Chronicle Trends booklets provide college leaders with a closer look at the campus developments identified in our annual Trends Report. Handy guides that can be shared at meetings or as part of orientation for new employees, the booklets home in on various trends with more analysis, strategies, and points of view to consider.
SEXUAL HARASSMENT by faculty members — whether of their colleagues, graduate students, or undergraduates — not only affects the victims but can disrupt departments and discredit entire institutions. Anti-harassment training is a start, but it goes only so far. This collection offers ideas and strategies for creating a culture in which harassment is less likely to happen, and making clear, if it does, that it will not be tolerated.

A New Environment
Scholarly societies and other academic groups are working to create an atmosphere that discourages harassment.

Anti-harassment Hiring
How academic search committees should vet candidates who have been the subject of sexual-misconduct investigations.

Holding ‘Rock Stars’ Accountable
Sometimes a faculty member found guilty of harassment also brings prestige and money to the institution.

VIEWPOINT: Should a sexual harasser be forced out of teaching?
A scholar of philosophy and law considers the ethics and effectiveness of such a ban.
When the American Geophysical Union held its annual meeting in San Francisco in December, two dozen of its staff members were wearing something new: green-and-blue badges that said “Safe AGU.”

Posters displayed throughout meeting spaces told professors they could go to staff members for help. “If it’s unwanted or unwelcome,” the posters said, “it’s harassment.”

The AGU is among a growing number of scholarly associations and academic departments that are becoming more vigilant about monitoring sexual harassment after well-known cases arose in the sciences, philosophy, and other disciplines. Over the past few years, male professors at the University of California at Berkeley, Northwestern University, the University of Miami, and the University of Colorado at Boulder have resigned or been fired following charges that they sexually harassed female students.

“A number of high-profile incidents made this news, and some of these came from the astrophysics community, which has an overlap with the American Geophysical Union,” says Eric A.

Harassment Vigilance

At academic meetings, less boozing, more schmoozing and hiking

By ROBIN WILSON
Davidson, the group’s president, who is a professor of environmental science at the University of Maryland’s Center for Environmental Science. “Sexual harassment has been happening for decades. But the fact that it is gaining attention is new. We felt it was incumbent on us to be right there — leading the charge.”

The geophysical union also is considering making sexual harassment a form of “scientific misconduct” and banning those found responsible for harassment from attending its meetings and publishing in its journals.

In a talk this year at the Conference for Undergraduate Women in Physics, C. Megan Urry, director of Yale University’s Center for Astronomy and Astrophysics and past president of the American Astronomical Society, gave her usual talk on “Steps to Success for Young Women.” But this time she added a 12th step to her slide presentation: “Watch Out for Sexual Harassment.” She highlighted it in red.

“When I made the original slide a few years ago, I hadn’t realized how widespread sexual harassment is,” says Ms. Urry. “Then came survey data in 2014 that showed most young trainees doing research in the field experience sexual harassment or assault, on top of which came the succession of public scandals. It is now clear that young people are at serious risk.”

The American Philosophical Association has shut down the open bar that was a common feature at the main reception of its annual meeting. Instead, at its latest annual meeting, held last month in Baltimore, the association gave each attendee two drink tickets. “It changes the perception of APA as a source of endless free alcohol,” says Amy E. Ferrer, the executive director.

At past meetings, female graduate students had complained of male professors’ behavior at the reception, she says. “There was a culture that was rooted in an old boys’ network that philosophy used to be known for. We’re changing the face of the profession.”

Academic departments are trying similar tactics to professionalize their respective cultures. In the wake of sex-harassment charges that led to the departure of Peter Ludlow, a prominent professor, in November 2015, Northwestern University’s philosophy department traded in its raucous graduate-student recruitment weekends for alcohol-free dinners at a local restaurant. The director of graduate studies began bringing along her young children.

“The entire culture of the profession has changed significantly in the past few years,” says Jennifer Lackey, a professor of philosophy at Northwestern and director of graduate studies in the department. “There are far fewer events that revolve around alcohol, more sensitivity to the needs of a diverse group of people in the profession, and far more concern for and awareness of sexual harassment.”

After three male philosophers were forced to leave the University of Colorado at Boulder, the department eliminated a faculty-student mountain retreat in favor of more daytime, family-friendly activities, including hikes, teas, and visits to a farmers’ market. New York University’s philosophy department has instituted rules on how people should behave with one another in formal settings — “be nice,” no eye-rolling or making faces, no laughing at other participants — in the hope that a new sense of respect will govern all interactions among professors and students.

The heightened attention to harassment, though, makes some academics leery of socializing with graduate students at all. Some wonder, Why would a male professor mentor a female student and risk accusations of sexual harassment? Others say something is lost when professors and grad students can’t have a drink together.

Some graduate students welcome the new kinds of social opportunities. Cheryl E. Abbate has been impressed by the hikes and teas with philosophy professors at Boulder, which she says make students feel like part of the community rather than “second-class citizens.” At the same time, she has gone out for drinks after class with small groups of grad students and professors. “That’s very healthy, too, because people are able to relax and engage in conversations they wouldn’t have had if they were sitting in the classroom,” she said in an interview last summer, in the aftermath of the Boulder incidents.

Some of those conversations, she said, led to ideas that later inspired papers.

A version of this article appears in the March 3, 2017 issue of The Trends Report.
How Sex Harassment Can Affect the Faculty-Hiring Process

When a candidate has been investigated for harassment, what’s a hiring committee to do?

By SARAH BROWN

Jason Lieb stepped down last month as a professor at the U. of Chicago amid a sexual-harassment inquiry. The case puts a spotlight on some thorny questions for hiring committees, which struggle to balance the presumption of innocence with a desire to protect their own grad students.
The recent resignation of an acclaimed molecular biologist at the University of Chicago has reignited debate around sexual harassment by male professors, especially in the sciences. The Chicago case raises a difficult question: Should the university have hired the professor, Jason D. Lieb, even though the search committee knew he had been the subject of past misconduct allegations?

According to a university statement, Chicago officials received reports in November 2015 that Mr. Lieb, a faculty member since 2014, had engaged in inappropriate behavior during an off-campus event. The university began an investigation and placed Mr. Lieb on leave. After he was found responsible the following January for violating the university’s harassment policy and recommended for termination, he resigned. Mr. Lieb has not commented publicly on his resignation.

Before he came to Chicago, Mr. Lieb had been investigated for alleged sexual harassment at the University of North Carolina at Chapel Hill, but ultimately he was not found responsible for any violations.

Yoav Gilad, a professor in the department of human genetics at Chicago and a member of the committee that recommended Mr. Lieb’s hiring, said Mr. Lieb told the committee about the North Carolina complaint when he was explaining why he had left a job at Princeton University after just seven months. According to Mr. Gilad, Mr. Lieb said Princeton officials were upset with him for not disclosing the prior investigation.

Mr. Gilad said the committee was also aware that anonymous emails sent to Chicago’s human-genetics faculty mentioned allegations against Mr. Lieb at both North Carolina and Princeton, but Princeton officials told the hiring committee that there had been no harassment complaints implicating him there. Princeton officials would not say why Mr. Lieb had resigned, Mr. Gilad added.

The committee struggled with the decision to hire Mr. Lieb because of the questions that had been raised about his conduct, Mr. Gilad said. In hindsight, he said he wished the committee hadn’t taken a chance on Mr. Lieb. But he has lingering questions: “How do we treat a history of allegations when there's no responsibility? What's relevant, and what's not? When is behavior considered a pattern?”

The Chronicle spoke with faculty members at Chicago, experts on the federal gender-equity law Title IX, and others to get a sense of how academic hiring committees vet candidates who have been the subject of sexual-misconduct investigations. Here are some key lessons:

“How do we treat a history of allegations when there’s no responsibility? What’s relevant, and what’s not? When is behavior considered a pattern?”

There isn’t a standard practice among hiring committees for handling past allegations of sexual harassment.

Some colleges ask job candidates — on applications or during the interview process — about past campus-level disciplinary findings, said Anita Levy, associate secretary in the department of academic freedom, tenure, and governance at the American Association of University Professors. That kind of information might also surface in letters of reference from peers in the field, she said.

Heather Metcalf, director of research and analysis at the Association for Women in Science, said she had seen an increasing number of colleges ask whether professors have ever been involved in an investigation for harassment, regardless of the outcome.

Often, however, committees hear about such behavior only through informal channels, said
Laura Lopez, an assistant professor of astronomy at Ohio State University.

That was the case at the University of Chicago, which asks candidates about arrests and felonies but doesn’t explicitly ask about campus disciplinary history, Mr. Gilad said. As part of the hiring process, he said, committee members had a series of informal conversations with former colleagues of Mr. Lieb — and those discussions didn’t set off any alarm bells about his behavior. “If nothing comes to the surface,” Mr. Gilad said, “I don’t think people are trying to dig too much.”

One proposal for improving transparency around harassment by professors has come from a member of Congress — U.S. Rep. Jackie Speier, Democrat of California. Ms. Speier has discussed introducing legislation that would require colleges to disclose faculty members’ sexual-misconduct records when they apply for jobs at other institutions.

Many faculty members and Title IX experts say self-disclosure is the best approach.

Requiring that investigation records follow professors to different institutions, however, could create thorny privacy problems. Private colleges, in particular, don’t typically want to share personnel information, Ms. Metcalf said.

Moreover, it’s difficult to attach the outcomes of harassment cases to individual faculty members’ records, said Alexandra Tracy-Ramirez, an Arizona lawyer who worked as a Title IX investigator at two colleges. With students, she pointed out, colleges can annotate their transcripts. “Having faculty carrying around a sign that they were somehow involved in a Title IX investigation is probably not going to accomplish what we’re trying to accomplish,” she said.

Asking job candidates about their disciplinary history, Ms. Tracy-Ramirez said, gives professors an opportunity to defend themselves and to provide documentation — like an outcome letter — outlining the details of an investigation.

In general, Ms. Tracy-Ramirez said, colleges should keep better personnel records. Otherwise, when hiring committees ask for more information, there might not be any official documents to turn to.

Non-disclosure agreements can be another obstacle for such committees, said Heidi L. Lockwood, an associate professor of philosophy at Southern Connecticut State University. Some colleges require professors found responsible for harassment to sign such agreements, Ms. Lockwood said.

Hiring committees should take past harassment claims seriously, observers say, but the approach must be nuanced.

Was the investigation in question about off-color humor? Or was it an alleged sexual assault? “Given how many different kinds of behavior can fall under sexual harassment, there has to be discretion,” Ms. Tracy-Ramirez said.

It’s also important to take into account how long ago allegations surfaced and whether the professors in those cases took steps — perhaps going through a rehabilitation program or misconduct training — to improve their behavior, Ms. Metcalf said.

At Chicago the committee’s deliberations would have looked much different if Mr. Lieb had exhibited a “serial” pattern of poor conduct, Mr. Gilad said. The committee members knew only about the North Carolina investigation — which hadn’t found him responsible — and about his rapid departure, for unconfirmed reasons, from Princeton University, Mr. Gilad said.

“If you’re under investigation, and it’s concluded because there’s no evidence to support the allegations, is this in and of itself a damning event?” he asked. “Ultimately, I personally felt that it wasn’t sufficient grounds to justify not hiring him.”

Mr. Lieb had admitted during interviews at
Chicago that he’d had an affair with a graduate student in his lab at North Carolina. Mr. Gilad said that while he didn’t condone that conduct, he saw it as a separate issue from sexual harassment because he believed the relationship was consensual. Still, Peggy Mason, a professor of neurobiology at Chicago, called having an affair with a student he supervised “pretty darn damning.” That knowledge, she said, “should have raised a big red flag.”

The uncertainty surrounding colleges’ procedures for adjudicating sexual-misconduct complaints makes it difficult to weigh them in hiring decisions.

If sexual-harassment investigations were conducted with “appropriate due process,” said the AAUP’s Ms. Levy, the organization would support having colleges share more information about past allegations involving professors. “Unfortunately, as Title IX is being interpreted now, it’s being applied equally to speech and conduct,” Ms. Levy said. It’s not fair for professors to face equivalent consequences — in a disciplinary sense and during future job searches — for both types of harassment, she said, so the group is being cautious.

People tend to think about sexual-misconduct cases in extremes, Ms. Tracy-Ramirez said: Either professors are falsely accused of making bad jokes, or they committed rapes and were never disciplined. Given that there’s a wide spectrum of preparedness among colleges in handling harassment complaints, she said, some hiring committees “aren’t sure whether the outcomes are correct.”

Mr. Gilad said the circumstances surrounding the allegations against Mr. Lieb at North Carolina involved a public event with several witnesses. It was reasonable to believe, Mr. Gilad said, “that if it had happened, there should be a lot of people who could confirm it.” But now, after a similar situation came to light at Chicago, he said he thinks the committee “gave too much weight to the idea that UNC concluded there was no evidence.”

It’s likely that the heightened publicity of harassment by professors will influence how colleges view job candidates with histories of complaints.

Ms. Metcalf expects more colleges to start including questions about disciplinary history on job applications. And once colleges improve their investigations of misconduct claims, hiring committees will feel more confident about the outcomes, Ms. Tracy-Ramirez said.

For Mr. Gilad, the case involving Mr. Lieb has profoundly affected his views on hiring professors with histories of harassment complaints. If he ends up on another committee that considers such a candidate, he said, he doubts he’ll support making that professor an offer.

Many of his colleagues feel the same way, he added. “We are now reflecting on the fact that we knew about an allegation, but we downgraded the importance of it because we didn’t find any support,” he said. “That mistake, I’ll never make again.”

Sarah Brown writes about a range of higher-education topics, including sexual assault, race on campus, and Greek life. Follow her on Twitter @Brown_e_Points, or email her at sarah.brown@chronicle.com.

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How to Hold Research ‘Rock Stars’ Accountable for Sexual Harassment

By SARAH BROWN

How should professors found responsible for sexual harassment be punished? How can colleges encourage victims — often graduate students who work closely with their harassers — to come forward? A panel featuring two scholars, a member of Congress, a university official, and a journalist tackled those questions and others about harassment in the sciences and in academe more broadly.

The panel, which took place in July 2016 at the University of California at San Francisco and was broadcast on Facebook Live, was hosted by Rep. Jackie Speier, Democrat of California, who had drawn attention for taking a stand against sexual harassment in the sciences, in a speech on the floor of the U.S. House of Representatives.

“Right now we claim to have a fair playing field in academia,” Ms. Speier said during her opening remarks on the panel, “but men are playing on beautifully groomed grass while women are relegated to AstroTurf.”

Her comments touched on the recent cases of Geoffrey W. Marcy, an astronomer formerly at the University of California at Berkeley, and Jason Lieb, a molecular biologist formerly at the University of Chicago. Both resigned in the past year after facing harassment accusations.

Here’s a look at three themes discussed during the panel.

HOW TO PUNISH HARASSERS

Ms. Speier has drafted legislation — which she calls the No Funding for Sexual Harassers Act — that would require universities to notify federal funding agencies when institutional panels find faculty or research staff members responsible for sexual harassment. Agencies would then be able to take that information into account when awarding competitive grants, though they wouldn’t be required to.

“It’s public money that is being wasted when publicly funded scientists are harassing their trainees rather than training their trainees,” said Janet D. Stemwedel, chair of the philosophy department at San Jose State University, who was a member of the panel.

Ms. Speier’s idea drew praise from Linda Shore, executive director of the Astronomical Society of the Pacific, during a question-and-answer session after the panelists spoke. “Universities won’t deal with these people if they’re the rock stars in their funding landscapes,” Ms. Shore said.

She suggested that one finding of responsibility for harassment could cause a professor to lose federal funding for one year. If inappropriate behavior turns out to be a pattern, she said, that punishment could be extended.

Ms. Stemwedel said scientific societies could also punish professors found responsible for sexual misconduct by saying they’re not welcome at annual meetings. “We can decide that having harassers treated as normal members
of our professional community undercuts what we’re trying to do,” she said, “and it hurts our relationship with the public that we depend on for money.”

**HOW TO SUPPORT VICTIMS**

Reporting harassment becomes much easier if a critical mass of victims can connect, said Sarah Ballard, a panelist who publicly identified herself as a victim of Mr. Marcy’s in 2015. Ms. Ballard, who’s now a postdoctoral fellow in astrophysics at the Massachusetts Institute of Technology, said she felt more comfortable coming forward once she learned that Mr. Marcy’s behavior had affected multiple female students.

“I want to urge, in other fields, the fact that it only takes a few people,” Ms. Ballard said. When she chose to speak out publicly, she added, she had “explicit support from professors — from male professors.”

If a graduate student alleges that her faculty adviser harassed her, campuses could offer that student a temporary adviser as an interim measure, said Sheryl Vacca, a senior vice president and chief compliance and audit officer for the University of California system. Ms. Vacca, who was on the panel, also leads the California system’s task force on sexual assault.

If there’s no appropriate substitute on a particular campus, Ms. Stemwedel said, other scholars in the discipline could help the student connect with a new mentor. She said that’s happened on occasion in philosophy, which has grappled with a wave of sexual-harassment cases in recent years.

Roger Bland, a professor of physics at San Francisco State University who identified himself as a friend of Mr. Marcy, suggested that there should be a way for students to report even minor incidents of discomfort to campus officials without filing a formal Title IX complaint.

**HOW TO IMPROVE THE PROCESS**

Nanette Asimov, a San Francisco Chronicle reporter who appeared on the panel, said she had written about four high-profile sexual-harassment cases at Berkeley in the past year. There’s a clear common thread among them, she said: “The ties between the harassers and the people who are meting out the discipline are too close.” The people who decide on a punishment tend to be colleagues of the harasser — possibly even friends, she said.

Neither campus officials nor departments should have anything to do with harassment investigations involving professors, said Jessica Kirkpatrick, a data scientist in California, during the Q&A session. She was also a complainant in the investigation against Mr. Marcy; while she was not harassed by the astronomer, she said, she observed him behaving inappropriately with an undergraduate while she was working toward her astrophysics Ph.D. at Berkeley.

“There need to be objective, outside-of-the-university ways for us to report this behavior and to oversee this behavior,” Ms. Kirkpatrick said.

On the other hand, Ms. Vacca said, bringing in outside investigators to deal with possible university-policy violations could move the campus process closer to a law-enforcement system. “It’s important to keep in mind that we are not a court of law in a college setting,” she said.

But it’s crucial, Ms. Vacca said, that universities have consistent standards for handling harassment complaints.

“**The ties between the harassers and the people who are meting out the discipline are too close.”**

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What Should We Do With Sexual Harassers in Academe?

Should they be barred permanently from teaching?

By BRIAN LEITER
COLIN MCGINN, a prominent philosophy professor at the University of Miami, resigned in 2013 rather than subject himself to a faculty inquiry regarding allegations of sexual harassment. He “pled guilty” only to failure to disclose a romantic relationship with a graduate student. She subsequently sued him and the University of Miami, claiming that she was sexually harassed and that the university took the easy way out, getting the wrongdoer to resign in order to avoid a prolonged public spectacle (it appears the latter calculation was not successful).

Should Professor McGinn be allowed to teach again after this scandal? Faculty at East Carolina University offered him a one-year visiting position subsequently, but the university’s administration vetoed it. I opened a discussion about all of this on my philosophy blog, posing the question: “Should loss of a job for sexual misconduct bar someone from any future academic appointment?”

A female assistant professor of philosophy responded as follows: “Uh — YES. Is this a serious question?”

Her reaction led John Gardner, then the professor of jurisprudence at the University of Oxford, to reply as follows:

“Of course it’s a serious question. We need to begin by asking whether the refusal to hire is punitive, and, if so, whether the punishment is proportionate to the offense. Or whether the refusal to hire is preventative, in which case whether there are ways to prevent that do not destroy someone’s life so completely. If the answer is ‘both,’ we need to know in what proportions, so that we can work out whether the constraints on each goal are being sensibly applied. If the answer is ‘neither, we’re just trying to send out a signal’ — then I invite you to consider whether it’s morally acceptable to use a person, any person, to do that. Unpleasant narcissists are people too and it’s not open season when one of them gets exposed for what he is. It still matters how we treat him. It shocks me that anyone would doubt whether ‘How should we treat a wrongdoer in such a situation?’ is a serious question.”

Sexual harassment of students by their professors betrays the fundamental idea of a university as a place where everyone can come to learn and master an intellectual discipline, and be evaluated on their intellectual competence, rather than their sexual desirability.

That ideal has been betrayed for a long time, which has led to widespread frustration with institutional inaction in the face of sexual harassment — but also to vindictive responses from those frustrated. Liberals who no doubt believe that convicted felons “deserve a second chance” sometimes sound like they think that accused or university-convicted sexual harassers should never be heard from again. But how could that be right?

Punishments should be proportional to the offense; that is a widely accepted principle of punitive justice. No one thinks that a sexual harasser should be castrated or hung. One also hopes no one thinks a sexual harasser should be prohibited from earning a living ever again. (Even convicted murderers, released from prison, are allowed to work.)

But should a sexual harasser be barred permanently from teaching?

Professors in fields like law, medicine, engineering, or the sciences, fired from an academic post for sexual misconduct, may well find another powerful perch.
Clearly the answer depends on the nature of the offense and the offender’s response to a finding of sexual harassment. Some will point to McGinn’s flat denial of any wrongdoing; others will note his “unpleasant narcissism,” as Gardner put it. Those are relevant, but hardly decisive. How could his alleged sexual harassment of a Ph.D. student — whom he had hired as a research assistant and with whom he was working closely — bear on the safety of letting him teach undergraduates for a year as a visiting professor at East Carolina University?

What about a new permanent academic appointment? Has his punishment so far been insufficient? He no longer has an academic job or salary, and he has been embarrassed nationally and internationally. What more is required? Compensation to the alleged victim? Perhaps so, and given the lawsuit, he may yet have to pay that.

But suppose he does? What then? Can he at that point become a visiting professor at a state university focused on undergraduate education?

Someone who is found to be a sexual harasser should be punished but also prevented from victimizing someone else. That seems a sound ethical principle, but does it explain the current practices in academe?

On the one hand, academe is notorious for passing off sexual harassers “under the radar” from one campus to another. If a professor is accepting a new teaching job under a cloud of sexual-harassment allegations, that should be disclosed. On the other hand, there are cases like that of Sujit Choudry, former dean of the law school at the University of California at Berkeley, who was found to have violated the university’s sexual-harassment policy, though there was no finding that he acted with a sexual intent. Since being sued, he is now subject, remarkably, to a second disciplinary hearing by his university — this time in an attempt to fire him from his tenured position (earlier this month Choudry himself sued the university, alleging that he was the victim of racial discrimination in its handling of this case). When does the punishment end?

A dean of a major law school should not be hugging his secretary on a regular basis, as Choudry did. Such a dean may not be a sexual harasser, but he is sufficiently insensitive to professional norms and legal rules to be unfit for administrative responsibilities, including responsibility for ensuring that others comply with legal rules regarding sexual harassment. He should have been removed from his job as dean. That seems hard to argue with.

But now Berkeley wants to fire him for the offense for which he lost his deanship and some salary already. He is now spending tens of thousands of dollars defending his right to remain as a professor, even though there has been no public allegation about misconduct in that role. In cases like this, vindictive hysteria appears to have replaced a proportionate response to the actual misconduct.

Some academics think the punishment for sexual harassers should extend beyond being effectively fired, demoted, and shamed. Thomas Pogge, a professor of philosophy at Yale, has been the subject of several allegations of sexual harassment, though Yale did not find against him on the most recent claim. (I have been among those skeptical of the official exoneration, I should note.)

Pogge has been criticized and excoriated on social media as well as in a public letter signed by most of his department colleagues. But all of that was not enough for James Sterba, a philosophy professor at the University of Notre Dame. According to a report in The Huffington Post, Sterba is “no longer including Pogge’s work in exams for his graduate students.”

So perhaps colleges and universities should consider another approach to dealing with sexual harassment by faculty: cut their salaries.
Sterba is quoted as saying of Pogge: “You don’t need him. He carries too much baggage — he doesn’t have to be cited anymore.”

But how can Sterba’s decision be squared with the obligations of a professor to ensure that students are properly trained in a subject and its literature? In a post on this question on my blog, most philosophers, fortunately, disagreed with Sterba’s move.

Even when proportionality of punishment, and protecting possible victims, are kept in mind, there will still be cases where sexual misconduct warrants a permanent bar on teaching. But what then? A terminated faculty member, especially one prone to sexual harassment, is likely to continue behaving the same way in new settings. Is ousting a serial sexual harasser from higher education just a case of passing off the problem not to another university, but to a nonacademic workplace?

The problem may not recur in cases where the fired faculty member can no longer occupy positions that give him power over potential victims. But sexual harassment is a widespread problem in many professions, not just in academe. Professors in fields like law, medicine, engineering, or the sciences, fired from an academic post for sexual misconduct, may well find another powerful perch outside the academy.

So perhaps colleges and universities should consider another approach to dealing with sexual harassment by faculty: cut their salaries. Call it a “carrot and stick” approach, though with a stick bigger than the carrot. Firing tenured professors for harassment, or cutting their salaries, are both legally complicated. But the latter approach does not simply pass off the problem to the nonacademic world. Why not punish sexual misconduct by faculty — at least sexual misconduct that is not criminal, in which case the legal system should take over — with serious internal sanctions, not de minimis ones?

For a first-time sexual harasser, whose actions were not criminal, cut that offender’s salary by 25 percent (or more if someone is very highly compensated) for a probationary period of two years. Then, if the offender gets his act together, his salary goes back to where it was. Make clear that a second offense during the probationary period will result in termination and disclosure of the grounds for termination.

If an offense occurs after the probationary period, cut that repeat offender’s salary by, say, 40 percent for another probationary period, with similar conditions.

Incentives, as my law and economics colleagues emphasize, often do work. The incentives for appropriate behavior when it comes to sexual misconduct need to be more severe than they have been to really change behavior, but they must also hold a promise of redemption. Absent such an approach, I fear we will see a continued slide into disproportionate and vindictive responses to sexual harassment, ones that will either condemn sexual harassers (disproportionately) to penury or that will simply send the problem outside the academy.

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