

Report of the Ombudsperson Concerning Discrimination and Sexual Harassment

*Executive Summary of Confidential Report
Submitted by Ruth Chang, July 2015*

I. Summary of activity

It was a busy year for the ombudsperson. The activity was as follows:

- Three complaints about severe bullying behavior by colleagues
- Complaint about sexual misconduct involving three faculty members several years ago
- Complaint of sexual assault by faculty member several years ago
- Complaint by member of stalking by a student and inadequate institutional response
- Two complaints of inappropriate career-damaging behavior by members against two other members accused of sexually inappropriate behavior (and in one case found in violation of the institution's policy against harassment)
- A variety of complaints about the APA board's Open Letter on Sexual Harassment
- Complaint that an institution improperly released confidential information
- A request that the APA keep more detailed records about complaints of sexual misconduct
- Several requests for information about: an alleged serial sexual harasser; Title IX; demographic data about the profession; climate surveys; whether APA documents are available in Braille
- A number of requests for help and advice concerning:
 - three sexual harassment/sexual assault cases
 - removal of an alleged sexual predator from a program
 - two departments in which opinion was divided about whether to agree to a Site Visit
 - support for a victim of sexual assault in attending an APA event at which her assailant would be present

There were 27 separate incidents logged. Descriptions of the cases and how they were handled (with all identifying information removed) appear in the full confidential report filed with the APA's national office.

In addition, as a member of the Committee on the Defense of Professional Rights of Philosophers (CDPRP), Inclusiveness Committee, and Academic Career Opportunities and Placement Committees, I reviewed two sets of diversity grant applications, participated in handling a case for the CDPRP, and contributed to the formation of a plan to respond to APA board requests for initiatives by the Academic Career Opportunities committee. I am currently on a subcommittee in connection with that initiative.

II. Issues

This year's ombudsperson caseload raises the following issues for the APA:

1) Should the APA issue a statement about civility and bullying behavior on the internet and in the profession more generally?

This issue has been raised by Cheshire Calhoun for possible consideration by the Task Force on a Code of Conduct.

2) What kind of record-keeping of complaints to the ombudsperson is it appropriate for the APA to keep? Is the current system adequate for providing information upon which the APA can act or should more detailed records be kept in some confidential form?

The due process concerns of keeping records of complaints against individuals where individuals are named prevents the APA from keeping such records. But perhaps records of such complaints could allow the department in which the individual works to be named, on the understanding that such a record would be confidentially held by the national office and used only to help inform responses to future complaints against that department (e.g. by the CDPRP). This record-keeping could begin next year if the board thinks it is prudent.

3) What are the APA's obligations for making its publications accessible to the sight- (and hearing-) impaired?

Currently, online versions of print publications and the online-only publications and notifications of the APA use screen-reader accessible formats including accessible PDFs. The APA does not, however, currently have Braille versions of its print publications. After conferring with Cheshire Calhoun and Amy Ferrer, and at the suggestion of Calhoun, I reached out to a member of the Inclusiveness Committee who provided helpful information about the duties of businesses under ADA regulations. Amy Ferrer contacted APA lawyers who confirmed that Title III essentially requires that businesses and non-profits provide reasonable accommodations, viz., accommodations that do not place an undue burden on the institution. Ferrer will reach out to sister organizations who may have retained Braille transcription services in order to evaluate what steps the APA might reasonably take to provide greater accommodation to the sight-impaired.

4) Should the role of the ombudsperson be officially changed to include taking member complaints about other members beyond those involving sexual harassment?

The bulk of ombudsperson activity this year has been to offer advice, information, and support to individual members about issues involving other members. Officially, however, under an APA policy adopted last year, it is not within the remit of the ombudsperson to be involved in member-on-member disputes. It is difficult for the ombudsperson to turn away distressed members who seek advice and support. It may be best to leave the official policy as it is, since an official change in policy may open the floodgates. It is worth noting, however, that there appears to be a demand for this kind of advice and support in member-on-member disputes.