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Harassment in the Academic Setting

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Disclaimer: This QuickCourse is NOT intended to dispense legal advice nor set policy for any institution. Its sole purpose is to increase awareness among instructors, staff, and administrators of harassment issues and to help foster professional teaching behaviors and practices. This material has been written from the instructor's point of view.

Dedication

This Course is dedicated to Julie, Richard, and all those who are victims of sexual harassment. Their lives are affected forever by their unfortunate and unnecessary experiences.

Dr. Shmaefsky is TFS Partner Editor and instructor of Biology & Environmental Sciences at Kingwood College.



Much learning occurs through interactions between faculty and students. A wealth of content is offered to students during faculty-directed discussions, lessons, or readings.

1. Getting Started

The things taught in schools and colleges are not an education, but the means of education.

—Ralph Waldo Emerson, Journal, 1831

Emerson's quote reinforces the idea that college faculty are not merely robotic conveyers of information. Much learning occurs through interactions between faculty and students. These interactions are not to be taken lightly, for a professional, supportive learning environment is a crucial component of student learning success.

A wealth of content is offered to students during faculty-directed discussions, lessons, or readings. A large proportion of student learning occurs through faculty presentations of new information, and an important part of each presentation is creating an effective learning environment: Numerous studies have shown that the successful acquisition of knowledge by students occurs best when faculty teach in an atmosphere conducive to learning.



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Conducive Conditions

Conducive learning conditions involve a complex set of factors ranging from comfortable seating to teaching strategies that touch upon all learning styles. An important condition in the environment that is sometimes overlooked is faculty conduct.

The way an instructor behaves sets the tone of the learning environment. Student evaluations of faculty competence reflect that faculty behavior plays an integral role in developing a learning environment for the students. So, even with the best instruction, student comprehension can be compromised and diminished when faculty are perceived to act in inappropriate ways.

Role Models

This situation also casts faculty as role models of teaching and ambassadors of their disciplines. Plus, many students perceive faculty as representing the integrity of the institution and academe itself. This holds true for faculty behavior inside and outside the classroom. Administrators and attorneys can attest to this statement. This perception of the stature of faculty makes it very important that college faculty exercise discretion on the job and in public.

Another fact of being an instructor is that faculty are tacitly perceived as being in a position of power. College faculty have situational authority over students. They have the power to assess student performance, and the power to create a learning environment for student success.



This situation also casts faculty as role models of teaching and as ambassadors of their disciplines. Plus, many students perceive faculty as representing the integrity of the institution and academe itself. This holds true for faculty behavior both inside and outside the classroom.

This puts faculty in an authoritative position that must not be used to the detriment of student learning. Unfortunately, this power situation creates opportunities for sexual

harassment. This Course provides an overview of sexual harassment in the academic environment. It looks at deliberate and incidental sexual harassment situations.

Please use the review questions at the end of each section in this Course to ensure that you comprehend the material being presented before proceeding to the next section.

Place your answers on a sheet of paper or enter your response into your favorite text editor, and compare your answers to the relevant section identified after each question.

Review Question:

- Why should faculty be acutely aware of their behavior in and out of class?
(See Section 1, Role Models.)



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2. Defining Harassment

There is no simple definition for sexual harassment. Much of what is interpreted as sexual harassment has been determined in courtrooms by judges and juries. However, a rational and workable definition is needed to prevent people from behaving in ways that can be construed as sexual harassment.

This definition should not be used as a mechanism to protect academic institutions from lawsuits. It must be a guideline for protecting individuals from the emotionally destructive effects of sexual harassment.

Procedures and Policies

Most academic institutions define sexual harassment in their procedures and policies guidelines. These guidelines usually include the definition of sexual harassment adopted by the United States Equal Employment Opportunity Commission (EEOC):

The use of one's authority or power, either explicitly or implicitly, to coerce another into unwanted sexual relations or to punish another for his or her refusal; or the creation of an intimidating, hostile, or offensive working environment through verbal or physical conduct of a sexual nature.



Most academic institutions define sexual harassment in their procedures and policies guidelines. These guidelines usually include the definition of sexual harassment adopted by the United States Equal Employment Opportunity Commission (EEOC).

This rule applies for:

- Males in positions of power or authority over females.
- Males in positions of power or authority over males.
- Females in positions of power or authority over females.
- Females in positions of power or authority over males.

Sexual harassment law is now being interpreted for incidents between peers or coworkers in work or social situations.



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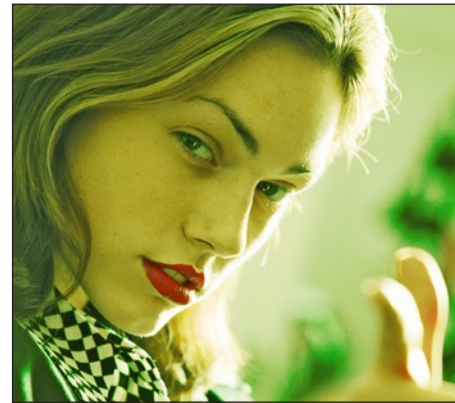
3. Harassment Situations

There is a common misconception that sexual harassment must involve some type of physical relationship. In fact, true harassment is a specific, purposeful, systematic form of discrimination—and it is as likely to occur on-line (through electronic communications) as off-line. It is just as illegal, too.

How Is It Defined in Academia

To be defined as sexual harassment, the questionable behavior must be harsh, relentless, and insidious, as well as offensive to the victim and any other reasonable person. Harassment includes any of the following situations, as identified by the governing bodies of the American Academy of Religion and the American Association of University Women:

- Insults, including lewd or suggestive remarks or conduct.
- Pressure to accept unwelcome social invitations.
- Unasked-for written notes or personal phone calls.
- Request for sexual favors.
- Sexist remarks, jokes, or behaviors.
- Sexual assault, including attempted or completed physical sexual assault.
- Unwanted or coerced inappropriate touching or body contact.



Use of professional authority to inappropriately draw attention to the gender, sexuality, or sexual orientation of the advisee, employee, client, colleague, or student can be construed as sexual harassment.

- Unwanted sexual advances.
- Uninvited electronic communications, including e-mail, messages in chatrooms, and postings on USENET, instant-messaging programs, or on Web sites.
- Use of professional authority to inappropriately draw attention to the gender, sexuality, or sexual orientation of the advisee, employee, client, colleague, or student.
- Use of professional authority to compel the advisee, employee, client, colleague, or student into a sexual relationship or intimate social association.
- Visual displays of degrading sexual images or pornography.
- Untrue and unsolicited communication between coworkers (gossip in nature).



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Abusive or Hostile

These situations create an abusive or a hostile working environment when submission to or rejection of the conduct is used explicitly or implicitly as the basis for academic decisions, cooperation in collaborative associations, and employment.

Any behavior that discriminates based on gender or sexuality is abusive or hostile. The apparent willingness of an advisee, employee, client, colleague, or student to respond positively to sexual harassment conduct does not exonerate the institution or the person initiating the behavior. In most situations willingness is later considered to be coercion.

Explicit vs. Implicit

The following examples distinguish explicit sexual harassment, implicit sexual harassment, and a hostile working environment:

Explicit Sexual Harassment—Discussion initiated by supervisor to an employee, “Hey, you look real sexy in that outfit. It really makes me excited to see you in it.”

Implicit Sexual Harassment—Discussion initiated by an instructor to a student or colleague, “Did you hear the joke about nymphomaniac student? Well, it goes like this...”

Hostile Working Environment—Discussion initiated by coworker. “I do not want you or any other females working with me on this committee assignment.”

It is very important to recognize and appropriately deal with both harassment that is innocently inappropriate behavior and harassment that is a malicious attempt at



To be defined as sexual harassment, the questionable behavior must be harsh, relentless, and insidious, as well as offensive to the victim or any other reasonable person.

abusing an individual. Sexual harassment interpretation and policies must discriminate between the two before specifying actions or reprimands.

No incident perceived as sexual harassment should be ignored; however, some actions require a simple sensitivity training program, while others may require job termination or criminal prosecution.

Review Questions:

- What is the major reason for having a rational and workable definition of sexual harassment?
(See Section 2, *Defining Harassment*.)
- Define sexual harassment according to the EEOC.
(See Section 2, *How Is It Defined, Policy and Procedures*)
- Explain the academic situations that can be interpreted as sexual harassment.
(See Section 3, *How Is It Defined in Academia*.)
- Explain the conditions that make up a hostile sexual harassment environment.
(See Section 3, *Abusive or Hostile*.)



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4. The Legal System's View

Accusations of sexual harassment are not taken lightly by the justice system.

Title VII of the 1980 Civil Rights Act and Title IX of the 1972 Education Amendments make sexual harassment illegal and a violation of professional ethics.

The Civil Rights Act of 1991 amended the Civil Rights Act of 1964, and awards substantial compensation to victims of sexual harassment.

Many organizations will severely reprimand or dismiss employees accused of or convicted of sexual harassment charges. Many court cases have disciplined institutions that have played down sexual harassment incidents or that have had environments of pervasive abuse, discrimination, and humiliation.

The most notable sexual harassment cases to date were four considered by the U.S. Supreme Court in 1998. Of the four, three of the judgments rendered were written under Title VII and the last under Title IX. These opinions by the high court were far-reaching.

They served to clarify and refine the definition of sexual harassment in the workplace to include employer and institutional liability, as well as reaffirming the rights of both men and women as victims of sexual harassment.



The courts see two types of academic or workplace sexual harassment: 1) Hostile Working Environment and 2) Quid Pro Quo.

Summary of Court Rulings

An excellent chronological summary of these important U.S. Supreme Court rulings, from 1964 through the present, can be found on the Internet at <http://www.de.psu.edu/harassment/generalinfo/>.

Two Types of Workplace Sexual Harassment

The courts see two types of academic or workplace sexual harassment: 1) Hostile Working Environment and 2) Quid Pro Quo. A hostile working environment is determined by evidence indicating any form of sexual discrimination.

The evidence can be in the form of any noticeable differences in evaluation, job assignments, promotion, and treatment. It is not unusual to hear students lament that a faculty member is "out to get all the women in class," or "She hates all male students." These cries of woe can be a legal issue if attorneys can accumulate enough evidence to show discrimination by the instructor.



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What Is Quid Pro Quo?

Quid pro quo is the legal term for “something given in exchange for something else.” This includes any conditions that make terms of employment or a positive evaluation contingent on sexual favors. Sexual favors can include intimate acts or simply dating.

Faculty should know that solicitations by students could easily be turned into quid pro quo situations favoring the student. In this case the student is viewed as a victim to the court.

Poor grades or the desperate need to achieve well are the coercive factors that may lead students to make such advances. However, legally there is no justification for faculty to take advantage of these situations, even if the student seems willing to take part in the quid-pro-quo activity.

Verifying Conditions

Arbitrators, attorneys, grievance committees, judges, juries, mediators, and review panels look for the following conditions to verify sexual harassment:

- Actions or words that are not welcomed or encouraged.
- Actions or words that are offensive to a “reasonable person.”
- Actions or words of a sexually discriminatory nature.
- Actions or words with sexual insinuations.

- Unwelcome, offensive, or discriminatory actions or words coming from a person in a position of power.
- Decisions that impair job performance.
- An environment conducive to sexual harassment.
- An environment having other abusive elements.
- An administration that does not investigate probable sexual harassment incidents.
- An administration that intimidates employees who criticize the system or file complaints.

In summary, sexual harassment is assumed if one or more of the above conditions can be identified by reasonable people not associated with the persons or institution involved. Sexual harassment charges are also supported if the conditions are subtly or obviously apparent to the accuser. As mentioned earlier, apparent cooperation by the accuser in the harassment situation can still be construed as coercion.

Review Questions:

- What are the two legal categories of sexual harassment that can occur in academic settings? (See Section 4, Two Types of Workplace Sexual Harassment)
- What conditions are viewed as being evidence of sexual harassment? (See Section 4, Verifying Conditions)



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5. Avoiding Harassment

There is no fail-safe way to prevent incidents of sexual harassment from happening at an academic institution. Unfortunately, some people are prone to that type of behavior and will take advantage of situations where they can harass.

Nonetheless, having a clear policy with well-defined guidelines that are carried out sincerely and expeditiously can minimize sexual harassment.

Behavior Awareness

Administrators, faculty, staff, and students should all be aware of the behaviors interpreted as sexual harassment. The administration should be vigilant without severely restricting freedom of expression and friendly social interaction on campus.

Intentional sexual harassment is difficult to avoid. But, if it does happen, the incident should be dealt with sternly to prevent it and similar episodes from occurring again. The best prevention is a comprehensive system that provides a workplace free from abuse and is sensitive to situations that can lead to sexual harassment.

Unintentional harassment can be avoided by having everybody at the institution abide by guidelines that eliminate



bias from personal interactions and communication. Administrators, faculty, staff, and students should all be aware of the behaviors interpreted as sexual harassment.



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6. Bias-Free Communication

An environment free of gender bias is one in which communication does not discriminate against or stereotype people based on gender or sexuality. It also means avoiding insulting actions, comments, humor, or words.

This should apply to verbal as well as written communications, including assignments, brochures, e-mails, flyers, handouts, letters, pamphlets, tests, and Web pages.

Rules for Better Communication

Some rules of bias-free communication are:

- Be sensitive to titles and salutations that identify gender and marital status. For example, use “Ms.” in place of “Miss” or “Mrs.,” and “Dear Madam or Sir” in place of “Dear Sir” when gender is not known.
- Replace “his” or “her” with “his or her” or (though less grammatically desirable) “their,” unless referring to a specific person.
- Avoid gendered occupational terms such as “actress,” “cleaning lady,” “fireman,” “male nurse,” and “woman doctor.” Use gender-neutral titles.



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Behaviors to Avoid

- Do not refer to female staff or students as “girls.”
- Do not refer to male staff or students as “boys.”
- Avoid posting or showing sexually explicit cartoons, diagrams, or images that may offend a person’s sexual mores or sexual orientation.
- Eschew jokes with sexual connotations or overtones.
- Do not make “sex-for-favor” comments or jokes.
- Avoid potentially sexist compliments.

Review Questions

- Define “an environment free of gender bias.”
(See Section 6, Rules for Better Communication.)
- What are some gender neutral ways of addressing colleagues and students?
(See Section 6, Things to Avoid.)



Harassment hurts; let's put an end to it!



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7. Theoretical Case Studies

How do you believe judges, juries, or supervisors would rule on the following incidents? Could these incidents be identified as sexual harassment?

- A female supervisor complains that the males in her department regularly refuse her job requests, to the point of carrying out a work slowdown to make her look bad.
- Several female students complain that a male faculty member has graded them more harshly than male students doing comparable work.
- A male professor uses a stethoscope on all the students in his class to demonstrate heart sounds. He awards a failing grade on the assignment for several female students who refused to let him do the examination on them.
- Two male students in a class complain of a professor's consistent homophobic humor.
- A dress code is implemented at a college requiring female students to wear dresses or slacks.
- A female college basketball coach refers to the male players as "boys."



Harassment hurts. Victims of sexual harassment often endure emotional scars that can remain for years after the incident and even for a lifetime.

- A professor uses pornographic pictures to convey information to students in a human sexuality course.
- Two male students include pornographic images in an assignment handed in to a female professor.
- Two females in an office suite commonly belittle men, to the protest of males in the office.
- A male faculty member regularly tells some of his female students how attractive they are looking when they enter class.



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7. Wrapping Up

Academic institutions owe all employees and students a safe learning and working environment free of sexual harassment.

Harassment hurts. Victims of sexual harassment often endure emotional scars that can remain for years after the incident and even for a lifetime.

In addition, an institution with unchecked sexual harassment is not conducive to professional camaraderie and learning. Institutions should have sexual harassment policies designed out of concern for everybody at the institution.

Policies in place merely to satisfy the law do not produce outcomes that reduce sexual harassment. It requires the concern of all to promote, monitor, and display professional behavior that maintains the reputation and status of higher-education instructors, professors, administrators, and staff.



8. End Notes

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We are confident that your students will appreciate the work you have put into planning and implementing a safe learning environment for their benefit.

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Several female students complain that a male faculty member graded them more harshly than male students doing comparable work. Could this happen at your institution or in your class? Why or why not?



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About the Author

Dr. Brian Shmaefsky is a professor of biology and the service learning coordinator at Kingwood College in Texas.

He has served as a chemical production supervisor in industry and as a university department head. He is also involved in coordinating student activities at two universities.

Dr. Shmaefsky has encountered several incidents of sexual harassment in academic and industrial settings. These incidents spurred him to evaluate the sexual harassment policies at these institutions.

Plus, it gave him the tools to instill science and technology program students with workforce skills that reduce sexual harassment and provide job equity.



Dr. Brian Shmaefsky

References and Additional Reading

- Baridian, A. P.** *Working Together: The New Rules and Realities for Managing Men and Women at Work.* New York: McGraw-Hill, 1994.
- Barickman, R. B.** *Academic and Workplace Sexual Harassment: A Resource Manual (Sunny Series, The Psychology of Women).* Albany: State University of New York Press, 1992.
- Collier, R.** *Combatting Sexual Harassment in the Workplace (Managing Work and Organizations Series).* Berkshire, UK: Open University Press, 1995.
- Gray, J.** *Mars and Venus in the Workplace.* New York: HarperCollins, 2002.
- Paludi, M. A.** *Ivory Power: Sexual Harassment on Campus.* Albany: State University of New York Press, 1990.
- Petrocelli, W., and B. K. Reppa.** *Sexual Harassment on the Job: What It Is and How to Stop It (4th ed).* Berkeley, CA: Nolo Press, 1998.
- Shoop, R. and D. Edwards.** *How to Stop Sexual Harassment in Our Schools: A Handbook and Curriculum Guide for Administrators and Teachers.* Boston: Allyn and Bacon, 1994.
- United States Equal Employment Opportunity Commission.** *Title VII of the Civil Rights Act of 1964.* 1997. Retrieved March 11, 2005, from <http://www.eeoc.gov/policy/vii.html>
- Wyatt, N.** *Information on Sexual Harassment: Chronology.* 2000. Retrieved March 11, 2005, from the Pennsylvania State University Web site: <http://www.de.psu.edu/harassment/generalinfo/>



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