

What is Sexual Harassment?

Sexual harassment has been defined as:

Any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's academic or employment experience, (2) submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting such individual, or (3) such conduct has the purpose or effect of substantially interfering with an individual's academic or work performance or creating an intimidating, hostile or offensive working or learning environment.

Sexual harassment can be as subtle as a look or as blatant as rape. It can occur within and beyond the classroom or workplace. Sexual harassment can be committed by a person of either sex against a person of the same or opposite sex.

Sexual Harassment Is A Legal Issue

Sexual harassment, like harassment on the basis of race or religion, is a form of discrimination expressly prohibited by law. It is a violation of Title VII of the federal 1964 Civil Rights Act and Title IX of the Educational Amendments of 1972 and a civil rights violation of the Illinois Human Rights Act.

SIU's Policy on Sexual Harassment

Southern Illinois University is committed to creating and maintaining a community in which students, faculty, and staff can work together in an atmosphere free of all forms of harassment, exploitation or intimidation. Such actions violate the dignity of the individual and the integrity of the university as an institution of learning. The university will take whatever action is needed to prevent, stop, correct, or discipline behavior that violates this policy. Disciplinary action may include, but is not limited to, oral or written warnings, demotion, transfer, suspension, or dismissal for cause. It is the policy of this university that sexual harassment in any form will not be tolerated; management and supervisory personnel, at all levels, are responsible for

taking reasonable and necessary action to prevent sexual harassment. All members of the university community are encouraged to report promptly any conduct that could be in violation of this policy. Sexual harassment is a violation of Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972 and a violation of the Illinois Human Rights Act (IHRA).

Examples of Sexually Harassing Behavior

1. Angie was called to her professor's office to discuss a grade that she received on a paper. During the discussion, he proceeded to say that there was "another way" to receive an "A" for the course. His proposal was to "spend time" together outside of the classroom so he could get to know her better. For several weeks after this he called Angie continuously at her home.
(This is an example of solicitation of sexual activity by promise of reward harassment.)
2. Ann is working in a traditionally all-male job. Many of the men resent her being there. They think it's funny to watch her reaction as they tell obscene jokes and leave pictures of nude women around the work station. Ann has told her foreman she's offended by their behavior. He said, "Men will be men." The strain of the situation is beginning to have a negative effect on Ann's work.
(This is an example of hostile environment harassment.)
3. Bob works as a secretary for Dean Jordan. Most of the other secretaries are women. They often joke about how useless their husbands are and how men are the dumber sex. The women often tease Bob about being male and ask him to empty the trash and open jars for them. They omit Bob from their conversations on breaks and at lunchtime by telling him he "wouldn't understand because he's a man." Bob is extremely frustrated with the constant male bashing.
(This is an example of generalized sexist remarks or behavior that has been recognized as a form of hostile environment harassment.)

Consenting Relationships

Consenting romantic and/or sexual relationships between a faculty member and a student under the faculty member's academic supervision or between a supervisor and an employee are inappropriate and unprofessional behavior and should not occur.

Such relationships may produce a conflict of interest when one of the parties is responsible for assigning grades or making personnel decisions for the other. Charges of sexual harassment may develop even when both parties have consented to the relationship.

A faculty member or supervisor who enters into a sexual relationship with a student or employee, where a professional power differential obviously exists, must realize that if a charge of sexual harassment is subsequently lodged, the burden will be on the faculty member or supervisor to prove immunity on grounds of mutual consent.

Distinguishing Between Sexual Harassment and Friendly Behavior

If the behavior is perceived as unwelcome it is no longer friendly behavior. Any behavior that makes another person feel uncomfortable or upset is most likely sexual harassment.

The fact that the person did not intend to sexually harass another is generally not considered a defense to a sexual harassment claim because intent is ordinarily irrelevant with these claims. It is the effect and characteristics of the behavior that determine if it constitutes sexual harassment. Furthermore, courts do not consider a person's failure to object to certain sexual behavior a defense to a subsequent charge of harassment.

Sexual harassment is difficult to define because:

- what is inappropriate for one person may be perfectly acceptable to another;
- there is no single test for distinguishing sexual harassment from merely offensive conduct; and
- the context in which the behavior occurs is important.

Recognizing Sexual Harassment

Generalized Sexist Remarks or Behavior

This type of behavior is close to racial harassment in appearance. The sentiments or actions involved are not intended to lead to sexual activity. They are directed to the victim because of gender and often affect a whole group. The offense may be generalized by both its nature and its audience.

"Mr. X commented that all female executives have slept their way to the top."

"My anatomy professor used Playboy centerfolds to illustrate his lectures."

Inappropriate and Offensive Sexual Advances

This type of harassment, while not necessarily threatening, usually produces a feeling of discomfort in the victim. This feeling of discomfort may cause the victim to avoid the harasser in the future, which can limit the victim's ability to function properly in the academic or work environment and will almost certainly affect future professional and personal relationships.

"My supervisor keeps asking me to go out with him. He can't seem to take 'no' for an answer."

"My boss is always putting her arm around me."

Solicitation of Sexual Activity by Promise of Reward

In its extreme, this type of harassment amounts to an attempt to purchase sexual behavior. In more blatant forms, this behavior can be prosecuted as a criminal act. Even the suggestion of coercive sexual behavior may cause harm. Individuals may be confused by this behavior and intimidated by the power of the initiator. This is especially the case when the person propositioned is young or naive and may fail to grasp fully the significance of the request.

"She said I would get an 'A' in the class if I let her touch me."

"He said that if he could get to know me better outside of class, my chance of getting into the graduate program would be increased."

Coercion of Sexual Activity by Threat of Punishment

In this situation, a single recommendation or grade may be at stake, or access to a field of study or position advancement, potentially jeopardizing the career of the victim.

"He said all of his assistants had been willing to stay in the same room with him on business trips."

"She said that if I quit seeing her, I needed to find a new chair for my dissertation committee."

Hostile Working or Academic Environment

This type of harassment encompasses any sexual comments or conduct that has the purpose or effect of unreasonably interfering with a person's work or academic performance or creates an intimidating, hostile or offensive working or learning environment.

"My co-worker constantly place pictures of nude women on my workstation and in my desk."

"My professor tells sexually explicit jokes during her lectures."

Sexual Crimes and Misdemeanors

This category applies to acts which, if reported to police, would be considered felony crimes or misdemeanors.

"We were in the supply room alone. He raped me."

Preventing Sexual Harassment

It is all too common for someone accused of sexual harassment to say, "I didn't realize he/she would be offended by that." All members of the University community should become more knowledgeable about sexual harassment and more sensitive to the impact of their behavior on others. Members of the University community who supervise others have a special responsibility in this regard. They must help create an environment that actively discourages behavior that could be viewed as sexual harassment.

What You Can Do To Stop Sexual Harassment

1. Clearly communicate to the harasser that the conduct is unwelcome and must stop.
2. Refuse to answer personal questions.
3. Place a copy of the University's sexual harassment policy on the harasser's desk or in his/her mailbox.
4. Adopt an icy "Miss Manners" approach (i.e., "I beg your pardon!").
5. Send the harasser a letter.
 - Provide a factual account of what happened.
 - Describe how the incident(s) made you feel.
 - Explain what you want to happen next.
 - Deliver the letter in person or by mail. Keep a copy.

Take Action

If you have a victim or witness or sexual harassment, please contact one of the sexual harassment information advisers. An adviser can provide you with:

1. Confidential information about sexual harassment.
2. Information on SIUC's policy, procedures and deadlines regarding the following processes:

Direct Action

Verbal or written contact with the harasser.

Informal Conciliation Process

A conciliator acts as an intermediary between the complainant and the accused to help them achieve a mutually agreeable settlement.

Formal Complaints

This is initiated by a formal written statement and followed by an investigation.

3. Information and copies of applicable state and federal laws.

In the event of a sexual harassment complaint, procedural safeguards protect the civil rights of the complainant, the accused and others involved. At SIUC, no disciplinary action is taken unless a complaint is found to be justified.

Every effort will be made to protect the privacy of the person involved in the complaint. Information will be given only to those persons with a legitimate need to know. However, complete confidentiality throughout the complaint process cannot be guaranteed.

No person may be subjected to any form of retaliation for seeking information on sexual harassment, filing a sexual harassment complaint or testifying, assisting or participating in an investigation, proceeding or hearing involving a complaint of sexual harassment. Any retaliatory action taken will be a violation of the University's sexual harassment policy and will be grounds for disciplinary action.

All members of the University community are encouraged to speak out when they see, hear of, or experience incidents of sexual harassment.