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January 11, 2016

Catherine E. Lhamon
Assistant Secretary for Civil Rights
Office of Civil Rights
Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-3100

Dear Assistant Secretary Lhamon:

Thank you for your leadership and commitment to eradicating sexual harassment and assault on college campuses. Knowing your interest in this area, I wanted to bring the attached report to your attention, which details disturbing sexual harassment by a former faculty member at the University of Arizona. Despite finding that Dr. Timothy Slater committed a policy violation in the matter of “sexual harassment, hostile work environment,” the report and its incriminatory revelation were sealed, and Dr. Slater moved to a new job at the University of Wyoming, where he continues to supervise students and teach workshops. In light of this, I ask that the Office of Civil Rights clarify whether universities that find a Title IX violation by faculty or staff are required to disclose the results of their investigation to other educational institutions.

The incidents described in the report are alarming. One complainant said that Dr. Slater told her on a regular basis that “she would teach better if she did not wear underwear” and “grabbed her underwear through her dress, stretched it and snapped it, and said ‘You’d look a whole lot better without these on,’ or words to that effect.” He asked another complainant “if she knew anything about or was any good at giving blowjobs, because (*name deleted*) does not like to give or received them – maybe you could give her some pointers.” Dr. Slater himself admitted that he gave an employee a vegetable-shaped vibrator, that he frequently commented to his employees and students about the appearance of passing women, and that he told one person “that his personal sexual record was four women in 24 hours.”

Staff spoke directly to a witness who recounted several inappropriate interactions. She observed Dr. Slater instructing an undergraduate student to “touch your elbows behind your back for me” in order to scrutinize the student’s breasts, and touching graduate students on the leg while

making inappropriate statements. At a lab social event at the Slaters' residence, video pornography was shown before dinner. She recounted hearing Dr. Slater tell male colleagues on more than one occasion that he enjoyed teaching large lectures in rooms with stadium seating because the female students in Arizona wear short skirts and often forget to cross their legs. Dr. Slater once required the witness to attend a lunch at a fully nude strip club with him in order to discuss her academic work, with the implied consequence that he would not discuss her work with her if she refused to go. While she was there, she was pressured to attend future lunches at the strip club. According to the witness, it was made clear to her, though never explicitly stated, that if she wanted to function in the lab that she had to take part in this sexualized culture. Because of these incidents, the witness left the field of astronomy.

Staff spoke directly to another witness, who experienced inappropriate comments and unwanted physical contact from Dr. Slater. At a one-on-one work meeting, he told her that all the other graduate students had sex at his house, that he had video cameras, and asked when she would also have sex at his house. During a lab social, she witnessed Dr. Slater and another lab supervisor stating that at this party, lab members were going to use the Slaters' hot tub naked. Dr. Slater also touched her shoulders and stroked her back while she was teaching, until she sent him a formal email requesting that he stop. Due to the hostile work environment, the witness transferred out of Dr. Slater's group, losing years of progress towards her graduate degree.

A third witness separately confirmed that Dr. Slater led laboratory outings to strip clubs.

The Slater report is disturbingly similar to the recent case at the University of California, Berkeley, in which Dr. Geoff Marcy, a prominent astronomer, violated campus sexual harassment policies with minimal consequences for 9 years until his story was publicized through the media. As the University of Arizona did with the Slater case, UC Berkeley kept the final report on Dr. Marcy's behavior confidential, perhaps because, as *Science Magazine* put it, "[t]he details of UC Berkeley's inquiry into Marcy's conduct does not reflect well on the institution, with the process stretching for more than 4 years and Marcy given only weak sanctions after repeated promises to reform."¹ The final report from UC Berkeley contained a sentence that could be applied equally to Dr. Marcy and Dr. Slater: "[i]t cannot be overstated how Respondent's inherent influence and authority over the complainants, real or perceived, heightened the impact of his behavior on those experiencing or witnessing it."²

The Slater case, while lurid, is just a symptom of a much larger problem – how to prevent harassment, and effectively deal with it when it occurs. Dr. Slater states that he is now reformed, but there are still few consequences for faculty members who sexually harass students. In some ways, the situation is reminiscent of the Catholic Church's coddling of child-molesting priests. As in the Church, universities protect perpetrators with slap-on-the-wrist punishment and

¹ <http://news.sciencemag.org/people-events/2015/12/university-releases-sex-harassment-report-astronomer-geoff-marcy>

² <http://www.nature.com/news/berkeley-releases-report-on-astronomer-sexual-harassment-case-1.19068>

secrecy, while victims are left alone to try to put their academic careers and lives back together. One peer-reviewed study found that over a quarter of women surveyed (and 6% of men) have been sexually assaulted while conducting scientific fieldwork, and 71% of women and 41% of men also reported that they were sexually harassed.³

The profound effect of this dynamic on the participation of women in science cannot be overstated. From 2002 through 2012, women received one-third or fewer of the doctorates awarded in physical sciences, mathematics, engineering, and computer science, and as of 2013 one-third or fewer of all tenure or tenure track faculty positions in core STEM fields were held by women.⁴ Indeed, all of the victims we talked to suffered career consequences as a direct result of the harassment, including losing years of graduate work, forgoing professional opportunities, and changing fields of study. In the Marcy case, one of the victims, who had aspired to work at NASA, left astrophysics entirely as a direct result of being harassed.⁵

When students found to have violated university policy through the Title IX disciplinary process transfer to another institution, the university that found the violation may inform the other institution, but is not obligated to do so. While this policy is vastly insufficient, it at least allows universities to have the option to inform other universities of the final results of a disciplinary proceeding. However, no similar guidance exists for faculty or staff. I ask that the Office of Civil Rights issue a clarification on the FERPA or Title IX disclosure requirements when faculty or staff whose conduct violated Title IX transfer to another institution.

Thank you for your prompt attention to this matter. I forward to hearing from you soon.

Sincerely,

Jackie Speier

³ <http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0102172>

⁴ <http://www.gao.gov/products/GAO-16-14>

⁵ http://www.insidebayarea.com/breaking-news/ci_28984657/does-uc-berkeley-astronomer-geoff-marcys-downfall-signal