

Caryn A. Datz: We can do better: sex offenses in the workplace

By Caryn A. Datz
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Over the past year, our collective consciousness has been awakened by appalling accounts of workplace sexual assault and harassment, bravely told by women and men from Colorado and across the nation. These revelations highlight realities I have long known as a sex crimes prosecutor: no one is deserving of this conduct, these actions are born of an exploitation of power, and we must do more to prevent and address this hidden epidemic. No person can ever reach their full potential if their work or school environment is not safe.

The District Attorney's Office for the 20th Judicial District has an outstanding, nationally recognized Sexual Assault Unit. I am proud to serve as its chief deputy district attorney. Every day, our prosecutors, investigators, and victim advocates seek to do justice in cases involving sexual offenses committed against both children and adults.

District Attorney Michael Dougherty and I have each held leadership positions in units dedicated to prosecuting sexual assaults. We have seen firsthand the circumstances that can lead to rape, stalking and harassment, including among co-workers and fellow students. One glaring pattern among the thousands of cases stands out: the hesitation of victims to come forward and publicly report their experience. These actions thrive in the silence created through fear. Over the years, many of the sex assault cases we have prosecuted might have been prevented or resolved with earlier intervention.

Under District Attorney Michael Dougherty's leadership, we will take action to reduce the number of sex offenses in our community. The #MeToo movement has made clear how common sexual assault and harassment is in the workplace, where there are often imbalances of power. Often these are battles quietly fought by the victim, and yet loudly defended by the offender through acts of retaliation. We must create a culture that prevents sexual harassment and sexual assault, encourages victims to come forward, and condemns retaliation.

To augment our work, I am proud to announce the formation of a Workplace Sexual Misconduct Task Force. The task force will include government agencies, area employers, educational institutions, and victim advocates. Together, we will gather regularly to discuss and implement methods for reducing sexual harassment and violence occurring at work and on campus.

Significant progress has been made in combatting sexual violence and harassment. Changes in legislation and community and law enforcement response have been positive steps. But, the #MeToo movement, as well as the federal government's actions to repeal prior Title IX interim guidelines, remind us that there is still a long way to go. Title IX is the federal act that bars gender-based discrimination for K-12 schools, colleges and universities receiving federal funds. Last fall, Secretary of Education Betsy DeVos rescinded prior Title IX guidance on how schools should handle allegations of sexual assault and other discriminatory conduct, replacing it with weaker protections for victims.

We need to improve, not roll back, our collective response to allegations of sexual misconduct. The process of investigating and prosecuting allegations of sexual assault or harassment must be fair and just for all parties, and must adhere to our principles of due process. Too often, our criminal justice, workplace and campus cultures foster false stereotypes and stigmas that keep survivors from reporting offenses. When a victim comes forward, she or he can be subjected to public scrutiny of extremely painful events. For the process to be fair and equitable, victims must know they will be supported and believed. Otherwise, the cycle of silent anguish and offender impunity will persist in our culture indefinitely.

One of the central goals of the task force will be to help employers and schools develop trainings, protocols and methods that quickly and comprehensively address reported harassment or misconduct. The task force also will provide a forum to discuss best practices in areas such as supporting victims, protections for students and employees, fair processes for the accused, and the role of social media as a means of harassment and retaliation. Outreach efforts that inform employers, employees and students about sexual harassment and assault, and make resources available, can both reduce incidents and increase reporting.

Sexual assault and harassment must not be tolerated. We can and should do more. Our office will vigorously prosecute sexual assaults. But, we also want to reduce the number of offenses being committed. With honest, proactive approaches to these issues, we can make Boulder County's workplaces and campuses safer for everyone. Our collective future depends on it.

Caryn A. Datz is chief trial deputy in the Sex Assault Unit of the Boulder District Attorney's Office.