

What happened when I reported

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In this article, I will offer advice on how to stop harassment at the academic workplace. There have been major recent changes with how our profession deals with harassment. While federal laws have prohibited certain forms of harassment since the 1960s, in the past few years several new policies have been created by funding bodies and professional organizations. For example, the American Mathematical Society (AMS) created a Policy Statement on Anti-Harassment in 2016.

These policies differ in important ways. For example, under the AMS's policy statement, harassment includes threatening behavior directed at an individual, but under federal civil rights law, such behavior only becomes harassment when it is based on a protected category like race. The commonality of these policies is that the stated purpose is to stop or prevent unwanted behavior against others.

I think it is helpful to divide the policies into (a) internal policies set by a university and (b) external policies set by a funding agency. The internal policies typically create a process by which an investigation can be made and, if an investigation produces a finding, corrective actions can be taken. In contrast, under external policies, typically there is no investigation. Instead the organization acts in response to reports produced by internal policies. However, when everything works, the two types of policies should form parts of one system: external policies providing oversight so that internal policies are carried out in a way that meets shared expectations of the community, say members of the AMS.

My article will focus on external policies, especially

how they impact our use of language. I will say nothing about the issue of false complaints or more generally how organizations act in response to a finding. I will also say little about how harassment interacts with protected categories like gender or race, although there is very strong interaction. These are important issues that are deserving of separate articles.

I want to focus on policies and language because my experience has been that there is a disconnect between the written language of external policies and the manner in which they are implemented. This disconnect is damaging our community's ability to discuss harassment. Harassment in the profession is a complicated issue about which community members hold differing opinions. To deal with this issue in a productive manner, it is necessary that we develop and maintain a meaningful shared language to discuss it. The disconnect I describe needs to be addressed in order for our community to move forward.

I will illustrate this disconnect through an account of my personal experience. Then I offer advice, first to you as an individual and then to you as a member of the mathematical community. After reading a draft of this article, a few colleagues remarked that they found it discouraging. I hope that readers are disappointed with the state of affairs as I describe them. Rather than finding this a discouragement, I hope you find this as an encouragement to improve things.

What happened to me

In November 2019, I followed written procedure and requested that the University of South Carolina investigate possible harassment by a colleague (the Re-

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spondent). Here I want to focus on institutional responses, so I will just say that the behavior was not unlawful but was experienced by some colleagues and I as abusive and disruptive to department activities and was a potential Faculty Manual violation. The behavior had been going on for years. My colleagues and I had been reporting incidents to the chair, but the reports were largely been ignored even after a new chair was appointed. No chair had even told the Respondent that some colleagues found his behavior disruptive. Formally requesting an investigation was a last resort after an incident I found particularly disruptive.

Almost immediately, university procedure broke down. A faculty Investigator was supposed to produce a written report in about a month and half. But two months later, going into the next semester, I still had not received any substantive response. On the first day of classes, I received a report. The finding of the report was that the Investigator was “unsure” whether misconduct had occurred. This finding was stated without offering supporting evidence or analysis. Some incidents my colleagues and I reported were omitted, while others were described incorrectly. The report made recommendations about how to improve the atmosphere in the department, but to date, the only action the university has taken has been to move my office to a different building and reduce my duties.

Written procedure provided me with tools (like a right to appeal) for addressing my problems with the report. I spent much of the first month of the new semester unsuccessfully trying to use those tools. By coincidence, at the start of the second month (in February) I received a mass email from an external funding body (External Body) announcing a new requirement for reporting misconduct. The requirement compelled the university to report its investigation. I forwarded the email to the Provost’s Office and asked them to properly report the investigation. After some back-and-forth, the Provost asked to meet in person because “it is getting too complicated to trust effective communications to email only.”

Through a Freedom of Information Act (FOIA) request, I later received documentation on how the Provost’s Office prepared for the proposed meeting. Right after I informed him about the requirement,

the Provost wrote to his staff that “We need to bring him and talk thru this.” The Vice Provost responded by asking him if she could contact General Counsel (lawyers) given how I had “escalated this,” and she reached out to the Office of Research Integrity. Research Integrity advised that the investigation be reported to the External Body, but despite this, no reporting was done.

My communications with the Provost’s Office made me concerned about whether they were going to comply with the reporting requirement, so the next day I hand-delivered a letter expressing my concern to the University President. I was optimistic about the President’s ability to improve the situation as he wrote a book on leadership (*The Character Edge: Leading and Winning with Integrity*). I was disappointed by his response: to date, I have not received one.

The External Body’s reporting deadline fell 10 days after I informed the Provost of the reporting requirement. On the day of the deadline, I had not received any further information about reporting, so I sent an email to the External Body and the Provost’s Office expressing concern. The Provost responded by saying that his office would send a report.

Despite repeated requests, I only received confirmation that a report was sent 2 months later when the Vice Provost gave me a copy. The report consisted of 4 sentences and contained information I believe to be false. Most significant is that the Investigator’s finding of “unsure” was reported as “no evidence of [misconduct] was substantiated.” This reported finding was not one of the three findings allowable under written procedure (the allowable findings are “no grounds for a charge,” misconduct “has occurred,” and “unsure”).

After learning about the report to the External Body, I explained to the Provost why I thought the report was false and asked how a correction could be issued. He responded by writing,

I can not “let you know how” to correct [the Director]’s report because it is his report and its content is his interpretation of what he has reviewed.

Through my FOIA request, I later learned that the

Director based his review on an email summary from the Vice Provost and not the Investigator's report or any of the evidence. Circuitously, when I asked the Director about issuing a correction, he wrote, "I defer to the Provost." In turn, the Vice Provost later wrote, "The Office of the Provost has no authority or responsibility in this area."

After failing to address issues through university procedures, I emailed the External Body's Grants Manager and asked if we could talk on the phone to discuss some concerns (giving no details). After waiting one week, I got the following response:

We are satisfied that the University of South Carolina has complied with the policies and procedures set forth in the Grant Code of Conduct. Accordingly, we consider the matter to be closed, and no further action is required.

He followed-up by recommending I contact the "designated persons at the university."

Ninety days later, after I submitted a formal whistleblowing complaint, the university issued a corrected report to the External Body. The External Body has not acknowledged receipt, although more than 40 days have passed.

We now have a new Provost, and I have also reached out to him. Ten days before I received a response to my whistleblowing report, he told me,

My recommendation is to end this process. It has had a fair hearing. We are here to ensure no negative effects occur in terms of individual or institutional impact.

In the more than 600 pages of records generated by the procedure, I can find no evidence of any corrective action like asking the Respondent to stop his disruptive behavior.

What should you do?

If you are experiencing problems with harassment and are unable to address them at the department level, there are avenues available to you, although

they are more limited than they should be. I got useful advice from Shannon Polvi, a lawyer at the South Carolina law firm of Cromer, Babb, Porter & Hicks.

One major problem for me was how officials used language: often they confidently made assertions that were plainly false or illogical. Initially, this made me disoriented. I found a good response was to keep a detailed written record and check it against people's statements. I advise maintaining a timeline of events and trying to communicate via a medium like email that automatically creates a record. If it is necessary to have an in-person meeting, consider recording it with a cell phone (making sure to check privacy laws and requesting permission). Then, after the meeting, write a short account of what happened. Writing things down is also a healthy outlet for what is likely to be a lot of stress and upsetting emotions.

You can also use the records you create when following formal procedures to stop harassment. However, with any documents that will be seen by others, write carefully and impassionately. Before you show a document, reread it with an analytic eye and think about how it would be perceived by someone who knows nothing about the facts or the parties involved.

If you are considering taking legal action, keep in mind that not all harassment is illegal. Most existing laws focus on protection from harassment based on a protected category like gender. When there is an applicable law, there is often a requirement that you exhaust administrative remedies prior to taking legal action, and there are strict deadlines.

If you find yourself considering legal action, think about paying a lawyer for a consultation. This costs money, but not as much as I expected. In South Carolina, the state bar will arrange a 30 minute consultation for \$50, and this is enough time to learn about the relevant laws and their timelines.

If you are at a public university, you have a legal right to see internal records. You can request records, including those related to your complaint, under open records laws like FOIA. You do not need a lawyer for this. Instead, you just need to submit a form letter that you should be able to find through an internet search.

Realistically, the tools available for stopping harassment are currently limited, and your best option

may be to remove yourself from the harassment by changing jobs. This should not be the case, and in the next section, I will offer suggestions on how to change this.

What should our community do?

Well-implemented external policies could provide powerful tools for stopping harassment, but the existing policies do not seem to work. In my situation, university officials repeatedly violated their own written policies and then denied doing so. Simply having the External Body point this out would have been helpful, but instead they legitimized the officials' actions by accepting a false report.

The problems I experienced seem systemic. Many funding agencies have a reporting policy, and in each case, the expressed purpose is to ensure that universities are taking appropriate steps to foster a harassment-free environment. However, the policies seem to be implemented in such a way that, when a university fails to act properly, the funding agency legitimizes the failure instead of encouraging the institution to change its procedures. This is upsetting and disorienting to the target of the harassment.

For example, here is how the External Body describes the purpose of its requirement (text reworded to preserve anonymity):

[External Body] is committed to conducting science in an environment that meets the highest professional and legal standards.

Thus, with regard to funding from the [External Body], a co-institution must maintain an environment that complies with its laws, professional codes, and policies. All members are expected to implement and follow policies and procedures such as: Promoting an environment free from discrimination, harassment and revenge....

In my experience the External Body showed a lack of commitment by accepting a report and then taking no further action, including accepting corrections later issued by the university.

Allowing organizations to operate like this is harmful to our community's efforts to stop harassment. In

her recent book *Surviving Autocracy*, Masha Gessen discusses quite generally the danger of allowing large organizations to abuse language in this manner. Gessen illustrates this with an example drawn from her experience of living in the Soviet Union:

The Soviet Union, for example, had something that it called "elections"... The process, which was mandatory, involved showing up at so-called polling stations, receiving a pre-filled ballot — each office had one name matched to it — and depositing it in the ballot box, out in the open.... Calling this ritual...an "election" had a dual effect: it eviscerated the word "election"..., and it also left the thing itself undescribed. When something can not be described, it does not become a fact of shared reality.

I would certainly not equate the Soviet Union with organizations funding U.S. mathematics. However, there is a commonality in how they use language. Funding agencies' language about reporting requirements eviscerates the meaning of phrases like "fosters an environment free from harassment" and leaves the actual policy undescribed.

A straightforward way to promote accountability would be to create more public information about how current policies are implemented. This is easiest to do with federal agencies like the National Science Foundation as they are subject to open records laws.

There is much work to be done. I reached out to several funding agencies, and each declined to contribute information for this article. I was unable to answer basic questions like, "How many notifications has NSF received to date?" A start would be to collect information like this and make it easily accessible. This could be done by individuals, but it would be more powerful if done collectively, for example through the AMS. Implementation could be as simple as submitting a FOIA request and archiving the response.

Creating transparency about existing reporting policies will not stop workplace harassment of mathematicians. However, it will help create the conditions that allow our community to take action.