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## Appendix E Sexual Harassment Awareness and Avoidance Policies

### Summary Of Research Of The Incidence Of Sexual Harassment In College/University Settings

*Dziech and Weiner (1984)*

30% of all undergraduate women suffer sexual harassment from at least one of their instructors during their college careers.

*Adams, Kottke, and Padgitt (1983)*

13% of women students surveyed reported they had avoided taking a class or working with certain professors because of the risk of being subjected to sexual advances; 17% received verbal sexual advances; 13.6% received sexual invitations; 6.4% had been subjected to physical advances; 2% received direct sexual assault.

*Chronicle of Higher Education Report of Harvard University (1983)*

15% of the graduate students and 12% of the undergraduate students who had been sexually harassed by their professors changed their major or educational program because of the harassment.

*Wilson and Kraus (1983)*

8.9% of the female undergraduates in their study had been pinched, touched, or patted to the point of personal discomfort.

*Bailey and Richards (1985)*

12.7% of 246 graduate women surveyed reported that they had been sexually harassed; 21% had not enrolled in a course to avoid such behavior; 11.3% tried to report the behavior; 2.6% dropped a course because of it; 15.9% reported being directly assaulted.

*Bond (1988)*

75% of 2290 faculty experienced jokes with sexual themes during their graduate training; 68.9% were subjected to sexist comments demeaning to women; 57.8% of the women reported experiencing sexist remarks about their clothing, body, or sexual activities; 12.2% had unwanted intercourse, breast or genital stimulation.

## What is Sexual Harassment?

The Civil Rights Act of 1964 makes it illegal for an employer to discriminate against a person with respect to terms, conditions or privileges of employment or academic standing because of his/her sex, as well as race, color, religion and national origin. In 1980, the Equal Employment Opportunity Commission (EEOC) published guidelines which identified sexual harassment to be a violation of Title VII. The EEOC describes behavior that constitutes sexual harassment as follows:

Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when...

- **quid pro quo**-the person engaging in such behavior explicitly or implicitly makes submission to or rejection of such conduct a term or condition of employment or academic standing. In plain language, this means a person has to put up with sexual conduct to be hired or to avoid being fired);
- **quid pro quo**-the person engaging in such behavior explicitly or implicitly makes submission to or rejection of such conduct a basis for decisions affecting employment or academic life. (An example is that you must date the boss to get a promotion or transfer); or
- **hostile work environment**-the person's behavior is an attempt to interfere, or has the effect of interfering, with one's work or academic performance, or creates an intimidating, hostile, or offensive working or learning environment.

### quid pro quo

When submitting to sexual conduct is a condition of employment or academic standing, it is illegal regardless of whether the request was made outright or implied. Where implied, courts will look at how the victim was treated before and after the request.

In the case of an employment decision affecting the individual, the decision doesn't have to cost the employee his/her job nor does there actually have to be a request for sex. The supervisor who bends the rules for those people who go along with his or her sexual comments is making employment decisions based on willingness to submit to sexual conduct.

The EEOC is not interested in what two consenting adults do, provided it is not offensive to others in the work place. Romance does occur at work. The EEOC is interested when sexual conduct becomes a condition of doing business. For instructors, a request for a date with a student could be construed as a condition of academic standing since that person is in a more powerful position than the student. The same holds true for a supervisory/subordinate relationship.

The same rules apply to clients, vendors and others who are not employed by the organization. There is an obligation to maintain a work environment which is free from harassment of any kind, regardless of whether the offender is employed by the company.

### Hostile Environment

Courts have ruled that a hostile environment exists where there is no economic consequence or benefit from the harassment but it has the purpose or effect of creating an atmosphere so negative it interferes with another person's performance. Comments and actions by supervisors, coworkers or clients fall into this category. For co-workers, a request for a date once or twice isn't against the law. When the request becomes repeated after the other party has said no or other kind of pressure is applied, the behavior can create a hostile environment that interferes with the work of others.

## **The Institution's Obligation**

The EEOC Guidelines further state that as an employer:

- you are responsible for harassment by your supervisory personnel whether or not you know about the actions or whether or not you approve or disapprove of the actions.
- you are responsible for harassment by coworkers if you know or should know about the actions and you do not take immediate and appropriate action to correct the situation.
- you may be responsible for harassment of your employees by people who are not your employees when the harassment occurs in the line of work and the employer knows or should know about it and fails to take immediate and appropriate action.
- you should take all necessary steps to prevent sexual harassment from occurring in the first place.
- you may be sued for sex discrimination by employees if they can prove that an employee who submitted to sexual requests gained from that action at the expense of other employees who were equally qualified and denied those benefits.

## **Who is Harassing Others at Work or in the Classroom?**

We often think of sexual harassment occurring only between supervisor and subordinate or teacher and student, however in recent years, studies have shown a significant rise in peer to peer harassment. There is not just one type of person who can be expected to harass others. We identify three types:

- People who are unaware they do or say things that embarrass others and make people uncomfortable. Since they have no intention of causing harm, they will stop once they're told what effect their behavior has on others.
- People who are insensitive they know what they are doing is wrong, but they don't care and won't stop until management requires them to do so and they understand the consequences for not doing so.
- People who are hard core they are usually angry people who degrade, intimidate and abuse others. These individuals will be terminated at some point. The institution can't afford the liability.

## **Degrees Of Sexual Harassment**

The range of behaviors which can result in a complaint of sexual harassment is very broad and doesn't necessarily mean that the harasser is intent on having sex.

Potentially harassing behavior is often seen as socially acceptable, but becomes a corporate liability when it is repeated enough times to make it offensive to the recipient. Examples include

mild flirting, compliments or comments that may be construed as sexual in nature- "I like your new dress-it's a perfect fit."

Subtle sexual behavior is sometimes socially acceptable, but more often, is found to be as offensive by reasonable men and women. This is bothersome, worth mentioning, but generally doesn't warrant a formal complaint. Examples include: jokes, innuendos, flirting, asking someone for a date.

Moderate sexual behavior isn't socially acceptable and is offensive to reasonable men and women. Action must be taken to stop the offender immediately. Examples include sexually explicit jokes, sexually explicit language, pornographic pictures, and sexually offensive language.

Severe sexual behavior is never socially acceptable and calls for serious disciplinary action. This behavior includes physical behavior such as attempted or actual rape, sexual assault or serious sexual slurs.

### **Examples Of Potentially Harassing Behavior**

Sex-based behavior occurs on account of sex or gender. Following are examples of conduct or communication that can be elements of harassing behavior. When comments like these are made or actions taken, they are directed at one sex or someone's sexual preference. It is unlikely that the same comments would be made by men about men or by women about women. If a verbal battle of the sexes is occurring, then a hostile environment is being created in the classroom or for that work group.

#### **Verbal Communication:**

- "We can't assign a woman to this job since its in a plant."
- "We're not hiring any gays in this department."
- "The men around here just want women to smile, look pretty, and keep quiet."
- "This is a male bonding meeting no women allowed."
- referring to a female as a girl, or as "babe", "honey", "doll" or other dehumanizing terms
- referring to a male as a "hunk", "stud" or other dehumanizing terms
- making comments about an individual's body
- making comments about an individual's clothing
- any sexual comments or innuendo
- turning work discussions to sexual topics
- telling sexual jokes or stories
- asking about sexual fantasies, preferences, or sexual history
- asking personal questions, particularly questions about an individual's social or sexual life
- repeated requests for dates
- repeated stories, spreading rumors, or lies about an individual's personal life
- whistling, cat--calls or other suggestive sounds

#### **Non--Verbal Communication:**

- staring at an individual
- looking a person up and down
- pointedly glancing at breasts, buttocks or genitalia

- giving unsolicited gifts
- displaying sexually suggestive visual material, posters, etc.
- suggestive facial expressions (winking, throwing kisses, etc.)
- suggestive gestures with hands or through body movements

### **Physical Acts**

- touching an individual's clothing, jewelry, hair or body (imaginary "lint pickers")
- massaging or rubbing around the neck or shoulders
- standing close to or brushing against an individual
- touching or rubbing oneself in a suggestive or sexual manner in the presence of others
- hugging, kissing, patting or stroking (including, friendly corporate kissing)
- hanging around an individual's desk
- following an individual around
- blocking an individual's path
- holding unnecessarily private conversations
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### **Two Key Principles**

1. The more severe the behavior is, the fewer times it needs to be repeated before reasonable people define it as harassment. The less severe it is, the more times it needs to be repeated.

One light joke is not sexual harassment, however, the same joke told over and over could be.

2. The less severe the behavior is, the more responsibility the receiver has to speak up. The more severe the behavior is, the less responsibility the receiver has.

The quickest way to stop sexual harassment in the work place is for each employee to say immediately that conduct or communication is offensive and it should stop.

In the case of less severe behavior, some people aren't offended so unless the harasser is confronted, he or she may feel it's OK to continue. Studies show that it tends to get worse and become severe if it is not stopped quickly.

In the case of the more serious behavior, the harasser should know that this behavior is totally inappropriate.

### **COMMON REACTIONS TO BEING SEXUALLY HARASSED**

- Confused, embarrassed
  - Am I overreacting?
  - Have I misinterpreted the situation?
  - Have I done something to lead him/her on?
- Helpless
  - No one is going to believe me!
  - It's his/her word against mine.
  - If I complain, it will make matters worse.
- Angry, insulted
  - I'm being cheated.
  - Why isn't anyone doing something about his/her behavior?

- Worried
  - I'll never get a good recommendation from him/her if I don't go along.
  - All the other managers/employees will know if I file a complaint.
  - Everyone will say I'm too sensitive.

### **Common Coping Styles**

- I'll ignore the situation. If I don't respond, nothing will happen.
- Next time, I'll laugh it off.
- Next time, I'll tell him/her off.
- I'll drop the course and/or change my major.
- It's my fault - I'm naive.
- I'll write a letter to let him/her know I don't want the behavior to continue.

## **SEXUAL HARASSMENT TRAUMA**

### **Emotional Reactions**

- Anxiety, shock, denial
- Anger, fear, frustration
- Insecurity, betrayal, embarrassment
- Confusion, self--consciousness
- Shame, powerlessness
- Guilt, isolation

### **Physical Reactions**

- Headaches
- Sleep disturbances
- Lethargy
- Gastrointestinal distress
- Hypervigilance
- Dermatological reactions
- Weight fluctuations
- Nightmares
- Phobia, panic reactions
- Genitourinary distress
- Respiratory problems
- Substance abuse

### **Changes in Self-Perception**

- Negative self--concept
- Lack of competency
- Lack of control
- Isolation
- Hopelessness
- Powerlessness

## **Social, Interpersonal Relatedness, And Sexual Effects**

- Withdrawal
- Fear of new people, situations
- Lack of trust
- Lack of focus
- Self--preoccupation
- Changes in social network patterns
- Changing attitudes, behaviors toward sexual relationships and potentially sexual disorders associated with stress and trauma

## **Academic Effects**

- Changes in study and work habits
- Educational difficulties
- Absenteeism
- Withdrawal from school or class
- Changes in academic goals

## **A Reasonable Woman**

Until 1991, the standard by which behavior was measured was how a "reasonable man" and later "reasonable person" would respond to sexually oriented conduct. In a 1991 case, the Ninth Circuit Court established the reasonable woman standard, in recognition that most harassment takes place with male harassers and female victims. While this is not a universal standard (the most recent Supreme Court decision mentions a reasonable person), it is worthy of examination. But what is meant by a reasonable woman?

The Ninth Circuit Court said that harassment must be taken from the victim's perspective and that requires an analysis of the different perspectives of men and women. The consequences of sexually oriented behaviors are greater for women than for men- most victims of sexual attack are women. Even more moderate sexually oriented behavior, such as asking for a date or flirting, can be viewed as more threatening to women, as many women perceive themselves to be in less powerful positions than men. In other words, what may not be offensive to a reasonable man may be offensive to a reasonable woman.

When the same situation is described to men and women, the disagreement is not about what happened, but rather with what the behavior means. Men often try to justify their behavior on the grounds that they are just friendly and trying to make an employee feel welcome. In a recent survey by the American Bar Association, 67% of men said they would be flattered by sexual advances at work while only 15% of women survey said they would be flattered by the same action. Another recent study by Northwest Missouri State University reported that 46% of the men said they thought women should be flattered by behaviors defined as sexual harassment by both sexes.

The Court further said that a female employees may state a prima facie case of hostile environment sexual harassment by alleging conduct that a reasonable woman would have considered sufficiently severe, however the employer does not have to accommodate the rare hypersensitive employee. The reasonable person or woman standard is not static, but will change as the values and views of women and society as a whole change.

## **Roles And Responsibilities**

All employees have a responsibility to do what is necessary to maintain an educational and work environment that is free from sexual harassment. To accomplish this goal, employees must be able to react effectively to sexual harassment when it happens and to act to prevent other such incidents. Some responsibilities include:

- Recognizing sexual harassment when it happens.
- Observing your educational and work environment and being conscious of what goes on around you.
- Being aware of your own actions.
- If harassed, confronting your harasser.
- Seeking assistance and counsel.
- Reporting any incidents of harassment to the appropriate individuals.
- When you notice someone being harassed, talking to the harasser to try to get him/her to stop harassing the victim.
- Supporting the recipient of the harassing behavior.

## **College Procedure**

Title: **63.01D-SEXUAL HARASSMENT**

College Procedure Title/Number:           Discrimination Complaint Procedures, 63.01.01  
Diversity, 63.01.02

Howard Community College concurs in the action of the Maryland Higher Education Commission in recognizing that sexual harassment seriously damages the integrity of the educational institution, destroys the institution's positive work and educational atmosphere, and causes psychological and physiological damage to the victim. The college condemns such illegal activity and is strongly committed to promoting an educational and work environment free from sexual harassment of any form. For the purpose of these guidelines, the college adopts the sexual harassment definition promulgated by the United States Equal Employment Opportunity Commission.

It is a violation of this policy for any member of the college staff to harass a student or employee through conduct or communications of a sexual nature as defined below. It is also a violation of this policy for students to harass other students through conduct or communications of a sexual nature as defined below or for students to harass staff.

### **Definitions**

Unwelcome sexual advances, requests for sexual favors and other inappropriate oral, written or physical conduct of a sexual nature when made by a member of the college staff to a student or another employee or when made by a student to another student constitute sexual harassment when:

1. submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's education or employment;
2. submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting that individual; or

3. such conduct has the purpose or effect of substantially interfering with an individual's academic, professional or employment performance or creating an intimidating, hostile or offensive academic or employment environment.

Sexual harassment, as defined above, may include but is not limited to the following:

1. verbal harassment or abuse;
2. pressure for sexual activity;
3. repeated remarks to a person, with sexual or demeaning implications;
4. unwelcome touching;
5. suggesting or demeaning sexual involvement accompanied by implied or explicit threats concerning one's grades, job, etc.

The president of the college will implement this policy and will establish procedures to handle complaints made under the provisions of this policy. The procedures will provide: 1) that the right to confidentiality, both of the complainant and of the accused, will be respected consistent with the college's legal obligations, and with the necessity to investigate allegations of misconduct and take corrective action when this conduct has occurred; 2) that persons filing complaints of sexual harassment will be protected against reprisals, but that the deliberate filing of false accusations of sexual harassment will be condemned and may lead to possible disciplinary action.

A substantiated charge against an employee of the college will subject that employee to disciplinary action, which may include dismissal.

A substantiated charge against a student of the college will subject that student to disciplinary action including suspension or expulsion.

## **College Procedure**

Title: **63.01.01-DISCRIMINATION COMPLAINT PROCEDURES**

College Procedure Title/Number:            Non-discrimination, 63.01  
  Equal Employment Opportunity, 63.01A  
  Equal Educational Opportunity, 63.01B  
  Affirmative Action, 63.01C  
  Sexual Harassment, 63.01D

The following procedures are adopted to process complaints alleging violations of the college's policies on non-discrimination, equal employment opportunity, equal educational opportunity, affirmative action, or sexual harassment, and will be in addition to any complaint or charges an employee, applicant or student files with state or federal agencies. These procedures apply to all complaints of discrimination or harassment, including sexual harassment, made against either an employee or a student. Howard Community College will conduct its own investigation and will respond to the complaint, regardless of the reporting party. Complaints or concerns of

discrimination or harassment made by or against a college employee should be reported to the director of human resources. Complaints or concerns of discrimination or harassment made by a student should be reported to the vice president of student services. Complaints of discrimination or sexual harassment made against a student will be processed under the student judicial process.

### **1. Initiation of Complaint**

Any employee, applicant, or student who alleges a violation of college policy on non-discrimination, equal employment opportunity, equal educational opportunity, affirmative action, or sexual harassment by an employee should file a complaint with the director of human resources setting forth the grounds for the complaint. If the complaint is against the director of human resources, the reporting person should file the complaint with the vice president of administration and finance. If the complaint is against a student, the reporting person should file a complaint with the vice president of student services.

### **2. Fact Finding**

The director of human resources or the director's supervisor will initiate the fact-finding process in response to the complaint against an employee and attempt to resolve the issue with the reporting employee, applicant, or student. In cases where a complaint has been made against a student, the vice president of student services will initiate the fact-finding process, which will be in accordance with the student judicial process, as defined in the student code of conduct.

### **3. Conference with the President**

If the complaint against an employee cannot be resolved by the director of human resources, the matter will be forwarded to the president of the college by the director of human resources or the director's supervisor with a recommendation. The president will hold an information conference between the parties and make a decision on the charges.

### **4. Appeal**

The decision of the president may be appealed to the board of trustees.

### **5. Confidentiality**

All parties and staff will keep the complaint, fact-finding process and conference or hearings confidential, except to the extent that it is necessary to investigate and process the complaint. Furthermore, all student records and access to student records shall comply with the Family Educational Rights and Privacy Act of 1974 (FERPA).

### **6. Reprisals and False Complaints**

Persons filing complaints of harassment or discrimination will be protected against reprisals by actions that are appropriate to the circumstances. Those persons filing deliberate false complaints will be subject to disciplinary action, which may include dismissal from the college.

## 7. Disciplinary Action

Substantiated complaints of violation of the above referred to policies may subject the offending party to disciplinary action (see [“Suspension and Dismissal Policy” 63.12](#)), which may include dismissal from the college.

### SUGGESTED READING

- Astin, Helen S. and Leland, Carole. *Women of Influence, Women of Vision*. San Francisco: Jossey-Bass Publishers, 1991.
- Gilligan, Carol. *In a Different Voice*. Cambridge: Harvard University Press, 1982.
- Miller, Casey and Swift, Kate. *The Handbook of Nonsexist Writing*. New York: Harper & Row, 1988.
- Paludi, Michele A., ed. *Ivory Power: Sexual Harassment on Campus*. Albany, NY: State University of New York Press, 1987.
- Paludi, Michele A. and Barickman, Richard B. *Academic and Workplace Sexual Harassment: A Resource Manual*. Albany, NY: State University of New York Press, 1991.
- Powell, Elizabeth, M.S. M.A. *Talking Back to Sexual Harassment Pressure*. Minneapolis, MN: CompCare Publishers, 1991.
- Tannen, Deborah, Ph.D. *You Just Don't Understand: Men and Women in Conversation*. New York: William Morrow and Company, 1990.
- Wagner, Ellen J. *Sexual Harassment in the Workplace: How to Prevent, Investigate, and Resolve Problems in Your Organization*. New York: Amacom, 1992.
- Webb, Susan L. *A Step Forward: Sexual Harassment in the Workplace, What you Need to Know!* USA: MasterMedia Limited, 1991.

## College Procedure

Title: **63.01.02-DIVERSITY**

College Procedure Title/Number:            Nondiscrimination, 63.01  
   Equal Employment Opportunity, 63.01A  
   Equal Educational Opportunity, 63.01B  
   Affirmative Action, 63.01C  
   Sexual Harassment, 63.01D

Howard Community College's diversity program has been designed to ensure equality of opportunity in employment and education as well as to develop and maintain educational programs and services for all of the diverse populations of the community. The college maintains a standing cross-functional Diversity Team. The team's responsibilities are:

1.        to promote diversity in the college;

2. to advise the human resources officer on matters pertaining to non-discrimination, equal employment opportunity, and diversity;
3. to review the membership of all search committees to ensure diverse representation;
4. to serve as liaison between students and the college in matters of diversity;
5. to review and recommend changes in the Diversity Plan as such modifications become necessary;
6. to review relevant reports to monitor progress toward college hiring goals and implementation timetables if applicable; and
7. to provide a representative to serve on each college search committee.

Diversity Committee members will be appointed by the college president. Of those appointed, the president will select one to be chairperson and one to be vice-chairperson. Diversity Committee members will serve for a period of at least two years with half of the committee members completing a term at the end of each academic year.

Membership will include at least the following:

1. two faculty members;
2. two support staff employees;
3. one administrative employee;
4. one professional/technical employee;
5. two students;
6. two at-large employees;
7. human resources officer (ex-officio);
8. the coordinator of the institution's compliance with Section 504 of the Rehabilitation Act of 1973 (ex-officio); and
9. other members as needed to carry out the duties of the committee.

Committee membership will also represent the diversity of the college's employee and student population consistent with its affirmative action practices.

Copies of the Diversity Plan and the Affirmative Action Plan are available in the HCC library, the office of human resources, the office of continuing education, the president's and vice-president's offices, the instructional division offices, the student services area and the student activities office.

The college uses the following ethnic categories in order to report employment statistics to the Equal Employment Opportunity Commission, as required by law. The information is derived from voluntary employee self reports on the Employee Data Sheet.

**White (not of Hispanic origin)** - a person having origins in any of the original peoples of Europe, North Africa or the Middle East.

**African American (not of Hispanic origin)** - a person having origins in any of the black groups of Africa.

**Hispanic** - a person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race.

**Asian/Pacific Islander** - a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. The areas include, for example, China, Japan, Korea, the Philippine Islands and Samoa.

**American Indian/Inuit/Aleut** - a person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.

## College Procedure

Title: **63.01-NON-DISCRIMINATION**

College Procedure Title/Number:                      Discrimination Complaint Procedures, 63.01.01  
Diversity, 63.01.02

The college prohibits discrimination against any person on the basis of race, religion, gender, color, ancestry or national origin, age, political opinion, sexual orientation, marital status, veteran status, or physical or mental disability of otherwise qualified individuals. This non-discrimination policy applies to and includes, but is not necessarily limited to, employment practices, educational programs, student admissions, and access to services. The college will abide by all applicable requirements of state and federal law prohibiting discrimination.

All members of the college community are expected to abide by this non-discrimination policy and to abide by state and federal requirements. Those persons charged with a violation of this policy, if substantiated, may be subject to disciplinary action, including discharge, in addition to the penalties imposed under state and federal law.

The president of the college will implement this policy and notify administrators, professional staff and employees about the policy. The president will also establish procedures to investigate and to process complaints made under the policy.

In addition, the college will go beyond avoiding overt discrimination and will, through educational programs, help faculty and staff to become aware of and to recognize more covert and subtle forms of discrimination and to remove those institutional barriers to equality.

### Definitions

Ethnicity or race is used operationally to mean the voluntary self-disclosure of ethnic designations used by the State of Maryland or the Federal Government for the purposes of monitoring non-discrimination. The designations are: White (not of Hispanic origin) including all persons having origins in any of the original peoples of Europe, North Africa or the Middle East; African-American

or Black (not of Hispanic origin); Hispanic including all persons of Mexican, Puerto Rican, Cuban, Central or South American; Asian or Pacific Islander and American Indian or Alaskan native.

Freedom of political opinion includes participation in politics or political campaigns and the free expression of ideas; however, it does not include ability to engage in political activity while on the job during working hours, advocacy of the overthrow of the government by unconstitutional and violent means, or obligation to contribute or render political services by employees. For students, it does not include the ability to engage in activity which violates the rights of others or is otherwise unlawful.

Sexual orientation means preferred, consensual, adult sexual behavior.