

## Case study 02

### **What constitutes sexual harassment and what should be the response?**

Disclaimer: The ethical determination reached here is separate from, and does not include a consideration of, any formal legal actions. Neither is it an official recommendation by the AAPA Ethics Committee nor the AAPA itself. It is an exercise in working through an ethical dilemma by using the RICE guide to tease apart a complicated, yet potentially common, situation.

#### INTRODUCTION

This scenario was submitted to the AAPA Ethics Committee after a call went out to the AAPA community in March, 2016 requesting scenarios for case study development. An Ethics Committee Fellow used the scenario to create a case study in the format of the RICE Guide, found in Whiteford & Trotter's (2008) *Ethics for Anthropological Research and Practice*\*. The RICE Guide is a problem-solving guide for determining the courses of action that could be taken by a researcher faced with an ethical quandary. RICE is an acronym for Reflect - Investigate - Contemplate - Evaluate. Throughout the case study, the RICE Guide's prompts and questions are listed and responded to.

The Ethics Fellow in this case study writes from the perspective of the fictional female junior researcher and models a response that could be given to this situation. She did not experience this situation personally, and the views expressed here are not necessarily her own. Additionally, the scenario has been expanded upon in order to make the case study development more tractable.

#### SCENARIO

*I was at a bar while at my field's biggest international meeting, having an in-depth conversation with a tenured, male leader in the field. I am female who at that point was in an early stage in my career (assistant professor). At a certain point in the conversation the tenured professor looked at me and said: "I find you very attractive." I responded by rebuffing his advances and leaving the bar.*

#### Scenario Expansion:

We were both staying at the conference hotel and were at the conference hotel bar. We had been talking for the past hour mostly about work and research. We also talked about subjects besides work. I had met this senior researcher on several previous occasions and been out for drinks and/or dinner with him, but always as part of a group. He was unmarried, as was I, and our age difference was not extreme, although he was older than me. I had no knowledge of a pattern of sexual predation on the part of this researcher, i.e. I had not heard that he frequently made advances to junior researchers who might feel powerless in such a situation. We each had drunk a couple of beers at the point when he made the statement.

I was an untenured assistant professor just beginning my academic career, while he was an influential person in my area of research who could affect my future prospects through denying access to data or refusing collaborations, or potentially giving negative anonymous reviews.

#### CASE STUDY

**Reflect: Identify your own values and biases**

- What are your feelings about the case?
- What are the sources of your intuitions (i.e., your moral training, professional norms, personal history, social position, religious beliefs, relationship with the people involved, etc.)?
- What are the limitations on your objectivity?

When this situation occurred, my immediate response was to compare it to an occasion when I previously experienced sexual harassment from a senior male colleague. My intuition was to equate the two situations and label both as sexual harassment. Additionally, I was aware that sexual harassment is a pervasive issue in Biological Anthropology.

In the other previous situation, I did not confront the perpetrator nor report him. I had knowledge of him continuing a pattern of sexual harassment with other junior, female anthropologists. In this situation, however, I wish to avoid conflating the previous experience with the current instance. I know that some researchers do have consensual relationships with other academics either senior or junior to them.

Additionally, in the current #metoo climate, there is a growing awareness of the problem of harassment in the academic community. There is now precedent of senior researchers being fired or at least reprimanded for sexual harassment or assault. I knew at the time of this incident about instances of sexual harassment at previous conferences.

My objectivity in this case could be limited by several factors:

- Time: A decision had to be made instantly as to how to respond to the senior researcher, and that response could have had lasting impacts.
- Emotions: I was shocked at being hit on, when I thought I was having a friendly exchange of ideas in a professional context. I feared that any response could lead to repercussions.
- Bias: Perhaps in the moment I might have seen his comment as more or less egregious than I would consider it once I had had time to reflect on it or discuss it with others. This could lead me to have reacted in a way that I later regretted.
- Alcohol: the fact that alcohol had been consumed might have affected my response.

Although I did not do this, my immediate reaction might have been to tell others about his comment, thereby affecting the reputation for this senior academic in a way that I cannot erase if I wish to at a later date after I had more time to consider the instance.

**Investigate: Probe the facts as presented**

- What other information is relevant to the ethics of the case?
- Are other possibilities/resources available?
- Has any perspective been neglected?
- Are there unanswered questions?

There are other facts that were not known to me that could have been relevant and may have affected my decision at the time. For example, the senior academic's history is relevant. I would have liked to have known if this was a pattern of sexual predation or a one-off occurrence? However, even if it was not part of a pattern, there should have been an awareness in the academic community by the time this occurred that sexual harassment, especially of female academics, is a serious problem and so I would have expected males at that conference to have been more careful about their language to junior, female colleagues.

There are other complicating factors in this instance. I needed to decide in the moment whether, based on the conversation, the senior professor's remark was inappropriate or a non-sequitur; did being at a conference change the dynamics of the situation? Potentially it would not have occurred in other contexts. Going to the conference hotel bar may have been a poor choice on my part, but was it appropriate for this professor to have gone to a bar with me in the first place if he thought me attractive?

Although I cannot change my reaction in the moment, I still have to make the decision of what, if anything, to do next. If I decide that the behavior was inappropriate there are several resources I have access to:

- Policies for Title IX implementation at my institution, his institution, or the institution hosting the conference.
- If this occurred at the AAPA meetings, then there are AAPA Ethics Committee resources regarding sexual harassment, including the AAPA Statement on Sexual Harassment and Assault: <http://physanth.org/about/position-statements/aapa-code-ethics-sexual-harrassment/sexual-and-other-harassment/>
- I could look to my peers for advice on the situation.

In considering my response after the incident I need to determine if any perspective has been neglected. Other parties that I should take into account include the wider academic community. Does the community have a right to know about this situation in order to prevent future instances from occurring or to take action against the perpetrator? Additionally, do I have a duty to other women to do something about this situation to prevent it from happening again?

I also need to try to think about the occurrence from the perspective of the senior male professor. There are answers to important questions that I could try to parse out, such as what were his intentions? Was this actually an innocent mistake on his part? Was he genuinely interested in pursuing a relationship with me and thought I was interested as well?

In deciding to take any action post-incident I need to consider the ramifications of this scenario for myself. Did I feel under some sort of duress to submit to his advances? In rebuffing his actions, will there be retributive action on his part? If I report his actions, what will that mean for my career? Are negative ramifications possible? Can I report it anonymously?

### Contemplate: Prioritize information and identify ethical dimensions

- What facts are particularly crucial?
- What ethical principles apply to the case?
- What values are in conflict?

- Are there any underlying issues or hidden agendas?
- What social structures have contributed to the dilemma?
- What are the benefits or burdens of the available options?
- How does this case compare to others you have experienced or heard of?

Intent is particularly important in this case. Did the senior professional invite me to the bar with the aim of telling me I'm attractive? In other words, was it his "plan" to add alcohol to the situation for a favorable outcome? Or was his comment something that he thought emerged organically from our conversation and was an appropriate thing to say?

When considering what constitutes the ethical response in this situation, I need to determine how ethical principles apply. The first principle is respect for persons. I must preserve my autonomy in deciding if I wish to pursue this case further and not be influenced by the strong opinions of others when making my decision.

The second principle is beneficence. My decision must minimize harm and maximize benefits. Potential harms to myself includes a tarnished reputation and retribution from the senior researcher or his associates, but if this is an opportunity to stop a pattern of sexual harassment or to discourage others from sexual harassment then is it my duty to act?

The third principle is justice. If this is something I wish to report, how do I balance the rights of the accused (the senior academic) with my own rights? I don't want to accuse someone wrongfully, but equally I don't want to leave a wrongdoer unpunished. Ultimately, I was the only one who heard the comment and could judge what the situation warrants. Did I feel threatened or merely surprised? Have I ever felt uncomfortable in his presence previously? Is it possible I am letting my knowledge of how pervasive sexual harassment is in academia, or my previous experience of being harassed, make me leap to the assumption that this was sexual harassment? If I do nothing, what consequences might I have to live with? If I report him what are the possible punishments that could occur, either official or unofficial?

In delving into these issues, I need to consider what values are in conflict. For example, I highly value any practice which makes the field of academia a better and fairer place for women. I wish for women in academia to feel safe in all academic settings and not to be subject to unwanted sexual advances. If I do nothing I am potentially helping to perpetuate a certain kind of culture in science when it comes to sexual harassment. Does my zealotry to stop sexual harassment lead me to overreact to an innocent, if misinformed, action?

### Evaluate: Analyze options and justify recommendations

What, if anything, should I have done differently in the moment? What could and should I do after the event occurred? What are the benefits and burdens of each option?

Immediate option:

- Option 1: Politely rebuff the senior researcher and leave the bar (the action I took).
  - Benefits: save face, avoid drama, hopefully avoid repercussions.
  - Burdens: this may be a pattern of behavior and another junior researcher will be put in this position again. It does nothing to let the senior researcher know that his

actions were unjust. It does not help to stop the sexual harassment endemic to my field.

- Option 2: Politely rebuff the senior researcher and attempt to educate him about why his actions are inappropriate.
  - Benefits: diffuse the situation, let the researcher know that his advances are unwanted, hopefully change his future behavior.
  - Burdens: why is it my responsibility to have this potentially painful and difficult conversation? Do I have the knowledge and wherewithal to explain it in a way that will actually change his behavior? Furthermore, it could still have negative repercussions to my career if he is offended.

Options for after the situation has occurred:

- Option 1: Report the incident.
  - Benefits: hopefully helps prevent future instances and will lead to a review of the case and potentially bring to light any other infractions on the part of the senior researcher.
  - Burdens: could lead to humiliation and unjust actions against the senior researcher or myself.
- Option 2: Report the incident, potentially anonymously, and allow the senior researcher to remain anonymous.
  - Benefits
    - It may prevent my name from surfacing as the reporter, which could help me avoid negative ramifications to my career.
    - It's hard to quantify the extent of sexual harassment in academia if incidents remain unreported. Reporting the incident, even if no names are given, will a) serve as a record of another incident of harassment occurring in academia, and, b) alert the conference organizers that this has occurred. Potentially this will be useful information to them in preventing future incidents from occurring.
  - Burdens: I have not identified the perpetrator which could make it easier for him to harass other women.
- Option 3: Do not report the incident.
  - Benefits: probably the easiest and most painless route for myself and the senior researcher. Avoids my making a mistake in reporting something that was a one-off, innocent mistake.
  - Burdens: might weigh on my conscience that I did nothing.
- Option 4: Report or not report the incident, but take other action to help change the culture in academia.
  - Benefits: I could become an advocate on the issue and take other proactive steps to change the culture in academia, such as educating any students of mine (current or future), trainees, peers, etc. about what is/isn't acceptable behavior and how common harassment is in our field.
  - Burdens: it can be an uncomfortable topic to discuss, especially with male peers who might feel attacked when this topic comes up. It makes it my responsibility to tackle harassment in academia, which, while I am not alone in doing this, is a daunting task.

My recommendation to others for what they should do if a similar thing happens to them is to politely let the senior researcher know that his behavior is inappropriate. Potentially phrase the response as follows: "I'm sorry, but I need to leave now. Your comment has made me feel uncomfortable. In future I think it's better if you refrain from making advances to other members of the field at academic functions."

If it is too uncomfortable to address the issue directly, then try to change the subject and leave quickly. Perhaps try to join a larger group of people to diffuse the immediate situation.

After the fact, my decision is that I should discuss what happened with my peers, especially those who know the senior researcher, as well as speaking to junior researchers he has supervised. I should attempt to ascertain if this is a part of a larger pattern of harassing behavior directed at junior researchers.

If I determine that his comment was a part of a larger pattern of preying on vulnerable academics when there is an unequal power dynamic, or that this behavior is egregious and needs to be addressed, I would start by discussing it with the professional organization's executive committee or ethics committee, so that they know of its occurrence. To take it further, I should contact Title IX officer at the senior researcher's institution.

\* Whiteford, LM and Trotter, RT (2008). *Ethics for Anthropological Research and Practice*. Long Grove, IL: Waveland Press. (p.113)