

**COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY
U.S. HOUSE OF REPRESENTATIVES**

HEARING CHARTER

Combating Sexual Harassment in Science

Wednesday, June 12, 2019
10:00 a.m.
2318 Rayburn House Office Building

PURPOSE

On Wednesday, June 12, 2019, the Committee on Science, Space, and Technology will hold a hearing to assess Federal science agency policies and procedures for addressing sexual harassment involving federally-funded STEM researchers and their trainees. The hearing will also explore lessons learned, enduring challenges, and future opportunities for preventing and mitigating the negative impact of sexual harassment in STEM studies and careers. The Committee will also receive testimony on H.R. 36, the *Combating Sexual Harassment in Science Act*.

WITNESSES

Mr. John Neumann, Managing Director; Science, Technology Assessment, and Analytics; U.S. Government Accountability Office

Paula A. Johnson, MD, MPH, President; Wellesley College

Dr. Jean Morrison, University Provost and Chief Academic Officer, Boston University

Dr. Philip Kass, Vice Provost for Academic Affairs; Professor of Analytic Epidemiology; University of California, Davis

KEY QUESTIONS

- What is the impact of sexual harassment on the recruitment, retention, and advancement of women in STEM studies and careers?
- What policies and procedures do Federal science agencies have in place to prevent and mitigate the impact of sexual harassment involving grant personnel and how might they be improved?
- To what degree do Federal science agencies and universities communicate about and coordinate their approaches to addressing sexual harassment involving grant personnel?
- What improvements could be made to the *Combating Sexual Harassment in Science Act*?

BACKGROUND

Scope of the Problem

The Nation at large is grappling with the impact of sexual harassment on the lives and careers of women. In recent years, high-profile accusations against prominent researchers have significantly increased awareness of the problem of sexual harassment in the scientific workplace. Last year, the National Academies of Sciences, Engineering, and Medicine (hereafter, Academies) issued a consensus report *Sexual Harassment of Women: Climate, Culture, and Consequences in Academic Sciences, Engineering, and Medicine*¹ which examined the scope of the problem, contributing factors unique to the academic setting, and potential solutions.

Sexual harassment can include unwanted sexual attention, sexual coercion, and gender harassment, which involves behavior that “conveys hostility, objectification, exclusion, or second-class status about members of one gender.”²

According to a 2003 study cited by the Academies report, the academic workplace has the second highest rate of sexual harassment compared with the military, private sector, and government, with 58 percent of faculty and staff experiencing sexual harassment. Results from three different surveys reveal that 20-50 percent of students experience sexual harassment. Research presented in the report shows that women of color are more likely to hear sexist remarks and to feel unsafe at work because of their gender than white women, white men, and men of color.

The Academies outlined factors that contribute to the prevalence of sexual harassment in the sciences, including a *perceived tolerance* for inappropriate behavior; the *male-dominated environment*, particularly in positions of authority, in many science programs and departments; *hierarchical power structures* that concentrate power in a single person who has an outsized impact on a subordinate’s future success; a *culture of symbolic compliance with Title IX and Title VII* wherein institutions prioritize implementing policies that adhere to legal requirements rather than seeking to reduce or eliminate sexual harassment; and *uninformed leadership* unwilling to take bold and aggressive measures.

Dr. Paula Johnson, a panelist at the hearing, co-chaired the report and will present the study committee’s findings and recommendations.

Committee Action

Committee action on sexual harassment in the sciences began with October 26, 2017 letters³ from then-Chairman Smith and then-Ranking Member Johnson to Boston University regarding

¹ “Sexual Harassment of Women: Climate, Culture, and Consequences in Academic Sciences, Engineering, and Medicine,” National Academies of Sciences, Engineering, and Medicine, 2018, accessed here: <https://www.nap.edu/catalog/24994/sexual-harassment-of-women-climate-culture-and-consequences-in-academic>

² Ibid.

³ Letters to NSF, NASA, and Boston University regarding Professor harassment allegations, House Committee on Science, Space, and Technology, October 26, 2017, accessed here: <https://science.house.gov/news/letters/letters-to-nsf-nasa-and-boston-university-regarding-professor-harassment-allegations>

Title IX complaints filed against a prominent geology professor, Dr. David Marchant, who allegedly physically and verbally harassed multiple women during field work in Antarctica in the late 1990s.⁴ Dr. Marchant was a recipient of over \$5.4 million in awards from the National Science Foundation (NSF), National Oceanographic and Atmospheric Administration (NOAA), and the National Aeronautics and Space Administration (NASA). At the time of the Committee letter, Dr. Marchant was the Principal Investigator on one NASA grant and four NSF grants, totaling \$1 million. In April 2019, Dr. Marchant was fired from Boston University, following an appeal by Dr. Marchant of the University's November 2017 findings supporting the accusations against him.⁵ In early 2018, the Committee sent several more letters to additional universities and to funding agencies regarding other cases that had been published in the press.

Also in January 2018, in an effort to understand more about how agencies ensure that grant-receiving institutions are complying with Title IX, the Committee requested a GAO analysis of Federal science agencies' policies, resources, and intra- and inter-agency communication regarding reports of sexual harassment among grant recipients.⁶ The report will examine:

- how many investigations of sexual harassment or assault each agency has conducted since 2013 and their outcomes;
- the policies in place at each agency and the degree to which they vary across agencies;
- how agency policies and procedures are communicated to grantee institutions and principal investigators (PIs) as well as students and other researchers supported by Federal grants;
- mechanisms for students or researchers to report sexual harassment directly to a funding agency;
- the resources allocated to addressing sexual harassment and investigating Title IX complaints at each agency;
- policies for agencies to be notified of a finding or allegation of sexual harassment at a grantee institution and processes for communicating such incidents to other funding agencies; and
- recommendations for improvements to current policies and procedures.

The GAO witness, Mr. Neumann, will testify about the preliminary findings of the report, due to be published later this year.

⁴ Meredith Wadman, "Disturbing allegations of sexual harassment in Antarctica leveled at noted scientist," *Science Magazine*, October 6, 2017, accessed here: <https://www.sciencemag.org/news/2017/10/disturbing-allegations-sexual-harassment-antarctica-leveled-noted-scientist>

⁵ Meredith Wadman, "Boston University fires geologist found to have harassed women in Antarctica," *Science Magazine*, April 12, 2019, accessed here: <https://www.sciencemag.org/news/2019/04/boston-university-fires-geologist-who-sexually-harassed-women-antarctica>

⁶ Letter to Comptroller General Dodaro on sexual harassment claims within the scientific community, House Committee on Science, Space, and Technology, January 18, 2018, accessed here: https://science.house.gov/imo/media/doc/1.18.18%20Sexual%20Harassment%20Letter_EBJ_Smith.pdf

On February 27, 2018, the Subcommittee on Research and Technology held a hearing entitled *A Review of Sexual Harassment and Misconduct in Science*.⁷ The Subcommittee received testimony from experts on sexual harassment, a science society representative, and the head of NSF's Office of Diversity and Inclusion, who discussed the agency's change to their grant terms and conditions to require reporting any findings of sexual harassment involving PIs and co-PIs on NSF grants.⁸

H.R. 36 – *Combating Sexual Harassment in Science Act*

Chairwoman Johnson and Ranking Member Lucas introduced H.R. 36, the *Combating Sexual Harassment in Science Act*, in January 2019.⁹ The bill:

- directs NSF to support research into the causes and consequences of sexual harassment as well as interventions to mitigate the problem;
- directs NSF to convene a working group of statistical agencies for the purpose of developing questions on sexual harassment in STEM to be included on national surveys of students, faculty, and research institutions;
- directs NSF to fund the National Academies to issue a third edition of its report *On Being a Scientist: A Guide to Responsible Conduct in Research* to include content on sexual harassment, including professional standards of conduct, practices for fostering a climate intolerant of sexual harassment, and methods for identifying and addressing incidents of sexual harassment;
- establishes an Interagency Working Group of Federal science agencies to coordinate efforts to reduce the prevalence of sexual harassment involving grant personnel;
- directs the Office of Science and Technology Policy to develop a uniform set of policy guidelines for Federal science agencies; and
- directs NSF to fund the National Academies to conduct a follow-on to their 2018 consensus study to assess the state of research on sexual harassment and evaluate progress made with respect to implementing recommendations in the 2018 report.

A number of provisions in the bill come from recommendations in the 2018 Academies report. The report noted the lack of inter-agency communication regarding reports of sexual harassment involving grant personnel, and it stressed the importance of assessing the campus environment through climate surveys and additional research. Additionally, the bill uses the definition of “sexual harassment” presented in the report.

⁷ “A Review of Sexual Harassment and Misconduct in Science,” Committee on Science, Space, and Technology, February 27, 2018, accessed here: <https://science.house.gov/hearings/a-review-of-sexual-harassment-and-misconduct-in-science>

⁸ Testimony of Rhonda Davis before the Subcommittee on Research and Technology of the Committee on Science, Space, and Technology, February 27, 2018, accessed here: <https://science.house.gov/imo/media/doc/Davis%20Testimony%2C%20Bio.pdf>

⁹ H.R. 36, Combating Sexual Harassment in Science Act of 2019, accessed here: <https://science.house.gov/imo/media/doc/BILLS-116hr36ih.pdf>

Some language in the bill was drawn from NSF's changes to its terms and conditions. The agency announced on September 19, 2018, that it was updating the terms and conditions of awards to require reporting of any administrative action imposed on a PI or co-PI relating to a finding or investigation of sexual harassment. The changes went into effect on October 22, 2018.¹⁰

The bill has been endorsed by over two dozen outside groups, including the Association for Women in Science, The Association for Women in Mathematics, the Society of Women Engineers, and many of the largest scientific societies.¹¹

Scientific Society Action

Scientific societies are not legally required to enforce Title IX compliance, but they have an important role to play in shaping the culture within the scientific community, including promoting integrity, ethics, and responsible conduct. Each scientific discipline has its own scientific society and most scientists are members of at least one scientific society. Societies primarily provide a means for scientists to catch up with collaborators, network, exchange views, and present their latest results at large annual conferences. Scientific societies also publish peer-reviewed journals and bestow prestigious awards on the most pre-eminent scientists in their discipline. In many cases, a scientist's identity is tied more closely to their membership in a scientific society than to their affiliation with a university.

Many scientific societies have established codes of conduct that encompass the ideals and values of their profession. Some societies have recently updated their code of conduct to address the issue of sexual harassment.

- The American Astronomical Society (AAS) held a town hall on harassment in January 2016 and changed its code of conduct to include an anti-harassment policy in November 2016.¹² AAS also offers an online and over-the-phone reporting hotline for violations of its ethics and anti-harassment policies, called *Ethics Point*.¹³ AAS has endorsed H.R. 36.
- In August 2017, the American Geophysical Union (AGU) updated their ethics policy to broaden the definition of scientific and academic misconduct to include sexual harassment.¹⁴ AGU has also launched a *Safe AGU* campaign to provide resources to researchers and students including educational workshops, best practices, and professional advisors. AGU staff trained to respond to reports of sexual harassment can be clearly identified at annual conferences by the large green *Safe AGU* buttons they wear. AGU has endorsed H.R. 36.

¹⁰ "Term and Condition: Sexual Harassment, Other Forms of Harassment, or Sexual Assault," National Science Foundation Office of the Director, accessed here: https://www.nsf.gov/od/odi/term_and_condition.jsp

¹¹ "H.R. 36, The Combatting Sexual Harassment in Science Act of 2019," Committee on Science, Space, and Technology, accessed here: <https://science.house.gov/bills/hr-36-the-combating-sexual-harassment-in-science-act-of-2019>

¹² "Anti-Harassment Policy for AAS & Division Meetings & Activities," American Astronomical Society, October 11, 2017, accessed here: <https://aas.org/policies/anti-harassment-policy-aas-division-meetings-activities>

¹³ EthicsPoint, American Astronomical Society, accessed here: <https://secure.ethicspoint.com/domain/media/en/gui/53297/index.html>

¹⁴ "AGU Scientific Integrity and Professional Ethics," American Geophysical Union, August 2017, accessed here: <https://ethics.agu.org/files/2013/03/Scientific-Integrity-and-Professional-Ethics.pdf>

- The American Association for the Advancement of Science (AAAS) is pioneering an effort to foster institutional change at colleges and universities regarding diversity and inclusion issues in STEM. AAAS has launched a program called *SEA Change*, short for STEM Equity Achievement. *SEA Change* uses a rating system to acknowledge and encourage systematic transformation efforts of participating institutions. Based on an assessment managed by AAAS, an institution is awarded a bronze, silver, or gold rating for their efforts to foster an inclusive and safe environment. Two Bronze Award recipients – Boston University and University of California Davis – are represented at this hearing by Dr. Jean Morrison and Dr. Phillip Kass, respectively. AAAS issued a letter of thanks in support of H.R. 36.¹⁵

A group of 106 scientific societies have joined together in a *Societies Consortium on Sexual Harassment in STEMM* with the goal of “providing customizable model policies (with embedded menus of options for flexibility), policy-law guidance, and practical tools to advance professional and ethical conduct, climate and culture in societies’ own operations and STEMM fields broadly, in support of the inclusion of all talent and excellence in the fields.”¹⁶

University Action

The Association of American Universities (AAU), an association of 62 leading research universities, has created a *Strategy for Sexual Harassment and Gender Discrimination Advisory Board*. The Board will identify challenges and share practices for addressing sexual harassment and gender discrimination on campuses. The Board held their first meeting last month and is in the process of scoping its work. Dr. Kass serves on this Board.

Following the publication of the 2018 Academies report on sexual harassment, the Academies launched an *Action Collaborative on Preventing Sexual Harassment in Higher Education*.¹⁷ The Collaborative brings together nearly 50 colleges, universities, and research institutions to discuss how to address sexual harassment in higher education. Its stated goals are to “develop promising practices, share communications strategies and resources, speak with a collective voice, and motivate real action to address and prevent sexual harassment across higher education.” Boston University is a member of the Action Collaborative.

Additionally, the Academies membership recently voted to amend its bylaws to allow the Academies Council to revoke membership from individuals found guilty of sexual harassment and other violations of its new code of conduct.¹⁸

¹⁵ Letter from Rush D. Holt, Chief Executive Officer of AAAS, to Representative Johnson, October 15, 2018, accessed here: <https://www.aaas.org/sites/default/files/2019-06/AAAS%20Letter%20-%20Harassment%20in%20STEM.pdf>

¹⁶ Societies Consortium on Sexual Harassment in STEMM, accessed here: <http://educationcounsel.com/societiesconsortium/>

¹⁷ NAS Action Collaborative on Preventing Sexual Harassment in Higher Education, accessed here: <http://sites.nationalacademies.org/sites/sexualharassmentcollaborative/index.htm>

¹⁸ “NAS Members Approve a Bylaw Amendment to Permit Rescinding Membership,” National Academy of Sciences, June 3, 2019, accessed here: http://www.nasonline.org/news-and-multimedia/news/NAS-bylaws-amendment-approved_060319.html