

# University of Washington

## Department of Atmospheric Sciences



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**University of Washington Department of Atmospheric Sciences  
Title IX Compliance Report  
August 2016**

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# University of Washington Department of Atmospheric Sciences Title IX Compliance Report August 2016

## I. INTRODUCTION

NASA conducted a compliance review of the University of Washington (UW or the University) Department of Atmospheric Sciences (the Department or the program), to ensure that beneficiaries of NASA grants have equal opportunity, without regard to sex, to pursue, participate in and benefit from academic research, career development opportunities, extracurricular and other educational activities. The review was conducted under Title IX of the Education Amendments of 1972, and NASA's implementing regulations and policy, which prohibit discrimination on the basis of sex in educational programs and activities receiving Federal financial assistance.<sup>1</sup>

### A. Background

NASA Title IX regulations provide for periodic review of NASA grant recipients.<sup>2</sup> These regulations became effective in November 2000. NASA's Title IX compliance program received further impetus with the July 2004 report of the Government Accountability Office (GAO), which recommended that Federal agencies conduct onsite compliance reviews.<sup>3</sup> In addition, NASA's 2005 authorizing legislation requires the Agency to conduct at least two Title IX compliance reviews annually.<sup>4</sup> NASA has been involved in many Title IX related compliance activities since the regulations were issued in 2000, conducting a number of limited-scope "desk-audit" as well as onsite reviews of grant recipients.

### B. Objectives and Scope

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

Objective 1: Evaluation of University of Washington's compliance with NASA Title IX regulations, specifically to:

- Assess the Title IX Coordinator's role and functioning; 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 University of Washington program under review; and
- Evaluate the Atmospheric Sciences Department's provision of equal opportunity regardless of gender in the following areas of program administration: student and

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<sup>1</sup> 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.

<sup>2</sup> 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)).

<sup>3</sup> Government Accountability Office, *Gender Issues: Women's Participation in the Sciences Has Increased, but Agencies Need to Do More to Ensure Compliance with Title IX* (July 2004) (July 2004 GAO Report). Included in the Report's recommendations was that "the Administrator of NASA continue to implement its compliance review program to ensure that compliance reviews of grantees are periodically conducted." (p. 28).

<sup>4</sup> See NASA Authorization Act of 2005, 42 U.S.C. § 16798(b), reenacted as 51 USC § 40909 (2011). Note that NASA's most recent authorizing legislation does not include this provision; however, as the original provision had no sunset clause, we continue to seek to meet the 2005 requirement.

faculty recruitment, outreach, admissions, enrollment, retention, academic advising, research participation, classroom and lab experiences, student experiences relating to parental/marital status (“family friendly” policies and practices), physical safety of the program environment.

Objective 2: Identification of promising practices of University of Washington and the Atmospheric Sciences program designed to promote gender equity, specifically to:

- Describe efforts consistent with the recommendations and focus of the July 2004 GAO report; and
- Determine the extent to which promising practices are actually helping to create greater gender equity and diversity in the program, for both students and faculty.

## **C. Methodology**

### **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 (see “Objectives,” above). The CRP also identified the methods by which needed information would be gathered from 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 developed a Title IX literature review to better understand national concerns regarding gender in science, technology, engineering, and mathematics (STEM) fields as well as strategies recipients should undertake to address such concerns, including stronger Title IX compliance efforts in the STEM context.

NASA, through its NASA Shared Services Center (NSSC), a professional survey administration organization, partnered with University of Washington in deploying an online survey or Title IX Compliance Review Data Collection. The purposes of the survey were to: 1) gain a greater understanding of gender dynamics in the University’s academic environment in support of the compliance review analysis and assessment; and 2) provide University of Washington’s administration with an additional tool for assessing the gender dynamics of their academic environment, as part of their efforts to better ensure equal opportunities regardless of gender. Thus, focal points of the survey were program climate, gender discrimination/harassment, and campus safety, including sexual assault and sexual violence. NSSC deployed the survey via email to students during the period May 26 to June 1, 2015. The survey was sent to all University of Washington Atmospheric Sciences students.<sup>5</sup> The response rate was 40 percent (42 surveys completed). Key results of the survey are discussed in NASA’s Compliance Review Analysis (see Section II below).

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<sup>5</sup> The University of Washington was unable to provide a complete list of email addresses due to restrictions under the Family Educational Rights and Privacy Act (FERPA). Thus, NSSC was able to send the survey invitation only to those students who allowed their email addresses to be shared with NASA. NSSC provided an open link to the survey for UW to send to the remaining students. However, because the open link enables respondents to submit the survey multiple times, responses from the open link were not included in the response rate.

## **2. Onsite Compliance Review Activities**

The NASA compliance team conducted an onsite review of the UW Atmospheric Sciences Department during July 28-30, 2015. During the visit, the compliance team conducted interviews with Amanda Paye, Title IX/ADA Coordinator; Matthew Sullivan, Title IX Investigator, Office of Student Life; and 11 Department of Atmospheric Sciences faculty members (seven female and four male), including: Department Chair, Greg Hakim; the Graduate Program Coordinator, Lyatt Jaegle; and Undergraduate Faculty Advisor, Becky Alexander. NASA also spoke with three female postdoctoral associates (all female), 16 graduate students (eight female, eight male), and six undergraduate students (four female, two male). In addition to the one-on-one interviews, NASA reached a larger number of Atmospheric Sciences students with our Title IX survey. The facts cited in our compliance analysis below concerning UW Title IX compliance; student data (including recruitment, admissions, etc.); and program administration and academic environment were obtained from the University's responses to our information request, onsite interviews, and the survey results, unless otherwise specified.

## **II. COMPLIANCE REVIEW ANALYSIS**

The compliance review analysis provides an assessment of issues within the two focus areas of procedural compliance requirements and methods of program administration. Regulatory requirements and findings of fact are set forth as part of the compliance assessment under each main topic. The associated recommendations are intended to strengthen existing compliance activities. Promising practices associated with each of the compliance areas are also reported.

### **A. Designation of Official for Title IX Coordination and Enforcement**

#### **1. Compliance Assessment**

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."<sup>6</sup> The recipient must notify all students and employees of the Title IX Coordinator's name, office address, and telephone number. NASA reviewed UW'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 reviewed the Title IX Coordinator's oversight of the grievance process, access to senior leadership, and training efforts with regard to Title IX.

**Title IX Coordination Compliance Requirements.** In addition to the contact information dissemination requirement, for purposes of this review, NASA focused on the following key aspects of Title IX coordination:

1. Effective functioning, including skills and competencies, regarding the key responsibilities of administrating 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.

#### *a. Title IX Coordinator and Contact Information Dissemination*

The University of Washington's Title IX Coordinator, Amanda Paye, is located in the Office of Risk Management Compliance Support Program. Ms. Paye's Title IX responsibilities include:

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<sup>6</sup> Designation of responsible employee and adoption of grievance procedures, 14 C.F.R. § 1253.135(a).

- Providing information and assistance to those who wish to raise a complaint or have concerns relating to the University's compliance with Title IX;
- Coordinating the University's compliance with Title IX, including responding effectively to each complaint;
- Providing assistance and support to University programs responsible for responding to and investigating complaints;
- Identifying and addressing any patterns or systemic issues relating to Title IX compliance;
- Facilitating University-wide training and outreach;
- Where appropriate, responding to or conducting an investigation of complaints; and
- Participating in and providing support for committees and other programs dedicated to Title IX compliance.

Title IX information is disseminated through brochures created by the Compliance Support Program on several UW Web sites. However, consistent Title IX information is not provided across these sources, the Title IX Coordinator is not always clearly identified, and, in some cases, outdated information is provided. For example:

- A link to Title IX information is not visible on the landing page for the Sexual Assault Resources Web site, but can be found within that Web site on the page explaining the relevant UW policies.<sup>7</sup> This Web site does, however, provide important information on how to file a sexual assault complaint with the University and with local police.
- The University's Harborview Medical Center's Center for Sexual Assault & Traumatic Stress has a brief brochure on sexual harassment posted on its site, but the brochure does not provide information on the University's Title IX Coordinator or Title IX.<sup>8</sup>
- On several UW Web sites and brochures, the U.S. Department of Education, Office for Civil Rights, is mistakenly identified as the "U.S. Office of Civil Rights." Not only is this name incorrect (it is the Office **for** Civil Rights), it does not make it clear that this office is part of the U.S. Department of Education. Also, the address and phone numbers provided for OCR's Seattle Field Office do not match what is on the OCR Web site. In the brochure, *For Pregnant Students*, the Web site provided for OCR is an outdated link. Other links provided in the brochure, while functional, could be updated to directly take the reader to the correct page.<sup>9</sup>

One Web site that does provide links to the Title IX Compliance Program is the campus Health and Wellness Web site, which contains separate pages on sexual assault and sexual harassment. In particular, the section on sexual harassment provides extensive information on the topic, including a detailed definition, examples, and guidance for what to do if one experiences sexual harassment. The section on sexual assault provides additional

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<sup>7</sup> University of Washington, Sexual Assault Resources, "UW Policies and Code," accessed Dec. 21, 2015, at <<https://www.washington.edu/sexualassault/reporting/policies/>>.

<sup>8</sup> UW Medicine, Harborview Medical Center, "Sexual Harassment," accessed Dec. 21, 2015, at <<https://depts.washington.edu/hcsats/PDF/factsheets/sexualharassment040072003.pdf>>.

<sup>9</sup> For example, the link for the Title IX Coordinator takes one to the main page for Compliance Services, but the reader must figure out where the information on Title IX is. University of Washington, *Compliance Services For Pregnant Students*, brochure, rev. February 2015, accessed Dec. 21, 2015, at <<http://compliance.uw.edu/sites/default/files/Pregnant.pdf>>.



information and links to UW's Sexual Assault Resources Web page.<sup>10</sup> The Student Life Web site also provides information on sexual harassment, nondiscrimination, and Title IX, and provides contact information for individuals on campus responsible for enforcing Title IX.<sup>11</sup> Although information on Title IX and the Title IX Coordinator are available in multiple places on campus and on UW Web sites, there does not seem to be one comprehensive Web site, brochure, or other informational source.

Despite these efforts, however, students and faculty members stated in interviews that they were not aware of who or what office was responsible for implementing the UW Title IX policy and coordination, nor did they understand the purpose of Title IX prior to NASA's review. The majority of respondents to NASA's Title IX survey stated they would report an incident of gender discrimination or sexual harassment to a faculty or staff member or campus security. The faculty members, students, and post-doctoral researchers interviewed also could recall no training on gender discrimination or sexual harassment.

*b. Effective Title IX Coordination: Oversight of the Grievance Process, Authority/Access to Senior Leadership, and Training Efforts*

While the NASA Title IX regulations do not provide further specificity regarding the role and 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.<sup>12</sup> These additional considerations appear in DOJ's document, "Questions and Answers Regarding Title IX Procedural Requirements" (Title IX Q&A).<sup>13</sup> More recently, in April 2015, the U.S. Department of Education (DOEd) Office for Civil Rights (OCR) has offered a Dear Colleague Letter and Resource Guide specifically addressing Title IX coordination, focusing on the authority, responsibilities and training of Title IX Coordinators.<sup>14</sup> In addition, effective Title IX coordination is one of a number of key Title IX requirements addressed in OCR's April 2014 guidance, "Questions and Answers on Title IX and Sexual Violence" (April 2014 Q&A).<sup>15</sup> As its title indicates, this most recent guidance clarifies and expounds on Title IX requirements in the context of addressing sexual violence, but it contains valuable guidance for compliance with a host of Title IX requirements. These are critical documents with which Title IX Coordinators should be well-versed.

The University of Washington's Title IX Compliance Support programs fall under the Associate Vice Provost for Compliance and Risk Services. This office is "responsible for facilitating compliance across the University by providing resources, leadership, and support to individuals and programs."<sup>16</sup> Within this office, the Title IX/ADA Coordinator, Compliance Support, and the University Complaint Investigation Resolution Office (UCIRO) report to the

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<sup>10</sup> University of Washington, Health and Wellness, "Sexual Harassment," accessed Dec. 3, 2015, at <<http://depts.uw.edu/livewell/sexual-harassment/>>; University of Washington, Sexual Assault Resources, accessed Dec. 4, 2015, at <<http://www.washington.edu/sexualassault/>>.

<sup>11</sup> University of Washington, Office of the VP for Student Life, "Sexual harassment, nondiscrimination and Title IX," accessed Dec. 9, 2015, at <<http://dsl.uw.edu/about/resources/title-ix-policies-against-sexual-harassment/>>.

<sup>12</sup> See Executive Order 12250, 3 C.F.R., 1980 Comp. 298. Section 1-203 of the Executive Order states that "[t]he Attorney General shall develop standards and procedures for taking enforcement actions and for conducting investigations and compliance reviews."

<sup>13</sup> This document is accessible at <<http://www.justice.gov/crt/about/cor/coord/TitleIXQandA.php>>.

<sup>14</sup> The DCL is accessible at <<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201504-title-ix-coordinators.pdf>>. The resource guide is accessible <<http://www2.ed.gov/about/offices/list/ocr/docs/dcl-title-ix-coordinators-guide-201504.pdf>>.

<sup>15</sup> This document is accessible at <<http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>>.

<sup>16</sup> Amanda L. Paye, Title IX/ADA Coordinator, University of Washington, to Rebecca Kraus, Civil Rights Analyst, Office of Diversity and Equal Opportunity, NASA, September 30, 2015, attachment, p. 2.

Executive Director of Compliance Services. In addition to this structure, the TitleIX/ADA Coordinator states she has direct access to University leadership, including the President's Office, the Provost, Chancellors, Deans, Vice Presidents, and Vice Provosts. Interactions with leadership occur as needed to facilitate complaint cases, policy and process improvements, and education and training programs.

The Title IX Coordinator collaborates with several offices on campus, including the two offices responsible for investigating discrimination and retaliation complaints: UCIRO and Community Standards & Student Conduct (CSSC). (UCIRO investigates complaints against University employees; CSSC investigates complaints against students.) For example, the Title IX Coordinator meets regularly with CSSC to review cases and to discuss other matters related to Title IX. She also chairs the Title IX Committee, a steering committee appointed by the President. The committee is responsible for strategic planning and will receive regular and ad hoc reports relating to Title IX Compliance.

The Title IX Compliance Support Program offers a variety of training programs on Title IX, non-discrimination, and sexual harassment prevention and reporting. However, generally, each department determines whether such training is mandatory. For example, in the 2014-15 academic year, the Title IX Coordinator provided training on sexual harassment prevention and reporting during new graduate student orientations for the following academic units and departments: School of Law, School of Dentistry, College of the Environment, Philosophy, Asian Languages, and Physics. Similar presentations were made to: the UW Police Department, the Associated Students of the University of Washington board of directors, the School of Medicine, the School of Pharmacy faculty and staff, resident advisors at the University of Washington at Bothell (UWB), and summer staff and facilities staff at UWB.

The Title IX Coordinator noted that there are other offices and programs on campus that offer training on Title-IX related topics, including the Safe Campus and Violence Prevention Response Program, the Human Resources Operations office, the Office of Minority Affairs and Diversity, and the Q Center (the University's advocacy and resource center that focuses on sexuality and gender). However, such training programs do not necessarily focus on Title IX rights and responsibilities. Thus, it is not clear that all members of the UW community have received appropriate training on Title IX.

## **2. Recommendations**

**a. Frequent Dissemination of Title IX Information.** The Title IX Coordinator should more widely distribute contact information, as well as information on the Title IX Compliance Support Program. NASA recommends that the Title IX Coordinator work with the various colleges and programs of the University to ensure that Title IX information is distributed to all students. For example, an email could be sent to faculty and students every semester as a reminder of what their rights and responsibilities are under Title IX and whom to contact if they have questions or wish to file a complaint.

**Update:** *The University stated that it continues to disseminate information relating to the Title IX Coordinator and provide information on the UW [Sexual Assault Resources](#) Web site.*<sup>17</sup>

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<sup>17</sup> Updates to the recommendations were provided by the University of Washington in its response to NASA's draft report. Amanda L. Paye, Title IX/ADA Coordinator, University of Washington, to Rebecca Kraus, Civil Rights Analyst, Office of Diversity and Equal Opportunity, NASA, re: Response to Draft Compliance Report, May 20, 2016, attachment (hereafter referred to as UW response letter, May 2016).

**b. Consistent and Accurate Title IX Information.** The Title IX Coordinator should work with other offices on campus to ensure that all information provided on sex discrimination, sexual harassment, and sexual assault contain accurate information concerning Title IX, as well as contact information for the Title IX Coordinator. The Title IX Coordinator should regularly review such information to ensure consistency of the information.

**Update:** *UW is working to ensure that information disseminated by other University departments is accurate.*

**c. Comprehensive Source for Title IX Information.** The University should ensure that there is one comprehensive source for Title IX information, not just information on sexual assault. While several UW Web sites and brochures provide this information, it should be consolidated into one Web site, such as that of the Title IX Coordinator and Compliance Services. Other offices could then link to the central site, ensuring consistency of the Title IX information that is disseminated.

**Update:** *UW noted that it is continuing to develop the [Title IX](#) Web site to ensure it is a comprehensive informational source.*

**e. Title IX Training.** The Title IX Coordinator should ensure that all UW students, faculty, and staff receive training on Title IX, nondiscrimination, and prevention and reporting of sexual harassment and sexual assault. Greater attention should be paid to coordinating with other offices campus-wide to ensure that the training provided by those offices is consistent with that provided by the Title IX Coordinator and that those offices provide information on the Title IX Compliance Support Program.

**Update:** *The University stated that it is continuing to enhance its educational program and outreach for faculty, staff, and students, and is working toward greater coordination of training content that is provided by other University Offices, including SafeCampus.*

### **3. Promising Practice**

**Information on Sexual Harassment.** NASA commends the University's Health and Wellness Web page on [Sexual Harassment](#). This page provides information on the types of sexual harassment and how to get help if one has been sexually harassed. The page also explains that sexual harassment is a form of sex discrimination under Title IX and provides links to the Title IX Compliance Support Program. This is a promising practice because many schools do not clearly explain that sexual harassment is a form of sex discrimination and generally focus more on issues related to sexual assault. This information should be more widely distributed across campus, if it is not already available in other forms, such as brochures and posters.

## **B. Adoption of Grievance Procedures and Policy Dissemination**

### **1. Compliance Assessment**

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.<sup>18</sup> 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 gender in the educational programs or

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<sup>18</sup> Designation of responsible employee and adoption of grievance procedures, 14 C.F.R. § 1253.135(b).

activities that it operates, and that it is required by Title IX not to discriminate in such a manner.<sup>19</sup> The University of Washington's compliance with regard to (a) the content of the grievance procedures, and (b) policy dissemination, is discussed below.

**Grievance Procedures Compliance Requirements.** In evaluating whether a school's grievance procedures are prompt and equitable, and thus satisfy the Title IX requirement, NASA looks to applicable DOJ and OCR guidance to determine whether the procedures provide for:

1. Notice of the right to file a discrimination complaint with an appropriate Federal agency, either simultaneously with the filing of an internal grievance or after the unsatisfactory resolution of a grievance.<sup>20</sup>
2. Notice to students, parents of elementary and secondary students, and employees of the procedure, including where complaints may be filed;
3. Application of the procedure to complaints alleging harassment carried out by employees, other students, or third parties;
4. Provisions for adequate, reliable, and impartial investigation of complaints, including the opportunity to present witnesses and other evidence;
5. Designated and reasonably prompt timeframes for the major stages of the complaint process;
6. Written notice to the complainant and alleged perpetrator of the outcome of the complaint;<sup>21</sup>
7. An assurance that the school will take steps to prevent recurrence of any harassment and to correct its discriminatory effects on the complainant and others, if appropriate;<sup>22</sup>
8. Where appeals are part of procedures, they must be accorded equally between the parties;<sup>23</sup>
9. Ease of access and understanding.<sup>24</sup>

#### *a. Grievance Procedures*

NASA's compliance assessment seeks to ensure that University of Washington has developed and is implementing procedures that afford a grievant "prompt and equitable" resolution of student and employee complaints alleging any action that would be prohibited by the Title IX regulations.<sup>25</sup> As the regulations do not provide any further specificity regarding the procedures, NASA looked to key guidance documents from DOJ and DoEd OCR.<sup>26</sup> These guidance documents provide additional considerations on the basic components of effective, i.e., prompt and equitable, grievance procedures in the discrimination and harassment contexts.<sup>27</sup>

The University of Washington's Executive Order No. 31, "Non-discrimination and Affirmative Action," prohibits discrimination or harassment by or against any faculty member, employee, or student on the basis of race, color, creed, religion, national origin, citizenship, sex, age, marital status, sexual orientation, gender identity or expression, disability, or

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<sup>19</sup> Dissemination of policy, 14 C.F.R. § 1253.140.

<sup>20</sup> DOJ, Title IX Q&A, "Grievance Procedures."

<sup>21</sup> April 2014 Q&A, p. 12.

<sup>22</sup> See OCR Revised Sexual Harassment Guidance, § IX. Prompt and Equitable Grievance Procedures (citations omitted); see also, April 2014 Q&A, p. 12.

<sup>23</sup> April 2011 DCL, p. 12.

<sup>24</sup> 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.

<sup>25</sup> 14 C.F.R. § 1253.135(b).

<sup>26</sup> These include the following: 1) DOJ Title IX Q&A and OCR's 2) Revised Sexual Harassment Guidance, 3) April 2011 "Dear Colleague" letter (DCL) on sexual violence, and 4) April 2014 Q&A.

<sup>27</sup> DOJ states that recipient grievance procedures are a mechanism used to determine whether a particular act, policy, or practice of a recipient complies with Title IX regulations. See DOJ, Title IX Q&A, "Grievance Procedures."

NASA also looks to the following, regarding which OCR has stated “a school’s Title IX grievance procedures should also explicitly include in writing:”<sup>28</sup>

1. A statement of the school’s jurisdiction over Title IX complaints;
2. Adequate definitions of sexual harassment (which includes sexual violence) and an explanation as to when such conduct creates a hostile environment;
3. Reporting policies and protocols, including provisions for confidential reporting;
4. Identification of the employee or employees responsible for evaluating requests for confidentiality;
5. Notice that Title IX prohibits retaliation;
6. Notice of a student’s right to file a criminal complaint and a Title IX complaint simultaneously;
7. Notice of available interim measures that may be taken to protect the student in the educational setting;
8. The evidentiary standard that must be used (preponderance of the evidence) (i.e., more likely than not that sexual violence occurred) in resolving a complaint;<sup>29</sup>
9. Notice of potential remedies for students;
10. Notice of potential sanctions against perpetrators; and
11. Sources of counseling, advocacy, and support.

military status.<sup>30</sup> There are separate grievance procedures for complaints against employees and complaints against students. Neither the executive order nor the grievance procedures specifically reference the applicable Federal laws, including Title IX. However, the University reported that it is in the process of including a specific reference to Title IX in the executive order.<sup>31</sup>

The process for filing a complaint against university employees, including faculty, is found in the Personnel section of the University’s Administrative Policy Statements.<sup>32</sup> These grievance procedures meet many of the requirements identified by OCR, except that they do not provide clear information regarding the opportunity to present witnesses and other evidence, nor do they provide assurance that the school will take steps to prevent recurrence of any harassment or correct its discriminatory effects on the complainant and others, as appropriate. In addition, although the full set of procedures (published in the Administrative Policy Statements) does not discuss confidentiality, the summary provided on the Human Resources Web site does. The procedures also do not address available interim measures, potential remedies for students filing complaints, or the evidentiary

standard to be used -- although the Title IX Coordinator stated that the University uses a preponderance of the evidence standard in its investigation and hearing processes.

The grievance procedures for complaints filed against students are found in the Student Conduct Code. Effective June 30, 2015, Supplementary Provisions Regarding Sexual

<sup>28</sup> April 2014 Q&A, p. 13.

<sup>29</sup> April 2011 DCL, p. 11, stating: “[I]n order for a school’s grievance procedures to be consistent with Title IX standards, the school must use a preponderance of the evidence standard (*i.e.*, it is more likely than not that sexual harassment or violence occurred). The “clear and convincing” standard (*i.e.*, it is highly probable or reasonably certain that the sexual harassment or violence occurred), currently used by some schools, is a higher standard of proof. Grievance procedures that use this higher standard are inconsistent with the standard of proof established for violations of the civil rights laws, and are thus not equitable under Title IX. Therefore, preponderance of the evidence is the appropriate standard for investigating allegations of sexual harassment or violence.” April 2011 Dear Colleague letter, § Prompt and Equitable Requirements, (B) Adequate, Reliable, and Impartial Investigation of Complaints; see also April 2014, Q&A, p. 13.

<sup>30</sup> University of Washington, Executive Order No. 31, Non-discrimination and Affirmative Action,” accessed Dec. 4, 2015, at <<http://www.washington.edu/admin/rules/policies/PO/EO31.html>>.

<sup>31</sup> UW response letter, May 2016

<sup>32</sup> University of Washington, Administrative Policy Statement 46.3, “Resolution of Complaints Against University Employees,” accessed Dec. 4, 2015, at <<http://www.washington.edu/admin/rules/policies/APS/46.03.html>>. The procedures also are summarized on the UW Human Resources Web site and referenced in the Faculty Code. University of Washington, Human Resources, “Complaint Resolution,” accessed Dec. 9, 2015, at <<https://www.washington.edu/admin/hr/roles/ee/complaintres/index.html>>; University of Washington, Policy Directory, Faculty Code and Governance (FCG), Chapter 25, Tenure of the Faculty, Section 25-71, Standard of Conduct, accessed Dec. 21, 2015, at <<http://www.washington.edu/admin/rules/policies/FCG/FCCH25.html>>.



Misconduct, were added to the code.<sup>33</sup> Taken together, the Student Conduct Code and the supplementary provisions for sexual misconduct do not appear to meet all of OCR's requirements for prompt and equitable procedures. For example,

- The procedures are applicable to any violation of the Student Conduct Code and, thus, do not explicitly reference the UW non-discrimination and non-retaliation policy explained in Executive Order No. 31 or Title IX. The standards of conduct listed in section 478-120-020 of the code state that "students will conduct themselves as responsible members of the academic community," which includes respecting the rights of others, and defines misconduct to include, among other things, "[c]onduct on university premises constituting a sexual offence, whether forcible or nonforcible, such as rape, sexual assault, or sexual harassment."
- The Student Conduct Code does not enumerate the procedures for initiating a complaint against a student who has violated the code other than to state, "[p]ersons who believe that a violation of the student conduct code has been committed should contact the vice-president for student life at the University of Washington Seattle campus, or the chancellor of the University of Washington Bothell or Tacoma campuses, whichever is appropriate." It is unclear from the code that a student should initiate a complaint with the Community Standards & Student Conduct office, or that a student may seek advice from CSSC, the Title IX Coordinator, or other offices on campus with expertise in providing advice on filing sex discrimination, sexual harassment, or sexual assault complaints.
- The Student Conduct Code does not provide notice of the right to file a discrimination complaint with an appropriate Federal agency, nor does it note that a student also has the right to file a criminal complaint simultaneously with a Title IX complaint.

While the Student Conduct Code does not include many of the criteria identified by OCR, most of the criteria are included on various UW Web sites. For example, the CSSC Web site provides information on the student conduct process, while the Web site for the Office of the Vice President for Student Life provides information on the University's Title IX reporting policies and applicability of Title IX.<sup>34</sup> However, in order to ensure consistency with OCR's guidance regarding Title IX grievance procedures, the criteria identified by OCR should, ideally, be embodied in the actual procedures.

#### *b. Policy Dissemination*

Relevant OCR and DOJ guidance also informed NASA's assessment of the University's compliance with the regulatory provision requiring dissemination of Title IX policy and procedures.<sup>35</sup>

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<sup>33</sup> University of Washington, Policy Directory, Washington Administrative Code (WAC), Chapter 478-120 WAC: Student Conduct Code for the University of Washington, accessed Dec. 4, 2015, at <<http://www.washington.edu/admin/rules/policies/WAC/478-120TOC.html>>; University of Washington, Policy Directory, Washington Administrative Code (WAC), Chapter 478-120-137: Supplementary Provisions Regarding Sexual Misconduct, accessed Dec. 4, 2015, at <<http://www.washington.edu/admin/rules/policies/WAC/478-120-137.html>>. These supplementary provisions were extended on October 26, 2015.

<sup>34</sup> University of Washington, Community Standards & Student Conduct, "Conduct Process," accessed Dec. 18, 2015, at <<http://www.washington.edu/cssc/student-conduct-overview/conduct-process/>>; University of Washington, Office of the VP for Student Life, "Sexual harassment, nondiscrimination and Title IX," accessed Dec. 9, 2015, at <<http://dsl.uw.edu/about/resources/title-ix-policies-against-sexual-harassment/>>.

<sup>35</sup> See, e.g., U.S. Department of Justice Civil Rights Division, *Title IX Legal Manual* (Jan. 11, 2001), § V.E., p. 111 (accessible at <<http://www.usdoj.gov/crt/cor/coord/ixlegal.htm>>); OCR Revised Sexual Harassment Guidance.

**Policy Dissemination Compliance Requirements.** OCR's guidance emphasizes the need for recipient institutions to have "well-publicized" grievance procedures.<sup>36</sup> In addition, OCR states, "without a disseminated [sexual harassment] policy and procedure, a student does not know either of the school's policy against and obligation to address this form of discrimination, or how to report harassment so that it can be remedied."<sup>37</sup> Importantly, OCR stated in its Revised Sexual Harassment Guidance (2001): Distributing the procedures to administrators, or including them in the school's administrative or policy manual, *may not by itself be an effective way of providing notice, as these publications are usually not widely circulated to and understood by all members of the school community.* Many schools ensure adequate notice to students by having copies of the procedures available at various locations throughout the school or campus; publishing the procedures as a separate document; including a summary of the procedures in major publications issued by the school, such as handbooks and catalogs for students, parents of elementary and secondary students, faculty, and staff; and identifying individuals who can explain how the procedures work.<sup>38</sup>

More recently, in its April 2011 Dear Colleague letter on Title IX and sexual violence, OCR has advised grant recipients that their "grievance procedures be prominently posted on school Web sites; sent electronically to all members of the school community; available at various locations throughout the school or campus; and summarized in or attached to major publications issued by the school, such as handbooks, codes of conduct, and catalogs for students, parents of elementary and secondary students, faculty, and staff."<sup>39</sup> DOJ regulations also make Federal funding agencies and recipient institutions responsible for disseminating information materials, e.g., handbooks, manuals, pamphlets, to ensure program beneficiaries are aware of their rights pursuant to EO law.<sup>40</sup>

NASA has some concerns about the appropriate dissemination, particularly ease of access, to the University of Washington's policies and procedures for Title IX. The procedures for complaints against university employees are found in the Personnel section of the University's Administrative Policy Statements and summarized on the HR Web site, but not clearly discussed elsewhere, such as on the Compliance Services Title IX Web site. Further, they do not mention discrimination or sexual harassment in the title. Thus, they may be overlooked by individuals, particularly students, seeking information on how to file a Title IX-related complaint.

The student procedures essentially are regulations promulgated by the state legislature.<sup>41</sup> As such, they are formal in nature and may not be easy to understand. Because the Student Conduct Code covers all violations of the conduct code, violations of Title IX are not specifically identified. Thus, the processes of how to file a Title IX complaint and how complaints are investigated and resolved may be unclear to students.

Further, the information provided in both the Student Conduct Code and the CSSC Web site appears to be primarily for those accused of misconduct. In fact, the CSSC Web page on the student conduct process begins with, "[b]eing accused of misconduct can be stressful."<sup>42</sup> This may be off-putting to those who are looking for information on what to do in these situations. The information should be balanced and directed at both parties.

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<sup>36</sup> See OCR Revised Sexual Harassment Guidance, Preamble, "Enduring Principles from the 1997 Guidance."

<sup>37</sup> *Ibid.*, § V(D), "The Role of Grievance Procedures."

<sup>38</sup> *Ibid.*, § IX. Prompt and Equitable Grievance Procedures (emphasis added).

<sup>39</sup> April 2011 Dear Colleague letter, § Prompt and Equitable Requirements, (A) Notice of the grievance procedures.

<sup>40</sup> Public dissemination of Title VI information, 28 C.F.R. § 42.405(c).

<sup>41</sup> Washington State Legislature, Washington Administrative Code (WAC), accessed Dec. 9, 2015, at <<http://apps.leg.wa.gov/wac/default.aspx>>. According to this Web site, "Regulations of executive branch agencies are issued by authority of statutes. Like legislation and the Constitution, regulations are a source of primary law in Washington State."

<sup>42</sup> University of Washington, Community Standards & Student Conduct, "Conduct Process," accessed Dec. 18, 2015, at <<http://www.washington.edu/cssc/student-conduct-overview/conduct-process/>>.

## 2. Recommendations

**a. Ease of Understanding and Completeness of Grievance Procedures.** The University of Washington should ensure that Title IX grievance procedures are easily understood by all students and employees and written in a way that makes clear the applicability of Title IX to the University environment. Further, all of the criteria identified in the blue boxes in Section II.B. of this report should be included in the University's formal grievance procedures. NASA recommends that, at a minimum, the University consolidate all of the information supplied on various UW Web pages into one Title IX-specific Web page that provides students information on how to file a complaint, the investigation and complaint resolution process, and potential remedies and sanctions. Other information, including a statement of the schools jurisdiction over Title IX complaints and notice of a student's right to file a discrimination complaint with an appropriate Federal agency, should be included.

**Update:** UW reported that it recently created a [Title IX Investigation Office](#) and corresponding Web site where it provides information for both the complainant and the respondent regarding the investigation process, hearings, and appeals.

**b. Dissemination of Grievance Procedures.** In addition to publishing Title IX information and grievance procedures on the University Web site, UW should consider developing additional informational pieces for students, such as brochures and posters.

**c. Ease of Access to Title IX Information for Complainants.** The University of Washington should ensure that information on the process of filing a complaint and how the complaint will be handled is clear from the complainant's perspective. NASA recommends that information on how students can file a complaint against both employees and students be clearly specified in the grievance procedures and/or on a Web site dedicated to Title IX information.

## C. Self-Evaluation

### 1. Compliance Assessment

The NASA Title IX regulations required recipient institutions to conduct a Title IX Self-Evaluation regarding admissions and treatment of students by September 29, 2001, and to keep the Self-Evaluation on file for three years.<sup>43</sup> While grantees are not obligated to conduct a further Title IX Self-Evaluation, such evaluations are very helpful to ensure, for example, that selection criteria and academic practices do not adversely impact students on the basis of gender. They also provide an opportunity to evaluate trends over time and to develop mechanisms for proactively addressing emerging issues.

NASA's guide for conducting Title IX self-evaluations provides suggestions for areas to review. These include:<sup>44</sup>

- Applications, admissions, matriculations, retention, and degrees earned rates (for men and women);
- The availability of mentoring relationships;
- The standards and practices used for faculty hiring and promotion decisions;
- Criteria for assignment of graduate students to researchers and advisors;

<sup>43</sup> Self-evaluation, 14 C.F.R. § 1253.110(c).

<sup>44</sup> NASA, Office of Diversity and Equal Opportunity, *Title IX and STEM: A Guide for Conducting Title IX Self-Evaluations in Science, Technology, Engineering, and Mathematics Programs*, June 2012, accessible at: <http://odeo.hq.nasa.gov/>.



- Funding of students through assistantships, fellowships, and scholarships; and
- Allocation of lab space and experiences in the lab and classroom.

Participation in this Title IX review and reviewing the data requested by the NASA Office of Diversity and Equal Opportunity for conducting this review is a good start to conducting a self-evaluation. Continued efforts should be made to comprehensively review data regarding participation in STEM programs, by gender.

In addition, in 2013, then-University president, Michael K. Young, established a task force on sexual assault prevention. The purpose of the task force was to review existing campus policies and practices, identify best practices from other institutions, develop new practices to fill gaps, and develop a plan for implementation of new practices. Recommendations of the task force lead to a variety of changes on campus, including the development of a comprehensive Web site on sexual assault ([www.uw.edu/sexualassault](http://www.uw.edu/sexualassault)) and the establishment of two new positions, a Title IX Investigator in CSSC and a Training and Education Specialist in Health and Wellness.<sup>45</sup>

In addition, a safety survey was conducted in the spring quarter of 2014, which asked questions about substance use, relationship violence, and campus programs and efforts related to safety, the results of which are included in section II E of this report.<sup>46</sup>

## 2. Recommendations

**a. Regular Departmental Title IX Self-Evaluations.** The Department of Atmospheric Sciences, as well as other STEM departments, should conduct self-evaluations on a regular basis. Departments should refer to NASA's guide for conducting Title IX self-evaluations for information and suggestions on how to conduct such evaluations.

**b. University-wide Title IX Evaluations.** The University of Washington's Title IX Coordinator should participate (with the appropriate offices and committees) in regular Title IX evaluations of Title IX-related policies, procedures, and practices, such as those related to employment practices of academic and nonacademic personnel.

**Update:** *The University is developing resources to assist academic departments in conducting Title IX self-evaluations. The Title IX Steering Committee will be the mechanism by which the University conducts such evaluations.*

## 3. Promising Practice

**Task Force on Sexual Assault Prevention and Response.** The University's task force on sexual assault prevention made several positive changes regarding campus culture and availability of information. UW should continue this work by embedding the initiatives of the task force in the Title IX Compliance Support Program and other campus programs, such as Health and Wellness.

<sup>45</sup> University of Washington, Health and Wellness, "Statistics on Sexual Assault and Relationship Violence," accessed April 20, 2016, at <<http://depts.washington.edu/livewell/advocate/statistics-on-sexual-and-relationship-violence/>>.

<sup>46</sup> University of Washington, Task Force on Sexual Assault Prevention and Response, *Implementation Update and Two-Year Review*, December 2015. The task force's final recommendation was that the existing Title IX Committee become a working committee of a new, University President-appointed Title IX steering committee.

## **D. Recruitment, Admissions, Enrollment, Degrees Earned, and Faculty Recruitment<sup>47</sup>**

### **1. Compliance Assessment**

The NASA Title IX regulations state that recipients may not discriminate on the basis of sex in admissions and recruitment.<sup>48</sup> Consistent with this requirement, NASA reviewed the Atmospheric Sciences 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. The review was based on five academic years: 2009-10 through 2013-14.

**Admissions and Recruitment Compliance Requirements.** NASA's Title IX regulations prohibit discrimination on the basis of sex in admission and recruitment to educational programs or activities receiving financial assistance from NASA. Specifically, the regulations prohibit educational institutions from such activities as:<sup>49</sup>

- 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 (including whether such applicant is "Miss" or "Mrs."); 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 regarding the prohibition of discrimination on the basis of sex in employment in educational programs also apply to the recruitment, advertising, and the process of application for employment.<sup>50</sup>

#### *a. Outreach and Recruitment*

The University of Washington supports and participates in a variety of outreach programs for minority students and women. These include:

- **Making Connections:** a college-readiness program for Seattle-area girls providing enrichment and support services to underserved girls and their families.
- **Washington MESA:** builds a pathway to college and STEM careers by developing programs and initiatives designed to improve diversity and retention of traditionally underrepresented students in STEM fields, including women.
- **Educational Outreach:** a summer youth program that provides STEM experiences for girls.
- **Pipeline Project:** a K-12 outreach program that connects undergraduate students with educational and service opportunities, such as tutoring and mentoring, in local schools and community organizations.

<sup>47</sup> All data in this section pertaining to Boston University students was provided by the University in response to NASA's information request.

<sup>48</sup> Admission, 14 C.F.R. §1253.300; Recruitment § 1253.310.

<sup>49</sup> 14 C.F.R. §1253.300-1253.455.

<sup>50</sup> 14 C.F.R. §1253.500.

The Department of Atmospheric Sciences has an ongoing outreach program for K-12 students.<sup>51</sup> Graduate students and faculty participate on a voluntary basis by judging science fairs, providing hand-on demonstrations, conducting on-campus tours, and participating in other outreach activities. Graduate students have also participated in other UW outreach events, including the annual summer science camp hosted by the National Oceanic and Atmospheric Administration. In addition, Atmospheric Sciences staff participate in freshman orientations to share information about the program.

With regard to recruitment efforts, the Department participates in national minority recruiting organizations, such as the Western and National Grad Name Exchange program, attends a variety of conferences and events sponsored by minority organizations, and regularly applies for diversity recruitment funding from the University. In addition, each year the College of the Environment sponsors a table at the Women in Science and Engineering Conference. Further, the College of the Environment Dean's Office has established a committee comprised of staff and graduate students to address issues of recruitment and retention of groups underrepresented in STEM.

#### *b. Graduate Admissions, Enrollment, and Degree Progress*

##### *(i) Admissions Process*

Applicants for the graduate program in Atmospheric Sciences must have an undergraduate grade-point average (GPA) of 3.0 or higher and must submit the following with their application: unofficial transcripts, Aptitude Test portion of the Graduate Record Examination (GRE), a statement of purpose, letters of recommendation, and a resume or vitae. The Department's Web site notes that there are no specific prerequisites, but it is recommended that applicants have at least two years of mathematics (beginning with calculus and going through differential equations) and one and one half years of calculus-based physics, as well as other courses in mathematics, computer science, and various physical sciences.<sup>52</sup>

The department receives inquiries from many prospective candidates prior to the application deadline and faculty communicates with top prospects early in the recruiting process. Once applications are received, both the Graduate Program Coordinator and the Academic Advising and Student Services staff person review all applications and forward them to the faculty for review. In making admissions determinations, the Department creates a ranked list as a guide for faculty to look over interest areas, GPA, and GRE scores. Rankings are based on a weighted score combining GPA and the three areas of the GRE. The Graduate Program Coordinator assigns specific application files to faculty based upon their funding situation and availability. In any given year faculty will recruit only students for whom they have funding or future funding.

Nearly all admission offers are accompanied by an invitation to visit the UW campus. Recruiting weekends are held in late February and early March and generally include four to six candidates. Individual visits are offered if top candidates cannot make these dates. Travel and lodging for the candidates are paid for by the Department. During the visit, candidates meet one-on-one with several faculty and graduate students and attend social events and campus tours. Regardless of whether they visit the campus, all applicants are

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<sup>51</sup> University of Washington, Department of Atmospheric Sciences, "Outreach," accessed March 31, 2016, at <http://www.atmos.washington.edu/~outreach/>.

<sup>52</sup> University of Washington, Department of Atmospheric Sciences, "Graduate Program Application Frequently Asked Questions (FAQs)," accessed April 1, 2016, at [http://www.atmos.washington.edu/academics/grads/apply\\_faqs.shtml#courses](http://www.atmos.washington.edu/academics/grads/apply_faqs.shtml#courses).

individually contacted by departmental faculty to answer any questions they may have and provide information about specific research opportunities within the department.

(ii) Graduate Admissions, Enrollment, Departures and Financial Aid

In the past five academic years (2009-10 through 2013-14), 55 students matriculated into the University of Washington’s Ph.D. program in Atmospheric Sciences; women accounted for 38 percent of these new students (see Table 1). Similarly, women accounted for about 40 percent of both those who applied to and were accepted into the program. However, between 2011-12 and 2013-14, the percentage of women accepted into the program decreased from 48 to 29 percent, and in 2012-13, only 14 percent of those who matriculated into the program were women. These numbers are concerning because they may indicate the beginning of a downward trend for women’s participation in the program if they continue. The numbers indicate that acceptance and matriculations of women should be monitored by the Department to ensure against possible discriminatory factors.

Table 1. Applicants, Acceptances, and Matriculations, by Sex, 2009-2014

Year	Applicants				Accepted				Matriculated			
	Female	Male	% Female	% Male	Female	Male	% Female	% Male	Female	Male	% Female	% Male
2009-10	50	64	44%	56%	13	15	46%	54%	7	4	64%	36%
2010-11	53	76	41%	59%	11	13	46%	54%	4	9	31%	69%
2011-12	63	92	41%	59%	10	11	48%	52%	5	6	45%	55%
2012-13	67	109	38%	62%	8	16	33%	67%	1	6	14%	86%
2013-14	63	86	42%	58%	8	20	29%	71%	4	9	31%	69%
5-year total	296	427	41%	59%	50	75	40%	60%	21	34	38%	62%
5-year average	59	85	41%	59%	10	15	40%	60%	4	7	38%	62%

NASA conducted an applicant flow analysis to compare the acceptance and matriculation rates of women to those of men (see Table 2).<sup>53</sup> The analysis revealed that over the five year period women and men were accepted and enrolled at similar rates. In fact, for three of the five years analyzed, women were accepted at a slightly higher rate than men. However, in academic years 2011-12 and 2013-14, the acceptance rate for women was lower than for men. The matriculation rates of both men and women fluctuated over the 5-year period, although the matriculation rate for women was much lower than for men in 2012-13.

<sup>53</sup> This analysis examines acceptances as a percentage of applications and new enrollments as a percentage of acceptances for each gender separately. This permits a comparison of men and women. In many science and engineering programs, fewer women than men apply and, thus, fewer women are accepted and matriculate. An applicant flow analysis shows whether there are gender differences in acceptance rates of those who applied and enrollment rates of those who were accepted. NASA, Office of Diversity and Equal Opportunity, *Title IX and STEM: A Guide for Conducting Title IX Self-Evaluations in Science, Technology, Engineering, and Mathematics Programs*, June 2012, p. 7, accessible at: <<http://odeo.hq.nasa.gov/>>.

Table 2. Applicant Flow Analysis, 2009-2014

Year	Acceptance (Offer) Rates		Matriculation (Enrollment) Rates	
	% of Women who applied that were accepted	% of Men who applied that were accepted	% of Women who were accepted that enrolled	% of Men who were accepted that enrolled
2009-10	26%	23%	54%	27%
2010-11	21%	17%	36%	69%
2011-12	16%	12%	50%	55%
2012-13	12%	15%	13%	38%
2013-14	13%	23%	50%	45%
5-year average	17%	18%	42%	45%

Over the 5-year period, on average, women accounted for 42 percent of all graduate students in the program and 54 percent of those who earned a Ph.D. These numbers are higher than women’s representation across the United States, where women account for approximately one-third of all graduate students in Atmospheric Sciences.<sup>54</sup> With regard to financial assistance, on average, male and female graduate students receive nearly equal amounts of financial assistance in the form of graduate fellowships, teaching assistantships, and research assistantships.

Faculty noted that the Department discontinued the use of a qualifying exam because it did not determine who was qualified to get a Ph.D. Instead, the process looks at students’ ability to do research. Students apply to the Department’s Committee on Graduate Studies (COGS). The COGS makes a decision on the student’s ability to proceed in the Ph.D. program based on the information contained in the application, including the student’s grades in required courses, Master’s thesis, and a letter from the student’s supervisory committee. One faculty member noted that only a few students have not passed the COGS review, and some students decided not to apply because they felt they were not strong enough students. Data provided on the subsequent exams indicate that all students passed both the General Exam and the Final Exam (oral defense of dissertation) on their first attempt.<sup>55</sup>

### c. Undergraduate Admissions, Enrollments, and Degree Progress

Between 2009-10 and 2013-14, women accounted for 22 percent of those enrolled in the undergraduate program and 18 percent of those earning bachelor’s degrees in Atmospheric Sciences. This is somewhat lower than the national average, which rose from 23 to 32 percent between 2000 and 2011.<sup>56</sup> However, data provided by the University show that women accounted for 31 percent of the undergraduates participating in department-sponsored research between 2009-10 and 2013-14. NASA notes that the number of female

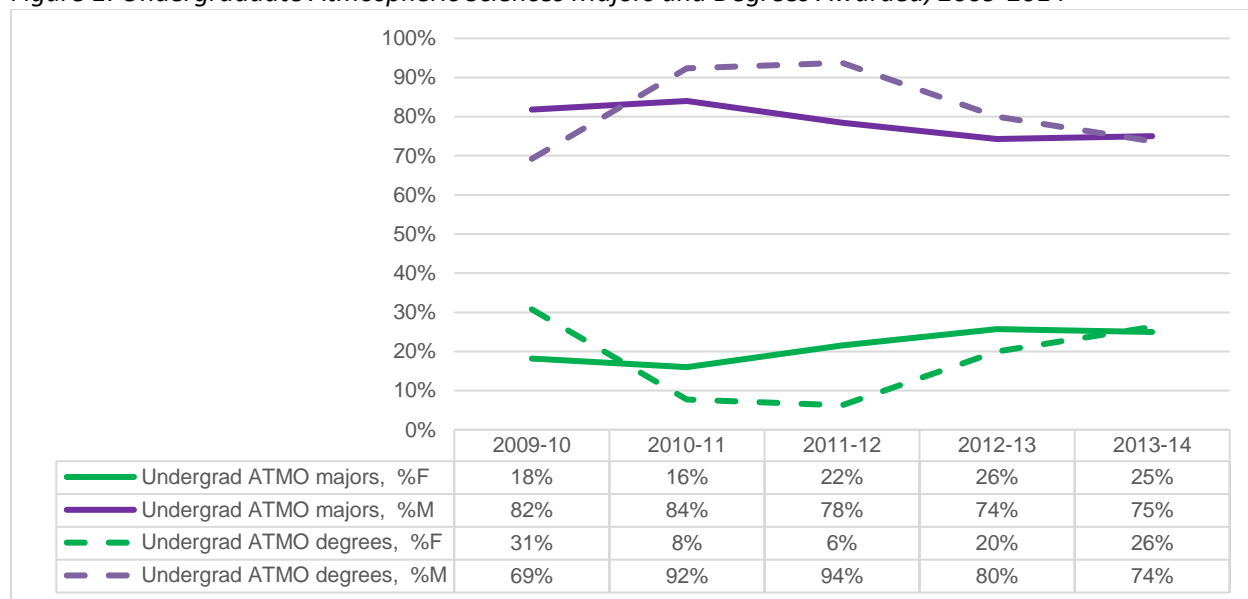
<sup>54</sup> Between 2000 and 2011, nationally women increased their representation among graduate students in Atmospheric Sciences from 28 to 32 percent. Among those who earned a Ph.D. during this time, the number of women increased from 19 to 30 percent. National Science Foundation, National Center for Science and Engineering Statistics (NCSES), *Science and Engineering Indicators 2014*, Arlington, VA, February 2014, App. Tables 2-24 and 2-31. Available at: <<http://www.nsf.gov/statistics/indicators/>>.

<sup>55</sup> University of Washington, Department of Atmospheric Sciences, “The General Examination,” accessed April 7, 2016, at <<http://www.atmos.washington.edu/academics/grads/genexam.shtml>>.

<sup>56</sup> Between 2000 and 2011, women increased their representation among those graduating with an undergraduate degree in Atmospheric Sciences from 23 to 32 percent. National Science Foundation, National Center for Science and Engineering Statistics (NCSES), *Science and Engineering Indicators 2014*, Arlington, VA, February 2014, App. Table 2-17. Available at: <<http://www.nsf.gov/statistics/indicators/>>.

undergraduate majors and graduates, as well as the number of female undergraduates participating in research has fluctuated from year to year.

Figure 1. Undergraduate Atmospheric Sciences Majors and Degrees Awarded, 2009-2014



#### d. Faculty Hires

Between academic years 2010-11 and 2014-15, the Atmospheric Sciences Department hired five faculty members, 1 female and 4 males. Because gender information is provided voluntarily, however, the gender breakdown of the applicant pool is unknown. Nonetheless, the College of the Environment has developed guidance on improving diversity among faculty hires. In particular, the guidance notes, “Before creating your short-list of candidates to be invited to campus, consider re-examining the CV’s of **strong** female and URM candidates. Research shows that women’s applications are often more critically reviewed and that women tend to self-promote less” (emphasis in original).<sup>57</sup> The guidelines place an emphasis on using inclusive language and providing candidates the opportunity emphasize their performance in all areas of importance and to talk about diversity.

## 2. Recommendations

**a. Graduate Student Recruitment.** The Department should continue to monitor and review its recruitment practices to ensure a diverse group of potential students are recruited *prior* to the application process. The Department should ensure that all pre-application contacts are responded to fairly and consistently.

**b. Undergraduate Student Recruitment.** The Department should consider developing a more formal recruitment program for undergraduate students to supplement the several University-wide outreach and recruitment programs already in place. For example, the Department could establish a formal pre-majors program that focuses on providing students an introduction to the discipline and clearly outlining prerequisites required for the major.

<sup>57</sup> University of Washington, College of the Environment, “Guidelines for Diversity-Friendly Finalist Section and Interviewing,” accessed April 7, 2016, at <<https://environment.uw.edu/guidelines-for-diversity-friendly-finalist-selection-and-interviewing/>>.

**c. Faculty Recruitment.** The University should encourage applicants to provide demographic information by telling them that such information is helpful in determining compliance with federal and state equal opportunity laws.

**Update:** *The University noted that it does make efforts to encourage self-disclosure of demographic information, but will review those efforts to determine if there are opportunities to do more.*

### 3. Promising Practices

**Guidelines for Diversity in Hiring.** The College of the Environment has taken proactive steps in providing guidance on “Diversity-Friendly Finalist Selection and Interviewing” and provides additional resources regarding successfully recruiting and hiring female and minority faculty members.

## E. Program Administration and Academic Environment

### 1. Compliance Assessment

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.<sup>58</sup> In January 2016, NASA Administrator Charles F. Bolden, Jr., sent a letter to all NASA grant recipients reminding them of their responsibilities under Title IX and the importance of ensuring equal opportunity to all participants (see Appendix). Administrator Bolden stated, in part:

NASA takes very seriously our obligations, both legal and ethical, to make sure that when we provide Federal dollars to a STEM education program that the program is extending equal opportunity to all of its participants. We seek to help STEM programs nation wide in their efforts to achieve educational environments win which equality of opportunity and inclusion are not just buzzwords, but are internalized by all members of the community and institutionalized in fair and equitable policies and practices. ... No grantee institution that allows impermissible harassment to go unaddressed can be deemed to be in compliance with civil rights law.<sup>59</sup>

**Program Administration Compliance Requirements.** NASA looks to the following to assess compliance in the program administration context:

**1. Denial of Benefits/Limitation on Program Participation.** NASA’s Title IX regulations prohibit a recipient from denying the benefits of its programs or services or otherwise limiting program participation based on sex, including sexual harassment and sexual violence.<sup>60</sup>

**2. Discriminatory Effects.** The Title IX regulations incorporate by reference the NASA Title VI regulatory provision prohibiting 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.<sup>61</sup>

<sup>58</sup> Education programs or activities, 14 C.F.R. § 400(a),(b)(7).

<sup>59</sup> Charles F. Bolden, Jr, Administrator, NASA, letter to NASA grant recipients, January 15, 2016, accessible at <[http://www.nasa.gov/sites/default/files/atoms/files/bolden\\_letter\\_20160115.pdf](http://www.nasa.gov/sites/default/files/atoms/files/bolden_letter_20160115.pdf)>.

<sup>60</sup> *Id.*

<sup>61</sup> Enforcement procedures, 14 C.F.R. § 605.



**3. Career Counseling and Guidance.** The Title IX regulations explicitly state that a recipient may not discriminate on the basis of gender with regard to career counseling or guidance.<sup>62</sup>

**4. Parental and Marital Status.** The NASA Title IX regulations include detailed provisions on matters pertaining to marital and parental status.<sup>63</sup> Generally, 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 pregnancy and childbirth be treated in the same manner and under the same policies as any other temporary disability or physical condition.<sup>64</sup> 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."<sup>65</sup> 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 educational grant recipients on Title IX requirements pertaining to pregnancy and parental status.<sup>66</sup>

The compliance team examined University of Washington and Atmospheric Sciences Department's program administration and its impacts on the overall academic environment of the Department (including academic advising, career counseling, research participation, classroom experiences, "family friendly" policies, and physical safety of the program environment, as well as the extent of concerns among students regarding sexual harassment or sex discrimination), to determine whether there was evidence of students being treated differently or otherwise limited in program participation, on the basis of gender. NASA's Title IX student survey provided insight into several of these areas and supported the findings from the student interviews.<sup>67</sup>

*a. Academic Advising and Career Counseling*

NASA examined the Atmospheric Sciences Department's advising program, including policies and procedures, as well as student experiences and observations, to determine whether there was evidence of students being treated differently or otherwise limited in program participation, on the basis of gender. Interviews with graduate and undergraduate students and survey responses indicated, generally, students feel they are not treated differently on the basis of gender.

*b. Classroom Experiences and Research Participation*

NASA's review sought to determine whether, and if so, the extent to which, students were treated differently or otherwise limited, on the basis of gender, with regard to research participation and classroom experiences, including classroom environment and testing. Student interviews and survey response suggested little or no difference between men and women with regard to research participation. Nearly all of the survey respondents reported

<sup>62</sup> Counseling and use of appraisal and counseling materials, 14 C.F.R. § 1253.425.

<sup>63</sup> Marital or parental status, 14 C.F.R. § 1253.445 and 1253.530.

<sup>64</sup> Admission, *Prohibitions relating to marital or parental status*, 14 C.F.R. § 1253.300(c)(3).

<sup>65</sup> Marital or parental status, 14 C.F.R. § 1253.445 (b)(5).

<sup>66</sup> 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>>.

<sup>67</sup> The survey was deployed to all students in the Department, with a 55 percent response rate overall. Of the 37 surveys completed, of 65 percent of the respondents were male students and 35 percent were female students. Approximately half of the respondents were undergraduate students.



having sufficient access to lab equipment, equal access of equipment to both genders, lab instructors treating students equally, and equity of assigned lab responsibilities. Neither survey respondents nor those interviewed reported any gender-related differences or experiences with regard to classroom experiences and research participation.

*c. Parental/Marital Status ("Family Friendly" Policies)*

Regarding parental and marital status, NASA focused on the Title IX provisions pertaining to pregnancy and childbearing; thus we reviewed UW's parental leave policies, which are found in the State of Washington Administrative Code. Professional staff may be granted up to four months of parental leave to care for a newborn, adoptive, or foster child. Employees may use any combination of annual leave, sick leave (up to 10 days), personal days, and leave without pay while on parental leave. Under the Family and Medical Leave Act (FMLA) and the Washington State Family Leave Act, individuals are entitled to up to 12 weeks of leave for newborns or newly placed adoptive or foster children.<sup>68</sup> Leave benefits for post-doctoral researchers depend on the type of appointment. Research associates and senior fellows receive the same benefits as faculty members. Research associate trainees and senior fellow trainees are eligible for up to 90 calendar days of approved medical leave with pay.<sup>69</sup>

Academic faculty and staff, including senior fellows, may use up to 90 days of paid sick leave each year, pursuant to the FMLA and the state's family leave act. Paid sick leave may be used for: the employee's own serious health condition; temporary disability due to pregnancy or childbirth; and the care of a family member with a serious health condition. Faculty members may also request a family leave of absence without pay for up to six months (or two successive academic quarters) to care for a child. The faculty member should make such a request to the department chair at least 30 days in advance, if possible; an academic unit may require that parental leave without pay be taken in one continuous period of time away from work. Parental leave without pay may be taken for child birth, adoption, or placement into foster care with the employee, and must be taken within 12 months of the event. Faculty members request that time spent on family or sick leave be excluded from the accumulation of time towards tenure.<sup>70</sup>

Faculty members stated in their interviews that the 3-month paid sick leave provided under the state and federal family leave acts is only applicable if the birth occurs during the 9-month academic calendar. They stated that most of the chairs and departments will work it out so that new mothers get a teaching release; however, it can differ by department. In addition, there is no equivalent teaching release or time off for fathers.

The University has prepared a brochure for students regarding their rights as parents. It notes that depending on the situation, students may be entitled to accommodations under Title IX or the Americans with Disabilities Act. Students may be provided services and accommodations similar to students with temporary medical conditions. University disability services offices work with students to coordinate reasonable academic adjustments and

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<sup>68</sup> University of Washington, Human Resources, "Professional Staff Leave: Family Leave," accessed April 14, 2016, at <<http://www.washington.edu/admin/hr/polproc/prostaff/leave/family.html>>.

<sup>69</sup> University of Washington, UW Graduate School, Office of Postdoctoral Affairs, "Postdoc Handbook (v1.0)," accessed April 14, 2016, at <<http://grad.uw.edu/for-students-and-post-docs/post-doctoral-affairs/>>.

<sup>70</sup> University of Washington, Office of Academic Personnel, "Paid Sick Leave," accessed on April 13, 2016, at <<http://ap.washington.edu/ahr/policies/leaves/paid-sick-leave/>>; University of Washington, Office of Academic Personnel, "Family Friendly Policies," accessed on April 13, 2016, at <<http://ap.washington.edu/ahr/policies/working/welcome/family-friendly-policies/>>; University of Washington, Employment and Administrative Policies, Chapter 110, "Faculty Leaves and Vacations," accessed April 14, 2016, <<http://www.washington.edu/admin/rules/policies/EAP/CH110.html>>.

accommodations on an individual basis. Information and assistance for student parents can be obtained from the UW Women's Center, Student Parent Resource Center, Disability Services Office, Counseling Center, the Health Center, and the Title IX Coordinator.<sup>71</sup>

One issue identified in interviews with faculty and students was the lack of childcare facilities on campus. The University operates four on-campus child care facilities; however, all centers are fully enrolled with long waiting lists. The University has also arranged for discounts and enrollment priority at several off-site childcare centers. UW, through its Childcare Access Initiative, is taking steps to increase their childcare capacity and options and has organized a Childcare Advisory Committee.<sup>72</sup>

Despite several positive steps, including the Childcare Access Initiative and the brochure for pregnant students, students may not have a clear understanding of their rights and available services. For example, information on childcare is provided primarily on the Human Resources Web site. While the information may be available in multiple locations on campus, the information appears to be spread across several different portions of the UW Web site.

#### *d. Safety*

Regarding University of Washington policies and student experiences involving physical safety on campus, NASA's review does not suggest serious concerns around physical safety having limited any student's program participation based on gender. However, interviews and survey responses indicated that several individuals had concerns about personal safety in areas adjacent to the University. A few individuals noted they would not feel comfortable walking around campus at night, and one noted that there was insufficient lighting on campus.

#### *e. Overall Academic Environment*

On average, most students who responded to the survey reported a positive climate at UW, reporting positive (responses of "Often" or "Very Often/Almost Always") interaction with faculty and fellow students and interaction with instructors or other students in their program outside of class. Most respondents also indicated they had positive relationships with both male and female students and faculty.

Further, although no instances of sexual harassment or sexual misconduct were mentioned in onsite interviews, the survey results indicate that at least a few individuals may have experienced some form of sex discrimination. For a series of questions regarding unwanted or uninvited gender-related talk or behavior by individuals in the department, at least six respondents noted that some incidents occurred "once or twice" or "sometimes" (see Table 3). Survey responses indicated that such incidents were not reported because the individuals took care of the matter themselves, did not think the matter was important enough to report, did not know how to report the incident, felt uncomfortable reporting it, did not think anything would be done or that they would be taken seriously, or feared retaliation or other negative consequences.

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<sup>71</sup> University of Washington, *For Pregnant Students*, brochure, rev. February 2015, accessed April 13, 2016, at <<http://compliance.uw.edu/sites/default/files/Pregnant.pdf>>.

<sup>72</sup> University of Washington, Human Resources, "Childcare", accessed April 13, 2016, at <<http://www.washington.edu/admin/hr/benefits/worklife/childcare/index.html>>; University of Washington, Human Resources, "Childcare Access Initiative", accessed April 13, 2016, at <<http://www.washington.edu/admin/hr/benefits/worklife/childcare-access-initiative/>>.

Table 3. Selected NASA Title IX Survey Responses

Survey Item	Response options	Male	Female
Heard sexual stories or jokes that were offensive to you	Never	19	17
	<i>Once or twice/sometimes</i>	3	3
Heard insulting or offensive references to people of your gender	Never	20	18
	<i>Once or twice/sometimes</i>	2	2
Treated differently because of your gender	Never	19	15
	<i>Once or twice/sometimes</i>	3	5
Heard offensive or inappropriate remarks about your appearance, body, or sexual activities	Never	21	19
	<i>Once or twice/sometimes</i>	1	1
Saw gestures or body language of a sexual nature that embarrassed or offended you	Never	22	19
	<i>Once or twice/sometimes</i>	0	1

The NASA survey also asked a series of questions regarding campus safety. The survey includes a series of questions that begin with, "Since you started this program, has someone in your program, including students, staff, or faculty, engaged in the following unwanted and uninvited behaviors..." One or more students responded "Yes, but I did not feel in danger of physical harm or sexual assault" to the following response scenarios:

- Showed up at places where you were even though he/she had no reason
- Left unwanted items for you to find (e.g., gifts or other items)
- Vandalized or tampered with your belongings
- Took personal items that belonged to you
- Took your picture or videotaped you without your consent
- Sent you unsolicited personal messages (e.g., e-mails, instant messages, etc.)
- Made unsolicited phone calls to you

Because the NASA survey is designed to ensure privacy, the details and circumstances of such incident(s) are unknown. Further, because of the small sample size, we are unable to determine the extent and/or validity of such issues. Nonetheless, even one response to such questions can be cause for concern.<sup>73</sup> Thus, at a minimum, UW should review its guidance and policies and ensure that students understand what constitutes sex discrimination and/or sex harassment and how to report such incidents. As noted above, in Section II A,

<sup>73</sup> Campus-wide results from the University's climate survey conducted in 2014 also suggest that some UW undergraduates may have experienced some form of sexual violence or controlling relationships. Nearly 24 percent of women and 9 percent of men who responded to the UW survey stated that someone touched them in an unwanted or uninvited sexual manner without their consent. In addition, 9 percent of women and 2.5 percent of men stated someone attempted, but did not succeed, in making them have sex without their consent, while 6 percent of women and 2 percent of men stated that someone had succeeded in making them have sex without their consent. Approximately 15 percent of women and 5 percent of 5 stated that someone had repeatedly followed, watched, phoned, written, or e-mailed them in a way that made them afraid or frightened for their safety. University of Washington, Health and Wellness, "Safety Survey (Core Survey with UW additions) Summary of Findings Spring 2014, accessed April 20, 2016, at <<http://depts.washington.edu/livewell/wp-content/uploads/2013/08/Safety-Survey-Findings-November-25-2014.pdf>>; University of Washington, Health and Wellness, "Safety Survey (Core Survey with UW Additions) Supplemental Findings Spring 2014, accessed April 20, 2016, at <<http://depts.washington.edu/livewell/wp-content/uploads/2013/08/HW-Core-Supplemental-Findings.pdf>>.

Designation of Official for Title IX Coordination and Enforcement, the Title IX Coordinator should provide additional training on Title IX and sex discrimination.

In its response to a draft of this report, the University noted, "We regret if any students responding to the NASA survey disclosed that they experienced unwanted gender-related behavior. More concerning is that respondents to the NASA survey indicated they did not report because they did not know how to report or feared retaliation or not being taken seriously."<sup>74</sup> UW noted that it has created and dedicated additional staff positions and resources to its prevention, education, and outreach efforts, including creating and Training and Education Coordinator position and using the data from its 2014 Health & Wellness survey to guide its prevention efforts.<sup>75</sup>

## 2. Recommendation

**a. Family-Friendly Policies.** The University of Washington should ensure that all information concerning the services available to students who are parents is easily accessible, such as by developing one Web site with links to the information. UW also should ensure that its policies are in conformity with Title IX. NASA recommends that UW review the Title IX regulatory provisions, Marital or parental status, at 14 C.F.R. § 1253.445 and 1253.530 and OCR's June 2013 Dear Colleague Letter and technical assistance document, "Supporting the Academic Success of Pregnant and Parenting Students," which provide information on strategies that educational institutions may use and programs that can be developed to address the educational needs of students who become pregnant or have children. At a minimum the University's policy review should address whether the university's policy is clear on the following points:

- i. A school must excuse a student's absences because of pregnancy or childbirth for as long as the student's doctor deems the absences medically necessary. When a student returns to school, she must be allowed to return to the same academic and extracurricular status as before her medical leave began.
- ii. Schools must treat pregnant employees and students in the same way that they treat similarly situated students, that is, temporary medical conditions. There is a "mirror-image" provision for employees to the one requiring "return to same status" mentioned in (i) above.
- iii. A student who is pregnant or has given birth may not be required to submit medical certification for school participation unless such certification is also required for all other students with physical or emotional conditions requiring the attention of a physician.
- iv. Steps should be taken to ensure thorough dissemination of pregnancy policy, for example, through email, online and print communications. All faculty members and graduate teaching assistances should be provided with a copy of OCR's technical assistance document on supporting pregnant and parenting students.

**Update:** UW reported that it has continued to work on creating policies, processes, and related educational materials and training relating to pregnant and parenting students, including a Reasonable Accommodations for Students policy, which is currently in the approval process. The policy will provide for reasonable accommodations, academic adjustments, and/or auxiliary aids necessary to facilitate equal access, as it does for other students with temporary medical conditions. The University also is reviewing its leave and enrollment policies to determine if any revisions or new policies related to pregnancy leave for students are necessary.

**b. Overall Academic Environment.** UW should take steps to ensure that students understand the severity of Title IX violations, what constitutes sex discrimination and/or sex harassment, and how to report such incidents. This can be accomplished in part by implementing the recommendations in Sections II A and II B of this report, particularly those related to the

<sup>74</sup> UW response letter, May 2016

<sup>75</sup> UW response letter, May 2016

dissemination of Title IX information, the provision of Title IX training, the dissemination of grievance procedures, and the ease of understanding and access to Title IX information. In addition, NASA recommends that UW's top officials (such as the University President, deans, and/or department chairs) provide additional information to students, such as by issuing a statement or memo regarding Title IX similar to the NASA Administrator's January 2016 letter to NASA grant recipients (see Appendix A).

### ***3. Promising Practice***

The University of Washington has taken proactive steps to increase its childcare capacity and create a family-friendly environment through its Childcare Access Initiative. The UW Human Resources office provides detailed information regarding on- and off-site childcare programs as well as information on back-up and sick childcare.

### **III. CONCLUSION**

NASA finds University of Washington to be in compliance with the Title IX procedural requirements regarding coordination, grievance procedures, and self-evaluation. NASA also found that the Atmospheric Sciences program is in compliance with Title IX in that we did not find methods of administration that were having an adverse impact or otherwise limiting program participation based on gender. However, the University should continue to enhance its coordination and self-evaluation efforts, and to review and revise certain aspects of its Title IX policies and procedures, as well as their dissemination, to address NASA's recommendations. The recommendations regarding both procedural requirements as well as program administration are designed to assist University of Washington and the Atmospheric Sciences Department in furthering their efforts to ensure equal educational opportunity regardless of gender.

National Aeronautics and  
Space Administration  
**Office of the Administrator**  
Washington, DC 20546-0001



As a leader in the fields of science, technology, engineering, and mathematics (STEM), NASA endeavors to make our collaborations with our grant recipient institutions as productive and successful as possible in all facets of our shared objectives. This means that we seek not only the most innovative and cutting-edge scientific and technological research from our grant recipients, we also expect strong efforts to create and sustain welcoming and inclusive educational environments. We view such efforts not as “something nice to do” if the time can be spared, or something that human resources or the diversity and equity offices are responsible for, but rather as an integral and indeed necessary aspect of all educational program environments.

Let me be perfectly clear: NASA does not tolerate sexual harassment, nor should any organization seriously committed to workplace equality, diversity and inclusion. Science is for everyone, and any behavior that demeans or discourages people from fully participating is unacceptable.

NASA takes very seriously our obligations, both legal and ethical, to make sure that when we provide Federal dollars to a STEM educational program that the program is extending equal opportunity to all of its participants. We seek to help STEM programs nation wide in their efforts to achieve educational environments in which equality of opportunity and inclusion are not just buzzwords, but are internalized by all members of the community and institutionalized in fair and equitable policies and practices. We do so, in part, through program assessments under civil rights laws, such as Title VI of the Civil Rights Act of 1964, which prohibits race, color, and national origin discrimination and harassment among federal funding recipients, and Title IX of the Education Amendments Act of 1972, which prohibits educational funding recipients from engaging in sex discrimination, including sexual harassment and sexual violence. Accordingly, where a grantee’s compliance is at issue, we work closely with the grant recipient institution and other stakeholders, such as the Department of Education’s Office for Civil Rights, to bring that recipient into compliance. No grantee institution that

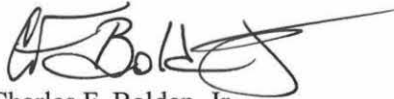


allows impermissible harassment to go unaddressed can be deemed to be in compliance with civil rights law.

That being said, we must all remain vigilant about protecting the legal rights of those who pursue careers in STEM. I urge all of our NASA grantee institutions to examine closely their current policies and procedures for addressing allegations of misconduct such as harassment. It is critical for educational institutions to address these matters as promptly and equitably as possible. Beyond the law, we must seek to create the kinds of welcoming and supportive program environments in which all students can flourish.

For grantee institution officials or beneficiaries of NASA grants wishing to learn more about rights and responsibilities under the law, I would direct your attention to NASA's MissionSTEM Web site, accessible at <http://missionstem.nasa.gov/index.html>. MissionSTEM is designed as a civil rights technical assistance tool for STEM programs. It provides a wealth of written information and visual material on civil rights requirements, as well as promising practices for achieving greater diversity and creating more inclusive STEM program environments. I urge your institutions to make use of this powerful tool at your disposal. For those who wish to leave a comment or ask a question at MissionSTEM, they may do so at <http://missionstem.nasa.gov/comments-questions.html>.

We must lead the way by refusing to be silent in the face of conduct that is not only illegal but destroys the very fabric of our STEM community. I believe we can grow stronger as a community by arming ourselves with knowledge about the kinds of behavior that are unacceptable and won't be tolerated in our STEM workplaces and educational environments.



Charles F. Bolden, Jr.