Overview and Misconduct Flag Sharing System (FSS) Concept . . .

A Potential Multi-Sector Tool to Advance Inclusive, Equitable Climate and Culture and Stop Unwittingly Passing the Harasser

Jamie Lewis Keith, Partner EducationCounsel

Health Research Alliance
March 15, 2022

© American Association for the Advancement of Science for the Benefit of and Sponsored by the Societies Consortium on Sexual Harassment in STEMM (www.SocietiesConsortium.com); original created by EducationCounsel LLC.
Consortium Mission

...to support academic and professional disciplinary societies in fulfilling their mission-driven roles as standard bearers and standard setters for excellence and inclusion in science, technology, engineering, mathematics, and medical (STEMM) fields, addressing sexual harassment in all of its forms and intersectionalities.
Societies Consortium Membership (2021)

*All STEMM Fields Represented
- Engineering
- Inclusive Interest Groups in STEMM
- Mathematics
- Medical
- Natural, Physical Sciences
- Social, Behavioral Sciences
- Technology

*Only STEMM Societies are Members
* Membership Remains Open

**EXECUTIVE COMMITTEE**
Standing Members: Sponsoring Societies—AAAS, AAMC, AGU
Rotating Members: 7-10 Societies collaborating on design

**SERVICES**
- Fiscal, Contracting, Licensing Agent: AAAS
- Sr. Administration, Policy/Law Expertise, Deliverables/Resources: EducationCounsel

**NASEM Action Collaborative:** IHE Members

**Societies Consortium Advisory Council:** IHEs, Research Orgs., Teaching Hospitals, Industry

**Societies Consortium on Sexual Harassment in STEMM**
120 Society Members (2021)

**Flexible, Customizable Model Policies, Tools, Guidance & Peer Experience Sharing**

**STEMM COMMUNITY**
Societies:
- Standard Bearers & Setters;
- Build Community & Bridges

**STEMM FIELDS**

**Societies Consortium Leadership Council:** Group of Member Societies working with EducationCounsel to assure value of resources, services, activities for members
<table>
<thead>
<tr>
<th>Organization</th>
<th>Contact Person(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>American Association for the Advancement of Science*</td>
<td>Shirley Malcom &amp; Andrew Black, Co-Vice Chair</td>
</tr>
<tr>
<td>American Educational Research Association</td>
<td>Felice Levine, Co-Chair</td>
</tr>
<tr>
<td>American Physical Society</td>
<td>Monica Plisch, Co-Advisory Council Liaison</td>
</tr>
<tr>
<td>Entomological Society of America</td>
<td>Chris Stelzig</td>
</tr>
<tr>
<td>American Chemical Society</td>
<td>Jodi Wesemann, Co-Advisory Council Liaison</td>
</tr>
<tr>
<td>American Geophysical Union*</td>
<td>Billy Williams, Co-Chair</td>
</tr>
<tr>
<td>American Psychological Association</td>
<td>Clinton Anderson</td>
</tr>
<tr>
<td>Association of American Medical Colleges*</td>
<td>David Acosta, Co-Community Outreach &amp; Inclusion Officer; Ross McKinney, Sponsoring Society representatives</td>
</tr>
<tr>
<td>Federation of American Societies for Experimental Biology</td>
<td>Yvette Seger, Leadership Council Liaison</td>
</tr>
<tr>
<td>Institute of Electrical and Electronics Engineers</td>
<td>Marc Beebe, Co-Vice Chair</td>
</tr>
<tr>
<td>EducationCounsel, LLC (Advisor)</td>
<td></td>
</tr>
</tbody>
</table>

*Sponsoring Society, originated the Consortium with EdCounsel
<table>
<thead>
<tr>
<th>Societies Consortium Leadership Council: Focus on Quality &amp; Value of Resources</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>American Institute of Physics</strong></td>
</tr>
<tr>
<td>Rachel Ivie</td>
</tr>
<tr>
<td><strong>American Society for Microbiology</strong></td>
</tr>
<tr>
<td>Kim Shankle &amp; Amy Kullas</td>
</tr>
<tr>
<td><strong>Association of Academic Physiatrists</strong></td>
</tr>
<tr>
<td>Tiffany Knowlton</td>
</tr>
<tr>
<td><strong>Entomological Society of America</strong></td>
</tr>
<tr>
<td>Stacie East</td>
</tr>
<tr>
<td><strong>Federation of American Societies for Experimental Biology</strong></td>
</tr>
<tr>
<td>Yvette Seger</td>
</tr>
<tr>
<td><strong>Geological Society of America</strong></td>
</tr>
<tr>
<td>Nan Stout</td>
</tr>
</tbody>
</table>
# Societies Consortium Advisory Council: Focus on Resources’ Value to IHEs—Bridge- & Community-Building Across STEMM

<table>
<thead>
<tr>
<th>Society</th>
<th>University</th>
</tr>
</thead>
<tbody>
<tr>
<td>American Council on Education</td>
<td>Boston University</td>
</tr>
<tr>
<td>Vice President and General Counsel</td>
<td>University Provost and Chief Academic Officer</td>
</tr>
<tr>
<td>Peter McDonough</td>
<td>Jean Morrison</td>
</tr>
<tr>
<td>Association of American Universities</td>
<td>Johns Hopkins University</td>
</tr>
<tr>
<td>(Successor being named for Assistant Vice</td>
<td>Professor and Associate Vice Provost for</td>
</tr>
<tr>
<td>President for Policy Research Kimberlee</td>
<td>Postdoctoral Affairs Valeria Culotta</td>
</tr>
<tr>
<td>Eberle-Sudre)</td>
<td></td>
</tr>
<tr>
<td>Association of Public &amp; Land-Grant Universities</td>
<td>Southern Methodist University</td>
</tr>
<tr>
<td>Senior Vice President for Academic Affairs</td>
<td>Provost and Vice President for Academic Affairs</td>
</tr>
<tr>
<td>and Chief Academic Officer Bernard Mair</td>
<td>Elizabeth Loboa</td>
</tr>
<tr>
<td>Council of Graduate Schools</td>
<td>University of Colorado</td>
</tr>
<tr>
<td>President Suzanne Ortega</td>
<td>Mona Abaza, Professor, Otolaryngology and Vice</td>
</tr>
<tr>
<td></td>
<td>Chair of Faculty Affairs and Diversity</td>
</tr>
</tbody>
</table>

*Additional Society & IHE Members Comprise Initiative Working Groups*

*EducationCounsel, LLC (Advisor)*
Community Building—It’s a Journey:

✓ **Priority Field-Facing Work In Progress:**
  **Case Study Library:** Prevent/address incidents sensitively to students, post-docs, early career professionals in high-risk settings
  **Sexual/Gender/Racial Misconduct Flag Sharing:** a tool for flagging findings of generic kinds of incidents (Societies/IHEs) to help prevent “pass the harasser”

✓ **Peer Engagement Ongoing Programs:**
  **Members Convenings** on climate, culture change, gender/race intersectionality;
  **Topical Hot Topics Webinars; Brown Bags; Problems of Practice Support (POPS) Teams**

Customizable Model Policies with Options & Guidance—Foundations:

✓ Vision, Outcomes & Action Research Base Flyer
✓ Roadmap: 3 Stages To Inclusion & 5 Step Slide Guide (for all stages, with focus on 1st steps and resources)
✓ Model Honors & Awards Policy & Guide
✓ Model Meetings & Virtual Meetings Conduct Policies & Guides & Do’s/Don’ts
✓ Model Ethics/Conduct Policy & Guide & Do’s/Don’ts
✓ Model Investigations/Resolution Policy, Tools & Workshop with Annotated Slides
✓ Model Reporting (out) Template on Misconduct & Consequences—Demonstrating Serious Action
✓ Title IX Regulations Changes Analysis
Advisory Council: Sexual, Gender & Racial Misconduct Flag Sharing System (FSS) – Expanded Work Group

Standing Advisory Council & Working Group Members

American Council on Education
Vice President and General Counsel
Peter McDonough

American Physical Society
Director of Education and Diversity
Monica Plisch (also Consortium Exec. Comm. Liaison)

Association of American Universities
Assistant Vice President for Policy Research
Kimberlee Eberle-Sudre (successor being named)

Association of Public & Land-Grant Universities
Senior Vice President for Academic Affairs and Chief Academic Officer
Bernard Mair

Boston University
University Provost and Chief Academic Officer
Jean Morrison

*American Chemical Society
Jodi Wesemann, Assist. Dir., Educational Research
(Societies Consortium Executive Committee Liaison)

Ad Hoc Working Group Members

American Association for the Advancement of Science
Director of Inclusive STEM Ecosystems for Equity & Diversity (ISEED)
Travis York

American Educational Research Association
Executive Director
Felice Levine

Boston University
Associate Provost for Strategic Initiatives and Chief of Staff
Laura Jenks

University of Minnesota
Executive Vice President and Provost
Rachel Croson

Rutgers University
Vice President for Academic Affairs
Karen Stubaus

Vanderbilt University
Vice Chancellor, General Counsel and University Secretary
Ruby Shellaway
Aims of Potential Flag Sharing System: Societies, IHEs & Research Entities
Sharing the Basic Fact of a Finding of Generic Types of Misconduct

✓ **Leadership act:** To advance inclusive climate—protect people from abuse—reduce unwittingly passing and honoring the harasser

✓ **Facilitate sharing some sexual, gender, racial “misconduct flags”**— limited to the basic fact of a **finding of some TBD generic types of misconduct** above a severity or frequency threshold

✓ **Multi-sector system—a tool, not a uniform policy**—Enables each participating entity—applying its own independent policy—to review the broader context of professional settings in which a person acts—not only to decide hiring, promotion, leadership, honors…but also mentoring roles
Flag Sharing System: Considerations for Societies, IHEs, Research Entities

Excellence = High-Quality Work & Conduct

Practical: Leverage Strengths of Societies, IHEs, Research Entities

Ethics: Sharing Only Fact of Finding of Some Generic Kinds of Misconduct

Ethics & Law: Consequences of Facts = Each Entity’s Independent Decision/Action--Not Collective

Ethics & Law: Non-coerced Consent as Condition to Privileges

Ethics & Law: Individual Consent to Fact-sharing & Ability to Respond

*Consider where info-sharing fits in misconduct consequences continuum

Leadership & Governance

Faculty Researchers Practitioners

Integrity & Excellence: Field, Entity, Individual

Students

Inclusive Action, Not Just Legal Compliance

Funders & Public
EducationCounsel LLC, www.educationcounsel.com, is a mission-based education consulting firm that combines significant experience in law, policy, and strategy to drive improvements in U.S. education systems. We partner with nonprofit organizations and institutions to develop and advance equity-driven, evidence-based ideas to strengthen educational systems and promote expanded opportunities and improved outcomes for all students from early childhood through all levels of postsecondary education. Our higher education practice centers on issues of students and faculty diversity, equity, inclusion, sexual harassment prevention, free speech and academic freedom, and institutional quality, accountability, and academic excellence. EducationCounsel is an affiliate of Nelson Mullins Riley and Scarborough LLP, which has over 725 professionals, and where Jamie Lewis Keith and Art Coleman also are partners and can access additional resources. Former U.S. Secretary of Education and South Carolina Governor Richard W. Riley is an EducationCounsel Senior Partner.
Thank you!

This presentation provides general guidance. It is not legal advice.