

# **Sexual Harassment on the FSU Campus: A Spotlight on Problems and Solutions**

**A Report by the Faculty Senate Task Force on Sexual Harassment**

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## Section One: Purpose and Context for the Task Force

During the Spring semester of 2021, an article in the *Florida Phoenix* by Lucy Morgan (Morgan 2021a) revealed that longtime FSU Professor Richard Feiock had resigned from the University in the wake of sexual harassment complaints. More disturbingly, the article revealed that Professor Feiock had been the subject of a series of such complaints dating from 1991 and yet had remained a professor in the Askew School of Public Administration. He resigned immediately prior to being interviewed by FSU's Human Resources Office, which had been charged with investigating the most recent (2020) complaint. A *Tallahassee Democrat* article by Dobson (2021) also highlighted the case and raised concerns about how the University had handled it, given the years-long history of harassment complaints against this faculty member.

After discussion in the Florida State University Faculty Senate Steering Committee, Senate President Dr. Eric Chicken called for the formation of a Task Force on Sexual Harassment to investigate recent sexual harassment cases. He invited several Faculty Senators to be members and provided the task force with the following charge:

*The initial charge and focus of this task force is understand the failings of recent harassment cases in terms of (1) reporting up the chain, (2) lack of openness, (3) timely action by admin, (4) reporting of findings.*

*Longer term specific goals include determining ways to:*

*reduce the number of incidents*

*reduce the suffering of the victims*

*make it clear how individuals can file complaints - including skipping supervisors who do not follow up*

*let everyone know what is unacceptable behavior*

*ensure people know their responsibility to report unacceptable behavior*

*receive the numbers / frequency of complaints and the actions taken*

The Faculty Senate Task Force on Sexual Harassment began meeting in May of 2021. The Task Force interviewed faculty from the Askew School as well as faculty from other Colleges where complaints of sexual harassment had occurred, including in the College of Arts and Sciences and the College of Health and Human Sciences. These interviews focused on assessing which aspects of the complaint process, the investigatory process, and the communication processes went well and which were in need of improvement.

We also interviewed Vice President for Faculty Development and advancement, Janet Kistner; Associate Vice President for Human Resources, Renisha Gibbs; Director of the Title IX Office, Tricia Bucholz; Director of HR-Equity, Diversity, and Inclusion, Michelle Douglas; Chief Compliance and Ethics Officer, Robyn Blank; Dean of the College of Medicine, John Fogarty; Dean of the College of Health and Human Sciences, Michael Delp; Chair of Biological Sciences, Dr. Thomas Houpt; representatives of the Graduate Assistants Union; and several faculty members.

We read documents from universities with high-profile sexual harassment cases to assess how they had revamped their reporting, investigatory, and communication processes in the wake of the investigations. We examined data from the Academic Sexual Misconduct Database (Libarkin, n.d.), an independent website that gathers publicly-available data. Finally, we gathered data from FSU regarding the number of complaints and investigations related to sexual harassment in recent years, and reviewed public reporting of these incidents. We also reviewed redacted investigation reports for the five recent FSU cases this report covers.

Regarding the scope of this report, sexual harassment complaints of student-on-student harassment go through the Title IX office, and sexual harassment complaints involving staff and faculty are addressed by Human Resources, in the Office of Equity, Diversity and Inclusion (HR-EDI). The Task Force focused on the problems and possible solutions for the latter group and thus did not consider student-student harassment.

The Task Force's goal is to report the experiences of people in the FSU community who have been involved in the sexual harassment complaint and investigation processes, to provide details of problems experienced in these processes, and to offer thoughts about possible improvements. The members of the Task Force recognize that the potential for harm is great both for parties affected by harassment as well as for faculty members subjected to spurious complaints of harassment. It is not within the Task Force's authority to adjudicate the merits of any of these cases, but we do wish to highlight the seriousness of these issues. Accordingly, this report takes as its focus both the prevention of future harassment and the assurance that the reporting process and the subsequent investigations are transparent, thorough, and fair.

The remainder of this report is divided into several sections. The second section presents a brief review of the literature regarding the extent, definitions, and consequences of campus sexual harassment at the national level. The third identifies points of weakness in FSU's processes by reporting on recent cases. The final section offers recommendations for improvements and identifies areas that need further study as FSU continues to act on its commitment to protecting faculty, staff, and students from sexual harassment.

Faculty Senators can access the investigative reports and the Memorandum by Robyn Blank (Blank 2021) outlining communication procedures in sexual misconduct cases by signing onto the Faculty Senate Canvas page.

## **Section 2: Sexual Harassment in U.S. Universities**

The Faculty Senate Task Force recognizes that the viral expansion of the "Me Too" movement has helped shine a light on the seriousness and pervasiveness of sexual harassment in U.S. universities. Although not a thorough literature review, this section outlines the extent of the problem, definitions, some characteristics of perpetrators and victims, and the consequences faced by parties who have been harassed.

The problem is pervasive. The National Academy of Sciences, Engineering, and Medicine (NASEM) recently conducted an intensive study of the levels and effects of the sexual harassment of undergraduate and graduate students by faculty or staff (NASEM 2018). The

Report indicates that more than 50 percent of women faculty/staff and 20–50 percent of women students have experienced sexual harassment at universities (p. 172). Another national study is by the Association of American Universities, which conducted a climate survey at 33 universities with a total of 181,754 respondents, comprising 108,221 undergraduates and 73,531 graduate and professional students (Cantor et al., 2020). The researchers found that 42 percent had reported being harassed at least once since they had enrolled. Another recent study, conducted throughout the University of Texas System (Swartout 2018), found that 20 percent of undergraduate and graduate female science students, over 25 percent of female engineering students, and over 40 percent of female medical students had experienced sexual harassment on the part of faculty or staff (Swartout, 2018). A similar study conducted of the Pennsylvania State University System revealed that one-third of undergraduates, 43 percent of graduate students, and half of medical students had been harassed by faculty or staff. These numbers suggest that the problem of sexual harassment is widespread.

Definitions of sexual harassment vary. One that is useful was developed by the National Academy of Sciences Study on Sexual Harassment (NASEM 2018; 28). The NASEM defines sexual harassment as a form of discrimination that is composed of three categories of behavior: (1) gender harassment (verbal and nonverbal behaviors that convey hostility, objectification, exclusion, or second-class status about members of one gender), (2) unwanted sexual attention (verbal or physical unwelcome sexual advances, which can include assault), and (3) sexual coercion (when favorable professional or educational treatment is conditioned on sexual activity).

This definition is similar to the one developed by the *Association of American Universities*, which defines it as consisting of sexual connotations that interfered with an individual's academic or professional performance, limited the individual's ability to participate in an academic program, or created an intimidating, hostile, or offensive social, academic, or work environment (Cantor et al.).

Another useful definition comes from the Office of Civil Rights in the U.S. Department of Education (U.S. Department of Education, n.d.). It holds that sexual harassment refers to sex-based conduct that satisfies one or more of the following: (1) *quid pro quo* harassment by an employee of an educational institution—meaning that an employee offers something to a student or other person in exchange for sexual conduct; (2) unwelcome conduct that a reasonable person would find to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to an education program or activity; or (3) sexual assault (as defined in the [Clery Act](#)), dating violence, domestic violence, or stalking (as defined in the [Violence Against Women Act](#)). Each of these categories of misconduct is a serious violation that jeopardizes a victim's equal access to education.

All these definitions make clear that harassing behavior can be either direct (targeted at an individual) or ambient (a general level of sexual harassment in an environment). The NASEM study (2018, p. 32) includes the following useful heuristic:



Figure 1. Source: National Academies of Sciences, Engineering, and Medicine 2018. *Sexual Harassment of Women: Climate, Culture, and Consequences in Academic Sciences, Engineering, and Medicine*, p. 32.

It can be hard to estimate the prevalence of sexual harassment because of difficulties collecting data. A direct query about having experienced it or not, for example, garners far lower positive responses than does a set of questions that instead itemize the specific behaviors that constitute sexual harassment but do not use the label (Ilies et al., 2003). This seems to point to a tendency for respondents to introduce distance between themselves and the category. Similarly, of the three major categories of harassment displayed in Figure 1, researchers have found that women who experience gender harassment (versus the sexual-advances type represented by the other categories) are seven times less likely to categorize the experience as sexual harassment (Holland and Cortina 2013). Hesitancy to report also makes it difficult to gather accurate data: over half (59 percent) of respondents who had experienced sexual harassment did not report it to their employer, the EEOC, the police or the media (Vagins and Gatta 2019, p. 5). Finally, the underrepresentation of women of color and sexual- and gender-minorities likely produces unreliable rates of prevalence for these vulnerable populations (NASEM 2018).

Nevertheless, it is possible to draw some conclusions about groups that are more likely to have been harassed. The NASEM Report notes that women are more likely than men to be targets of sexual harassment (NASEM, 2018, p. 171). A survey of graduate and undergraduate students by the Association of American Universities (AAU) reveals that women graduate students were more likely than women undergraduates to have experienced harassment. The most marginalized populations, especially women of color, experience harassment at greater rates (e.g., Buchanan, Settles, and Woods 2008; Clancy et al. 2017; Cortina 2004; Cortina et al. 1998). Women who identify as lesbian, bisexual, or as having a non-normative gender-identity also are more likely to experience harassment, as are men who identify as gay, bisexual, and gender non-normative. One study of 629 employees in higher education (147 sexual-minority women, 82 sexual-minority men, 219 heterosexual women, and 181 heterosexual men) indicated that nearly 70 percent of sexual minorities (of both genders) experienced gender harassment, whereas only 30 percent of heterosexuals (of both genders) experienced it (Konik and Cortina 2008, p. 324).

As for perpetrators of harassment, some basic characteristics tend to appear. Men are more likely than women to perpetrate sexual harassment (NASEM, p. 171). In the field of graduate biomedical and health sciences, one study (Espinoza and Hsiehchen 2020) used targeted Google searches and found that between 1982 and 2019, 125 faculty had been accused of sexual misconduct and that these incidents involved at least 1,668 targets. Particular faculty members represented a wide range of institutions, but over one-third came from institutions ranked in the top 50 universities by *US News & World Report*. The vast majority of accused faculty members were men (97.6%), and the vast majority of the people they sexually harassed were women (91.5%). Most of the faculty perpetrators were senior faculty and administrators, including full professors, department chairs, and deans.

The consequences of sexual harassment are profound for those who have experienced it. The AAU national study found that 19 percent of student respondents had experienced harassing actions that had interfered with their academic or professional performance, negatively impacted their ability to participate in an academic program or had created an academic, work, or social environment that was intimidating, hostile, or offensive (Cantor et al., 2020 p. xiii). The NASEM Report highlighted the fact that “women’s experiences of sexual harassment are associated with reductions in their professional, psychological, and physical health” (NASEM

2018, p. 68) and pointed to three types of effects: reduction in the ability to perform in a work environment, reduction in school performance (i.e., GPA; degree acquisition), and reduction in personal health and well-being.

A study of 311 members of the American Association of University Women (Vagins and Gatta 2019) found pervasive negative impacts for women faculty who had experienced harassment. A large majority (86%) had experienced at least one form of sexual harassment during their careers. A smaller percentage had experienced sexual coercion (12%), unwanted sexual attention (61%), and sex-based harassment (65%). The consequences included decisions to leave a job early (38%) and disrupted career advancement (27%). Finally, the report highlighted the physical and emotional toll on women who have experienced harassing behaviors.

Sexual harassment is a serious issue that damages employees and students and that reflects poorly on a university; thus, it deserves careful scrutiny and action by higher-level administrators to ensure that steps are taken to reduce its incidence.

### **Section 3: Review of Recent Sexual Harassment Cases at FSU**

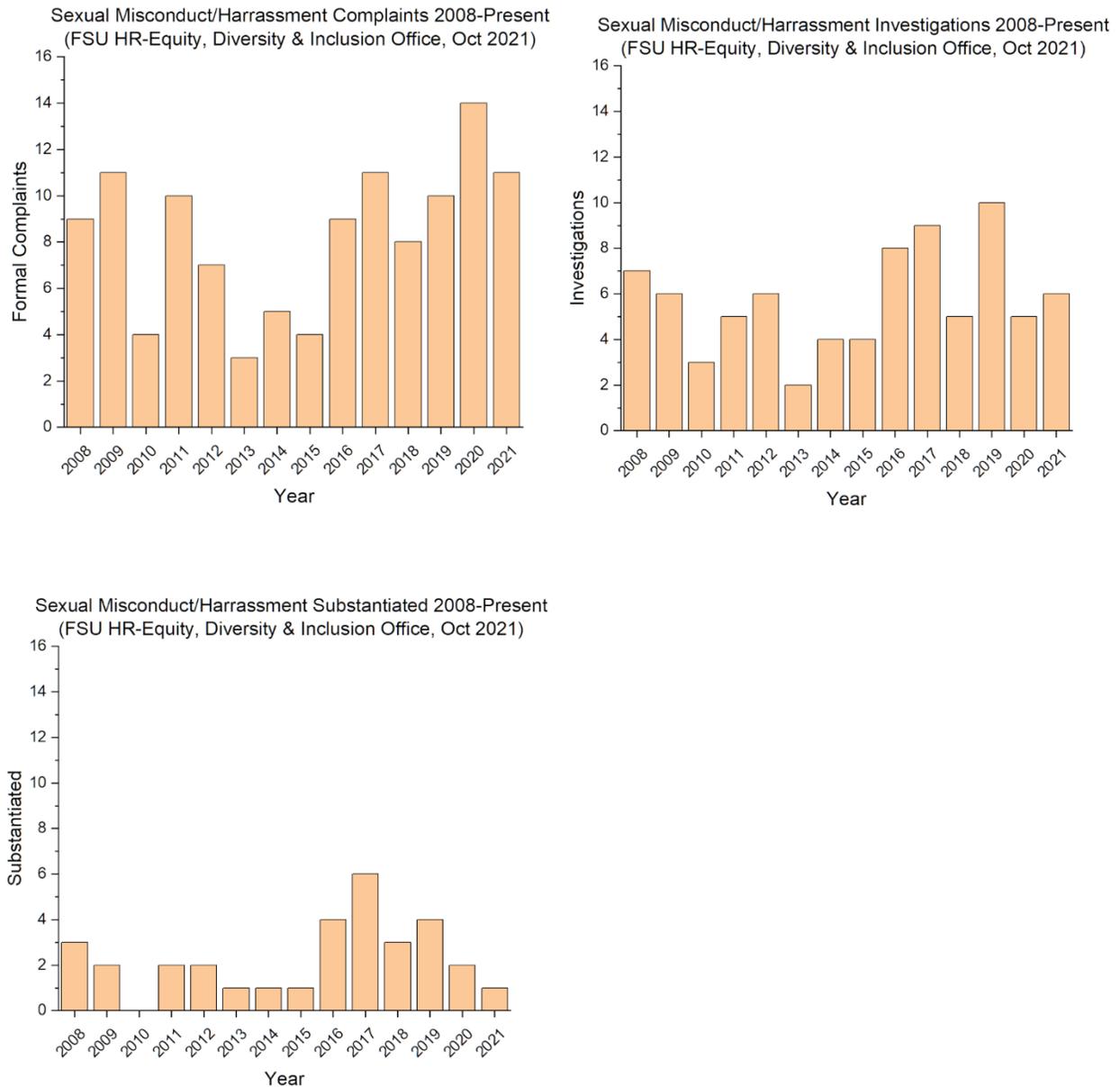
This section provides a brief review of some recent FSU cases of sexual harassment and misconduct. It begins with an overview of institutional data provided by Human Resources on cases since 2008 that involved a faculty member. The locus of investigation at FSU has shifted over the years, and Human Resources took responsibility beginning in 2008. We note that the shifting of the responsibility for investigation has led to confusion about the housing of data from earlier cases.

Following the overview of institutional data some of the highly visible cases in recent years are reviewed. The media have covered these incidents, so the information is not new, nor is the Task Force investigating or revisiting the findings of these cases; the intent is to unpack the processes set in motion once a complaint was made. The cases occurred in four colleges--Social Sciences and Public Policy, Arts and Sciences, Medicine, and Health and Human Science—and the Task Force interviewed faculty and administrators familiar with these cases. These cases are not exhaustive of all misconduct and harassment cases, but they are high visibility cases that offer useful lessons. As noted above, investigative reports on the cases can be found on the Faculty Senate website.

The first case considered below is that of Prof. Richard Feiock, Professor in the Askew School of Public Administration in the College of Social Sciences and Public Policy. This case is especially troubling since his pattern of harassment extended over a 30-year time horizon. The next is the case of Prof. David Gilbert in the Department of Biological Sciences in the College of Arts and Sciences. It is followed by the case of Dr. Ross May in the Family Institute in the College of Health and Human Sciences. The last set of cases are from the College of Medicine, and concern Dr. Leslie Beitsch and Dr. James Zedeker.

## Institutional Data

The Task Force requested that the Equity, Diversity, and Inclusion Office in Human Resources provide recent data on the number of complaints, formal investigations, and outcomes of cases for the past 14 years. These data are presented graphically below and show an average of two instances of substantiated sexual harassment cases each year over the period 2008-2021. A substantiated determination means that the allegations, as determined through a thorough investigation, are a violation of policy.



We now turn to details of the recent cases in the four colleges mentioned above.

## **Incident in the Askew School of Public Administration and Policy in the College of Social Sciences and Public Policy**

Numerous allegations of sexual misconduct by Professor Richard Feiock of the Askew School of Public Administration and Policy arose over a more-than-30-year timeframe. During that lengthy period, the office responsible for investigations changed, and the most serious problems with investigation and sanctions described below predate the formation in 2008 of the current HR-Equity, Diversity and Inclusion office.

Professor Feiock's inappropriate conduct was initially reported to Askew School faculty in 1988, and a report was filed in 1991 with Steve Edwards, the Dean of Faculties (today the Vice President for Faculty Development and Advancement fills a similar position) based on allegations from several students. In response to these complaints, the former Dean of the College of Social Sciences (now the College of Social Sciences and Public Policy), Chuck Cnudde, told Professor Feiock to receive counseling but imposed no further sanctions. Over the years, colleagues and students continued to observe Professor Feiock engaging in harassing behaviors toward women students at conferences and in social settings off campus. Students discussed upsetting incidents with faculty, but asked that their complaints not be formalized. Specific incidents in 2005 and 2016 generated reports of inappropriate touching and sexual propositions, but these did not result in formal sanctions. Although Dean Rasmussen was made aware of these continuing concerns, he chose to take no other action.

In fact, despite these incidents, beginning in 1991, Professor Feiock was tenured and promoted twice. Moreover, due presumably to his strong record of research funding, he was subsequently appointed to an endowed chair and another named chair. He became well known in the field of public administration because of his prolific research and publishing, and this renown attracted students to his "local governance laboratory," which operated in a somewhat secretive climate, making it difficult for faculty colleagues to monitor activities there.

The lack of administrative action may be why a "whisper network" arose within FSU and the Askew School and also among women scholars in the broader Public Administration field. This whisper network accumulated numerous alleged but unreported instances of misconduct. Some of the affected parties were female international faculty at other universities and international students in the Askew School who may have felt that their funding status or future career trajectories were dependent on Professor Feiock's research funds, supervision, and professional networks. But a number of the concerns came from domestic students, so his advances were not directed only at international women students. Askew School faculty also received informal reports from prospective international women students who chose to avoid the Askew School because of Professor Feiock's reputation.

In early January, 2020, another sexual misconduct case arose when several Askew School doctoral students received a string of text messages involving a recently departed visiting doctoral student from China who had been sponsored by Dr. Feiock. A review of these exchanges revealed messages between Professor Feiock and the woman student, several of which expressed his attraction and "love" for her. The students who received the emails shared them with Askew School faculty, and two senior professors filed separate reports about the case

to FSU's Title IX office. The EDI office acted swiftly, and based on the severity of the reports made a determination within 72 hours. Upon being advised of the results of the initial investigation, Dean Tim Chapin of the College of Social Sciences and Public Policy placed Professor Feiock on administrative leave and instructed him to have no contact with students or others involved in the case. The HR investigators learned, however, that Professor Feiock had contacted the victim to advise her about what to tell investigators, and Dean Chapin subsequently warned him again about the no-communications directive.

An investigation immediately ensued, and students and faculty were interviewed by FSU's HR compliance investigators. The Human Resources EDI office notified the National Science Foundation (NSF), Dr. Feiock's granting agency, at the start of the investigation and at its conclusion. The University also took possession of records, emails, and computer files in Professor Feiock's office, which included, among other things, what appeared to be a photo of Professor Feiock's genitals. In March, 2020, Dean Tim Chapin was directed by higher administration to approve Professor Feiock's request to resign--one day before Professor Feiock's scheduled interview with the University's investigators. The investigation was terminated at that time, without a finding of substantiated or unsubstantiated. Communication about the case was limited. HR continued to work with the Dean to provide information to those who were impacted, particularly the students who were currently enrolled in the program and had worked with Professor Feiock. A year later, in March 2021, after the Morgan newspaper articles, Dean Chapin and Renisha Gibbs, Associate VP for Human Resources, invited students, faculty and staff to attend a Town Hall meeting about combatting sexual harassment to discuss the case and its aftermath.

Askew School faculty were frustrated in their efforts to get copies of the final report. The case was not publicly disclosed, even to the faculty who had made formal complaints, until Lucy Morgan, a Pulitzer-prizewinning journalist with the online *Florida Phoenix*, published a series of four articles beginning in March, 2021, about the case and the consequences to former women students of Professor Feiock's behavior. After the first of Ms. Morgan's articles, the story was also picked up by other local and national print and broadcast media.

The University does not produce a public report on investigations, including sexual harassment investigations, due to privacy/confidentiality concerns (Blank, 2021). However, all reports and documents are subject to public records request and are accessible (with appropriate redactions) via a public records request to FSU's Office of the General Counsel.

Following publication of the first Morgan article, the Askew School faculty wrote a letter to all Public Administration students and the FSU administration in which they acknowledged their failure to protect students and asked the University to likewise acknowledge its institutional failures, which, they stated, included the following: a) failing to properly heed earlier accusations and discipline Professor Feiock, b) awarding distinguished chairs to Professor Feiock despite administrators' knowledge of earlier infractions, c) failing to retain records at the University level of any complaints or disciplinary actions and e) the University's failure to report the 2020 incident in a timely manner so as to allow victims, faculty, and others to find closure and to provide factual information to other universities where Professor Feiock was seeking employment.

The Askew faculty also presented several proposals to the FSU Faculty Senate in April 2021, where they received mixed reactions (See Minutes of the Faculty Senate for April 14, 2021). But the Senate's discussion about apparent institutional missteps over the years led Senate President Dr. Eric Chicken to appoint a task force to provide analyses and recommendations about the broader set of issues around sexual misconduct on campus.

Despite the profoundly negative impact of the Feiock case on the affected women students and on the image of the Askew School and the University, a few small steps taken by Askew School faculty, alumni, and by Tim Chapin, the Dean of the College of Social Sciences and Public Policy (COSSPP) have led to positive consequences, as follows:

- 1) Following the *Florida Phoenix* articles, Askew faculty led several group counseling sessions with current students and doctoral program alumni, and, although sometimes characterized by considerable angst, these sessions were productive in helping people begin to process their concerns and feelings.
- 2) The Askew School administered a climate survey to solicit doctoral students' perceptions of the sexual misconduct situation and then used the information to inform department-level planning for counseling sessions and department-level training.
- 3) COSSPP Dean Chapin conducted a series of townhall meetings with faculty and staff regarding the Feiock case and general issues about campus sexual misconduct, during which he affirmed the College's commitment to helping create a campus where sexual misconduct has no place.
- 4) The Askew School faculty sought and received training from FSU's Office of Equity, Diversity and Inclusion about sexual-misconduct reporting obligations. COSSPP Dean Chapin also organized a number of HR-led trainings for faculty, staff, and students in the College. These trainings were attended by roughly 75 individuals who work and study in the college.
- 5) COSSPP's Allyship Committee, led ably by Professors Deana Rohlinger and Will Butler, also met regularly about this, provided feedback to the College community, and shared feedback and advice on how to move forward.
- 6) The COSSPP Allyship Committee and leadership are working with units to institutionalize a Climate Survey, and learned that several units (Urban and Regional Planning, Sociology, and Geography) already were doing regular climate surveys.
- 7) Askew School faculty and doctoral alumni informally advised networks within the profession about the Feiock case, which precluded his ability to gain employment in some university positions, including ones in China, South Korea, Taiwan, and the Philippines.

- 8) The Askew School's presentation to the Faculty Senate precipitated a discussion that led to the formation of the Sexual Harassment Task Force.
- 9) Two doctoral program graduates published an article about the case (Young and Wiley 2021), entitled "Erased: Why Faculty Sexual Misconduct is Prevalent and How We Could Prevent It." Visibility in an important journal for professional education in Public Administration may help guide other programs dealing with similar issues. These two graduates also precipitated Lucy Morgan's interest in the case.
- 10) As a result of exposure given to the Feiock case, several professional associations within Public Administration subfields have formally undertaken open dialogue to address the problems of sexual misconduct and harassment. For example, at its annual conference in November, 2021, the Association for Research on Nonprofit Organizations and Voluntary Action sponsored a colloquium in which several Askew School graduates, in concert with other concerned scholars, formulated a set of recommendations from which the Association is building a code of professional conduct.

Thus, while many aspects of the 30-year career of Professor Feiock are very troubling, the attention it garnered has led to some positive changes in the local setting and at the national professional-association level.

### **Incident in the Department of Biological Science, College of Arts and Sciences**

Dr. David Gilbert was a Professor in Biological Science from 2006-2021, and during most of that time was also the J. Herbert Taylor Distinguished Professor of Molecular Biology. On January 9, 2020, Dr. Gilbert sent an email to a Biology graduate student describing an erotic dream involving her. The student had had previous conversations with Dr. Gilbert in which he had made unwanted sexual comments, and he also had invited her to go on an international trip with him "in lieu of his wife," from whom he had recently separated. The student found his behavior inappropriate and discussed it with other students in the Department. From these conversations, she learned of other incidents of sexual comments made by Gilbert as well as unwanted attention bestowed on female students and employees. The student then filed a complaint with the Human Resources /EDI Office and informed mandatory reporters in the Department, who also reported the student's concerns to the Human Resources /EDI Office.

The student met with a Victim Advocate to discuss disclosure options and arranged a meeting to be held with HR-EDI. HR-EDI met with the student, her boyfriend (a fellow Biology graduate student) and her faculty-member Advocate for an information session. The three options were explained: 1) report only, no action; 2) formal complaint with a possible investigation and determination of policy applicability; and 3) informal resolution to address the behavior without a predetermination of a policy violation. The student chose option #3.

The student later explained to another faculty member that she had found the information about how to initiate an investigation confusing. She explained to her faculty advocate that she found the verbal explanation unclear in regard to the procedural steps taken in an "informal

investigation” relative to those taken in a “formal investigation.” (And the Task Force notes that the Sexual Misconduct Policy does not use the word “informal.”) It turns out that she hadn’t gone through the steps to file a formal investigation. The faculty advocate who assisted her in communicating with the HR-EDI similarly found the process of initiating a formal investigation confusing. After further interaction with HR-EDI, which clarified the steps that would follow from each of the three choices, the student chose option 2, formal complaint. The practice of communicating procedures verbally during a meeting promotes positive interactions that are important to affected parties, but receiving the information at the same time in written form, as well, might lessen the chance of confusion for affected parties who are understandably upset.

In the course of the investigation, the HR-EDI interviewed an undergraduate student, several graduate students, several faculty, and Dr. Gilbert. The interview notes include appendices with email chains and text threads supplied by the interviewees, and Dr. Gilbert confirmed several incidents. The Human Resources EDI office notified the National Institutes of Health, Dr. Gilberts’ granting agency, at the start of the investigation and at its conclusion.

The investigation concluded on April 17, 2020, with a report finding that it was more likely than not that Dr. Gilbert had engaged in behavior of a sexual nature that was both severe and pervasive and that had created a hostile environment, in violation of the University’s Sex Discrimination and Sexual Misconduct Policy. Substantiated allegations that contributed to the findings included the email about the erotic dream and several other comments to the initial reporting party, inviting an undergraduate student to canoe with him near his home; inviting a female student to accompany him on a trip to Japan unrelated to any academic purpose, kissing an undergraduate student on the neck at a laboratory party, and multiple sexual comments to female students.

Per protocol, the EDI finding was referred to the Human Resources Faculty Relations office, which works with college administrators (Provost, Dean, Chair) to determine the appropriate discipline. Dr. Gilbert was suspended without pay for 10 days and lost the title of J. Herbert Taylor Distinguished Professor of Molecular Biology. In the summer of 2021, Dr. Gilbert voluntarily left FSU to take a position at the San Diego Biomedical Research Institute.

### **Incident in the Family Institute and the Department of Family and Child Sciences in the College of Health and Human Sciences**

Dr. Ross May was hired as a post-doctoral fellow at the Family Institute, where he worked from 2012-2014 and was supervised by the Director of the Family Institute. In 2014, he was appointed as the Associate Director of the Family Institute, and in 2016 he was appointed as a Research Assistant Professor in the Department of Human Development and Family Science. A formal complaint was made in February of 2020 alleging that at a going-away party for a student during the Fall, 2019, semester, Dr. May had pressured a student to get drunk, hugged her “in a forceful way” (as visible in a photograph), and bet another student \$50 he could have sex with her by the end of the semester.

An investigation was undertaken by staff from the Human Resources Equity, Diversity, and Inclusion Office. The investigator interviewed Dr. May and a number of faculty and graduate

students who were witnesses to these events. The investigation was completed in May, 2020, and determined that the claims were substantiated and that “Dr. May has engaged in a pervasive pattern of inappropriate and unprofessional behavior over the past four years with both undergraduate and graduate students over whom he has held a position of authority.” Moreover, the investigative report substantiated the allegation of a Hostile Academic Environment Based on Sexual Misconduct (Sexual Harassment).

Accordingly, a termination letter was sent by Dean Michael Delp, notifying Dr. May of his termination and giving him approximately two months to continue working with Dr. Fincham to transfer data-collection methodologies that were critical to the completion of this grant-funded research. Upon separation from FSU, he was removed from the OPS system. However, unbeknownst to many, he continued to work with Dr. Fincham on the data and manuscripts, and he invoiced FSU for the time he worked as an independent contractor. Upon learning of Dr. Fincham’s actions in retaining Dr. May, FSU HR determined that payment was due, since he had already completed the invoiced work.

The original termination letter included a proviso specifying that Dr. May not come to campus or have any interaction with students, and this was agreed to by all parties. Upon learning that Dr. May had been included on several emails between an FSU researcher and students working on that project, in violation of the proviso, the Dean intervened to halt such communications and to discipline the FSU researcher who had initiated them.

A faculty member told the Task Force that the faculty and graduate students were never apprised of the circumstances of Dr. May’s termination and were upset about this silence. When Task Force members interviewed Dean Delp and asked about this, he said that after reviewing the FSU policy on sexual harassment reporting, he felt that it was improper and likely illegal for him to distribute a letter containing the details of Dr. May’s termination. He consulted with HR and Provost Sally McCrorie and requested that the General Counsel approve such a notification. He was informed that the Provost would send a letter informing faculty of the incident and Dr. May’s termination. In discussion with six faculty in that department, however, the Task Force noted that none could find a record of an email announcing this termination, although HR provided the Task Force with a copy of an email to the department’s faculty from Provost McCrorie dated April 30, 2021.

Since then, Dr. May has found alternative employment. A newspaper article in the *Pensacola News Journal* reported that Dr. Ross May was teaching two online classes at the University of West Florida, and continued: "The university was unaware of this investigation when Ross May was hired as an adjunct instructor," said UWF Provost George Ellenberg. "The extensive background checks the university routinely conducts do not show incidents such as this; however, we are currently analyzing the process that was used to hire May" (Wood, PNJ November 16, 2021). A Google search indicates that Dr. May was subsequently employed by Tallahassee Memorial Hospital for a period of time. Once again, it is unclear if the employer was aware of the reason for his FSU termination.

## **Incidents in the College of Medicine**

### Incident 1

Dr. Leslie Beitsch has a JD from Harvard University and an MD from Georgetown University. He was on the faculty at Florida State University from 2003-2021 and served as Chair of the Department of Behavioral Sciences and Social Medicine in the College of Medicine.

A current female employee working in the FSU College of Medicine filed a formal complaint regarding an incident of unwelcome sexual advances from Dr. Beitsch. In the course of the investigation, two additional former female employees were identified and interviewed. These events occurred between 2014 and 2019. Each woman alleged that Dr. Beitsch touched her thigh while seated at various events. According to the investigation, there was no "collusion" among the women, meaning that their accounts were independent and not the product of conversations among themselves. The University found the allegations substantiated and determined that they constituted a conflict of interest due to Dr. Beitsch's institutional authority in the College and the women's subordinate work positions.

The finding was referred to Human Resources Faculty Relations who worked with the Dean of the College of Medicine, Dr. John Fogarty, in determining the appropriate discipline. Dr. Beitsch received an official reprimand in October 2019, was directed to take sexual misconduct training (which he did), and was informed that a recurrence would result in further disciplinary action. Dr. Beitsch was in the state's Deferred Retirement Option Program (DROP) and had made it clear for several years that he planned to retire in 2021. He stepped down from his Chair role in December 2020 to allow a smooth transition for his replacement in January 2021. Dr. Beitsch retired as planned in July 2021; his stepping down as Chair and his retirement were unrelated to any investigation.

### Incident 2:

Dr. James Zedaker was an Associate Dean in the College of Medicine and was a faculty member in the FSU School of Physician Assistant Practice from 2016-2022. He also served as Director of University Special Projects for the Health and Emergency Operations/COVID 19 Clinic from 2020-2022.

Two female staff who worked at the Covid testing/vaccination site but were not students or faculty in the Physician Assistant program alleged that Dr. Zedaker made discomfiting comments, sent sexually-oriented texts, and bought them unsolicited gifts. Human Resources - EDI responded quickly and initiated a formal investigation. Text exchanges confirmed by investigators include Dr. Zedaker having asked one of the women, a subordinate, to dinner on Valentine's Day, inviting her on trips that he would cover financially where they would share a hotel room, and offering to come over to her house. The other woman reported having received a \$5,000 bonus and was subjected, either in person or by text, to comments about her appearance and requests for hugs.

The HR-EDI office interviewed the women, along with Dr. Zedaker, who denied many of the allegations but admitted others. The investigation found that objectively, based on a reasonable

person standard, his actions were romantic and/or sexual in nature, could be interpreted as romantic and/or sexual advances, were unwelcome, and were potentially grooming in nature. On December 21, 2021, Dr. Zedaker submitted his resignation, with an effective date of January 14, 2022. The Dean wrote to the College's faculty/staff/and students that same day informing them of his resignation and the reason.

## Section 4: Recommendations

In this section, the Committee offers 21 recommendations, drawing on findings from the cases described in Section 3.

1. We recommend that the Administration produce a flow chart of the investigative process, with hyperlinks to various sections of the Sexual Misconduct Policy.

The KnowMore website is quite strong on resources for getting help and support but less strong when it comes to sending complainants directly to information about their particular concern. The complainant needs to realize the need to click on "Title IX" and from there has to move down five places before arriving at FSU's Anti-Sexual Misconduct Policy, the document that describes the process used to investigate complaints about students, about employees, and about FSU-School personnel. (The policy can be found [here](#).) The document is 50 pages long and describes the general policy, followed by long appendices about each of the three groups (students, employees, FSU School employees). Even readers experienced with complex policies can become confused, thinking they are reading material that applies to all three parties, when in fact it applies to only complaints about a student respondent, for example.

The Task Force envisions a flow chart that starts by directing the reader to the three types of complaint. The flow chart would then itemize each step of the complaint, investigation, and resolution, with hyperlinks for each item. The Task Force members believe such a system would make the process much more understandable.

Another possibility is to create a document that contains much of the information in the Policy but is more accessible to the average user, and create hyperlinks from the flow chart link to this new document. We envision a document that is not as legalistic as the Policy and yet contains more information on the process than does the University's Sexual Harassment Training video.

2. The Office of Equity, Diversity, and Inclusion webpage should be updated to include sexual harassment as an area falling under its purview.

Neither sexual harassment nor sexual misconduct appears on the EDI homepage, even though this office is the main body for reporting and investigating these behaviors. This omission minimizes the importance of the issue and should be corrected.

3. We recommend that response and communication practices be clearly specified so that affected parties know exactly how the process plays out and approximately how long each phase lasts.

The Task Force heard a great many complaints from affected parties about having felt completely “in the dark” during the course of the investigation. The EDI office should respond to an initial complaint within 2 or 3 business days, if possible, and should keep the affected party informed as each step is undertaken.

4. We recommend that IT review the public-facing security settings on the “report.fsu.edu” website and that it provide a link to the Sexual Misconduct Policy.

The “report.fsu.edu” site is a main way to report an incident. But several members of the task force, some of whom used a Google search rather than going directly to the report (as might a complainant), saw a “not secure” identifier, which could potentially lessen a person’s willingness to file a report. The reporting form itself is a secure site, but it is important that the method for arriving there is, as well, since it might increase the report rate. Another modification is to add a link to the Sexual Misconduct Policy in the introductory paragraph of the reporting form, as potential reporters may be uncertain about what constitutes harassment, which might reduce willingness to report.

5. We recommend that when a complainant or someone with a question is interviewed by personnel in one of the offices associated with sexual harassment, they be given a written document that describes the reporting options. Ideally the options would be components in the flow chart referenced above.

In the Biological Sciences case, the affected party had thought she had filed a formal complaint, when, in fact, she had chosen an informal one. The options were verbally laid out at a meeting with EDI, but it seems that a verbal explanation conveyed at a meeting where the affected party is understandably upset was not enough. The affected party did not fully understand the implications of the choice she made, nor did the faculty member who accompanied her. This does not mean the information wasn’t conveyed; it means that it wasn’t conveyed effectively, which could perhaps be remedied by including a written explanation of the options. Finally, such information needs to be easily accessible, perhaps in a document that is more user-friendly than the official Policy, as noted in Recommendation 1.

6. We recommend, to the extent possible, that identifying information about an affected party be redacted.

The Task Force heard from interviews with students that some hesitate to file a complaint because of concerns about retaliation and other possible negative consequences, and thus HR never hears of some complaints. While the names of affected parties do not appear in investigative reports, other identifying information, for example, about the nationality or year in school of an affected party, should be redacted, to the extent permitted by law.

7. We recommend that in order to mitigate any perception of bias that an outside investigator be hired in cases where a conflict of interest exists between a respondent and an administrator assigned a role in the investigation or resolution and in cases where the respondent brings in large amounts of grant funding.

It is important that the University community have confidence in the impartiality of an investigation. The Task Force is not implying that any investigations have lacked integrity but instead that perceptions matter. Thus, in cases where a relative of a respondent is in the office of a member of the investigation team or when a respondent brings in large amounts of grant funding or is otherwise in a powerful position, the investigation should be conducted by an impartial third party. Doing so would allay any perception that relationships, institutional power, or grant-getting might have influenced the process.

8. We recommend better communication when an investigation is completed and the charges substantiated.

Section 3 reports a wide range of experiences on the dimension of communication and transparency after an investigation is completed. At one end was the Dean of the Medical School who emailed employees about the most recent investigation immediately after it was concluded. At the other end was the lack of notification in regard to the Feiock investigation, which faculty only became aware of when the *Tampa Bay Times* article appeared, despite their requests for information. In the College of Health and Human Sciences case, it seems no notification was apparently received by faculty, leaving them to rely on a newspaper article for information.

9. We recommend that the University create guidelines indicating who—whether HR, Department Chairs, or Deans—is responsible for notifying faculty, staff, and students of the results of an investigation in which the claims were substantiated.

As it stands, there appears to be confusion about whom, if anyone, informs the campus community about the results of an investigation. In some cases it has been the Dean, in others the Chair, and in others no one. Guidelines indicating the roles of these groups in information-dissemination are in order, keeping in mind restrictions about campus-wide announcements per the Robyn Blank Memorandum (Blank 2021).

10. We recommend that a secure home in a specified office be designated for the personnel files of faculty for whom claims were substantiated.

Currently, these files have a secure home. But Universities, like all organizations, reorganize from time to time, and if the home were to move to a different office, having an established mechanism to preserve the security and integrity of the reports is essential. In the past, these kinds of changes have led to problems. In the Feiock case, the University could find no record of complaints, perhaps because the responsibility for investigations changed offices. Regardless of the reason, a secure home in a specified central office and in each College should be established so that reports are kept secure long term.

11. We recommend mitigating students' concern about possible retaliation for reporting sexual misconduct by ensuring that a student's funding and advisement will continue uninterrupted despite a report. We further recommend that this policy be advertised on the website and that the Provost contribute any funding needed to ensure students' funding continuation.

Students in good academic standing who depend on financial aid and advising from responding parties should be held harmless. Affected graduate students should be reassigned to other supervisors or office spaces immediately rather than awaiting a finding before remediating action is taken. Currently, this is the practice, and is what happened in the Biology and Askew School cases. The University takes “interim measures” in which HR-EDI office works with departments to ensure that impacted parties remain “whole” during and after an investigation. The Task Force recommends that this policy be widely advertised in order to assuage any student fears about stepping forward. We further recommend that a dedicated source of funding be identified to support impacted students who might otherwise lose their funding; continued funding should not be contingent on the availability of College funds. By making this policy known, it should encourage more students to come forward.

12. We recommend greater transparency about the criteria used in a determination of responsibility and about the penalties associated with a violation.

The Committee notes that better access to basic information about the types of information the investigative team considers in making a determination would go a long way towards inspiring confidence in the outcome. The criteria clearly appear in an appendix in the 50-page policy (see page 28 in the [Policy](#)), but finding them requires more searching than is desirable. Similarly, the sanctions listed in the Policy (page 28) should be more readily accessible. One possibility is for the flow chart described in Recommendation 1 to include a link to these spots.

13. We recommend that Administrators refrain from using the term “zero tolerance” to describe their orientation to sexual harassment and misconduct.

This expression is often taken to mean that policy violation will result in termination. In the case of sexual misconduct and harassment at FSU, however, it means that each case will be pursued vigorously and thoroughly. To avoid misunderstanding, it is better to simply eschew the expression. If it is used, an explanation should be made about what is meant by it.

14. We recommend that when a respondent is not interviewed, either because of leaving FSU employment or any other reason, the Investigative Team should nevertheless reach a conclusion based on available evidence.

In the Public Administration case, because the respondent left employment without having been formally interviewed, a formal finding in the case was never made. The Committee believes that when a responding party refuses to testify on their own behalf (perhaps because they have left the institution) that does not constitute a reason to stymie an investigation. Instead, the report could note that an attempt was made to gather the respondent’s perspective, the respondent declined, and so a finding was reached without that information.

15. We recommend that the University appoint a Task Force to consider ways to post a public-facing report about substantiated cases.

We recommend that a University Task Force be established to examine ways to make the findings of substantiated cases more readily available without having to submit a public-records request, and this should be done while keeping within the constraints outlined in Robyn Blank’s

memorandum. There are several arguments in favor of such a site. Posting this information would allow the University to “get out in front” of a situation rather than having to respond to media reports. Providing the information from a centralized office also would have the advantage of relieving individual deans/chairs/HR of the burden of informing units, an area where communications have broken down in the past. Such a site also ensures that colleagues and students who might work with respondent are aware of the situation. Finally, doing so would reduce the need for interested parties to file public records requests in order to gather information about the cases.

16. We recommend that the University create a website, updated annually, indicating the number of complaints received, number of investigations completed, and number of investigations found substantiated and unsubstantiated.

Presenting such data would reassure the University community and others that action is taken on all complaints. It would also give some sense of the prevalence of harassment.

17. We recommend that public records requests for case reports be responded to more promptly.

The Committee encountered significant time lags in obtaining some reports. Requests filed for two different reports took 2.5 and 4.5 months to be fulfilled. The two most recent requests from the Task Force were responded to in 1-2 days.

18. We recommend taking whatever action is possible to apprise future employers about the harassing behavior of a respondent once they have left FSU.

Committee members appreciate that FSU alerts all federal funding agencies with which the respondent has dealings of accusations of harassment and outcomes of investigations. The Committee also recognizes that it is difficult to alert potential employers other than via a “whisper network,” since potential employers number in the thousands.

We note, however, that all employees are required to be evaluated annually for the preceding calendar year’s activity. These reports become part of the employee’s permanent file, which potential employers can request as they go about due diligence. Thus, even in the event of separation from the University, the annual evaluation could explain the reasons for a negative evaluation.

19. We recommend that an academic authority, either the Provost or the Vice President for Faculty Development and Advancement, be more clearly identified as the “go to person” in cases where an affected party believes that their claims have not been heard.

While current practice identifies these role incumbents as serving this function, the Task Force recommends making their commitment more explicit. The former Dean of the College of Social Sciences, David Rasmussen, failed to act for many years on reports, including from the Chair, regarding Dr. Feiock’s harassing behavior. The Committee believes that the KnowMore website should make it clear that in cases where an affected party feels the case is being blocked at a

lower level that they are welcome to approach the Provost or the Vice President of Faculty Development and Advancement for redress.

20. We recommend that the University's mandatory sexual harassment training be readily available for those who want a refresher course.

The KnowMore website link to training goes to a SUNY presentation geared to students, (<https://system.suny.edu/sci/postedtraining/>). Finding the Sexual Harassment Training module designed for employees turns out to be a daunting task. After going to my.fsu.edu, one clicks the "HR" icon, selects "Learning and Development," selects "Request Training Enrollment" from the menu. Then the employee selects "Search by Course Name" and types in a term likely to work, in this case "Sexual," and hits "Search." In the table that appears, in the row labelled "NonDiscrimin/Sexual Misconduct," they would click on "View Available Sessions," and from there click on the session named "3000." A person can then enroll and wait up to two hours for Omni and Canvas to synch. A direct link to the training module from a website devoted to sexual harassment would be an improvement.

21. We recommend that the University devote resources to training principles aligned with those put forth by the National Academy of Sciences, Engineering, and Math.

The NASEM report (2018) concludes that positive effects were mostly likely when training included the following elements:

- lasted more than 4 hours
- was conducted face-to-face
- included active participation with other trainees on interdependent tasks
- was customized for the audience, and
- was conducted by a supervisor or external expert.

We would add that the training also should be culturally competent and sensitive to differences in various cultural and linguistic contexts and to the experiences of people with diverse sexual and gender identities.

The University's existing Green Dot bystander-intervention program incorporates many of these elements and might serve as a model for meeting these NASEM suggestions. The program is available to faculty, staff, and students. A task force member attended a three-hour workshop and believed that some of the principles—which align with those endorsed by the NASEM—would apply to faculty trainings, as well. He was impressed with the quality of the training, particularly with how well small groups worked together to respond to the scenarios presented. The session was participatory. Trainees gathered in groups of six or eight and heard live presentations of cases, after which the groups brainstormed interventions. The Task Force member found the training effective for several reasons: a) it was participatory, b) group dialogue uncovered aspects of cases that individuals might have overlooked, c) the cases presented were nuanced, which generated thoughtful dialogue, and d) it was sensitive to varied cultural contexts, such as faculty and students coming from international settings and those

communicating in English as a second language (although it did not address the experiences of people with diverse sexual and gender identities).

At the present time, FSU requires employees to complete an online training course, and units may also request training presentations, which in non-pandemic times are delivered face-to-face. We note that online training, while efficient, is generally less effective than live training (NASEM 2018). And we also note that the Task Force has heard reports that HR's live presentations tend to be generic and not particularly geared to the situations confronted by faculty and students.

The Task Force recognizes the considerable resources that adopting the NASEM recommendations would require. Nevertheless, on an issue that is so vitally important, where the lives of vulnerable populations on the line, such resource allocation is appropriate.

## **Conclusions**

The sexual harassment investigation and determination process should place the health and well-being of the people involved first and foremost. The reputation of the institution should be a secondary consideration. Protecting victims and reducing their number is key, while keeping in mind that the accused party is not guilty until an investigatory process determines that a claim is substantiated. We believe that FSU is committed to the protection of all members of the FSU community, and we hope that the Task Force's findings about what does and does not work and the recommendations for improvements are useful in attaining that goal.

We begin with the observation that the investigation, treatment of affected parties, and responsiveness to requests for information have improved dramatically over the past 30 years. A task facing the University now is to assure faculty, staff and students—and affected parties, in particular—that present-day complaints will be handled in a way that encourages confidence in the process.

The purpose of the Task Force was to look into recent sexual harassment cases with an eye to understanding what went wrong and how FSU could improve existing processes. The Faculty Senate President asked the Task Force to pay special attention to possible problems in reporting up the chain, openness and transparency, the timeliness of administrative action and the reporting of findings. Longer term specific goals include determining ways to reduce the number of incidents, reduce victims' suffering, suggest improvements to the complaint-reporting process, clarifying how to ensure community members understand what constitutes unacceptable behavior, and set up a system for ascertaining the frequency of complaints and their resolution. The Task Force gathered information from national reports regarding the pervasiveness of the problem, the groups most likely to be affected by it and the groups most likely to engage in it, and the consequences for individuals.

We then gathered data on several recent cases at FSU. In doing so, we turned to investigative reports gained via public-records requests, newspaper coverage, examination of FSU policies and websites, and extensive interviews with administrators, faculty, and students. Based on

these data, we arrived at a set of recommendations that we believe will make FSU a safer haven for faculty, staff, and students. They can be summarized as follows.

We believe that communication can be improved on a number of dimensions. The 50-page Sexual Misconduct Policy is the sole document laying out procedures. It is comprehensive but difficult for a layperson to follow, since it covers separate procedures for three different groups (students, faculty, FSU-School faculty) and because it is, understandably, written legalistically. We suggest adding a flow chart describing the investigative process, with hyperlinks to various sections of the Sexual Misconduct Policy. The flow chart could also be used when counseling affected parties face-to-face about their options, as hearing options is complemented by seeing them written out. Other communication improvements entail advertising actions the University already engages in, for example, the practice of guaranteeing continued funding and immediate remedies for a student complainant and the practice of having the right to turn to the Provost or the VP of Faculty Development and Advancement if an affected party believes a complaint is not being followed through on at lower levels. It is one thing to have procedures in place and another to ensure that people are aware of them. This matters, as it is likely to increase reporting rates.

Effective training is key to any organizational change, and at the most minimal level, the existing online training module could be more easily accessible, and at the maximal level, training could be revamped in accordance with the NASEM guidelines that recommend that training last several hours, be conducted face-to-face, include active participation, be customized for the audience, and be conducted by a supervisor or external expert.

The Task Force would like to see greater transparency when an investigation concludes that charges were substantiated, although we acknowledge the difficulty in doing so, as laid out in Robyn Blank's (2021) memorandum. Our investigation showed that results are unattainable except by public-records requests and that communication about a case to faculty, staff, and students in a unit was not always forthcoming. Many involved parties expressed frustration at having to turn to newspaper accounts to gain information. To the extent possible, efforts should be undertaken to not leave the University community in the dark about substantiated complaints.

The Task Force is concerned that responding parties found to have violated the Sexual Misconduct Policy can seemingly find other employment with an employer unaware of their misconduct, and we would like to see steps taken—most obviously including substantiated claims in personnel records—so that such information is readily available when an employer vets a potential hire. Including such information in a personnel file might entail changing the current practice wherein a finding is simply not reached if the responding party leaves FSU. A finding, with caveats about how the responding party did not respond, could be reached in such cases, making it more likely that a potential employer will see the information.

Finally, the creation of a website regularly updated with the number of complaints received, number of investigations completed, and number of investigations found substantiated and unsubstantiated would reassure the University community and others that action is taken on all complaints. Besides offering some sense of the prevalence of harassment, such a site would also reassure members of the University community that action is taken on all complaints.

In sum, the Task Force concludes that the process has greatly improved in recent years, and we look forward to further improvements in the future.

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