

# CODE RED

## VITAL SIGNS OF SEXUAL HARASSMENT

DAN WILKERSON, JD

FORMER GENERAL COUNSEL

UNIVERSITY OF COLORADO



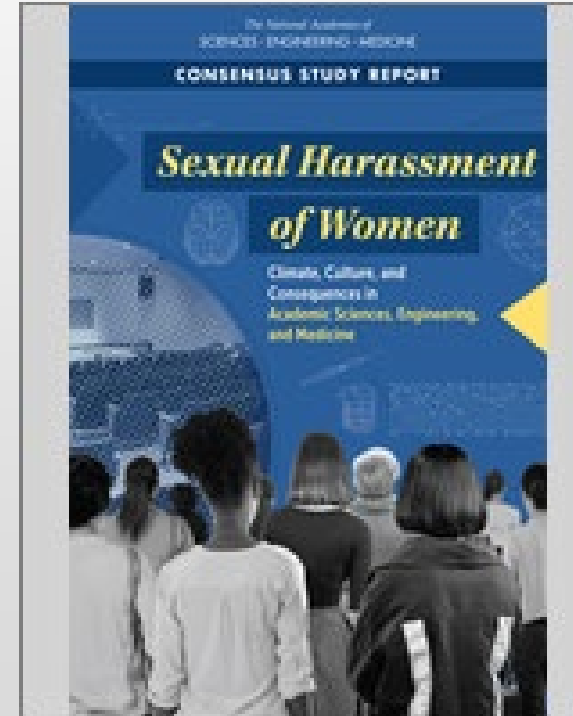
# **MEDICINE IS ON THE VERGE OF ITS OWN #MeToo MOMENT**

- **YALE MEDICAL SCHOOL REMOVES DOCTOR AFTER SEXUAL HARASSMENT FINDING**
- **ESTEEMED EBOLA RESEARCHER FIRED AT UNIVERSITY OF WASHINGTON FOR SEXUAL HARASSMENT**
- **USC MEDICAL DEAN RESIGNS AFTER SEXUAL HARASSMENT FINDINGS MADE PUBLIC**
- **UNIVERSITY OF CHICAGO PROFESSOR RESIGNS AMID SEXUAL HARASSMENT INVESTIGATION**
- **HARVARD MEDICAL SCHOOL PROFESSOR RESIGNS AMID SEXUAL HARASSMENT ALLEGATIONS**

# NATIONAL ACADEMIES OF SCIENCES, ENGINEERING AND MEDICINE

## Sexual Harassment of Women

- **Climate, Culture, and Consequences in Academic Sciences, Engineering, and Medicine**
  - Authors: National Academies of Sciences, Engineering, and Medicine; Policy and Global Affairs; Committee on Women in Science, Engineering, and Medicine; Committee on the Impacts of Sexual Harassment in Academia.
  - Editors: Frazier F. Benya, Sheila E. Widnall, and Paula A. Johnson.
  - Washington (DC): [National Academies Press \(US\)](#); 2018 Jun 12. ISBN-13: 978-0-309-47087-2 ISBN-10: 0-309-47087-0



# LEGAL DEFINITION OF SEXUAL HARASSMENT IS:

- UNWELCOME CONDUCT OF A SEXUAL NATURE, INCLUDING UNWELCOME SEXUAL ADVANCES, REQUESTS FOR SEXUAL FAVORS AND OTHER VERBAL, NON-VERBAL OR PHYSICAL CONDUCT OF A SEXUAL NATURE.
  - QUID PRO QUO (“THIS FOR THAT”): EMPLOYMENT OR EDUCATIONAL PARTICIPATION, PROMOTION, ASSIGNMENTS CONDITIONED ON SUBMISSION TO SEXUAL ADVANCES
  - HOSTILE ENVIRONMENT: COMPLAINANT BELIEVES THEY EXPERIENCED UNWELCOME SEXUAL CONDUCT AND A REASONABLE PERSON IN *COMPLAINANT’S* POSITION WOULD VIEW THE CONDUCT AS SUFFICIENTLY SEVERE, PERSISTENT OR PERVASIVE THAT IT LIMITS AN INDIVIDUAL FROM PARTICIPATING OR BENEFITING FROM THE EMPLOYMENT OR EDUCATIONAL PROGRAM

# WHAT DOES THAT MEAN IN ENGLISH?

## *QUID PRO QUO*

- Chief Resident to Resident: “I could make your life easier if you will have sex with me.”
- Director of Cardiovascular Research Center making advances towards a postdoctoral fellow.
- Ophthalmology faculty member takes fellow to meeting and books only one hotel room.

## *HOSTILE ENVIRONMENT*

- Attending to first year resident during surgical case: “You know how to spread good.”
- “You know, when you chew your ice, it means you’re sexually frustrated.”
- Residents use high resolution screens in radiology reading room to view internet porn.



# MORE COMPREHENSIVE DEFINITION



There are three categories of sexually harassing behavior:

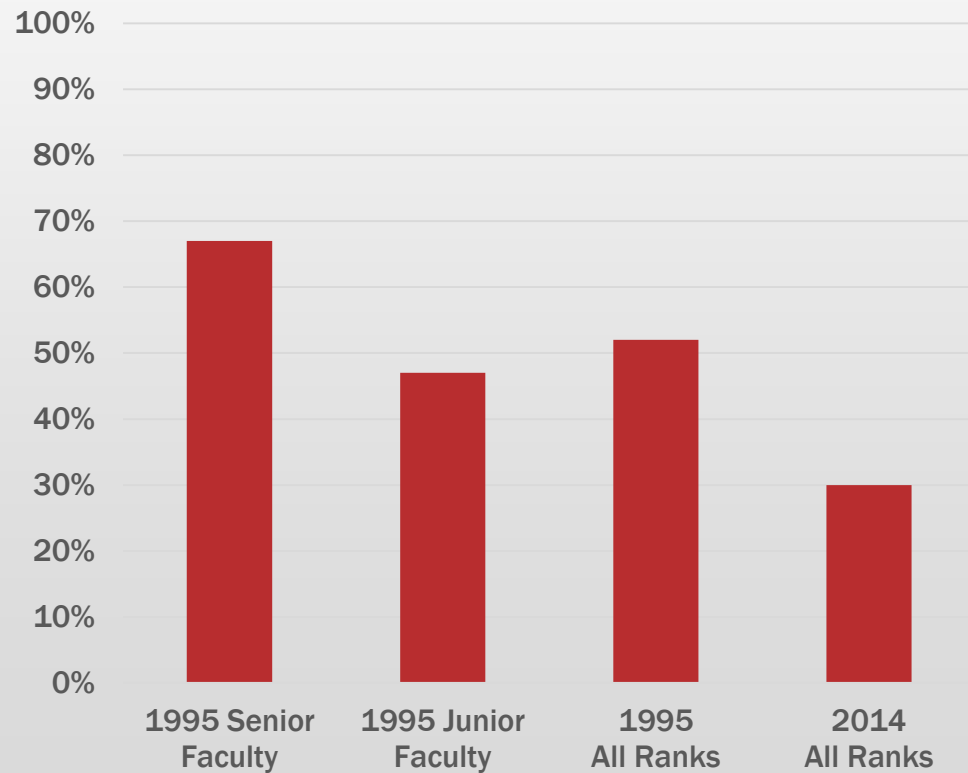
**Gender Harassment** (verbal and nonverbal behaviors that convey hostility, objectification, exclusion, or second-class status about members of one gender)

**Unwanted Sexual Attention** (verbal or physical unwelcome sexual advances, which can include assault)

**Sexual Coercion** (when favorable professional or educational treatment is conditioned on sexual activity)

# MEDICAL SCHOOL FACULTY WHO HAVE EXPERIENCED SEXUAL HARASSMENT

## FEMALE FACULTY MEMBERS



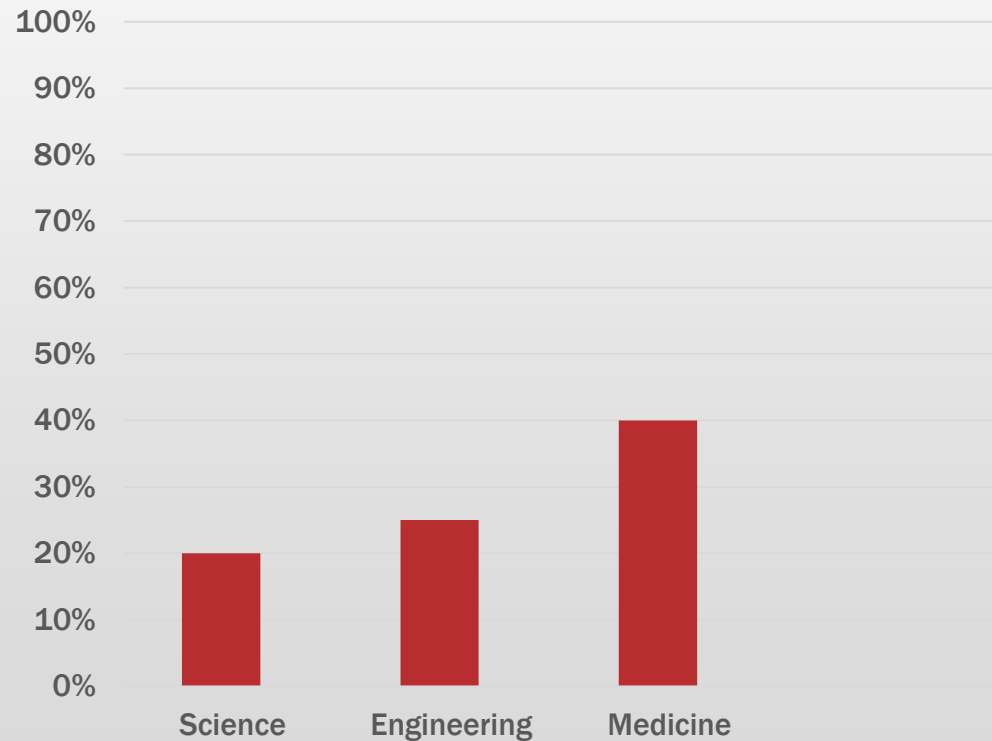
## MALE FACULTY MEMBERS



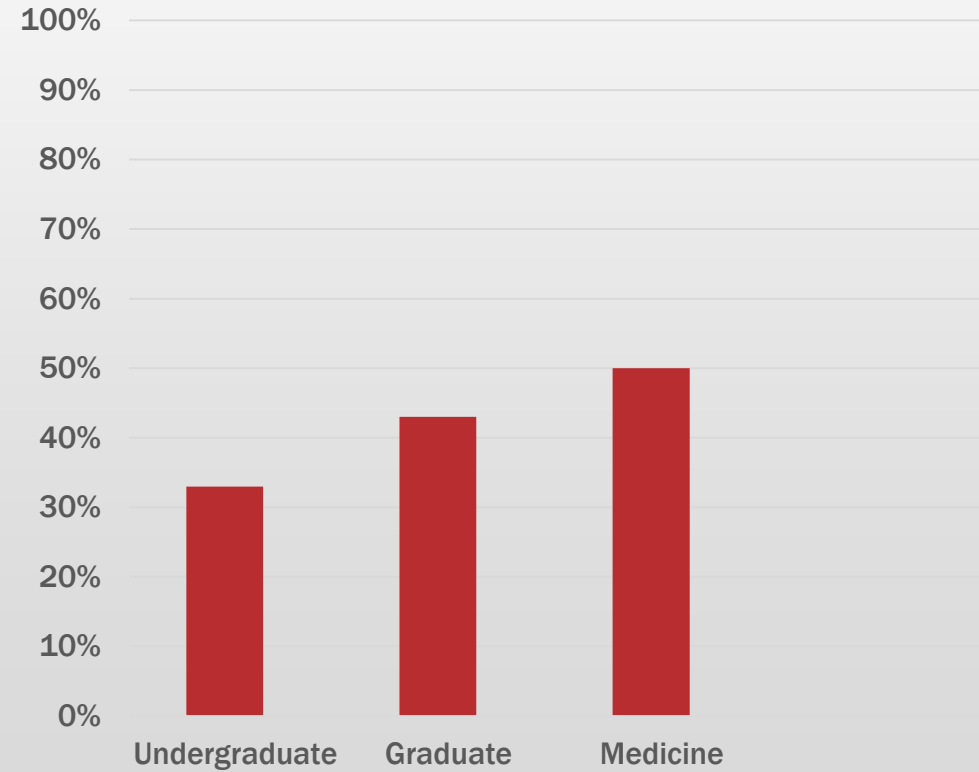
Jagsi R, et al., Sexual harassment and discrimination experiences of academic medical faculty. *JAMA* 2016;315:2120-2121.

# FEMALE STUDENT EXPERIENCE

## UNIVERSITY OF TEXAS SYSTEM 2018



## PENN STATE UNIVERSITY 2018





# MEDICINE BY THE NUMBERS

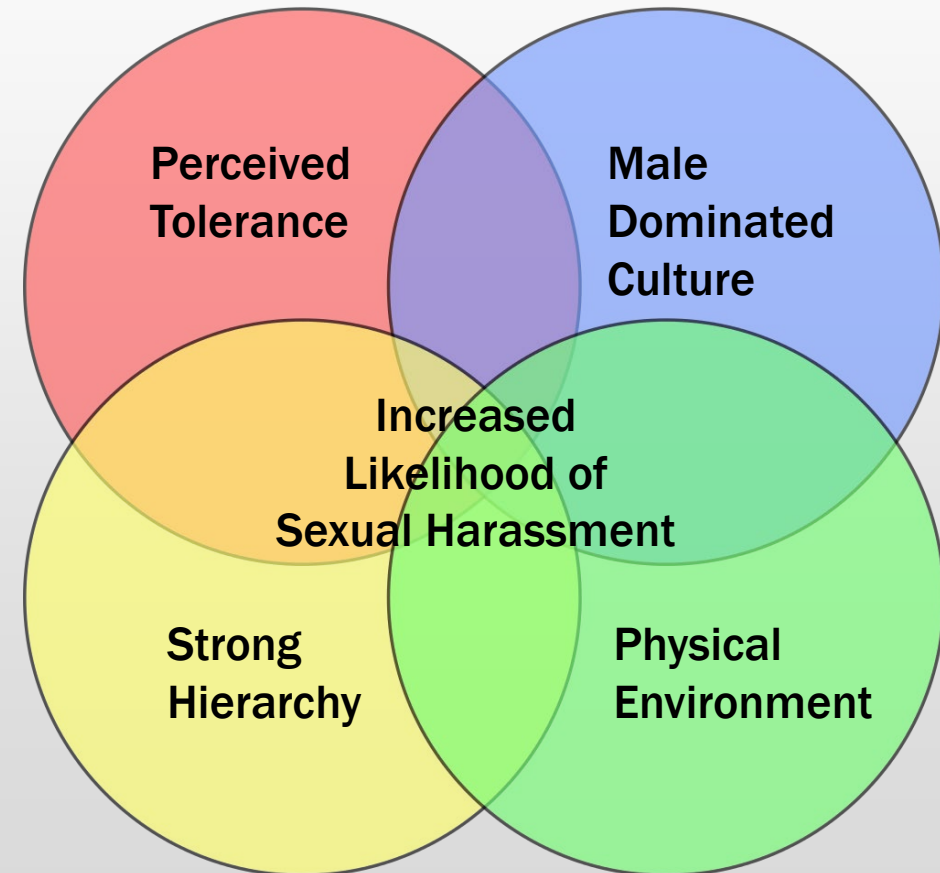
\*NBC News February  
20, 2018

- **TWICE AS MANY MALE PHYSICIANS (623,054) AS FEMALE PHYSICIANS (326,902)\***
- **ONLY 19.2% OF SURGEONS ARE WOMEN\***
- **2017 FIRST YEAR A MAJORITY OF ENTERING MEDICAL STUDENTS WERE WOMEN\***
- **IN 2018, 16% OF MEDICAL SCHOOL DEANS ARE WOMEN**



# FACTORS INCREASING LIKELIHOOD OF SEXUAL HARASSMENT INCIDENTS IN SURGERY

- Perceived Tolerance
- Strong Hierarchy
- Male Dominated Culture
  - 81% Surgeons
  - 83% Dept. Chairs
  - 84% Deans
- Physical Environment
  - High Stress
  - 24/7 Work
  - Call Rooms



- **Decline in Job Satisfacton**
- **Withdrawal from Organization**
- **Decline in Organizational Commitment**
- **Increase in Job Stress**
- **Decline in Productivity or Performance**



## **PROFESSIONAL EFFECTS OF SEXUAL HARASSMENT**



# PERSONAL EFFECTS OF SEXUAL HARASSMENT

- Depression
- Anxiety
- Stress
- Generally Negative Effects on Psychological Wellbeing



# YOUR ROLE AS CHAIR

## DO:

- Create a culture of *Intolerance*
- Define Sexual Harassment broadly – include sexist behavior
- Know your sexual harassment policy – especially your role and institutional resources

## DON'T

- Try to handle a complaint on your own
- Ignore sexually charged jokes or innuendo
- Dismiss allegations as “That’s just Bob, he doesn’t mean anything by it.”