

**Year 2 Public Description of Work for
Action Collaborative on Preventing Sexual Harassment in Higher Education**

Faulkner Legal

**Educating Individuals with Cognitive Disabilities about Sexual
Misconduct and Gender Discrimination**

Relevant Rubric Area(s):

- Audience-specific anti-sexual harassment education
- Leadership Education and Skills Development
- Addressing Gender Harassment and Other Harmful Behaviors

Description of Work:

Faulkner Legal provides legal and investigative services to higher educational institutions, hospitals and treatment providers, and non-profit institutions. Faulkner Legal also provides training and education to employees, clinicians, and leadership of organizations. In recent years, Faulkner Legal has developed guidance and education about dealing with individuals with disabilities, and for such individuals, on entering higher education, workplaces as well as sexual harassment. This includes training to clinicians who assist students with disabilities as they transition to study at colleges and universities. This includes students with physical, psychological, and/or cognitive disabilities. Students with cognitive disabilities are matriculating in institutions of higher education in greater numbers. Such students, like others, must navigate all aspects of the college student experience, including student employment and interpersonal relationships. Recently, Faulkner Legal developed guidance and training to organizations which support individuals with cognitive disabilities in seeking employment and navigating a workplace environment, including workplace discrimination topics. A potential challenge for educating students and/or other individuals with cognitive disabilities about gender discrimination and sexual harassment is choosing language and examples which will be clear and recognizable to members of this population. The following description provides information on how this training was developed, what considerations are important when developing training for this audience, and what materials were used to help reach these audiences.

Compounding the need to use simple and direct examples is a historical perspective and/or perception of what information is appropriate for educating individuals with cognitive disabilities. Traditionally, some members of the public may misconstrue whether individuals with cognitive disabilities are capable of having romantic or sexual feelings or relationships. Alternatively, others may seek to shield individuals with cognitive disabilities from the possibility of sexual or dating interactions. While in the past it may have been accepted or understandable to treat such individuals as if they are in a perpetual childlike state, such an

Year 2 Public Description of Work for Action Collaborative on Preventing Sexual Harassment in Higher Education

approach conflicts with the fact that these college or university students, or employees, are adults from a physiological standpoint. Shielding individuals from difficult topics like sexual relationships or misconduct may result in students or employees with cognitive disabilities having a limited knowledge base on which they can draw to assess behavior, including whether such behavior is appropriate. Similarly, one typical approach may be to avoid educating individuals with cognitive or psychological disabilities about examples of potentially sexually harassing behavior because such detailed information might frighten them. This could undermine individuals' confidence in the workplace or in their academic pursuits. In other words, individuals with cognitive or psychological disabilities often are shielded from how to recognize potentially sexually harassing or discriminatory behavior, potentially making them even more vulnerable to harassment, discrimination, and/or incivility.

When developing the trainings, Faulkner Legal found the information and materials which NASEM prepared with the 2018 report on Sexual Harassment to be helpful and effective in conveying some principles and themes about gender discrimination and harassment to individuals with cognitive disabilities. The Iceberg of Sexual Harassment infographic is a particularly helpful resource in explaining potential examples of gender discrimination and harassment, and sexual harassment. The iceberg visual captures the audience's attention. The above and below the water line distinction (i.e., the "Public Awareness" line) can be used as point of reference. Behavior which an individual can readily understand is wrong or inappropriate can be compared to being above the water line. Other behavior that is less clear or obvious, or is not witnessed by third parties, but makes the individual feel uncomfortable can be compared to the parts of the iceberg which are below the "Public Awareness" line. The variety of phrases which are placed throughout the body of the iceberg also is helpful for explaining gender discrimination and harassment to this audience. The phrases are short, and some of the behaviors described may be familiar to audience members. Other examples can be added within this context. Depending on the size of the audience, it can be helpful to read some of the phrases aloud to the audience members, and ask if they could recognize such behaviors. Faulkner Legal began using NASEM's materials for educating cognitively disabled individuals in Spring 2021, through verbal presentations. The iceberg visual has been particularly helpful for verbal presentations to individuals with cognitive disabilities where training has needed to be presented in a remote format during the pandemic. The visual nature of the iceberg graphic provided a way to capture and sustain the attention of this target audience during remote video presentations in 2021.

Professionals and upstanders who are committed to preventing sexual harassment in higher education must respect the knowledge and expertise of professionals, families, caregivers, and treatment providers who work with individuals with cognitive disabilities. At the same time, finding a way to educate such individuals to recognize potentially discriminatory and/or harassing behavior may make them better equipped to integrate into college, university,

Year 2 Public Description of Work for Action Collaborative on Preventing Sexual Harassment in Higher Education

and/or workforce communities. The training developed by Faulkner Legal provides an approach for educating individuals in a manner which conveys information in a concise way and reflects the needs of individuals with cognitive and psychological disabilities. Training should emphasize that these are concepts to keep in mind, not to jump to conclusions that all observed behavior is discriminatory or harassing. Faulkner Legal anticipates the opportunity to continue improving the training through work and activities with organizations which serve cognitively disabled individuals as they transition to matriculation to higher education institutions; internships; and employment opportunities. Faulkner Legal shared about the development of this training in hopes that it is helpful in convincing professionals who work with this type of population that education on this subject area is both appropriate and can be effective and tailored to the target audience.

Website for further information (if applicable): <https://www.faulknerlegal.com>

Point of Contact Name: Janet Elie Faulkner

Email Address for Point of Contact: jef@faulknerlegal.com