necessary to create professional, ethical, inclusive, and equitable conduct, climate, and culture.
- Such standards are also essential where an institution wants to investigate and have the ability to impose consequences on conduct, whether or not it violates existing law, if it violates the institution’s aims and associated norms and expectations for ethical and inclusive conduct. To do so, **at a minimum the institution must have: well understood aims and conduct expectations; some degree of process (even if informal) with identified decision makers; and authority (from the governing board) to impose consequences that can be taken in response to a violation of specific conduct expectations.**
- **Another benefit of such standards is that they may provide for interim safety and non-disruption measures.** The title and cover image on Dr. Little’s book, which was visible on her desk and which she admits she offered to Michael, is evidence of facial racial and sexual harassment in a workplace and learning setting. Also, there were serious allegations of unwanted sexual advances and longstanding broad (though unsubstantiated) rumors of similar issues involving other students. In this case, an interim safety and non-disruption measure (e.g., putting Dr. Little on leave) would have been appropriate to assure protection of Michael and other students, as well as Professor Charles, while fact-finding proceeded, without prejudging the outcome. That might also have encouraged other students to come forward. However, a policy is needed to authorize those measures.
- An effective interim measures policy and process identifies the institution’s goals and priorities to treat everyone ethically—while disrupting longstanding barriers and creating an inclusive climate. Such a policy articulates the latter interest as benefiting many and the field and, therefore, being weighed more heavily than any individual’s interest when the two must be balanced. The policy makes clear that interim measures do not reflect a prejudgment about anyone; all judgments are made only after fact-finding is completed and the involved parties have an opportunity to be heard. However, interim measures are imposed prophylactically, when there is a “credible question” about a violation, to advance an inclusive climate, safety and non-disruption. (And the accused and target are provided an opportunity to be heard on the interim measures before they are imposed, if feasible, or as soon as possible after.) The policy clearly defines “credible questions” of violations to include reasonable indications of a violation of a policy or law, such as undisputed reported facts or facts that, if proven, would constitute a violation. Broad and persistent rumors (not just a stray rumor) of a violation may bolster a credible question. .
- The University could learn from this incident and develop the needed policies, conduct norms, reporting options, and associated ongoing orientation and guidance; take strong actions to socialize the policies and conduct norms across all segments of the community (with relatable examples of conduct that is inclusive and expected, as well as conduct that is harmful and prohibited, to make the policies and norms real); and demonstrate through consistent action and anonymized reports to the community that **all** members of the community will be held accountable for violations.
- Despite Dr. Little’s resignation, more actions may be needed to repair the specific harms experienced by Michael, Dr. Charles, and the entire community, all of whom were left with the perception that targets of harassment, and those that raise concerns, do so at their own peril, while perpetrators, particularly “star” faculty, will be protected.
- **Community building can be an important tool to stem the harm caused not only to individuals but to the larger community.** Community building does not require a formal investigation or a formal “finding of responsibility” for a violation. It entails facilitated conversations or other processes, in which affected

parties agree to participate without coercion, and through which an accused reaches a better understanding, and owns the nature and impact, of conduct that one or more people have experienced as harmful, as well as alternative ways to engage that would avoid that harm. Community building results in actions that stop harmful conduct, secure reliable assurance that such conduct will not recur (sometimes with an agreement to a monitoring process and restrictions on activities), restore confidence by the organization, the target, and others affected that the harm has been resolved and safety restored, and can help to repair professional relationships. Community building can also be useful in situations like the one in this case study where Dr. Little resigned and was not available to participate. Community building recognizes that in some circumstances, even with an investigation, concerns may persist or may not be fully resolved. The focus turns from formal findings of responsibility for violations to building inclusive and equitable community values and conduct norms.

- If the University had appropriate policies and practices in place, an investigation would have timely proceeded and addressed both racial and sexual harassment, providing a greater likelihood of reaching a determination (which did not occur). And the University would have better supported the needs of Michael and Dr. Charles. The University could have arranged a different, capable and ethical mentor for Michael so he could continue his work in the computer science department with an opportunity earn favorable recommendations.
- Alternatively, potentially even early in the events of this case, the parties involved might have agreed to a community building process, with Professor Little coming to understand and own the harm she caused; learning how to fulfill her duties as a faculty member in trusting relationships with students and committing not to repeat the harmful conduct; agreeing to supervision, monitoring and student check-ins by a faculty member of suitable stature and ethics to protect students while Dr. Little demonstrated the needed lessons learned; agreeing to another professor of suitable stature co-mentoring Michael to restore his opportunity to earn a favorable recommendation (and co-mentoring any other mentees); and enabling Dr. Charles to continue in a co-principal investigator role on the grant.
- See 11 and 12 below as well.

**REVIEW:**

- **Societies Consortium Model Investigations, Resolutions and Consequences Policy Guide**, particularly Part G.3.IB.b, which includes detailed requirements and specific policy language for taking effective and ethical interim safety measures (access under **Library/Model Policies**, or **Roadmap/Stage 2/Investigation/Resolution Resources** )
- **Model Glossary/Credible question** (of professional and ethical conduct) – which includes both a definition of “credible,” and factors to consider to determine if a credible question exists.
- **Societies Consortium First Annual Members Convening/Important Characteristics of Community and Restorative Actions** (access under **Library/Societies Consortium Guiding Documents/Societies Consortium Annual All Member Convening Documents/1<sup>st</sup> Annual All Member Convening Sept. 16,2019**)
- **Model Glossary/Restorative Actions**
- **Compendium/Community Building and Restorative Action Resources and Initiative**



**10. From the University’s and AACSB’s perspective, if no one is formally reporting concerns about their experiences, can they assume nothing problematic is occurring? How could the University and AACSB assess experiences without relying on reporting alone?**

**RESPONSE:**

- **A lack of reports does not support a university or society board’s or leadership’s conclusion of a lack of problems.** As in this case, lack of reporting can be due to unavailability or inaccessibility of reporting

options or fears of retaliation or more subtle, though damaging, harm to one’s career trajectory. Such fears are exacerbated by a perception (reasonable in this case) that reports will not result in serious action to protect the target. These inadequacies in policy and practice often result in the decision not to report because reporting is not worth the associated risks to career and relationships.

**ACTIONS TO RESPOND OR REMEDY:**

- **Permitting anonymous reporting, providing confidential advisors to guide targets and witnesses on the pros and cons of various reporting and resolution options, and conducting climate and experience surveys of members and meeting participants can be effective** ways for boards to elevate understanding among themselves, society leaders, and members about the actual occurrence of, and harm caused by, exclusionary, unprofessional, and inequitable conduct.
- But encouraging, and implementing effective, reporting by and on behalf of targets is not enough. **Each report should have a response, although the kind of response will depend on the university’s or society’s policies and scope of authority, as well as the availability of information.** If a university or society has a good process, takes effective action, and issues anonymized reports back to its community about the general kinds and frequency of misconduct and the general kinds of response, the community may internalize that prohibitions against unprofessional and unethical conduct are seriously enforced. With that confidence, reports are more likely.

**REVIEW:**

- **Compendium/Data & Self-Assessment** resources;
- **Compendium/Surveys**
- **Societies Consortium Model Reporting Out Template** -- Reporting Out on Conduct Concerns and accompanying Design Guide
- **Societies Consortium 1/28/21 Hot topic Webinar:** Data rich self-assessment processes as context for prioritizing equity and inclusion (access under **Library/Practical Implementation Tools**)

**ANALYSIS, Part 4 -- AACS Response:**

*AACS heard through the grapevine that an investigation had been initiated once the incident was shared in the school newspaper. The President of the society met with the full board, including Professor Little, and discussed what should be done to address the allegations against their fellow board member. Professor Little explained that she was innocent and should not have any action taken against her. The racial harassment was not addressed. In an effort to allow the investigation to proceed without further complications, the board allowed her to remain in her position pending the outcome.*

*After the investigation was completed and she resigned from her home institution, the board, without Professor Little’s input, decided to remove her from the society. They told Dr. Little that even though she was not found responsible for any misconduct, they were concerned about the allegations and the impact on AACS of the public nature of the allegations against a board member of the organization. They notified the membership by placing a notice on the members only website that said “We thank Dr. Little for her outstanding service to AACS. At this time, Dr. Little will no longer be a member of AACS.” They declined all requests for comment about why she no longer served as a member of the organization.*

**11. From AACCS’ perspective, did its policies and conduct codes help it determine if a student, faculty or society member was acting at odds with the society’s policies and aims?**

**12. From the perspectives of students, faculty, AACCS, and the field, how well did AACCS respond to the incident once it was made known to them. Was its process fair and equitable? Is it likely to prevent recurrence?**

**RESPONSE:**

- The case study does not provide information regarding AACCS’s mission, its conduct policies and resolution processes, or its expected conduct norms—if any. The elements, and importance of having, effective policies are discussed in the Analysis for Pause & Process Questions 1-3 (general) and 8 and 9 (interim measures and community building), above, as relates to the University. These analyses apply to AACCS as well. As a private society, however, AACCS’ policies and processes should provide “fundamental fairness” but need not satisfy legal “due process” as a public institution must. Policies that treat all involved parties ethically require satisfaction of additional considerations, though.
- Even if policies existed to authorize its actions, there is a number of concerns about AACCS’ actions in this case—from the perspectives of fairness and ethics.
  - AACCS called on its entire board to make decisions pertaining to concerns about Professor Little’s conduct and how the concerns would be resolved—raising questions of whether the confidentiality and integrity of the fact-finding and resolution processes could be protected and eliminating the entire board as a potential appeal-deciding authority.
  - Allowing Dr. Little to be heard is appropriate. However, the board allowed Dr. Little to attend and participate in its initial deliberations, presenting a conflict even if she did not vote on decisions. And the board allowed Dr. Little to maintain her leadership position as a member of the board during the University investigation—on her response alone, without giving Michael an opportunity to be heard.
  - AACCS did not take, and may not even have considered, interim safety and non-disruption measures to advance an inclusive climate for society members and activities during the pendency of the University’s investigation. Considering both Dr. Little’s leadership position and the seriousness of the credible allegations of sexual and racial harassment (which are serious even had there not also been allegations of unwanted sexual contact), a suspension from board service and society activities, pending the outcome of the investigation and any additional process by the society, would have been appropriate and certainly should have been considered. The factors discussed in Actions to Prevent or Remedy for Questions 8 and 9, above, in relation to the University, would also apply to AACCS.
  - AACCS seems to have relied on the University’s investigation, which is fine if it had a policy that allowed such reliance and if the investigation had addressed the racial harassment as well as sexual harassment. However, when the University did not make a finding of responsibility against Dr. Little, AACCS’s board—without any additional factfinding of its own or giving Dr. Little or Michael a post University-investigation opportunity to be heard—imposed a substantial punishment, termination of membership. AACCS may have more latitude than a public institution to take punitive actions based on credible allegations, but it is still important to ensure basic fairness (and avoid credible claims of defamation or other professional harms). With credible allegations and appropriate policies, suspension from board service and activities can be justified as interim measures. But an indefinite termination of membership as a final resolution based on unproven though credible allegations raises a question of fundamental fairness and ethics.

- AACS informed its members publicly that Dr. Little would no longer be a member (an ambiguous statement) and cited Dr. Little’s “outstanding service” to AACS. Dr. Little’s membership was terminated, and if the reason was an unresolved concern about Dr. Little’s conduct—and an unwillingness or inability to engage in a supplementary investigation to try to reach a resolution—AACS created a harmful impression that Dr. Little is an honored member of the society. Due to deficiencies in its process that led to that outcome, it would have been difficult for AACS to publicly state that Dr. Little’s membership was terminated. But AACS compounded the problems with its misleading statement.

**ACTIONS TO PREVENT OR REMEDY:**

- Formal investigations, findings of responsibility, and punitive consequences (at least alone) do not provide the most effective resolution in all (or many) cases. Here, Dr. Little’s membership in AASC was terminated and she resigned from the University. However, she went on to another university; she might challenge the termination, join another society, or still register to attend some of AASC’s meetings. Also, Michael’s and Professor Charles’ needs were not fully met, as their careers and relationships were adversely affected. To effectively minimize the likelihood of continuing harmful conduct, a more effective response might have been to pursue a restorative, community building process, if Dr. Little and Michael and/or Professor Charles were willing, without coercion.
  - Through community building activities (e.g., facilitated discussions with the accused and a target—whether together or separately, depending on their needs and uncoerced consent—and sometimes involving others who are affected), a person who has caused others to experience harm can come to better understand, and own, the nature and harmful impact of their conduct, can learn alternative behaviors that would avoid such harm, can commit to stopping the harmful behavior, and can agree to safeguards to assure that lessons are learned and harmful conduct is not repeated. The target and others affected can regain a sense of inclusion and safety. Relationships can also begin to be repaired.
  - It is possible that Dr. Little would have agreed to a temporary suspension from the society, with monitoring. A restorative process might have the potential to reduce the adverse impacts on Michael and Dr. Charles and enable Dr. Little to eventually demonstrate lessons learned, regain trust, and become a community member in good standing at some point in the future. That could be beneficial for the individuals, organizations, and field.
- To satisfy “fundamental fairness” and ethics in situations where it may be imposing punitive consequences (in addition to or instead of community building), AACS should adopt and make accessible policies that are clear regarding the conduct expectations against which a violation will be determined, the process for making that determination, and the society’s authorized actions in response. ***See also [Section 4 Elements](#)***, for a more complete discussion of the elements of an ethical process.
  - While not necessarily required for private entities if the policy is clear that there is no right to these measures (for some legitimate reason), ethical policies generally include reasonable notice of the allegations and, after that notice, some opportunity for the accused to be heard (e.g., in a conversation or written statement) prior to decision-making and the imposition of any consequences.
  - An ethical policy also addresses fairness to the target, including an opportunity to be heard. A target should not be compelled or coerced to come forward, but if they agree to participate, care is needed to minimize any adverse impact on them. A strictly and consistently enforced, well-known non-retaliation policy is essential. Other safeguards may include, e.g., hearing from the accused and target at separate times and places—with each having the ability to ask follow-up

questions of the other filtered through and asked by the society—or possibly enabling each party to give a written statement and written answers to the other’s follow up questions.

- A society may conduct its own fact finding alone, rely on another institution’s fact finding (as AACCS did here), or rely on both. It may also retain discretion to find that another institution’s fact-finding is insufficient. It is also a good practice, though not a requirement, to have a separate fact-finder and decision-maker. In any event, a society’s policy should make clear how it will address fact-finding and decision-making.
- All board members have a fiduciary duty to conduct a fair process, identify and manage or eliminate conflicts of interest, and maintain appropriate confidentiality. Depending on the size and training of the board, confidentiality for integrity of the process is more challenging when a large body is involved (rather than an ethics or executive committee). Also, while an appeal right may not be required of a private entity if their policy makes clear that an initial decision is final, ethical policy generally provides for appeals on limited grounds (e.g., new evidence, material conflict of interest or breach of process, no evidence to support the original decision). If the full board is the initial decisionmaker, who will decide an appeal? It is good practice (and arguably necessary for fairness) for an appeal to be decided by a body that did not make the original decision.
- Ethical policies authorize interim measures based on credible questions when warranted by safety, non-disruption, or mission-driven interests, before a decision of responsibility is made. Such policies include:
  - a clear definition of “credible questions;”
  - clear statements that action based on “credible” but unproven allegations is not a judgment on any individual—rather the society is weighing most heavily the field’s priority efforts to break down longstanding barriers to inclusion and taking prophylactic action for safety and non-disruption for the community’s benefit and field’s excellence; and
  - an opportunity for the accused and target to be heard prior to or promptly after interim measures are imposed.
- Whether as an interim measure or a final consequence, it is important for policies that provide for revocation of membership to be clear that membership is a privilege, not a right—and that the society retains the discretion to revoke or suspend membership if it determines that a member’s conduct may have a negative impact on the society’s or the field’s mission, reputation, activities, or community. Some explanation of whether there is any process through which a person whose membership is revoked or suspended can reapply for membership and on what conditions is also good policy (but unclear here), although this is not necessarily required of a private society.
- If AACCS had a sufficient policy and followed it, the policy would have been clear that it has discretion to publicly disclose the outcome of an investigation when it determines that would be in the best interests of advancing an ethical, inclusive and equitable community—and, at least, to describe its policies and the actions it typically takes in various types of situations. An effective policy also includes periodic anonymized reporting out to the community on the aggregate types and frequency of, and kinds of responses to, conduct that violates an ethics or conduct policy, without identifying individuals involved.

**ALSO REVIEW:**

- **Model Glossary/Credible question** (of professional and ethical conduct) – which includes both a definition of “credible,” and factors to consider to determine if a credible question exists.

- **Societies Consortium First Annual Members Convening/Important Characteristics of Community and Restorative Actions**
- **Model Glossary/Restorative Actions**
- **Compendium/Community Building and Restorative Action Resources and Initiative**
- **Societies Consortium Model Reporting Out Template -- Reporting Out on Conduct Concerns and accompanying Design Guide**