

My Thoughts about Title IX Scenarios

Bill Menke, 04/23/15

I express my thoughts on a “Title IX” scenarios, taken from a hand-out prepared by the Columbia EOAA office. I think the intention of the EOAA was both to get me, the reader, to think about how I would work to protect persons experiencing sexual misconduct and how I would report the incident to the University (a statutory requirement of University officers like me), so I respond to both. A disclaimer: I don’t know if there is any single “right” response to complicates scenarios such as these, but in any case my “thought” are just thoughts; they represent only my opinions of the moment and have not been endorsed (or even vetted) by Columbia University.

Scenario 1

A current student of yours schedules an appointment to speak to you in your office. She tells you that her roommates’ live-in boyfriend of 3 years has hit her on numerous occasions and constantly berates her and tells her she’ll never be successful. Despite this, the roommate insists that she loves him and, in fact, has recently accepted his proposal of marriage. The student is sharing this with you because she feels comfortable with you (she’s been in several of your classes) but tells you her roommate wants it kept confidential and did not want her to tell anyone. What would you do?

First, I would inquire whether my student feared herself becoming a victim of the boyfriend’s violence. If she felt threatened, then I would strongly advise her to take immediate steps to eliminate the possibility of violence (such as staying temporarily with a friend) and on seeking the protection of the authorities. I would also strongly encourage her to speak with EOAA, believing they would give her good advice on how to approach the situation. I would also urge my student to remind her roommate that the boyfriend’s violence was unacceptable and that the roommate should not tolerate it, and if necessary, seek the protection of the authorities. If the roommate and/or the boyfriend are CU-affiliated, then I have a duty to report my conversation to the appropriate Columbia office, either the roommate’s or boyfriend’s Dean of Students, if one is a student, or with EOAA, if one is a CU employee. However, if neither is CU-affiliated (as is frequently the case with non-CU housing), I probably do not have a duty to report, unless my student, herself, feel threatened, in which case I must report the conversation to her Dean of Students. If circumstances were such that I had to report, I would disclose this to my student.

Scenario 2

A faculty colleague from another department asks to speak to you in your office. He tells you that a student, who has been in one of his classes for 3 weeks, has recently begun to email him excessively and send text messages to his cell phone (he had given the class the number in case of emergencies). At first

they were all class related, so he didn't think much of them, other than they were a bit annoying. In the last few days, however, the texts have become more inappropriate, with a strong sexual subtext, and he is becoming concerned (he is married with 3 children). Yesterday, he thought he saw her standing on the corner when he left his apartment, which is several miles from campus, though he couldn't be sure it was her. What would you do?

I would advise my colleague immediately to report the matter to EOAA, to get professional advice on how to handle this situation, and also to forestall the possibility that my colleague would garner blame should the matter escalate. I am somewhat uncertain whether the student's emails constitute an unwelcomed sexual advance, since my colleague has not informed the student that he does not want them. Nevertheless, most people would probably think that a student sending emails containing sexual innuendo to a professor is out of line, and so the student's behavior fails a 'reasonable person standard' and is likely a form of harassment. Furthermore, I would tell my colleague that stalking is clearly harassment, and that at the very least he has the obligation to report this to EOAA, as now, having heard his story, do I.

Scenario 3

An ex- student, whom you helped find an amazing job, stops by to say hi. When you ask her how the job is going, she gets quiet and says everything is fine. She doesn't look at you as she says this. You pick up that something is troubling her and ask her some follow up questions. Suddenly, she breaks down and says she is miserable and can barely drag herself to work every day. She explains that her direct supervisor, who you know extremely well, has been cutting her out of things and giving her all of the grunt work. She says that the rest of the team is all white males (like the supervisor) and they bond over sports and drinking, which she has no interest in. She said that the supervisor has also insinuated that her speaking and writing skills are not up to par, suggesting that "it might be because English is not your first language" and advising her to get some extra help. The student is Hispanic and was a Phi Beta Kappa English major, with several publications to her name. What would you do?

Bill Menke's reply: A key difference between this and previous scenarios is that the conversation is with an ex-student now working in, by implication, a non-CU setting for a non-CU boss, and consequently, I have no "duty to report". But, of course, I would take the matter seriously and try to give good advice. I would say that I admire the student and believe her to be intellectually strong and with tremendous potential; that I believe that she has the ability to succeed even in the face of a disappointing job situation; and that I am willing to support her in any way I can. I would listen carefully to her story, be sympathetic to her concerns, but I would probably not make any judgments about them. I would ask her where she wants to be in two to three years time and what sort of things she thinks need to happen for her to achieve that goal. A strategy that I have found effective over the years is for a junior employee to directly ask his or her supervisor to be assigned a specific responsibility and to back that request up with a well-thought through plan and rationale. This tact often works because it puts the supervisor "on the spot", but in a non-accusatory way. But I would also tell my student that she needs to be prepared to look for a new job, should the situation not improve after several attempts to change it.

This last scenario encapsulates well the many problems that women and minorities encounter in professional settings: the rest of the staff is all white males whose small-talk and after-work activities serve to build camaraderie among each other but put off outsiders; they aren't given the big assignments that lead to job advancement; and cultural differences are misunderstood and viewed as weaknesses. Many strategies are available to assist a person navigate around specific manifestations of these problems, including at the last resort legal action, but the overall problem is systemic and will only be completely solved by an evolution of our culture.