

Recent Cases Suggest Colleges and Universities Should Review Their Employee-On-Employee Sexual Harassment Policies

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Just this past month, another Title IX lawsuit was filed against Columbia University (“Columbia”). This time, however, it involved the sexual harassment of an untenured professor by her mentor, a tenured professor.

Enrichetta Ravina is one of a handful of academics professionally analyzing how individuals handle their retirement savings. In 2008, she joined Columbia’s business school as an assistant professor of finance and economics with the promise of working under the mentorship of Geert Baekert. Baekert, a tenured finance professor at Columbia, had access to data concerning some four million investors in the United States saving for retirement. This data was vital to Ravina’s research and had the potential to bolster her career.

After investing hundreds of hours analyzing the data, when Ravina claims that she was too far into the research to justify walking away, Baekert allegedly began his sexual advances. He first, allegedly, asked her to dinner and pressured her when she refused. Additionally, he allegedly told her that he regularly watched pornography and believed that prostitutes were necessary to take care of a man’s sex drive. He then described his sexual exploits to her and referred to her as “sexy.” According to Ravina, every time she rebuffed Baekert’s sexual advances, he would threaten to thwart her research, stating “[i]f you were nicer to me, your work would proceed much faster.” Ravina also claims that she feared Baekert would revoke her access to the data, significantly derailing her work and career.

The situation became so severe that Ravina allegedly approached Columbia Business School Dean Glenn Hubbard, who allegedly (i) compared her complaints to a “soap opera” and (ii) blamed her for Baekert’s conduct. Other officials at Columbia allegedly told her not to file a formal complaint and to walk away from her research. Nevertheless, Ravina filed a complaint with Columbia’s Title IX Compliance Office (the “Office”). The Office investigated the matter and found her claims to be baseless. Ravina was then placed on paid leave for the 2015-16 academic year and allegedly told that, during her paid leave, no action would be taken regarding her tenure. In September, however, the Office informed her that they were fast-tracking her tenure application, which rather than being good news, allegedly provided her with less time to prepare for the tenure decision.

In an effort to delay the tenure decision, Ravina filed suit in federal court, asserting that Columbia allegedly stood by while she was repeatedly sexual harassed by a male colleague who was in a position superior to her own and then retaliated against her when she filed a complaint with the school. The federal complaint is

requesting front pay, back pay, and compensatory and punitive damages exceeding \$20 million, and for the court to order that she be given until 2018 to submit her tenure package.

Sexual harassment claims of this type and magnitude are not unique to Columbia. Just this past month, the Dean of Berkeley School of Law was forced to resign after his executive assistant, Tyann Sorrel, filed a sexual harassment lawsuit against him for allegedly “hugging, kissing, messaging and caressing her.” On March 9, Berkeley’s Office for the Prevention of Harassment and Discrimination confirmed Sorrell’s allegations, stating the Dean admitted to committing the acts, but only meant them as a means of thankful praise. Regardless, the office still found the Dean in violation of Berkeley’s sexual harassment policy. Berkeley responded by docking the Dean’s pay by 10 percent and demoting him to a professor. Thereafter, outraged alumni circulated a letter calling for the Dean’s termination and describing Berkeley’s response as “feeble,” painting the Dean’s continued employment as “unreasonable, laughable, and insulting – not only to the women in the Berkeley community.” This public outcry made headlines and public pressure forced the Dean to resign shortly thereafter.

With instances of sexual harassment between colleagues and supervisors and supervisees becoming a bigger public issue, universities should review their policies and procedures relating to sexual harassment claims between employees. A strong policy with strict procedural guidelines can mean the difference between smooth resolution and negative publicity.

If you or your institution has any questions or concerns regarding employment or education-related issues, please contact Hayley B. Dryer at hdryer@cullenanddykman.com or at 516-357-3745.

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