



The Office for Institutional Equity ANNUAL REPORT

FY 2021-2022 | JULY 1, 2021 - JUNE 30, 2022

This report contains information that may be upsetting to some readers.
Confidential resources identified in this report are available to provide support.

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Introduction

Duke University is committed to the shared values of respect, trust, inclusion, discovery, and excellence. Central to the mission of the Office for Institutional Equity (OIE) is the advancement of these values through its response to and support for the prevention of concerns related to discrimination, harassment, sexual misconduct, and retaliation. OIE is responsible for the implementation of the *Duke Policy on Prohibited Discrimination, Harassment and Related Misconduct* which addresses potential unfair treatment that is related to protected class.¹ Equally intrinsic to the mission, OIE is responsible for providing broad support for the advancement of diversity, equity and inclusion throughout the Duke University and Health System community.



This first OIE Annual Report provides information about the University's response to reports of protected status-based discrimination, harassment, sexual misconduct, and retaliation. Our goal is to provide you with useful information about matters that are reported to OIE, how each matter is addressed, and ultimately the kinds of consequences that are imposed. This report also contains information about the frequency and kinds of educational engagements that are requested and delivered by OIE on the advancement of racial equity, response to and prevention of discrimination and harassment and key issues related to diversity, equity, and inclusion.

OIE is committed to a process of continuous improvement and trust-building with the community. We have made several changes to our process, added new resources for understanding, added staff to the office, created new positions, improved communications channels, and increased collaborations. We have also established a couple of important new programs – the OIE Liaison Program and Alternative Resolution Techniques (ART). These new initiatives have been developed largely in support of our goal of building trust and defining how we maximize our support for the Duke Community.

The report covers the period of July 1, 2021, through June 30, 2022, Duke University's fiscal year.²

This report includes the following data:

- Number of reports to OIE including harassment, discrimination, sexual misconduct, and retaliation by month
- Reports by Location
- Origin of Reports (Reports Submitted By)
- Accused Population (Reports Submitted Against)
- Reports by Type
- Outcomes by Type
- Sexual Misconduct Cases Involving Students as Both Parties
- Examples of Educational Engagements delivered by OIE

¹ According to Section IV of the Policy on Prohibited Discrimination, Harassment and Related Misconduct, protected characteristics include, age, color, disability, gender, gender expression, gender identity, genetic information, national origin, race, religion, sex (assigned at birth), sexual orientation and veteran status.

² Prior Student Sexual Misconduct Reviews, which were prepared by OSCCS, reported data by academic year as opposed to fiscal year. Prior reviews can be found at <https://students.duke.edu/get-assistance/gender-violence>

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In addition to the data provided in this Annual Report, please visit our website, oie.duke.edu for more information about our office, policies and procedures, and resources.

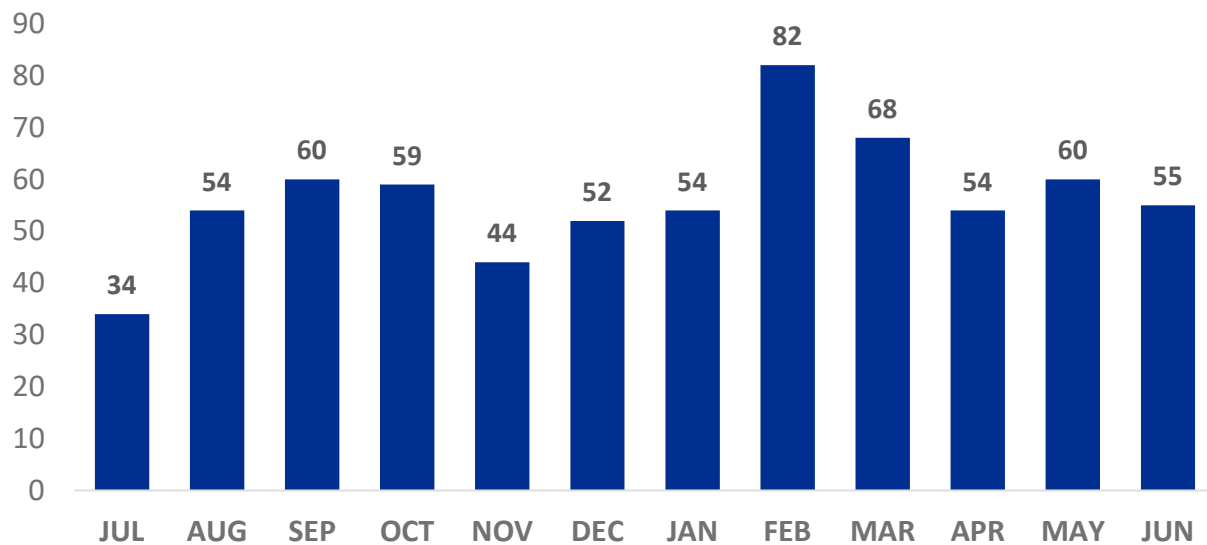
Sincerely,

Kimberly D. Hewitt, J.D.

Vice President for Institutional Equity & Chief Diversity Officer

I. Reports to OIE

During the 2021-2022 fiscal year, there were 16,780 students enrolled at Duke: 6,789 undergraduate students, and 9,991 graduate and professional students. Duke University, the Duke Health System and the Duke School of Medicine employed 38,520 employees³. OIE received 676 reports to the office with an average of 56 reports per month. The bar graph below shows monthly reports to OIE in the 2021-2022 fiscal year as follows: 34 in July, 54 in August, 60 in September, 59 in October, 44 in November, 52 in December, 54 in January, 82 in February, 68 in March, 54 in April, 60 in May, and 55 in June.



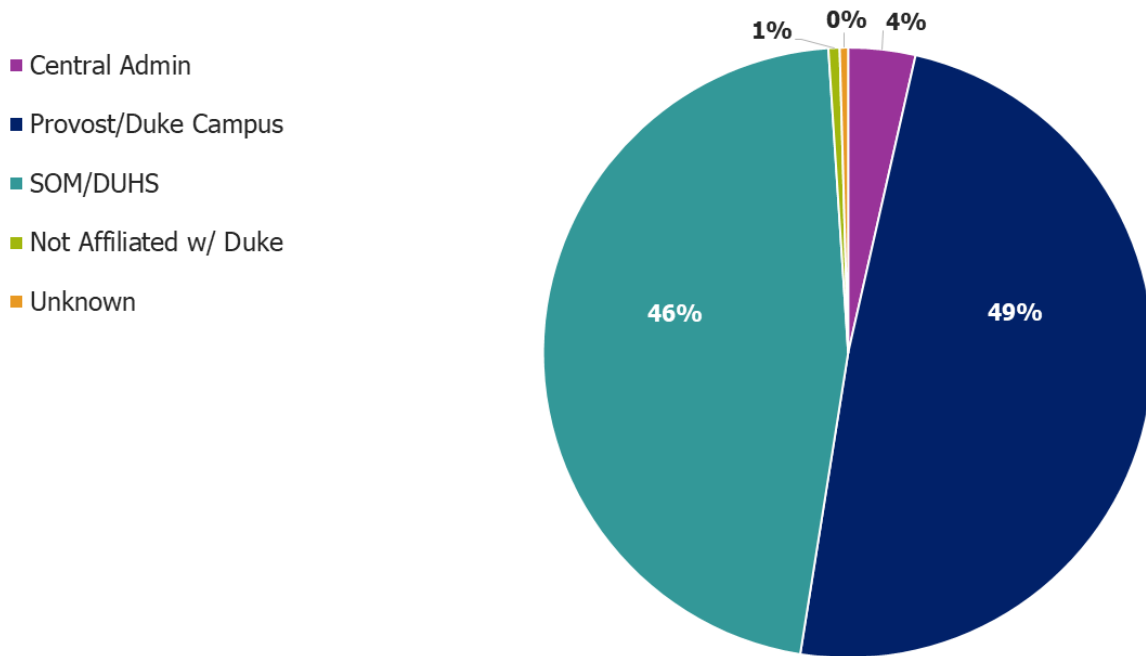
II. Location of Reports

The following pie chart shows the percentage of reports that are received from Central Administration, Provost's Office or Schools on Duke campus, School of Medicine/Duke University Health System (SOM/DUHS), and from individuals not affiliated with Duke. This chart also shows the proportion of cases received from these areas relative to the size of the population overall. The location is determined by the respondent or the accused person's affiliation.

³ Student enrollment and employee data obtained from <https://facts.duke.edu/>.

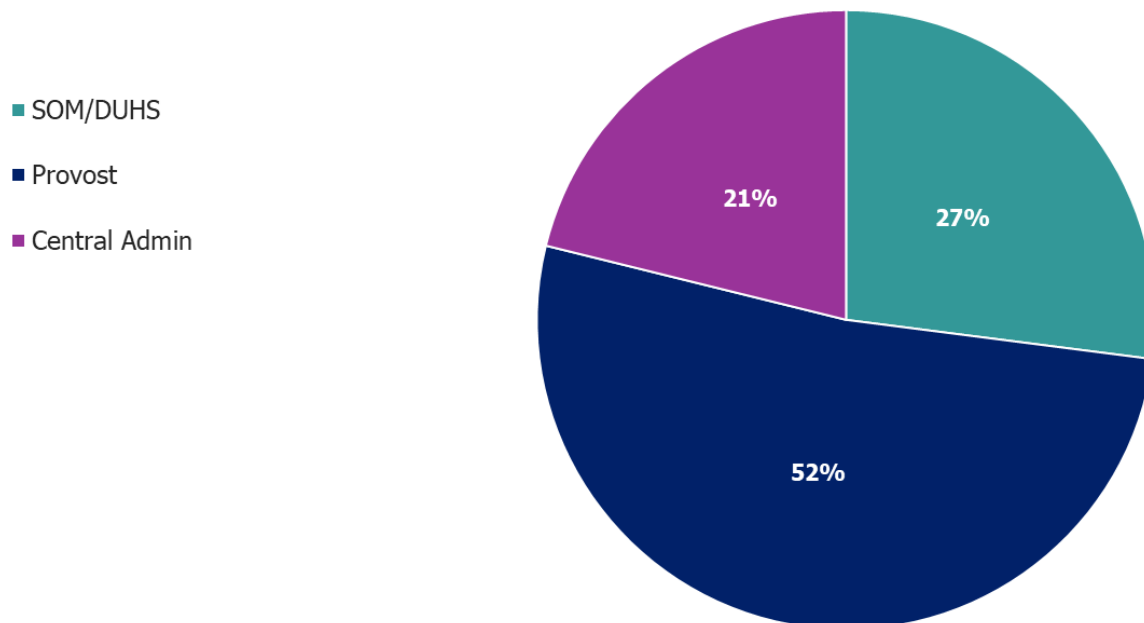
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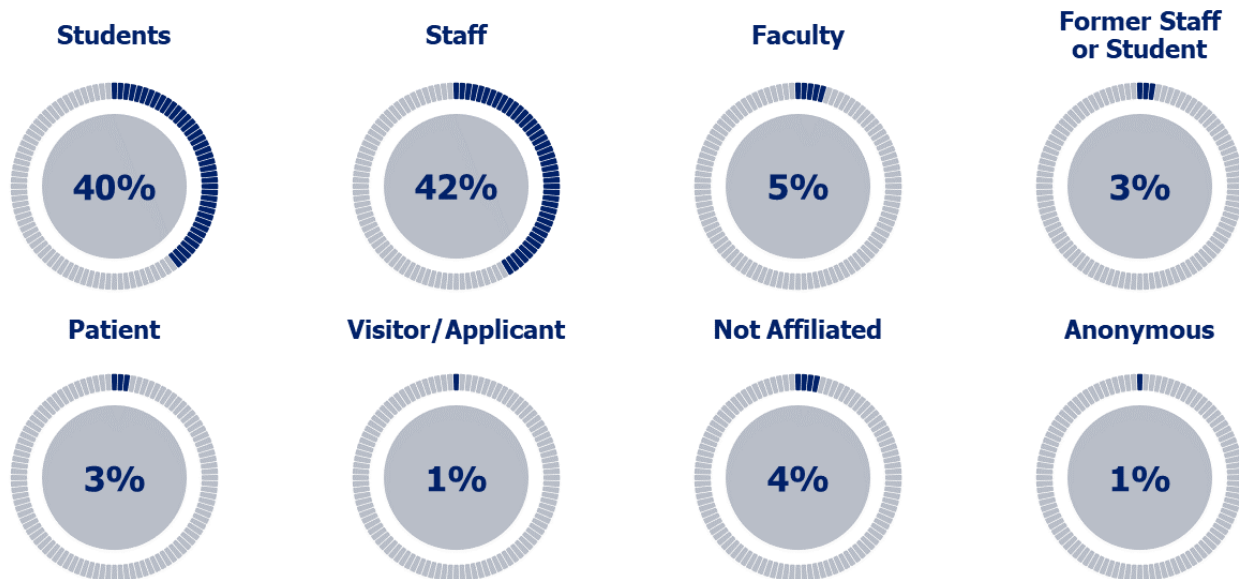
During the 2021-2022 fiscal year, 49% of reports were from the Provost/Duke Campus, 46% from SOM/DUHS, 4% from Central Administration, 0% unknown, and 1% were not affiliated with Duke.

The following pie chart shows the percentage of reports per capita per management center. During the 2021-2022 fiscal year 52% were from the Provost/Duke Campus, 27% from SOM/DUHS, and 21% from Central Administration. The rate of reports may change, so we need more data over time in order to understand if there are any implications from seeing a higher rate in a particular area.



III. Reporting Population

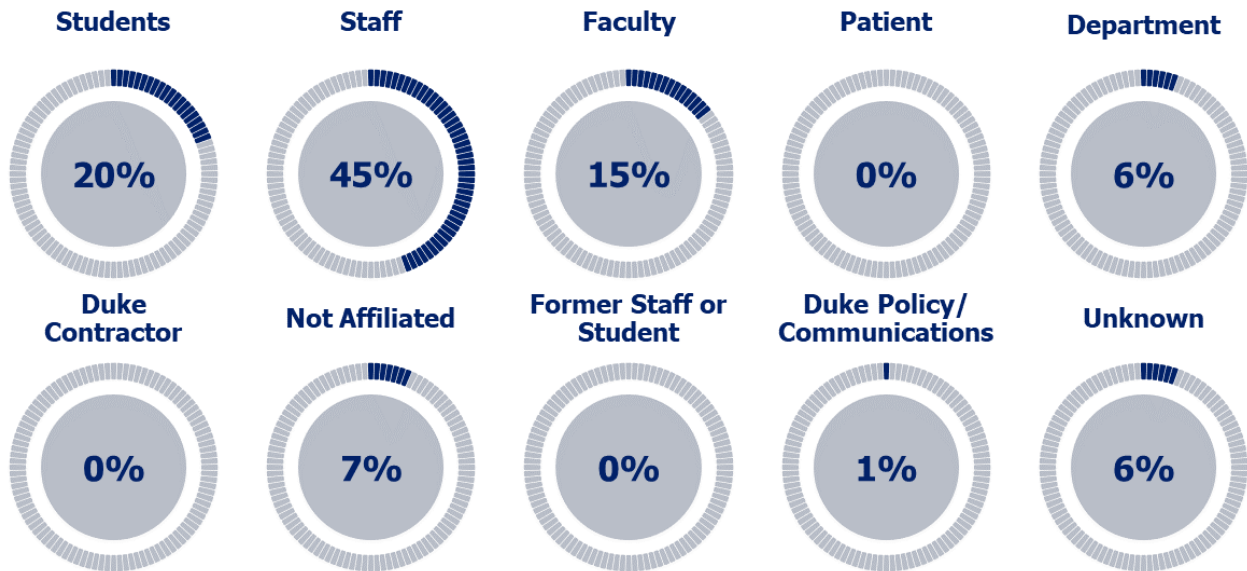
OIE receives reports of concerns related to protected status-based discrimination, harassment, sexual misconduct, retaliation, and related misconduct from all constituents at the University and from visitors and other third parties. The following graphic shows the breakdown of who raised complaints during the 2021-2022 fiscal year. The majority of complaints came from students and staff.



During the 2021-2022 fiscal year, 40% of reports were from students, 42% from staff, 5% from faculty, 3% from former staff or students, 3% from patients, 1% from visitors or applicants, 4% not affiliated, and 1% anonymous.

IV. Accused Population

OIE addresses all complaints made against members of the Duke community. When a complaint is made against someone not a part of the community, OIE provides resources and support to the reporting party and engages with outside entities on a response when it is appropriate. The graphic below describes the percentages of reports submitted against the accused population.

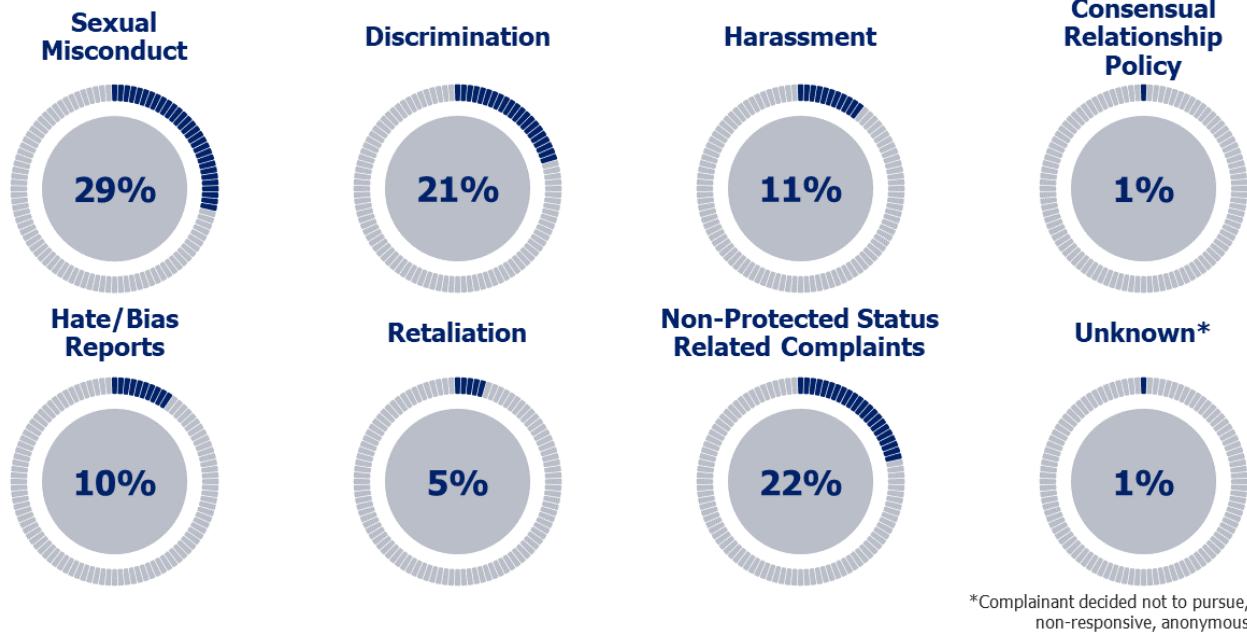


During the 2021-2022 fiscal year, 20% of reports were against students, 45% against staff, 15% against faculty, 0% against patients, 6% against departments, 0% against contractors working for Duke, 7% not affiliated, 0% against former staff or former students, 1% against Duke Policy/Communications, and 6% unknown.

V. Types of Reports Received

OIE receives reports of discrimination, harassment, sexual misconduct, retaliation, and related misconduct, such as possible violations of the consensual relationship policy. Some reports received do not fall within these categories and so they are referred to other offices. The following graphic shows a breakdown of the types of reports received including, sexual misconduct, discrimination, harassment, consensual relationship, hate/bias, retaliation, issues not within OIE’s jurisdiction, and unknown complaints which are filed and not pursued because the complainant decided not to pursue, was non-responsive, or anonymous. Discrimination and sexual misconduct reports are the most common.

The graphic below describes the percentages of the types of reports received.



During the 2021-2022 fiscal year, 29% of reports were on sexual misconduct, 21% on discrimination, 11% on harassment, 1% on the consensual relationship policy, 10% on hate/bias, 5% on retaliation, 22% on non-protected status related complaints⁴, and 1% unknown due to the complainant not deciding to pursue, non-responsive, or anonymous.

VI. Case Outcomes

OIE concluded that the respondent violated the *Policy on Prohibited Discrimination, Harassment and Related Misconduct* (PPDHRM) 16 times or in 32% of cases where OIE performed a formal investigation.⁵

In 2021, there were a total of 676 cases reported, but as you will see, only 669 cases are represented in the report outcomes chart. The reason for this distinction is because 231 cases rolled over from the 2021 fiscal year and 238 cases were active at the end of the 2022 fiscal year and will roll over into the Annual Report for the 2023 fiscal year.

The total report outcomes are as follows: 144 matters where OIE was consulted, but that did not warrant specific action, such as notification of EEOC complaints; 114 where the complainant did not pursue or withdrew, was non-responsive, or was seeking resources and information only; 106 were not covered by the Duke policy and the cases were closed; 102 were referred for follow-up with a third

⁴ Non-protected status related complaints would include bullying, harassment and other mistreatment that is not connected to a protected characteristic.

⁵ For context, please see data on the outcomes of the Equal Employment Opportunity Commission. <https://www.eeoc.gov/newsroom/eeoc-releases-fiscal-year-2020-enforcement-and-litigation-data>

party or campus partners; in 79 the assessment was completed and the case closed; 46 were informally resolved or resolved without investigation; 34 were investigated with no violations found; 21 were referred to the Diversity, Equity, and Inclusion team; 16 were investigated and violations found (information on the follow-up actions that resulted from the cases where violations were found is included after the graphic describing the case outcomes); and 7 resulted in limited follow-up due to anonymous reports. These are documented in the following graphic. In all 16 cases where a violation of policy was found, sanctions were imposed ranging from required coaching/training up to termination of employment.



Responsive Actions

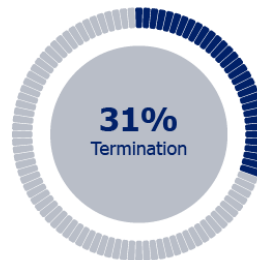
A range of actions were imposed in response to the 16 matters in which a violation of policy was found: Resignation/Ineligible for Rehire, Expulsion, Termination/Ineligible for Rehire, Contractor/Ineligible for Rehire, Final Written Warning, Letters of Regret Sent to Complainants, and Termination.

Of the 16 cases where violations were found, 25% resulted in Resignation/Ineligible for Rehire and 31% resulted in Termination, as shown on the following graphic.⁶

⁶ One matter is pending an appeal and in another the sanctions have not yet been finalized.

Responsive Actions Imposed*

» Resignation/Ineligible for Rehire	» Final Written Warning
» Expulsion	» Letters of Regret Sent to Complainants
» Termination/Ineligible for Rehire	» Termination
» Contractor/Ineligible for Rehire	



*To preserve anonymity, percentages for only two responsive actions are provided.

VII. Investigation Process

According to the current Procedures, Assessments of Complaints will be completed within 45 business days for cases that involve faculty or staff as the accused. The process from Formal Complaint through Investigation Report must be completed within 90 business days. If either of these timelines has to be extended due to complications related to an investigation or assessment, OIE will notify the parties to let them know that the timeframe will extend beyond the period delineated in the policy.⁷ For Title IX matters, from the point of the Investigation Report through the Hearing Officer's Written Notification of the outcome, it may take up to 60 business days. For all appeals, it will generally take 20 business days from the filing of an appeal statement through a decision from the Appellate Officer.

One of the most critical challenges we face in our work is identifying effective strategies to improve the time it takes to complete investigations, while simultaneously maintaining the necessary rigor in evaluating cases. One prospective approach we have engaged is the implementation of a new database system that will allow us to more accurately record the point of initiation of an investigation and its conclusion so that we can provide regular and accurate reporting of investigation timelines. In addition, our investigation team uses a variety of tracking techniques, supported by the new database, to guide the trajectory of matters. The team has also interjected appropriate points for communicating

⁷ During the timeframe of the data in this Annual Report for the 2021-2022, the Policy and Procedures were revised to include more specificity about timeframes as stated. During the 2021-2022 fiscal year, the procedures did not include a timeframe for the completion of assessments.

with parties, witnesses, and administrators/leaders. OIE has also increased the capacity of the investigation team, centralized the intake and outreach components of reported conduct, and created internal procedures and guidelines that foster enhanced internal and external referrals.

We recognize the importance of our work in this area as a priority and in the next issue of this Annual Report, we will include specific and accurate data on completion times for assessments and investigations.

VIII. Educational Engagements

Matters that are not assessed or formally investigated can be resolved through Alternative Resolution Techniques (ART) if appropriate. ARTs are designed to address a climate concern related to a protected class category. These techniques are meant to resolve concerns between two parties or groups and support education and development when needed. OIE takes into consideration the desired outcomes of the harmed parties and Duke policies when crafting alternative resolution techniques. These techniques aim to promote equity and reduce disparities in our community. During the 2021-2022 fiscal year, OIE conducted 21 ART engagements.⁸

OIE also offers perennial and tailored educational engagements. The Diversity, Equity and Inclusion (DEI) team of OIE develops educational programming that is accessible by the entire Duke community and offers tailored sessions for units or individuals who request a specified educational need. OIE offered 81 educational opportunities over the past year. The following is a list of courses and data on the number of training sessions delivered by the office.

OIE Foundational Series Workshops

- DEI Building Blocks: Creating meaning, shared language and manageable action
- Discrimination and Harassment: What do I do when I am confronted with a problem in my unit that might be discrimination, harassment or sexual misconduct?
- Equitable Hiring Practices: Strategies for increasing the diversity in your unit and beginning to create a positive climate in which to bring new staff

OIE Topic-Specific Educational Sessions

- LGBTQIA Foundations: Awareness, Inclusion, Workplace Considerations
- LGBTQIA Health: Clinical Setting Considerations
- Microaggressions and Implicit Bias: The Basics
- White Supremacy Culture: Impact on Workplace Interactions
- Inter and Intrapersonal Cultural Humility: Growing Within Ourselves and Our Relationships
- Generational Diversity in the Workplace: Creating a More Inclusive Team
- Trauma Informed Approaches for Leadership and Supervision: A DEI Lens
- Diversity: What's COVID Got to do with it? (Unraveling Our Collective Trauma)

⁸ The Alternative Resolution Techniques program (ART) is in its inaugural year. We are currently developing processes for assessing and tracking the outcomes of the techniques to be included in future reporting.

IX. OIE Team & Resources

Office for Institutional Equity

[919-684-8222](tel:919-684-8222) | oie.duke.edu

The Office for Institutional Equity (OIE) has expanded its team and realigned roles to better leverage the ability to support the University and the Health System. Our diverse team of committed professionals stands ready to support individuals and teams at Duke to create and maintain a climate of excellence where everyone can thrive.



OIE Staff

Top row from left: Lonnie Hinton, Shannon Ashford, Hailey Mason, Ericka Lewis, Nikki Stovall, Vakia Robinson, Grant Scoggins, James Mason, and Adrienne Allison. Bottom row from left: Maria Moreno, Megan Peterson, Sophia Brelvi, Cynthia Clinton, Kimberly Hewitt, Leigh-Anne Royster, Angela Kalo, and Erin MacDonald.

Available Resources

Duke offers resources that provide counseling, information, and support in a confidential setting. These confidential resources do not share information about a report of sexual misconduct without the student's express written permission unless there is a continuing threat of serious harm or where there is a legal obligation to reveal such information.

Duke encourages all individuals to seek the support of on- and off-campus resources, regardless of when or where the incident occurred. These resources can provide guidance on reporting options and information about available resources.

Confidential Resources

The following Duke resources can provide confidential counseling, information, and support. These confidential resources are not required to share information with OIE about a report of Prohibited Conduct without the individual’s express written permission, **unless** there is a continuing threat of serious harm to the Complainant or to others or there is a legal obligation to reveal such information (e.g., suspected abuse or neglect of a minor). Confidential resources can also help an individual make a Report to Duke.

Confidential Resources for Students	Confidential Resources for Employees
<p>Counseling and Psychological Services https://students.duke.edu/wellness/caps/ 919-660-1000</p> <p>Gender Violence Intervention Coordinator https://students.duke.edu/get-assistance/gender-violence GVICoordinator@duke.edu 984-569-0592</p>	<p>Personal Assistance Service https://pas.duke.edu 919-416-1727; for Duke Raleigh Hospital and Wake County based faculty/staff 800-327-2251</p>
<p>The Ombuds Office https://ombuds.duke.edu/contacts/</p>	<p>The Ombuds Office https://ombuds.duke.edu/contacts/</p>
<p>Student Health Services https://students.duke.edu/wellness/studenthealth/ 919-681-9355 919-966-3820 (nurse advice line)</p>	
<p>Clergy/Religious Life https://chapel.duke.edu/student-engagement/religious-life-groups</p>	

The following off-campus resources can also provide counseling, information, and support in a confidential setting to students, faculty and staff:

Duke University Hospital Emergency Room, <https://www.dukehealth.org/locations/duke-university-hospital-emergency-room> | 919-684-2413

Durham Crisis Response Center (issues of sexual violence, relationship violence, and stalking), <https://www.durhamcrisisresponse.org/> | 919-403-6562 (English); 919-519-3735 (Spanish)

InterAct Family Safety and Empowerment Center of Wake County, <https://interactofwake.org/> | 919-828-7740 (Domestic Violence); 919-828-3005 (Sexual Assault); 844-203-8896 (Spanish)

Orange County Rape Crisis Center, <https://ocrcc.org/> | [919-968-4647](tel:919-968-4647)

Medical Concerns/Evidence Preservation:

Duke also encourages individuals to seek assistance from a medical provider or crisis response service immediately after an incident that may require medical attention or preservation of evidence. This provides the opportunity to address physical well-being or health concerns, preserve any available evidence, and begin a timely investigative and remedial response. Emotional care, counseling, and crisis response are also available on and off campus; *e.g.*, at [Student Health Services](#) | [919-681-9355](tel:919-681-9355), or at [Duke University Hospital Emergency Room](#), [919-684-2413](tel:919-684-2413).

Non-Confidential Resources

Individuals are encouraged to report all Prohibited Conduct, including Title IX Sexual Harassment, to OIE. Making a non-confidential report of Prohibited Conduct means that OIE will contact the Complainant to offer resources and support. OIE will also identify the appropriate action to respond to the report as outlined in the Policy. Only a report to the Title IX Coordinator (or an Official with Authority), however, will trigger Duke's obligation to respond to an allegation of Title IX Sexual Harassment. In the case of a report of Title IX Sexual Harassment, the Title IX Coordinator or designee will contact the Complainant.

For General Questions:

oie-help@duke.edu
[919-684-8222](tel:919-684-8222)

Any individual can make a report under this Policy to these individuals or any Official with Authority. In addition, many Duke faculty and staff, designated as Responsible Employees, are required to share information with OIE. A report may be made in person, in writing, by telephone, by e-mail, or anonymously. Complaints can also be made through the [Duke University Speak Up Hotline](#) | [800-826-8109](tel:800-826-8109) or the Duke Health Integrity Hotline [800-826-8109](tel:800-826-8109). Any report involving a minor will be shared with law enforcement agencies and child protective services.

Upon receipt of a report of possible Prohibited Conduct, OIE will contact the Complainant to discuss reasonable Supportive Measures to provide for the safety of the parties and the campus community and options for addressing the report.

Law Enforcement

Duke encourages all individuals to report Prohibited Conduct that may involve criminal conduct to the Duke University Police Department or, for incidents taking place off-campus, to the appropriate local law enforcement agency. This could include sexual violence, relationship violence, stalking, dating or domestic violence, and conduct that could be a hate crime. In cases of sexual misconduct involving a minor, members of the Duke community are required to report the situation to [Duke University Police Department](#). Duke Police can be contacted at [919-684-2444](tel:919-684-2444) (non-emergencies), or by calling 911 in emergency situations or local law enforcement for incidents that occur off-campus.

Duke Police will respond to emergencies and non-emergencies to provide assistance by intervening in cases of criminal conduct, providing transportation to the Emergency Department, taking reports of criminal conduct, and/or investigating and participating in legal or disciplinary action. They are responsible for notifying the community in a case of continuing danger, issuing a trespass order that requires an individual to stay away from campus or a particular area of campus when needed, and providing referrals and information including how to obtain a restraining order. Criminal conduct that

occurs off campus may fall under the jurisdiction of the [Durham Police Department](#) or other law enforcement agency. Students may contact the Durham Police directly (911) off campus or [919-560-4427](#) / [919-560-4609](#) or Duke Police can help facilitate reporting. Blind reporting—filing a report without one’s name attached to it—is an available option with both Duke Police and Durham Police. Regardless of whether a Complainant pursues a criminal complaint, Duke will take appropriate responsive action to ensure that the educational environment at Duke is free of harassment and to prevent the recurrence of a hostile environment, and, as appropriate, to remedy the effects of the harassment.

Responsible Employees

Responsible Employees are individuals who must immediately share all known information about **all forms** of possible Prohibited Conduct, **not limited to sexual misconduct**, directly with OIE. Responsible Employees include, but are not limited to, all faculty, employees with teaching or supervisory authority, and graduate students with teaching or supervisory authority (including Teaching Assistants acting in their role). Members of the Board of Trustees, the President, Vice Presidents, Deans, Directors, Department Chairs, Academic Administrators, all Athletic Department Staff (including Coaches), HR Representatives/Managers, Principal Investigators, Lab Managers, Nurse Managers, and Student Affairs professionals (including Resident Assistants acting within their role) are also Responsible Employees. Confidential Resources are not Responsible Employees.

Responsible Employees are expected to be discreet but are **required** by Duke to promptly consult with OIE, sharing known details of the incident, by telephone, email or the OIE online reporting form. This responsibility applies even if they have directed those involved to report to OIE and even if they believe those involved have, in fact, reported the incident to OIE.

A Responsible Employee’s receipt of information will not automatically trigger an obligation to respond to an allegation of any Prohibited Conduct including Title IX Sexual Harassment. Only a report to the Title IX Coordinator or an Official with Authority will trigger Duke’s obligation to respond to an allegation of Title IX Sexual Harassment. Upon receipt of a report of possible Prohibited Conduct, OIE will consult with the Complainant to offer Supportive Measures, as addressed below, to provide for the safety of the parties and the campus community. Information that is only gathered pursuant to an IRB-approved -research project does not have to be reported to OIE subject to advance approval from OIE.

Individuals who are not required to report Prohibited Conduct to OIE as described above are nonetheless **strongly encouraged** by Duke to promptly consult with OIE. All other members of the Duke community (including students) are also encouraged to report such incidents.

If you have any question about whether you are a Responsible Employee or questions regarding your Responsible Employee duties, please promptly contact OIE for clarification.

CONTACT US

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Institutional Equity