

Episode 3: A conversation with Tiffany Cox on microaggressions and Title IX

Courtney Bullard:

Welcome to The Law and Higher Ed podcast. My name is Courtney Bullard, CEO of Institutional Compliance Solutions and your host. I'm a Tennessee attorney, and I began ICS after serving as campus counsel for eight years at a university system. In that role, I handled all legal matters affecting the campus, or as I like to say, I did everything but divorces. I bring that on the ground experience with me and working with clients today. And that experience shaped the mission behind ICS, which is to provide legally sound, but also practical advice to the institutions that we partner with. Today I specialize in compliance with Title IX and related laws and regulations as a result of my experience in the area on campus since the Title IX boom in 2011. This podcast provides relevant, tangible information that you can utilize in your professional life right now, and even maybe your personal life. Through interviews with campus leaders and subject matter experts and informational episodes, you have access to information at any time, any day that has both legal and practical implications for your career and your campus. So let's get to it.

Microaggressions. It is a term I honestly had no familiarity with until a few years ago when my guests this week, Tiffany Cox and I reconnected. At the time, Tiffany was working for Tennessee State University, and I reached out to her to collaborate on Title IX training. Tiffany and I attended law school together and we reconnected seamlessly with our discussions expanding to interests and passions. That is when she introduced me to her work on microaggressions. This episode, Tiffany and I talk about what a microaggression is, how it impacts all areas of a college campus and how it has manifested in her Title IX work. We also discuss ways to prevent microaggressions and she provides some really great resources and of course offers her services to come and speak to your campus. Currently, she's the Title IX coordinator at Rhodes College with the passion for her work in diversity, equity and inclusion. And I can tell you firsthand, she is an awesome trainer. I hope you enjoy this episode. Tiffany.

Tiffany Cox:

Yes.

Courtney Bullard:

It is awesome to have you participate in my podcast today. I'm so glad that you agreed to talk to me.

Tiffany Cox:

Thank you so much for asking me. I'm glad to be here.

Courtney Bullard:

So when I was putting together all the speakers or people that I knew that I wanted to talk to as part of the podcast, you were right up there. It was either one or two mostly, well, for several reasons. One, because we already knew each other and I said in my intro that you haven't gotten to here yet, but you and I went to law school together, didn't speak for some time, not for any real reason, and then came back together a couple of years ago when I went out on my own and we just immediately picked up where we left off, but I found it so interesting the work that you were doing. Of course, in Title IX and

training, and we've gotten an opportunity to collaborate there, but also when we spoke, you brought up how you do trainings and talks about microaggressions and that was to be quite honestly a term I'd never even heard.

So I of course then researched it and watched some of your talks and thought it would be a great thing to talk about on this podcast because of the crossovers of Title IX. So I'm really excited for you to share all your knowledge with the folks that end up listening. So I already mentioned we were in law school together, and one trend that we've seen, the Title IX coordinator role is really still very new, a very new profession, I guess, is a better word for in role, but it's like this profession has blossomed over the last four to five years and so many people either serving as Title IX investigators or Title IX coordinators have a JD. I did not know until I was in house counsel how many folks in general in higher ed serve in administration that have at JB. Had I known, I might have gone that path straight out of law school, I don't know. How did you get from law school to where you are today at Rhodes?

Tiffany Cox:

Well, it was a long and windy road but immediately out of law school, I practiced and the only reason I practiced is because I had a mentor who told me that... I realized around the end of my second year of law school that I did not want to practice, but my mentor urged me to get the experience. So despite my objection and this interest in practicing, I went ahead and got the experience. I was at the Tennessee Attorney General's office for three years. My suspicion was confirmed. I did not enjoy litigating. I did not enjoy discovery. I did not enjoy trials. And so I looked for another way to use my skills. One of the things that really stuck out to me was the aspect of how adversarial the whole process was and I tended to be a little bit more collaborative just by nature.

I had to get out of the whole litigation game. I was looking for another way to still help people make a difference, but not being that kind of adversarial environment. So I spent some time and a couple short stints at a couple of state agencies, but ultimately landed at the Tennessee Human Rights Commission, and I was the deputy director there for five years. My work there centered on enforcing the Tennessee Human Rights Act and making sure our employers within the state weren't discriminating against their employees, making sure our housing providers are following the laws and not discriminating in housing. And so I really enjoyed that work. It was that combination of being able to help people around an area that was close to my heart, which is civil rights, but not having to get so bogged down in the legal process.

One of the things that I noticed toward the end of my time there is we had a mediation program that I spearheaded, and we had a lot of employers who would come in after the fact, after something bad had happened and they would end up spending a lot of money in the mediation process to settle a case or if we were to find them in violation of our state law, they would spend money trying to rectify that. And my thought was, all these people really need is some training on the front end to prevent this type of thing from happening. But because of the position that the state agency was in, the political climate at the time, we had to be kind of careful about how we offered training to employers. And so my ability to do that, to be proactive wasn't as good as I would've liked it to be and so that prompted me to start looking for an area where I could combine the civil rights aspect also with training and prevention and helping help people become aware of some of the traps that they can fall into that lead to complaints of discrimination.

And that is how I ended up at Tennessee State University as the Director of Equity and Inclusion. And there I was responsible for all faculty staff and student based training around our anti-discrimination policies. I was responsible for coordinating and conducting investigations, working with deans and upper level administrators to resolve issues with their employees and students and things like that. I haven't looked back. I really enjoy higher education. I think it combines all of my favorite things.

Courtney Bullard:

I love how you describe that as being more collaborative versus adversarial. It really put into words exactly what is driven my career path and I didn't really know it though until I went in house and started... I mean, I knew it, but I didn't know it until I started working in house with the client and being on that side of things. And even being on that side of things, you end up in litigation but then my mantra became like, "Let's put the airplane together on the ground versus mid-air." Let's try to catch things before they happen, which in higher ed can be challenging. It's like trying to turn around the Titanic sometimes, but anyways, but the people on the ground are always great and very willing and able but it's just a big thing to try to change when you talk about an institution. So you were at Tennessee State and you and I first connected when you were there, and then now talk about your position at Rhodes.

Tiffany Cox:

I left Tennessee State in October of 2016, came to Rhodes College, which is a small private liberal arts college, very different from Tennessee State University, which is a medium sized public institution and an HBCU, which is a historically black college or university. I have experience in polar opposites in terms of the types of institutions that I've worked at so far, but here at Rhodes, my focus has been pretty much Title IX. Whereas when I was at Tennessee State University, I did a lot of employment facing work. Here I've been able to focus on students, training students, policy development, education for faculty, staff, and students and so it's much more manageable. Title IX is a full time job in and of itself but when you start adding other things to it, something gives, but this is much more manageable I feel.

And I think it's a good thing, like you were saying earlier about the chain or the new position of the Title IX coordinator. I think what I have seen just in my collaboration with other Title IX coordinators or in conferences that I've been to, I think is a really good thing that institutions are starting to dedicate more time and resources to shore up the Title IX coordinator position, because it's really important and it can all go downhill if you don't have someone in there who is able to focus on it. So that's one of the things that I really enjoy about my position here at Rhodes.

Courtney Bullard:

So I was with the State Institution, very large institution. Well, Chattanooga is small, but of course it was a part of a big system.

Tiffany Cox:

Well, you know that's [inaudible 00:11:02], right?

Courtney Bullard:

What UTC?

Tiffany Cox:

Yeah.

Courtney Bullard:

Oh, I think I do now because you were mentioning coming to town one time and we were going to hook up. Yes, but I forgot. I forget a lot these days, I think. Kids will do that to you, but anyway. But being with the state school and then going into running ICS, now I have state institutions as clients, but also have a faith based institutions and small liberal arts schools and private colleges as my clients and also professional institutions that just have professional programs. So all kinds and all of them think everyone else has it better. Like, "I'm in a small institution and the larger state institutions, they have all the resources, all the everything you could ever want and we have nothing."

And then the state institutions are like, "Well, these small private schools have tons of money because they're private and they have all these donors and everything else and they don't have all the red tape of being a state institution and so we've got it hard." So it's been interesting and I'm always telling my clients, "I promise you y'all are all fighting the same battle, it's just on different levels." Some at a larger scale and at a smaller scale. Has that been your experience as well?

Tiffany Cox:

Yes. I mean, and those things are true to some extent on either side. At Rhodes, we don't have the lengthy procedures and steps that need to be taken that we did at Tennessee State University that your state schools aren't going to have just by nature of being a state institution, and that's a great thing that has been incredibly freeing and I love that about a private school. The thing that I will say that I found is whether it was at a private institution or a public institution, there's some level of skepticism or wariness when a lawyer comes on board and so faculty and administrators who have come from faculty roles, they're a little bit standoffish at first. So it requires a whole lot of relationship building to get people to trust you and recognize that what you're doing in the position you have is for the good of the entire institution.

But the thing that I would say that was good about being at a state institution is there's much more familiarity with requirements and the procedures and policies and laws and regulations and so there's there's less of a need to have to convince people about certain things that you need to do because they're used to it. It's part of it. There's oversight from governmental agencies, whether it's state or federal and so the amount of convincing around, "Okay, we need to have this policy that addresses these particular things because it will help prevent discriminatory practices." I don't have to do that convincing at a state institution, whereas here at Rhodes, there's a little bit more work that I have to do around.

Courtney Bullard:

That makes a lot of sense. Yeah, and I've seen the same thing for sure at least in my work. You say about the skepticism with lawyers and I was the first attorney at UTC. I'll never forget my first day and I had a professor walk in the door and he said, "You know nothing about you're talking about. I never met this professor in my life. I never really dealt with professors in my life or faculty and he proceeded to read me the right Act as to how I've probably haven't been practicing law very long and I hadn't been

practicing like eight years at that time, but... and just how I'm not going to know what I'm doing and I'm not going to tell him what to do and it really was a good year.

I've written about this. I didn't know this at the time, but I did like a grassroots effort where I had to go to each member of executive team and all of those players that I knew I might interface with when something major happened and get to know them before the crisis happened, to try to build that trust. And I was in a different role than you are. I was the lawyer, but nonetheless the minute you have JD attached to your name, people sometimes assume the worst. I sometimes for good reason but with you and I, it's not for good reason in my opinion, but I like... and it also is interesting to listen to you speak because... I was talking about a training last week, this compliance mindset that first started after the 2011 Dear Colleague Letter with universities and like we have to do training and we have to do this, that and the other.

And it was more as the attorney when I was pushing that. It was more of a compliance mindset, but you're a lawyer who clearly, it's a bigger picture for you, which is preventing discriminatory practices, which it was for me but I didn't have that. It took me a while to realize that I was doing both and being on a college campus and being indoctrinated into that whole thought process, because I don't know about your experience as a lawyer, but mine being in private practice, at least diversity is not something that is part of your professional development in any way, shape or form. There are large firms who will tell you they are diverse and they are worried about these things and they might be worried about these things, but it's nothing like at an institution for higher education or a lot of other agencies where diversity inclusion is something that is at the forefront every single day and all decisions that are made.

That's doesn't happen in private practice. So I really learned so much just going into and working for an institution about the importance of that. It just wasn't on the forefront of my mind. It was as a woman period but I'm a white woman so it wasn't... Anyways, my dad was in the soccer industry. I grew up around foreign nationals. I was born in Miami. I was around the Latino culture constantly, everybody around me spoke a different language and was a different color and came from different places. So it never really dawned on me anything about diversity and inclusion or there being a need to be focused on it because to me, that was just life.

And then when I moved to the South, things looked a little different. I mean, I lived in this, Miami is the south, but it's not the South and so things looked a little different. So to that end, you introduced me to this term of microaggressions. So talk to me about how you got into this work or the interest. I mean, a lot of it, you've probably covered with respect to your work with the Tennessee Human Rights Commission and all of that, but what got you interested in that area?

Tiffany Cox:

I don't remember what conference I attended that I had the opportunity to go to a workshop about microaggressions. It was one of those things that as soon as I heard this presentation, I'm like, "Oh my goodness." That's what that was because I think, and in my experience in giving talks about microaggressions, a lot of people had the experience, but didn't know what to call it. And so it was after I attended that conference that I came back and I started looking at, or doing research and trying to read up a little more on it and just got sucked into it and it's fascinating. There are so many studies out there

about how this plays out in the workplace, in education and just to read those studies and look at the research. It's just fascinating to me.

In my role at Tennessee State, which is where I first got interested in this specific area of microaggressions, I would have people come in and most of the time it would be a woman, a faculty member, or a woman staff member who would come in and share something that had occurred. That was your typical textbook microaggression. And so I'm seeing it not only having experienced it myself, but I'm also seeing it as people come into my office and they're looking for ways to handle this type of thing. And so I was like, "Okay, I've really got a study up and get some tools to help people around this particular topic.

Courtney Bullard:

What is a microaggression?

Tiffany Cox:

When we're talking today, I am going to be talking a lot about, or maybe even quoting from this book called *Microaggressions in Everyday Life: Race, Gender, and Sexual Orientation*. The author is Derald Wing Sue PhD. How he defines it is your every day brief and commonplace verbal behavioral or environmental indignities, where intentional or unintentional, hostile, derogatory, or negative racial slights and insults toward people of minority groups occur. I think the highlights of that definition are they are commonplace, they can be intentional or unintentional, and they are directed at someone who is a member of a minority group or a marginalized group in society. And in this book that I just mentioned, the focus was race, gender, and sexual orientation. So a lot of the studies around microaggressions initially began with race, but the concept is applicable to any marginalized group, whether we're talking about race or color or nationality or religion or gender.

Courtney Bullard:

So what's an example? Give me an example.

Tiffany Cox:

I'll give you an example of one that I experienced when I first started practicing law. And what I'm going to share is the pathology if you will, of a microaggression. I remember needing to take a deposition in a county that I will not name and I got there, I got all of my briefcase and all of my documents out of the car and I go inside and I let the receptionist know that I'm here for so-and-so deposition. And they come from behind the desk and they say, "Okay, well, let me show you to the room that we're going to be in." And she immediately asked me if I had everything I needed to set my equipment up. And I thought, "Well, what is she talking about? What equipment?" And I was like, "Well, I don't have any equipment. Everything I have is right here."

And she asked me what my name was again and I told her, and she was like, "Are you the court reporter?" And I said, "No, ma'am I am the assistant attorney general at the Tennessee Attorney General's office." And she's like, "Oh, okay." And so she ushered me in, sat me down and we moved on from there. Well, what happened is, of course, in my head was chuckling, but I was thinking, "Why did she think I was the court reporter?" And I couldn't figure out if it was just that I looked young? Was it that I was a woman and they're not used to associating women with attorney? Was it a racial issue? I

didn't really know, but what was going on in my head is what typically occurs when you talk about a microaggression and experiencing one is why did that just happen? What about me? And the situation prompted this weirdness or awkwardness, or potentially even just outright discriminatory behavior. So that is an example of one microaggression that I experienced very early on in my career.

Courtney Bullard:

Well, let me just tell you, I have like 100 from being a lawyer and I had the same questions. I had a partner who would introduce me as his paralegal, or sometimes as the secretary. He would always give me things to type, and then he would stand over my shoulder and correct my words and I would go home so frustrated but I didn't have the tools at the time. I was young and I was young when I graduated law school to stand up for myself. I mean, I thought I was, but I guess I wasn't and I was afraid too anyways, because I didn't want to lose my job. But yeah, there's so many.

Even to this day, even on the campus when I worked there, I would have people think I was a student coming into a meeting instead of the attorney or what have you despite the fact I was in a suit even though I ditched the suit, not long after I started being in house. But anyway, there's a lot of those, I think, in the law practice at least in the South for sure and when you're talking, I kept thinking of that new term you keep hearing of men sliding things. Yeah, I mean, from a gender perspective.

Tiffany Cox:

Men sliding is a form of microaggression. And that was just one example that I gave and that you gave but I mean, in the classroom, in higher ed, it can look like discouraging female students from entering into those traditional stem fields biology, sciences or maths because there's a perception of whether it's overt or not that women don't do as well at math or they're not as logical or maybe they're more suited for the humanities or something like that. It can look like calling on male students more than you call on the female students in your classroom.

So it can look a lot of different ways all the way up to just the way that when we're talking about sexual violence or sexual misconduct on campus, the way that the language that we use around victims and victim blaming can sometimes fall into the category of microaggression. So it can look a lot of different ways, but it's always going to be most of the time when you're talking about microaggressions, it's something that the person who is on the giving end doesn't always realize that what they're doing is insulting or invalidating to the person on the receiving end.

Courtney Bullard:

Yeah. So it sounds like it can touch any area of campus from education to your faculty and staff and day to day interaction, hiring, firing, as you mentioned in the classroom setting. And you mentioned some folks realize that some folks don't. People that are on the receiving end of it don't even always understand that that was a microaggression and things like that. Tell me an example, and then I want to talk about it in the Title IX context, but can you give me an example of it in the race context?

Tiffany Cox:

In the race context, in an educational setting. I actually remember witnessing this. I was not on the receiving end necessarily, wasn't directed at me but I remember witnessing conversations in law school where white students made the assumption that black students at the school were only there because

of affirmative action and that they weren't there because they had earned it or their grades were just as good as anyone else's, their ELL set scores were just as good as anyone else's, but it was by virtue of them being African-American that they were given a place at the law school.

Courtney Bullard:

Yeah. That's a good one. I remember hearing people have those conversations.

Tiffany Cox:

Yeah. Another one is, and I think this happened, I'm not sure it was one of the Ivy league schools. I remember seeing a clip on YouTube about African-American students at the school who were consistently asked to show their IDs to prove that they were a student, whereas other non minority students, other white students were allowed to come and go as they pleased. And so the implication there was, "You don't belong here. You don't look like you belong at this Ivy league institution." And so just having to do that on a pretty regular basis it can be really demeaning to have to constantly prove that you are a part of something.

Courtney Bullard:

So you talked about in the sexual misconduct, sexual violence setting and how there can be microaggressions and the terminology that's used in victim blaming. Do you have any examples you can provide of that and how that crossover can happen?

Tiffany Cox:

So really if you think about the language that we use, and it can get very detailed. And this is one of those areas where it does appear that people, it's just their choice of language, not necessarily an intent to harm that plays in but when we use words such as they had sex, whereas the victim in the incident will feel like, "Okay, that wasn't sex. That was an assault." And so it's the way that we think about sex between people, especially when it comes to one person saying that that was consensual, the other person saying that it wasn't. So it's just the way that we perceive sexual interaction as being sex versus being something that is more serious, such as sexual assault or rape. It can be things like, as you're talking to a student who has been assaulted saying things like, "We have to be careful with what we're wearing," or...

Courtney Bullard:

That was the first thing that came to my mind was...

Tiffany Cox:

Yeah, have to be careful with what we're wearing or saying things alarming. We all know there's a really strong correlation between alcohol usage and sexual violence on college campuses. And so saying things like, well you need to be careful about drinking and so it's the assumption that the woman has done something that put her in the position that she was in. So those are just some of the overlaps with microaggressions and sexual violence that take place.

Speaker 3:

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Courtney Bullard:

You mentioned earlier that some people certainly their microaggressions are intentional. They are truly misogynist or racist, or what have you, others are unintentional. So the folks that are doing it unintentionally, quite frankly, when I was researching it, I was like, "Hmm, have I ever done something like..." I probably have, I mean, quite honestly, maybe with religion or who knows what, but how do you ensure that you get to those folks on your campus to try to minimize these types of things happening?

Tiffany Cox:

Of course, no silver bullet otherwise I would not be in my job.

Courtney Bullard:

I know, we'd be out of our job.

Tiffany Cox:

I think one of the important things and some things that the research points to is that unconscious bias, which is where all of this comes from they interchangeably use the terms unconscious bias, implicit bias. All of this is the foundation for microaggressions. It's things that we've been socialized to have these views and they're very hard to get rid of, especially if you don't know that you have them. So, one of the things that as individuals we got to do is examine our own stuff.

Harvard has a website and I believe that this is the correct one it's implicit.harvard.edu/implicit/research. It's actually a website, there's a lot of research behind it. A lot of people want to argue with it, but it's been researched to the nth degree and what they have on that website are these tests to help you determine what is your hangup? And we all have them, and it's not something to be ashamed of if you're alive in society, you have a hangup, whatever it may be. So one of the things that I did when I first started studying this is to go on that website and take various different tests. You can test for, do you have a racial bias? Do you have a gender based bias? They even go into size based bias.

So body, shape and size and things like that. One of the things that is really important is just to bring some awareness to what your own personal baggage is, and that's one way to do it. Once you know what your own personal baggage is, being aware in every interaction that you have as to whether or not it's coming up and it will come up. And then when it comes up, if someone were to call you on it, not to be offended or fly off the handle or break down in a pile of tears, but to say, "You know what, I recognize that I have that. Thank you for bringing that to my attention and I'll do better next time." But I

know that that's easier said than done. We don't do a good job as a society and talking about issues of racism or bias and so it really is one of those things that you just have to practice, you have to make yourself aware of and then practice on a daily basis.

Courtney Bullard:

I love that example, I'm going to have to go and do that now, because I wasn't aware of that opportunity on the website. And sometimes I wonder when you go to conferences and there is say, a speaker on you can pick a session and there's a session on implicit bias. There's a session on microaggressions, but everyone that goes to the session is already pretty self aware. I mean, I don't know if this is true or not, but it's like you're preaching to the choir. There are folks who already have this on the forefront of their minds and so reaching those people, the other people sometimes can be complex. That's with any topic, but I could see it being with this topic as well. Do you feel like the people that I identify in my mind on campuses, especially that are in the administration.

I mean, everybody needs to be aware of their own stuff. It's got to start probably there and then go out from there. But the folks I always think of are of course, your HR professionals and your Title IX coordinators and your folks in student life, obviously faculty. I mean, not to diminish that every single person needs to be concerned about this, but are there any kind of, I call them high risk areas in the Title IX context, but any other areas that you think are good to focus on for your campus? If someone going to go do training and they're listening to this and they're... If they work in HR, their priority recognizing, "Ooh, I probably need to learn more about this." Any other areas that I'm not thinking of?

Tiffany Cox:

So I don't think so. I think that in my own experience and in higher education, I cannot overstate the importance of faculty having a good grasp on this. Our faculty members touch our students on a daily basis the entire academic year. A lot of the time that they spend is with that faculty member they're in the class, then they may go get advising or they may extra help. And so I honestly think that even more than your student life folks.

I think that it's more important that faculty members really have a handle on how they are interacting with students from different cultures, different religions, different genders, because that can really do some harm, some significant harm, especially when you're talking about a student's grades moving on to go to grad school or whatever it is they want to do. It's that relationship with faculty that can make or break that. So I think that's probably where if I had to focus an area, I would focus it on the faculty.

Courtney Bullard:

Adding it to their professional development that they do as a department, as a whole. I don't mean to pick on faculty, I do love them, but I know they're hard to corral. They're hard to train. They don't want to be forced to do anything and that's just the nature of it. So adding anything else is difficult, but I think all faculty members do truly have the best interest of their students at heart. They want to educate students and help them matriculate onto great careers and a great life. And so if they are listening to this, this is just another way to connect with students on a much better level.

Tiffany Cox:

Absolutely and I completely agree with you. I think most faculty members, if a student were to say what you just said made me feel this way would be horrified to know that they've done something or said something that made a student feel as if they were invalidated or insulted in any way based upon their identities. So, yeah, I absolutely agree with you. I think that most faculty members want to do the right thing and have their students' best interest at heart. It's one of those things where, like you said earlier, a lot of people... Well, people don't know what they don't know.

Courtney Bullard:

Yeah. They don't know what they don't know. I didn't know like I said, when you brought it up to me and then when you explained it and I looked into it, I thought, "Well, I guess I did know what this was, but I didn't know what it was called or hadn't really dug down deep to unpack it and understand it. And I'm still certainly learning. From a legal standpoint, just touching on that for a minute. This term microaggressions just micro alone to me, it's like, well, they're microaggressions. The first question I thought about asking was why should we care?"

And I know it's such an obvious question, but it's like we all see these very overt examples played out in the media of schools handling things incorrectly in a sexual misconduct case, a faculty member being discriminated against in tenure and promotion based on their race, the student being discriminated against based on their religion in accommodations. It's usually those big things that we hear about in the news and not in our day to day interaction. So I think the answer why should we care is pretty clear, I think from our discussion, but I do want to touch on...

When I'm training folks and lately it's definitely been a hot button issue and I know you and I are working on a webinar together where some of this might come up, but where everybody thinks everything is harassment in the big H way, that's unlawful. I always want folks to come forward if they're they feel they're being discriminated against based on any protected class or harassed, but we've come as a society, in my opinion, to a place where everyone's complaining about everything, even if it's just a conflict. Personality conflict or something like that.

So when I hear microaggressions, am I right that... I mean, there are times when a microaggression and something might occur that certainly could rise to the level of being unlawful, harassment or discrimination for sure. And other times when not, and I don't want to get in the weeds on a legal debate, but given your history with working for the Tennessee Human Rights Commission, all of that, where do we start with? We have to tell people when we're not comfortable and address it versus we've gotten to the level of address it with that person specifically, versus we've gotten to a point where we have a real problem. I know there's no real great answer again, or we wouldn't have jobs, but what's your thoughts?

Tiffany Cox:

Well, there certainly are times when... and it's always a lot of times going to depend on where the microaggression is coming from as to whether or not it's something that turns into a larger issue that the Human Rights Commission or the EEOC would get involved with. But the thing about-

Courtney Bullard:

Or the office for civil rights.

Tiffany Cox:

... or the office for civil rights. [crosstalk 00:40:19] Absolutely. How could I forgive them?

Courtney Bullard:

Well, no, we always think of these things in an employment context. I mean, that's the reality. I haven't had to go research if a student dealt with it at the university, but if a student feels they're being discriminated against, where do they go again? I mean, I had to look at that. What does that fall under Title what? So [crosstalk 00:40:39].

Tiffany Cox:

Yeah. I think the thing to remember about the microaggression is while it might seem something that occurs on an individual level between two people and often times between two people who have a good relationship, that if it becomes a pattern or if it becomes a behavior that is repeated and becomes a part of just your everyday working environment, then it can grow into something that looks like a hostile environment, where you do have the OCR or EEOC or Tennessee Human Rights Commission coming into play.

As I was saying before, it can be difficult to have that conversation with another person, especially if that other person is in a supervisory position. One of the things that makes microaggressions so taxing on a person is the big question mark, because you never really know if you were talking about the type of microaggression that truly is a microaggression and not intentional. You never really know what that was about. You start to play in your head about, "Well, am I being too sensitive about this? Am I just overreacting?"

And so not just from the legal perspective, but if you've got a workplace or an educational environment where students or employees are feeling this day to day, big question mark about, "Why did this happen to me? Why does it keep happening to me? Am I being overly sensitive?" You're going to lose people.

Courtney Bullard:

It's a morale killer.

Tiffany Cox:

You're going to have a lot of attention issues and so it's just one of those things that the better handle you can get on it, the better the wellbeing of your staff, of your students and so that's really why it matters.

Courtney Bullard:

In the employment context, I think if somebody is engaging in microaggressions, you mentioned a pattern or it's something that is an implicit bias, it's bigger than a one off comment or something like that then obviously it could permeate into hiring decisions, promotion decisions, termination decisions, and all those things. In the context of Title IX, the way I could see it is a student disclosing to a faculty member, not trying to pick on them, but let's just say it's a faculty member that something happened. They feel that they were sexually assaulted and maybe the faculty member has some comments, like

you mentioned earlier about, "Why were you drinking? Why were you out past midnight? Why would you go to someone's house you didn't really know?"

Asking all those questions and then that shutting down the line of communication or hindering somebody from fully coming forward. And I could see that with campus safety, I could see that with athletics, I could see that... Any area of campus, not just faculty members, but like you mentioned, faculty touch students every single day and so a lot of times there's that comfort level where students want to come and disclose.

So I'm glad that we explored that a little bit because in my own mind, when I hear micro it's like, "Well it's micro. It's not that big deal." But it is a big deal. It can definitely mushroom and turn into something much, much more. So I think I wanted to just ask you as we wrap up a couple things. One, what advice do you have for institutions outside of what we've talked about? I guess most of that would be educating your faculty and staff on what microaggressions are. Any other resources that you would suggest for folks to look at that are maybe want to bring in some programming around this or send their folks off to some training?

Tiffany Cox:

Well, that's interesting. I don't off the top of my-

Courtney Bullard:

Maybe just have you come speak.

Tiffany Cox:

... absolutely. No and I've done that and so what I will say is I got to give props to the UT System, they've had me there talk a couple of times. I haven't been recently, but they've had me come talk and the one thing that I liked about being invited to talk to them is how you were saying, when you go to a conference, some of the people that are in the microaggressions workshop you're preaching to the choir. Well, the thing about when I was invited to speak to the HR folks at UT is... One of the HR folks saw me speak and decided, "You know what, this is something that we don't talk about and I don't think we know a lot about this as a group of professionals. So I want to have you come speak to us."

And the feedback that I got was, "Wow, that was..." I'd always thought about that. I always had questions about that. I didn't know what to call it. So yeah, things like inviting a speaker to come, if you're doing professional development, finding someone to come and talk on that issue. The book that I mentioned earlier, *Microaggressions in Everyday Life* has a lot of research cited in that book. If you Google microaggressions, of course you got to be careful with the internet, but...

Courtney Bullard:

I know.

Tiffany Cox:

Look at your reputable journals and things like that, that'll point you in the right direction of how to do your own research on it. The only thing that I would say, I think more than anything is looking at your institution or your organization and seeing who's there at the table. A lot of times what you need are

people there to have the conversation. And so if you are always looking around the room and it's someone who looks just like you, there's nobody different. It's all a room full of men, or it's all a room full of one race or people from the same general background. Even people from the same region in the country, that can be a hindrance to being able to recognize some of those microaggressions or beliefs or implicit biases that you will have. So broadening or opening up your organization, making sure people of different backgrounds have a seat at the table can go a long way to helping identify microaggressions and then work to stop them.

Courtney Bullard:

Pivoting then for a second because I think that's a really great way to close on microaggressions and that topic and what institutions do and they can find you on Rhodes website, and get your email address or anybody can contact me and I would get it to them if they wanted you to come to their campus and speak. Circling back to where we started, which is you have a law degree, now you're in higher ed, do you have any advice for anybody listening who does have a JD, who's out there practicing law and in the trenches, and they're like, "Man, I'd really love to explore going into higher education or explore becoming a Title IX coordinator." Do you have any advice for those folks?

I know, sorry, I just throw that on you, but I didn't know if you had any thoughts on that because I don't even know how folks get into it. I've always found it was hard to get hired straight out of law school and some type of administrative investigatory position on a campus.

Tiffany Cox:

I think prior to maybe the last few years, that was really, really true. One of the things, just my sense, I don't have any data to back this up. Just what I've been seeing and talking to people. I think for who are in law school right now, wanting to come out and get into higher ed and do investigations. I think it's probably easier now because like you were saying at the beginning of the webinar, this area around Title IX, Title IX coordinators is growing. And a lot of offices at colleges and universities are staffing internal investigators. And so I think the opportunity to get a position like that is probably better now than it was when the Dear Colleague letter came out in 2011.

I think that positions are more plentiful and institutions have a better understanding of the necessity of that. I think that it's one of those things that a person might have a better chance of doing now than they did before.

Courtney Bullard:

I'll agree with you on that from what I've seen.

Tiffany Cox:

I don't know really that I have any specific advice.

Courtney Bullard:

My advice is just like, people call me more often than not these days. Like, "How do I do what you're doing and how do I...?" And I'm like, one, experience and there's no substitute for experience. It is what it is. And then two, immersing yourself in things like listening to podcasts like this, listening to webinars on the topic because there's so much, now you can get online that you couldn't get before, attending

conferences, things like that. But I think you're right there is a lot more market out there now for folks with the JD and schools realize the benefit of somebody that has that education in those roles.

So definitely more opportunity than there was before. I'm doing an external investigation. I'm interviewing people and I want to be like, "Wow, you came straight out of law school to this position?" Because it is something that I hadn't seen before and now it's kind of intriguing to me. There is hope is what we're trying to tell you [crosstalk 00:50:05].

Tiffany Cox:

Yes, there is.

Courtney Bullard:

And there are other things you can do besides practice law with a JD for sure. So I think the last thing I just wanted to ask you a couple of fun facts. So we talked about this in our prep I don't know if you'll say it the same thing to me now, but where do you see yourself in five years?

Tiffany Cox:

I don't know if higher ed is where I want to be in five years. I think looking back over my career in the types of positions that I've been, in the types of organizations, I certainly prefer higher ed over government work. But I'm not sure if this is where I'm going to be. One thing I will say to people who are considering this is the level of burnout and that is, is possible in a position like this if you don't practice good self care for yourself is pretty high being a Title IX coordinator and investigator in this area. You're always going to be dealing with people who have experienced something that is a very traumatic thing for them. And then on the other side you've got somebody who's going through a process that they've probably never gone through before and they're terrified as well. So you're surrounded on a pretty regular basis with people who are in crisis.

Courtney Bullard:

It's heavy stuff for sure.

Tiffany Cox:

Yeah, absolutely. And so there's vicarious trauma that you deal with as someone who is acting in the role of Title IX investigator or coordinator and so you need to take care of yourself. Otherwise you're going to burn out and it will have negative effects on yourself, your mental and physical functioning.

Courtney Bullard:

Yeah, so how do you deal with that? What do you do for self care besides to drink? Margarita is on me. I mean, if you drink.

Tiffany Cox:

I eat my feelings on a daily basis.

Courtney Bullard:

I hear you.

Tiffany Cox:

That's not productive, but it is something that I have recognized in myself that is not a productive way to deal with stress and the pain that you see on a daily basis.

Courtney Bullard:

It's easy to fall in [crosstalk 00:52:15].

Tiffany Cox:

Yes. One thing I'm trying to do better about is exercise on a regular basis. The other thing is you can get sucked into the need to get the work done, to be here a little bit late, to eat lunch at your desk and needing to get up and get out of the office and disconnect for at least that lunch hour is critical for me. One of the things that I think I am really, really blessed by is Rhodes campus is beautiful. It is a beautiful place to be all year round.

Courtney Bullard:

It really is.

Tiffany Cox:

And so being able to just get out of my office and look at this beautiful campus and breathe is key for me. The other thing is and I'd have to say, I thank you for this, is providing another ear, another person to talk to and recognize that, "Okay, this person has had this experience too. It's not just me. I'm not alone. I'm not crazy. This is actually something that is real." So being able to talk to colleagues and other people who do the same type of work is another really important thing.

Courtney Bullard:

I think that's a great advice. I call those brain breaks. I even give them to my children. They'll come home from school and I can tell they're just... I'm like, "Let's just take a brain break. Let's not jump right into homework." I'm 42 at this point, it's taken me a long time and I'm not perfect at it either. There's Girl Scout Cookies [inaudible 00:53:45] calling my name on a daily basis right now, but it is so important to step away. I say it all the time, I'm sure people that talk to me a lot are tired of hearing it, but I'm convinced if someone would just do a study of the attrition rate of Title IX coordinators, it will be astounding. So many people, especially when I started this three years ago, have even... The Title IX coordinators I came into contact with who have left completely. They left higher ed, they're selling insurance, they became a mom or whatever, but a lot of folks have left.

It is tough at work and you guys on the ground, commend you for doing it each and every day because it's a hard profession to be in. It's extremely important and very necessary, but also difficult for all the reasons that you just articulated much better than I could. Well, I really thank you for your time. I know you are on spring break and so getting a little bit of a break so it's awesome that you agreed to talk to me and be a part of the podcast. If anybody wants to connect with Tiffany, just reach out to me or you can find her on Rhodes website, but thank you so much, Tiffany.

Tiffany Cox:

Thank you, Courtney. I really enjoyed it.

Courtney Bullard:

I always enjoy talking with Tiffany and I hope that you enjoyed our conversation this episode. If you'd like to have her come and speak to your institution or divisions of your institution on microaggressions, I will put her information as well as the resources that she provided in the show notes for this episode.

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