

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

### Johns Hopkins University

#### Anti-Retaliation Plans

##### Relevant Rubric Area(s):

Preventing Retaliation; Reducing Power Differentials

##### Description of Work:

Johns Hopkins University (JHU) has implemented customizable Anti-Retaliation Plans to proactively acknowledge and address a reporting party's concerns of retaliation, both to encourage reporting and to deter retaliation.

Consistent with the findings of the 2018 NASEM report, JHU is well-aware that fear of retaliation is a significant deterrent to reporting sexual misconduct, particularly where the power dynamics favor the accused individual over the reporting individual. Each year, JHU's Office of Institutional Equity (OIE) – the office tasked with assessing and investigating reports of sexual misconduct – receives anonymous or de-identified complaints where the stated reason for remaining anonymous is fear of retaliation by the accused and/or others who may support the accused. Similarly, OIE has spoken to individuals who strongly wish to report sexual misconduct, but express significant concerns about the academic and/or professional ramifications they could face for doing so. Although JHU policies strictly prohibit retaliation, in practice, the fact that an individual would face consequences for engaging in retaliation has not always reassured those whose primary fear was the impact of the retaliatory acts themselves. Accordingly, OIE began developing Anti-Retaliation Plans to proactively address and prevent the specific retaliatory acts feared by reporters. Although many institutions continue to address retaliation concerns primarily with policy prohibitions and general warnings, a case-specific approach to anticipating and deterring potential retaliatory actions can enhance trust and willingness to participate in a University process.

Anti-Retaliation Plans necessarily are customized to fit the circumstances and relationships involved. When a reporting party expresses concerns of retaliation, JHU OIE asks about their specific fears and then works with the parties and relevant individuals to implement solutions.

- For a matter involving a student accusing their professor, the concern may center around grades. In that case, the plan may enlist an uninvolved faculty member to grade the student's work or, if this is not practical, enlist an uninvolved faculty member to review the grades before they are released.
- For an employee accusing their supervisor, the concerns may center around negative performance reviews, discipline, or loss of opportunities. This may be addressed by

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changing the supervisory structure, at least during the pendency of any investigation, or by enlisting Human Resources or a higher-level supervisor to approve all performance reviews, contemplated disciplinary actions, and significant work assignments with respect to the reporting individual.

- For a junior faculty member accusing a more senior faculty member, the concerns may center around career progression. An Anti-Retaliation Plan thus may involve establishing that the senior faculty member will not have input into the reporter's performance evaluations, contract renewals, or tenure application.
- The most difficult situations to address can be matters involving graduate students or trainees accusing their advisor or Principle Investigator (P.I.). These students and trainees understandably can feel that their professional success is dependent upon a positive relationship with this person, and they may have specific concerns about obtaining a strong reference or even about successfully completing their studies. Anti-Retaliation Plans in these circumstances have enlisted others to write a reference for the student or required an unbiased individual to review a reference written by the accused person to ensure it is fair and appropriate. In some situations, a plan can involve switching a student/ trainee to another advisor or P.I., or finding another way for the student to complete ongoing work while minimizing direct interaction and oversight by the accused. Because such changes can be complicated and disruptive, JHU has been working to lessen the power dynamics between graduate students and their advisors/P.I.s from the outset, before problems may arise. For example, various JHU School of Medicine departments now require that every graduate student has two advisors to avoid situating so much power and influence over a student in a single faculty member.

Notably, the development and implementation of a successful Anti-Retaliation Plan requires consultation and coordination with individuals who have insight into the responsibilities and interests of both parties. During this process, it is important to explain that the development of an Anti-Retaliation Plan is not an assumption or determination that the accused person otherwise would have retaliated; rather, the plan provides assurances to a vulnerable reporter who fears retaliation, while protecting the accused from allegations of retaliation by removing or distancing them from decisions that could result in such a claim.

A successful Anti-Retaliation Plan both gives the reporter confidence to file and pursue their report and successfully deters retaliation. As JHU continues to implement Anti-Retaliation Plans, we will track both situations where a hesitant complainant agrees to move forward with an Anti-Retaliation Plan and the success of Anti-Retaliation Plans in deterring subsequent allegations of retaliation. We will likewise look for additional opportunities to minimize power dynamics that create fear of and opportunity for retaliation.

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