



Title IX Compliance Report:

Arizona State University

School of Earth and Space Exploration

Department of Physics

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TABLE OF CONTENTS

I. INTRODUCTION..... 2

II. COMPLIANCE ANALYSIS AND FINDINGS..... 2

 A. Designation of Official for Title IX Coordination and Enforcement..... 3

 1. Compliance Requirements and Standards 3

 2. Analysis and Findings 4

 3. Recommendations 5

 4. Promising Practice..... 6

 B. Adoption of Grievance Procedures and Policy Dissemination 6

 1. Compliance Requirements and Standards 6

 2. Analysis and Findings 8

 3. Recommendations 9

 4. Promising Practice..... 9

 C. Recruitment, Admissions, Enrollment and Degrees Earned 10

 1. Compliance Requirements and Standards 10

 2. Analysis and Findings 11

 3. Recommendations 12

 4. Promising Practice..... 12

 D. Program Administration and Environment 13

 1. Compliance Requirements and Standards 13

 2. Analysis and Findings 15

 3. Recommendations 16

 4. Promising Practice..... 16

III. CONCLUSION..... 16

 APPENDIX A 18

 1. Pre-onsite Review Activities 18

 2. Onsite Compliance Review Activities..... 18

I. INTRODUCTION

Title IX of the Education Amendments of 1972 (Title IX) and NASA’s implementing regulations prohibit discrimination on the basis of sex in educational programs and activities receiving Federal financial assistance.¹ NASA’s Title IX regulations require periodic review of NASA grant recipients² and NASA’s 2005 authorizing legislation requires the Agency to conduct at least two Title IX compliance reviews annually.³ NASA conducted a Title IX compliance review of the School of Earth and Space Exploration and Department of Physics at Arizona State University (University or ASU), a recipient of NASA funding, to assess the University’s compliance with Title IX.

NASA sought to achieve the following key objectives in conducting this review:

- Assess the Title IX Coordinator’s role and responsibilities; confirm the existence of Title IX policy and procedures and the quality of their dissemination; evaluate Title IX grievance procedures and the effectiveness of their implementation; and review Title IX self-evaluation efforts, specifically regarding the program under review; and
- Evaluate the University’s provision of equal opportunity regardless of sex in the following areas of program administration: student and faculty recruitment, outreach, admissions, enrollment, retention, academic advising, research participation, classroom and lab experiences, student experiences relating to parental/marital status, physical safety of the program environment.

II. COMPLIANCE ANALYSIS AND FINDINGS

The compliance review analysis provides an assessment of issues within the two focus areas of procedural compliance requirements and methods of program administration. Compliance assessment, analysis and findings, recommendations, and promising practices are set forth in detail under each section. NASA relies on guidance from the Department of Education’s Office for Civil Rights (OCR) and the Department of Justice Civil Rights Division (DOJ) to analyze Title IX statutory and regulatory requirements. NASA intends the associated recommendations to strengthen existing compliance or correct issues of noncompliance.

NASA reviewed documents provided by the University in response to NASA’s information requests and conducted a survey of students and post-doctoral researchers. NASA conducted in-person interviews with faculty, graduate and undergraduate students, post-doctoral researchers (post-docs), and the University administrators involved in the implementation of Title IX requirements. NASA examined a variety of specific areas including academic advising, program environment, research participation, classroom and lab experiences, “family friendly” policies, and physical safety of the program environment.

¹ Title IX of the Education Amendments, as amended (20 U.S.C. §§ 1681-1688); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 14 C.F.R. Part 1253; NASA Policy Directive 2081.1A, Subject: Nondiscrimination in Federally Assisted and Federally Conducted Programs of NASA - Delegation of Authority.

² See 65 Fed. Reg. 52,859 (Aug. 30, 2000). Enforcement Procedures, 14 C.F.R. § 1253.605 (incorporating compliance requirements of Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d)).

³See NASA Authorization Act of 2005, 42 U.S.C. § 16798(b), reenacted as 51 USC § 40909 (2011).

A. Designation of Official for Title IX Coordination and Enforcement

1. Compliance Requirements and Standards

The NASA Title IX regulations state that a recipient must designate an official responsible for Title IX coordination and enforcement, i.e., a “Title IX Coordinator.”⁴ The recipient must notify all students and employees of the Title IX Coordinator’s name, office address, and telephone number. NASA reviewed the University’s dissemination of contact information for its Title IX Coordinator and the extent to which faculty, staff, and students are aware of her role on campus. In addition, NASA focused on the following key aspects of Title IX coordination: (1) effective functioning, including skills and competencies, regarding the key responsibilities of administering and implementing the University’s Title IX grievance process; (2) the authority and access of the Title IX Coordinator to university senior leadership needed to effectively perform roles and responsibilities; and (3) appropriate training of faculty, staff, and students.⁵ Training of faculty, staff, and students is addressed separately to highlight its signal importance in communicating Title IX requirements to the academic community.

<i>Review Criteria: Designation of Title IX Coordinator, Dissemination of Contact Information, Skills and Competencies, Access and Authority</i>	<i>Yes</i>	<i>No</i>
1. The University has designated a Title IX Coordinator.	X	
2. The Title IX Coordinator has notified faculty, staff, and students regarding his or her contact information (including name, office address, and telephone number).	X	
3. Most departmental faculty, students, and staff that were interviewed are familiar with the name and/or office of the Title IX Coordinator.		X
4. The Title IX Coordinator has the appropriate skills and competencies regarding the key responsibilities of administering the University’s Title IX grievance process.	X	
5. Title IX Coordinator has the authority and access to university senior leadership needed to effectively perform roles and responsibilities.	X	

⁴ 14 C.F.R. § 1253.135(a).

⁵ While the NASA Title IX regulations do not provide further specificity regarding the effective functioning of the Title IX Coordinator’s role, the U.S. Department of Justice (DOJ), which has oversight responsibility for all Federal Title IX compliance and enforcement activities, has provided additional considerations for Federal agencies evaluating recipient compliance with the Title IX Coordinator regulatory provision (DOJ, “Questions and Answers Regarding Title IX Procedural Requirements” (Title IX Q&A), accessed at <http://www.justice.gov/crt/about/cor/coord/TitleIXQandA.php>). More recently, in April 2015, the U.S. Department of Education (DOEd) Office for Civil Rights (OCR) offered a Dear Colleague Letter (DCL) and Resource Guide specifically addressing Title IX coordination, focusing on the authority, responsibilities, and training of Title IX Coordinators (accessible at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201504-title-ix-coordinators.pdf> and <http://www2.ed.gov/about/offices/list/ocr/docs/dcl-title-ix-coordinators-guide-201504.pdf>). For example, with regard to authority of the Title IX Coordinator the guide states: “Title IX coordinators can be effective agents for ensuring gender equity within their institutions only when they are provided with the appropriate authority and support necessary to coordinate their institution’s Title IX compliance, including access to all of their institution’s relevant information and resources.” (Title IX Resource Guide, p. 6).

<i>Review Criteria: Provision of Title IX Training</i>	<i>Yes</i>	<i>No</i>
1. Title IX Coordinator provides training to faculty, staff, and students.	X	
2. Students interviewed recall having had education and awareness opportunities on:		
a. Sex discrimination	X	
b. Sexual harassment	X	
c. Sexual assault awareness	X	
d. Implicit (unconscious) bias		X
3. If training is provided, is it mandatory?	X	
4. If training is provided, are there education and awareness modules designed to resonate with science, technology, engineering, and mathematics (STEM) students and faculty, e.g., using hypothetical examples of inappropriate conduct or actions that might occur in a STEM setting such as a lab?	X	

2. Analysis and Findings

As required by NASA’s Title IX regulations, the University must notify all students and employees of the Title IX Coordinator’s name, office address, and telephone number. NASA reviewed the University’s dissemination of contact information for its Title IX Coordinator and the extent to which faculty, staff, and students in the School of Earth and Space Exploration (SESE) and Department of Physics are aware of her role on campus.

The ASU Title IX Coordinator position is located in the University’s Office of General Counsel and reports directly to the President’s Office. The Director of the Office of Equity and Inclusion (OEI) serves as the Deputy Title IX Coordinator for faculty and supervises an additional four (4) deputy Title IX Coordinators. While NASA concludes that the Title IX Coordinator has the expertise, appropriate authority and access to effectively lead the University’s Title IX efforts, the dual role of the incumbent in the position is not appropriate. Currently, the incumbent serves as the Title IX Coordinator but also holds the title of Special Counsel, and is a member of ASU’s Office of General Counsel (OGC). She has served, prior to assuming her role as Title IX Coordinator, as a university attorney. The Title IX Coordinator’s name and contact information appear on the University webpage under the title “Special Counsel” and the page refers prominently to the ASU Office of General Counsel.⁶ The brief biography on the page states in part that: “[The Title IX Coordinator’s] Special Counsel position relates to matters that do not conflict with her Title IX duties.” This disclaimer notwithstanding, ASU students or staff wishing to raise Title IX matters may be concerned to realize that the Title IX Coordinator is a member of the University’s legal office. This could easily have a chilling effect on the filing of Title IX complaints because the role of a university attorney is to defend the institution while the Title IX coordinators should be neutral.

A recent U.S. Department of Education (DOEd), Office for Civil Rights (OCR) guidance in the form of a “Dear Colleague Letter” (DCL) addressing Title IX Coordination reinforces NASA’s concerns. This guidance makes clear that those serving as Title IX Coordinators must maintain the

⁶ See <https://ogc.asu.edu/staff/preudhomme>

necessary independence for the role and avoid the designation of job responsibilities that may create a conflict of interest or the appearance of one. For example, OCR states that designating a disciplinary board member, general counsel, dean of students, superintendent, principal, or athletics director as the Title IX coordinator may pose a conflict of interest.⁷ We note, however, that in a recent Title IX investigation of ASU conducted by OCR's Albuquerque Regional Office, OCR did not raise a concern regarding the Title IX Coordinator. In addition, the Albuquerque Regional Office investigation concluded that the University's Notice of Non-discrimination, policies and procedures regarding sexual harassment, including sexual assault, were in compliance with Title IX. Its report of investigation makes no mention of the dual role of the Title IX Coordinator and our follow-up efforts yielded no additional information. Nonetheless, NASA remains concerned in light of OCR's recent DCL specifically stating that a Title IX Coordinator concurrently serving in roles such as university counsel may pose a conflict of interest or the appearance of one. The role of a university counsel and that of a Title IX Coordinator are inherently incompatible, such that the same individual should not serve in both roles or have any formal, direct reporting relationship to OGC.

In addition, while the Title IX coordinator possesses the expertise and authority to serve in this role, NASA noted that not all students interviewed during the compliance review were aware of ASU having a Title IX Coordinator or the University organization with which to raise Title IX complaints. However, students expressed confidence in their ability to find this information quickly, should they need it. Also, faculty and staff NASA interviewed were more likely to know the office responsible for Title IX, if not the identity of the Title IX Coordinator.

Regarding the Title IX Coordinator's training efforts, ASU's newly deployed Title IX online training modules received praise among students, faculty and staff NASA interviewed. NASA concludes that the University is compliant with its obligations to designate an official for Title IX and the Title IX Coordinator's dissemination of contact information, although we make recommendations to enhance dissemination efforts. NASA also recommends that ASU address the appearance of a conflict of interest arising from the Title IX Coordinator serving both in this role as well as in the role of Special Counsel in the University's OGC.

3. Recommendations

Title IX Coordinator and Potential Perception of Conflict of Interest. NASA recommends that the incumbent Title IX Coordinator no longer hold the title of "Special Counsel," or serve as a member of the Office of General Counsel while also serving in the capacity of Title IX Coordinator.

Increased Awareness of the Title IX Coordinator. ASU should increase its efforts to disseminate information regarding the identity, role, and office of the Title IX Coordinator. Additional steps could include posting information of the Title IX Coordinator's title, role, and organizational affiliation both more prominently on the University's website as well as in well-

⁷ OCR DCL: Title IX Coordinators, April 24, 2015, accessed at <<https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201504-title-ix-coordinators.pdf>> ASU should ensure that its Title IX coordination efforts meet both the letter and spirit of OCR's DCL requiring independence of the Title IX Coordinator within the university structure.

travelled areas of academic and administrative buildings, among many other possible means of dissemination.

4. Promising Practice

Title IX Training. NASA commends ASU for developing and deploying a highly engaging and interactive Title IX/sexual harassment training that clearly resonates with the students interviewed in the SESE and Physics Department. The training consists of online modules that rely on illustrative examples that are recognizable to those in academia and receives high marks from its audience.

B. Adoption of Grievance Procedures and Policy Dissemination

1. Compliance Requirements and Standards

The NASA Title IX regulations require that recipient educational institutions adopt and publish grievance procedures providing for prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited by Title IX.⁸ NASA’s Title IX regulations also require grant recipients to take specific and continuing steps to notify students, employees, applicants for admission and employment, and unions or professional organizations having collective bargaining or professional agreements with the recipient, that the recipient does not discriminate based on sex in the educational programs or activities that it operates, and that it is required by Title IX not to discriminate in such a manner.⁹ NASA assesses the University’s compliance with regard to (a) the content and implementation of the grievance procedures and (b) the dissemination of this policy.

a. Grievance Procedures – As Implemented in the Programs Reviewed

<i>Review Criteria: Grievance Procedures As Implemented</i>	<i>Yes</i>	<i>No</i>
1. In SESE and Physics Department in the past 5 years, there have been formal complaints of:		
• Sex discrimination	X	
• Sexual harassment	X	
• Sexual assault	X	
2. If yes, did the University follow the written Title IX procedures in addressing the incident(s)?	X	
3. During interviews, faculty, staff, and/or students reported other or potential incidents of:		
• Sex discrimination		X
• Sexual harassment		X
• Sexual assault		X

⁸ Designation of responsible employee and adoption of grievance procedures, 14 C.F.R. § 1253.135(b).

⁹ Dissemination of policy, 14 C.F.R. § 1253.140.

b. Grievance Procedures – As Written and Disseminated

<i>Review Criteria: Grievance Procedures As Written – Required by OCR</i>	<i>Complaints Against Faculty/ Staff</i>		<i>Complaints Against Students</i>	
	<i>Yes</i>	<i>No</i>	<i>Yes</i>	<i>No</i>
<i>In evaluating whether a school's grievance procedures are prompt and equitable, thus satisfying the Title IX requirement, NASA looks to applicable DOJ and OCR guidance to determine whether the procedures provide for:</i>				
1. Notice of right to file with appropriate Federal agency, either simultaneously or after unsatisfactory resolution of internal grievance. ¹⁰	X		X	
2. Notice to students and employees of the procedure, including where complaints may be filed.	X		X	
3. Application of the procedure to complaints alleging harassment by employees, other students, or third parties.	X		X	
4. Provisions for adequate, reliable, and impartial investigation of complaints, including the opportunity to present witnesses and other evidence.	X		X	
5. Designated and reasonably prompt timeframes for the major stages of the complaint process.	X		X	
6. Written notice to complainant and alleged perpetrator of the outcome of the complaint.	X		X	
7. Assurance that the school will take steps to prevent recurrence of any harassment and correct its discriminatory effects on the complainant and others, if appropriate. ¹¹	X		X	
8. Definitions of key terms, such as harassment and hostile environment.	X		X	
9. Unambiguous prohibition against retaliation.	X		X	
10. Appeals, if allowable, must be afforded to all parties.	X		X	

¹⁰ DOJ, Title IX Q&A, “Grievance Procedures.”

¹¹ See OCR Revised Sexual Harassment Guidance, § IX. Prompt and Equitable Grievance Procedures (citations omitted).

<i>Review Criteria: Dissemination of Title IX Policies and Grievance Procedures</i>	<i>Complaints Against Faculty/Staff</i>		<i>Complaints Against Students</i>	
1. The University’s grievance procedures have been appropriately disseminated and efforts have been made to ensure ease of access and understanding. ¹²	X		X	
2. Title IX policies and procedures are posted in the following locations:				
a. On the University Web site for Title IX Coordinator	X		X	
b. On the University Web site for Student Affairs or other office	X		X	
c. In the University handbook and/or catalog	X		X	
d. In the Department under review (i.e., on a poster or other notice)		X		X
3. The Title IX procedures are easily found through a search on the University Web site.	X		X	
4. Students are regularly reminded of Title IX policies and procedures via email or letter (e.g., at the start of each semester).		X		X
5. Students interviewed seem to understand the process for filing a Title IX complaint.		X		X
6. Faculty members interviewed seem to understand the process for filing a Title IX complaint.	X		X	

2. Analysis and Findings

NASA reviewed ASU’s Title IX policies and procedures and the extent to which the University has achieved success in its efforts to make students, faculty and staff aware of their rights to file Title IX complaints. Under Title IX, the University must notify all students of their right to file complaints. Complaints must ordinarily be filed within 180 days of the date of the last discriminatory act alleged, including harassing conduct and retaliation. Complaints involving matters that occurred after this timeframe must include a showing of good cause as to why the complaint could not have been filed within the 180-day period.

In addition, ASU’s procedures provide reasonable timeframes for key process elements such as determinations on requests for confidentiality (3 business days) and initial review of the complaint to determine whether it alleges a possible violation of the complaints policy and procedures (7 business days).¹³ Regarding the key process of complaint investigation, the procedures state that: “[t]he investigation shall be completed as promptly as possible and in most cases, within 60

¹² Importantly, OCR states that “[a] grievance procedure . . . cannot be prompt or equitable unless students know it exists, how it works, and how to file a complaint. Thus, the procedures should be written in language appropriate to the age of the school’s students, easily understood, and widely disseminated.” Revised Sexual Harassment Guidance, § IX. Prompt and Equitable Grievance Procedures.

¹³ ASU, “Prohibition Against Discrimination, Harassment and Retaliation: Complaint and Investigation Procedure,” Section D. Investigative Process, accessible at <https://provost.asu.edu/policies/procedures/p20>, Section A. Reporting of Violations, and Section B. Making a Report.

calendar days for complaints of sexual harassment and within 90 calendar days for all other complaints, of the date the investigation is initiated.”¹⁴ NASA notes, however, that the procedures do not provide a timeframe for review of findings and determinations as to whether a violation of University policy has occurred.

Also, students interviewed were unsure about how to file a complaint under Title IX. NASA found, however, that the University provides notice, through its website, to the academic community about the right to file a complaint with the Title IX office. We also found that the Title IX information on the website is extensive and readily accessible. Additionally, ASU recently changed its policy statement, “Prohibition Against Discrimination, Harassment and Retaliation” to include the Office of Student Rights and Responsibilities as an additional reporting option for students. The change provides students another avenue to report potential allegations of discrimination and harassment.

Although information about the University’s Title IX procedures is readily available online for the general academic community, NASA did not observe information regarding Title IX in the physical spaces of SESE and the Physics Department. In addition, we found no evidence that students are regularly reminded of Title IX policies and procedures on a regular basis, for example, via email or letter at the start of each semester. Such efforts could serve to enhance awareness of rights under Title IX for faculty, students and staff.

NASA concludes that ASU is compliant with its obligations to adopt prompt and equitable grievance procedures and policies under Title IX and to disseminate them to the academic community.

3. Recommendations

Complaints Procedures Timeframe for Review of Findings and Determinations. ASU should revise its discrimination, harassment and retaliation complaints procedures to provide a timeframe for review of findings and determinations as to whether a violation of the University policy has occurred and should be proactive in disseminating information on the policies and procedures within academic buildings such as those of SESE and the Physics Department.

Increased Awareness of the Title IX Complaints Process. To achieve greater awareness about ASU’s Title IX complaints process, the University should increase its efforts to disseminate information on filing a Title IX complaint.

4. Promising Practice

Written Questionnaire to Conduct Balancing Test in Anonymous Cases. OEI has a written questionnaire that helps ASU to determine whether, and the extent to which, it will move forward to address Title IX complaints in which the complainant requests complete anonymity or refuses to participate in Title IX investigation. This policy is consistent with OCR guidance, which requires that schools in such situations weigh the seriousness of the allegations against the

¹⁴ Ibid., Section D. Investigative Process.

complainant’s anonymity, and provides a thoughtful mechanism for conducting that balancing test.

C. Recruitment, Admissions, Enrollment and Degrees Earned¹⁵

1. Compliance Requirements and Standards

The NASA Title IX regulations state that grant recipients may not discriminate on the basis of sex in admissions and recruitment. Specifically, the regulations prohibit educational institutions from such activities as:¹⁶

- Giving preference to one person over another on the basis of sex, by ranking applicants separately on such basis, or otherwise;
- Applying numerical limitations upon the number or proportion of persons of either sex who may be admitted;
- Administering or operating any test of other criterion for admission that has a disproportionately adverse effect on persons on the basis of sex;
- Making pre-admission inquiries as to the marital status of applicants for admission; and
- Applying rules concerning actual or potential parental, family, or marital status of an applicant that treats persons differently on the basis of sex when determining whether a person satisfies admission criteria.

In addition, NASA’s regulations also apply to the recruitment, advertising, and the processing of applications for employment.¹⁷ Consistent with these requirements, NASA reviewed the Department’s student recruitment and admissions practices, as well as data on student departures and degrees earned. For graduate students, NASA also examined financial assistance awarded to students and success on the comprehensive and qualifying exams.

a. Outreach and Recruitment

<i>Review Criteria: Outreach and Recruitment</i>	<i>Yes</i>	<i>No</i>
1. The Department participates in programs to provide external outreach to high school students (particularly for female students).	X	
2. The Department has undertaken internal outreach and recruitment efforts to attract more diverse applicants.		X
3. The Department’s website and outreach materials reflect diversity based on sex through images and other information.	X	

¹⁵ All data in this section pertaining to ASU students was provided by the University in response to NASA’s information request.

¹⁶ 14 C.F.R. §1253.300–1253.455.

¹⁷ 14 C.F.R. §1253.500.

b. Graduate Admissions, Enrollment, and Degree Progress

<i>Review Criteria: Graduate Admissions, Enrollment, and Financial Aid¹⁸</i>	<i>Yes</i>	<i>No</i>
1. There is no evidence of adverse impact based on sex in admissions criteria.	X	
2. There is no evidence of a sex-based differential between those accepted and those enrolling.	X	
3. Admissions processes and policies are set forth in writing.	X	
4. Procedures for selecting students for fellowships, research assistantships, teaching assistantships, and other types of funding are set forth in writing and clearly described.	X	

c. Undergraduate Admissions, Enrollments, and Degree Progress

<i>Review Criteria: Undergraduate Admissions, Enrollment, and Financial Aid</i>	<i>Yes</i>	<i>No</i>
1. There is no evidence of adverse impact based on sex in admissions criteria.	X	
2. There is no evidence of a sex-based differential between those accepted and those enrolling.	X	
3. Admissions processes and policies are set forth in writing.	X	

d. Faculty Hires

<i>Review Criteria: Faculty Hires</i>	<i>Yes</i>	<i>No</i>
1. Search committees receive training/education regarding diversity and implicit bias based on sex.	X	
2. Search committees are diverse based on sex.		X
3. The University or Department tracks diversity based on sex of applicant pools.	X	
4. The University or Department takes steps to increase the diversity based on sex of applicant pools.		X

2. Analysis and Findings

NASA reviewed ASU’s faculty and student recruitment and admissions practices, as well as data on student departures and degrees earned, there were considerably fewer female graduate students in ASU’s Physics Department than male students. While this disparity is still common in Physics Departments throughout the country, NASA encourages efforts to attract and retain diverse students that include but are not limited to, a focus on creating learning communities and opportunities outside the classroom, peer mentors and partnerships between colleges and high schools.

In this regard, ASU raised concerns related to the Arizona’s Proposition 107. This amendment to the Arizona Constitution provides that Arizona (specifically including ASU) “shall not grant preferential treatment to or discriminate against any individual or group on the basis of race, sex,

¹⁸ These conclusions are based on our limited review.

color, ethnicity or national origin in the operation of public employment, public education, or public contracting.” Under Proposition 107, no public educational institution in Arizona can base admission decisions or state funded financial aid and scholarship decisions on race, sex, national origin or ethnicity. Title IX does not require preferential treatment based on sex in order to take steps to increase diversity of faculty applicant pools.¹⁹

ASU has developed a vigorous outreach program to help increase the diversity of students. ASU’s robust efforts include a number of dedicated staff working on such critically important community outreach and student ambassador programs. In 2017 alone, ASU welcomed some 9,000 local students to experience the scientific contributions of ASU. These efforts ensure local primary school students can see the work of SESE students participating in scientific lab work. SESE continues to sponsor numerous tours for diverse groups of local students to help increase the future diversity of STEM fields at ASU.

NASA did find, however, that students did not understand how selections were made for admittance to the graduate program in the Physics Department. Students were concerned that the decision regarding which students to admit was made by a single person rather than a diverse panel of decision makers.

Overall, NASA concludes that the University is compliant with its obligations under Title IX to ensure its admissions and recruitment is free from discrimination on the basis of sex.

3. Recommendations

Graduate Admissions. ASU should be more transparent to potential applicants and members of the University community as to how the graduate student selection process is conducted.

Faculty Searches. Training programs designed to expose people to their unconscious biases can provide tools to adjust patterns of thinking and help to eliminate biases that can lead to discriminatory behaviors. NASA recommends that ASU require at least one member of each faculty search committee undergo unconscious bias training as a tool to promote a diverse and inclusive workplace.

4. Promising Practice

ASU Community Outreach Programs: ASU has developed a vigorous outreach program to help increase the diversity of students. The robust efforts of ASU in the outreach arena include a number of dedicated staff working on such critically important programs as community outreach, student ambassador programs, and implicit bias. In 2017 alone, ASU welcomed some 9,000 local students to its building, which has been curated to show the scientific contributions of ASU and to ensure that local primary school students can see the work of SESE students participating in

¹⁹ 14 C.F.R. § 1253.110(a).

scientific lab work. SESE continues to sponsor numerous tours for diverse groups of local students groups in an effort to help increase the future diversity of STEM fields at ASU.

D. Program Administration and Environment

1. Compliance Requirements and Standards

The NASA Title IX regulations provide that “a recipient shall not, on the basis of sex, exclude from participation in, deny the benefits of, or otherwise limit any person in any advantage or opportunity pertaining to academic, extracurricular, research, occupational training, or other education program or activity operated by the recipient.”²⁰ NASA examines the following to assess compliance in the program administration context:

- Denial of benefits/limitation on program participation: denying the benefits of its programs or services or otherwise limiting program participation based on sex.²¹
- Discriminatory effects: the Title IX regulations prohibit a recipient from utilizing methods of administration which have the effect of defeating or substantially impairing accomplishment of the objectives of the program for an individual based on sex.²²

a. Academic Environment (Advising, Classroom, and Lab Experiences)

<i>Review Criteria: Advising</i>	<i>Yes</i>	<i>No</i>
1. ASU has a written process for matching students to advisors.		X
2. There is a standard process for changing advisors, and students are able to do so without repercussions.	X	
3. Overall, students believe that faculty advising is fair and equitable regardless of sex.	X	
4. Overall, students interviewed believe that faculty advising is fair and equitable regardless of sex.	X	

<i>Review Criteria: Classroom/Lab Experiences</i>	<i>Yes</i>	<i>No</i>
1. ASU has incorporated methods to improve female undergraduate representation, such as providing dedicated resources or modified curricula to better engage women in STEM, especially early in the program.	X	
2. There is equal access to lab equipment and participation in labs based on sex.	X	
3. Students do not perceive bias based on sex in high-stakes exams.	X	
4. Statistical data does not suggest differential outcomes based on sex in high-stakes exams.	X	
5. Based on our interviews, students of both sexes report that interactions in the classroom and lab are generally appropriate and respectful.	X	
6. Students do not feel professors or TAs doubt their abilities because of sex.	X	

²⁰ Education programs or activities, 14 C.F.R. § 400(a), (b)(7).

²¹ *Id.*

²² Enforcement procedures, 14 C.F.R. § 605.

<i>Review Criteria: Classroom/Lab Experiences</i>	<i>Yes</i>	<i>No</i>
7. Students have been “warned” to stay away from certain professors because of their treatment of or interactions with students (e.g., rumors of sexual harassment, etc.).	X	
8. NASA heard concerns regarding the following:		
• Use of sexist stereotypes through subtle, often unintentional means.	X	
• Offensive jokes or inappropriate sex-related remarks in the lab or classroom.	X	
• Disrespect of abilities, based on sex (e.g., she got into that program because they’re saying “we need more women”).	X	
9. The Department or Program has support organizations dedicated to equity based on sex, e.g., women in science and engineering.	X	

b. Policies Based On Parental/Marital Status

The NASA Title IX regulations include detailed provisions on matters pertaining to marital and parental status.²³ Under the regulations, a recipient may not apply any rule concerning a student's actual or potential parental, family, or marital status that treats students differently on the basis of sex. The regulations also require that disabilities related to pregnancy and childbirth be treated in the same manner and under the same policies as any other temporary disability or physical condition.²⁴ Further, Title IX requires that in the case of a recipient that does not maintain a leave policy for its students, or in the case of a student who does not otherwise qualify for leave under such a policy, “a recipient shall treat pregnancy... as a justification for a leave of absence for as long a period of time as is deemed medically necessary by the student's physician, at the conclusion of which the student shall be reinstated to the status that she held when the leave began.”²⁵ More recently, in its “Dear Colleague” letter of June 25, 2013, and the accompanying technical assistance document, “Supporting the Academic Success of Pregnant and Parenting Students,” OCR has provided a wealth of guidance and information to grant recipients on Title IX requirements pertaining to pregnancy and parental status.²⁶

<i>Review Criteria: Family Friendly and Parental Leave Policies</i>	<i>Yes</i>	<i>No</i>
1. The institution has a separate leave policy that addresses parental/family status.	X	
• If yes, does the parental/family leave policy treat pregnancy and child birth in the same manner as any other temporary disability or physical condition?	X	
• If no, does the Program treat pregnancy as a justification for a leave of absence for as long a period of time as deemed medically necessary by the student’s physician and that allows for reinstatement to the status she held when the leave began?	N/A	

²³ Marital or parental status, 14 C.F.R. § 1253.445 and 1253.530.

²⁴ Admission, *Prohibitions relating to marital or parental status*, 14 C.F.R. § 1253.300(c)(3).

²⁵ Marital or parental status, 14 C.F.R. § 1253.445 (b)(5).

²⁶ The Dear Colleague letter is accessible at <<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201306-title-ix.pdf>>; “Supporting the Academic Success of Pregnant and Parenting Students” is accessible at <<http://www2.ed.gov/about/offices/list/ocr/docs/pregnancy.pdf>>.

<ul style="list-style-type: none"> Does the policy explicitly cover all members of the University community, e.g., faculty, staff and students? 	X	
2. ASU regularly disseminates information to program participants, including faculty and students, regarding pregnancy-related policies.		X
3. The individual situations NASA heard about involving pregnancy indicate that individual faculty members are responding appropriately and consistent with Title IX requirements.	X	

c. Safety

<i>Review Criteria: Campus Safety</i>	<i>Yes</i>	<i>No</i>
1. Students believe the campus is a safe environment (e.g., has night-time shuttle service, night-time escort, police cars on patrol, information dissemination about safety issues)	X	
2. Information on safety policies is disseminated to students.	X	
3. Students are aware of the following safety measures:		
<ul style="list-style-type: none"> Night-time shuttle service 	X	
<ul style="list-style-type: none"> Night-time escort service 	X	
<ul style="list-style-type: none"> Regular security/police patrols on campus 	X	
<ul style="list-style-type: none"> Regular security/police patrols in buildings where students work at night 	X	
<ul style="list-style-type: none"> Dissemination of information about safety issues 	X	
<ul style="list-style-type: none"> Controlled-access buildings and labs 	X	

2. Analysis and Findings

Regarding the program environments in SESE and Physics overall, despite some concerns raised regarding inappropriate sex-based remarks occurring in study groups and social settings, the majority of students and faculty interviewed reported a positive climate relating to advising, classroom and lab experiences, and efforts to ensure an appropriate family-career/educational balance and campus safety.

As to student experiences with advisors and the advising process, NASA found that the process to change an advisor was not a concern or difficulty for students who were interviewed; however, the process itself is not structured, for example, with written policies and procedures on changing advisors. A structured process could help to prevent bias or subjectivity or any other impediments to access or opportunities. Moreover, a written process will also assist the program by creating greater transparency in program administration.

The vast majority of students interviewed did not hear about and were not the recipients of any sex-based stereotypes or inappropriate remarks. On a positive note, female students interviewed remarked that the visibility of female faculty was one of the main reasons why they selected ASU. In addition, NASA commends the University efforts to continue providing highly visible female faculty mentoring opportunities for students, as well as monitoring succession planning and tenure track trajectory for assistant and associate level female faculty.

Finally, NASA finds that the University, SESE and Physics programs demonstrate a commitment to inclusion and engagement of faculty, staff and students through policies and practices that seek to provide a balance between the family and academic needs of members of the ASU community.

NASA concludes that the University is compliant with its obligations to provide an environment that does not exclude any person from participation in, deny the benefits of, or otherwise limit any person in any advantage or opportunity pertaining to academic, extracurricular, research, occupational training, or other education program or activity operated by the recipient based on sex.

3. Recommendations

Formalize the Process to Change Advisors. NASA recommends that ASU establish a structure on the process when changing an advisor and include steps to prevent bias or subjectivity or any other impediments to access or opportunities.

Further Steps to Encourage Welcoming and Supportive Program Environments. SESE and the Physics Department should continue to work closely with the Title IX Coordinator and OEI in these efforts. A further evaluation of the NASA survey results and other aspects of the program environment should be part of a larger Title IX self-evaluation conducted by PMA utilizing NASA's technical assistance guide on conducting Title IX self-evaluations in STEM.²⁷ As part of the self-evaluation effort, climate surveys and/or focus groups may be helpful in examining any concerns relating to sex-based bias.

4. Promising Practice

State of School of Earth and Space Exploration (SESE) Address. ASU hosted a "State of School of Earth and Space Exploration" address in the spring during which the Director of SESE presented financial data and sex/race statistics for faculty, graduate students, undergraduates, and post-docs. The Director also described actions taken to address deficiencies, for example, low number of women faculty in 2017-2018, and then identified new women faculty starting this year. The University should continue to be transparent and host similar addresses to interested stakeholders.

III. CONCLUSION

NASA finds ASU to be in compliance with Title IX's procedural requirements. NASA also found no evidence that ASU's, SESE's or Physics Department's methods of administration are denying program access or having an adverse impact or otherwise limiting program participation based on sex.²⁸ The recommendations contained throughout this report are designed to assist ASU in

²⁷ NASA, *Title IX and STEM: A Guide for Conducting Title IX Self-Evaluations in STEM*, accessed at <https://www.nasa.gov/sites/default/files/atoms/files/title_ix_stem_self-evaluation_fillable.pdf>

²⁸ NASA found no evidence of a sex-based disparate impact in applications, acceptance, enrollment and completions rates in the ASU data reviewed. In addition, the response rate to our survey to students was insufficient to establish statistical validity but has been used as anecdotal evidence.

furthering its efforts to ensure equal educational opportunity regardless of sex. NASA will conduct a monitoring phase of the review to assess the University's progress regarding the recommendations no sooner than six months from the date of this report.

APPENDIX A

1. Pre-onsite Review Activities

NASA developed a Title IX compliance review plan (CRP) to identify relevant regulatory requirements, potential issues and specific inquiries needed to conduct a thorough compliance assessment of its grantees. The CRP was developed in consultation with the U.S. Department of Justice (DOJ), Civil Rights Division, and the U.S. Department of Education (ED) Office for Civil Rights (OCR), the lead agencies on Title IX investigations. The CRP identified two focal points for compliance assessment: 1) Title IX procedural compliance requirements; and 2) program administration, that is, policies, procedures, and practices affecting the academic environment. The CRP also identified the methods by which needed information would be gathered from grant recipients, including: information requests for statistical data and relevant policies and procedures, and an onsite visit to interview university officials, program faculty, and students. In addition, NASA conducted a Title IX literature review to better understand national concerns regarding bias based on sex in science, technology, engineering, and mathematics (STEM) fields as well as strategies grant recipients should undertake to address such concerns, including stronger Title IX compliance efforts in the STEM context.

2. Onsite Compliance Review Activities

The NASA compliance team conducted an onsite review of the School of Earth and Space Exploration and the Department of Physics during October 23 - 25, 2018. During the visit, the compliance team conducted one-on-one interviews with faculty, staff and students from the SESE Physics Departments. NASA conducted its survey through its NASA Shared Services Center (NSSC), a professional survey administration organization and partnered with ASU in deploying an online survey to the School of Earth and Space Exploration and Department of Physics students and postdocs. NASA deployed the survey to 960 students in the SESE and Physics Departments, receiving 135 responses (14% response rate). NASA used the survey responses as anecdotal data to supplement information obtained from the interviews because we did not deem the number of responses sufficient to establish statistical validity. The purposes of the survey were to: 1) gain a greater understanding of dynamics based on sex in the University's academic environment in support of the compliance review analysis and assessment; and 2) provide the University's administration with an additional tool for assessing the dynamics based on sex of their academic environment, as part of their efforts to better ensure equal opportunities regardless of sex. Thus, focal points of the survey were program climate, discrimination/harassment based on sex, and campus safety, including sexual assault and sexual violence. The facts cited in our compliance analysis concerning Title IX compliance; student data (including recruitment, admissions, etc.); and program administration and academic environment were obtained from ASU's responses to our information request, onsite interviews, and the survey results, unless otherwise specified.