

Recognizing and Responding to Sexual Harassment

“As we work to make Oregon State University a safe, inclusive, and nurturing community for all of us, it is imperative that we end any form of harassment on campus. I expect each and every member of the OSU community to become informed about harassment and to take responsibility for preventing harassment in all its forms.”

--Oregon State University President Ed Ray

This session will cover:

- What sexual harassment looks like and how it is defined by OSU.
- How to respond if you experience sexual harassment, including how to access resources.
- What your responsibilities are if you learn of or have reason to believe that sexual harassment is occurring.
- How OSU works to address and prevent sexual harassment.

Sexual Harassment in the Workplace

The workplace differs from the broader community because at work

- Some people have authority over others that can be misused
- People are not as free to come and go as they are elsewhere
- Behaviors that are permissible in social settings or public places may not be appropriate or allowed

Sexual Harassment on Campus

- Sexual harassment continues to be a problem on university campuses.
- Men and women are equally likely to be harassed;
 - however, both men and women are most likely to identify a man as the alleged harasser.
- Members of certain groups are more likely to experience harassment
 - Lesbian, gay, bisexual, transgender individuals
 - Persons with disabilities
- Most employees are harassed by someone with greater positional power.
- More than one-third of individuals do not report sexual harassment to someone who can respond.

*Data from American Association of University Women 2005 Survey
and the Thompson Educator's Guide to Controlling Sexual Harassment*

Defining Sexual Harassment

- Unwelcome*
- Conduct of a sexual nature
- When:
 - Submission is either explicitly *or* implicitly a term or condition of an individual's employment or education;
 - Submission to *or* rejection of such conduct is used in employment or education-related decisions, or;
 - Such conduct is sufficiently severe or pervasive that it has the **effect**, intended or unintended, of unreasonably interfering with an individual's work or academic performance because it has created an intimidating, hostile, or offensive environment and would have such an effect on a reasonable person of that individual's status.

*Employee conduct directed towards a student—whether unwelcome *or* welcome—can constitute sexual harassment under OAR 580-015-0010(2)

What constitutes a “hostile environment”?

- Subjective experience
- Adverse Effect
 - Individual
 - Environmental
- Reasonable person standard
 - Severity
 - Pervasiveness

Examples of Sexual Harassment

Sexual in nature

- Sexual comments, jokes, gestures, or looks
- Sexual pictures, photographs, or webpages
- Sexual texts and picture messages
- Sexual rumors
- Touching, grabbing, or pinching in a sexual way
- Being asked to do something sexual in exchange for something else
- Perpetrating acts of sexual violence

Directed at someone because of their sex

- Sexist and/or homophobic comments
- Pressure to engage in an unwanted relationship
- Unwelcome gifts
- Differential treatment based on sex

Is this harassment?

Camille, an undergraduate student, arrives at the lab at noon on Saturday to meet Charles, a graduate research assistant, to assist with a research project. Charles has recruited several undergraduate students to assist him with the project. While they are setting up Camille asks when Janet & Jason, the two other students, will be joining them. Charles replies that he told Janet & Jason to take the afternoon off. He then puts his hand on Camille's shoulder and goes on to say how much he's looking forward to working with just her that afternoon. Despite the concerns this raises in her mind, she proceeds with the set up. As the work proceeds, Charles and Camille talk about a variety of things. After a lull in the conversation Charles asks Camille, "What do you look for in a boyfriend?" Camille says she doesn't feel comfortable sharing personal information. Charles tells her he's just trying to get to know her better and that she should relax a little, after all, they have to spend all afternoon together.

Is *this* sexual harassment?

- Is there unwelcome behavior?
 - If so, what behavior(s)?
- Is the behavior sexual in nature (about sex or sexuality, or directed at someone because of their sex)?
- Does the behavior create either ***quid pro quo situation*** or a ***hostile or intimidating environment***?

Consensual Relationships

OSU's Definition: Romantic, intimate or sexual relationships where one of the parties has institutional responsibility for or authority over the other or is involved in evaluation of the other party, whether the other party is an employee or a student.

Policy Requirements:

- Disclosure to a higher level administrator
- Alternate arrangements
 - Eliminate conflict of interest
 - Minimize negative effect on others

Is this harassment?

Kim and Dean are students in the same cohort. Dean has been interested in dating Kim and has asked her out on a number of occasions. Kim has repeatedly declined his offers, saying that she prefers to keep her academic and private lives separate. Kim has become so uncomfortable with Dean's persistent requests that she has asked the department chair about the possibility of transferring out of the cohort so she would no longer work as closely with Dean. Frustrated with Kim's repeated refusals Dean mentions to Phil, another student, that Kim must be a lesbian because she won't go out with him but spends so much time with Sarah, also a student in the group. Surprised by this information, Phil later asks Sarah if she and Kim are dating. When Sarah tells Kim about Phil's question, Kim is angry and embarrassed. She goes back to the chair and tells her that if she is required to stay in the cohort with Dean she is afraid that she might have to leave the program altogether.

Responding to Sexual Harassment

How to respond?

- If you feel that you are being sexually harassed:
 - Ask the person to stop
 - Get support
 - Report it

Guidelines for Responding

*If someone tells you about an experience of sexual harassment or violence, remember **SILVER**:*

- **SAFETY**: Determine risk
- **INFORM**: Explain limits to anonymity
- **LISTEN**: Be fair and reserve judgment
- **VALIDATE**: Believe the person making the report
- **EMPOWER**: Provide options about resources
- **REFER**: Inform survivors of their rights
- **Contact the OEI**

Limits to Anonymity

You may need to provide identifying information to the appropriate office in the following situations:

- Perception of imminent harm
- Reasonable knowledge of harassment by an OSU community member
- Reasonable knowledge of harassment that is
 - Occurring/has occurred on university property
 - Occurring/has occurred during a university activity
 - Having continuing effects in the educational setting

How must *OSU* respond?

It is the university's obligation to take reasonable steps to eliminate sexual harassment and violence, prevent recurrence, and address effects:

- Ensure a fair process for *all* parties
- Address the situation immediately
- Determine the appropriate approach
- Investigate the complaint
- Consider all relevant details
- Determine an appropriate outcome

Possible outcomes/sanctions

If harassment is found:

- Education/counseling
- Warning
- Reprimand
- Mediation (*except for allegations of sexual assault*)
- Denial of merit raise
- Transfer
- Denial of promotion and/or tenure
- Suspension
- Termination

Policy on Retaliation

- When someone engages in *protected activity*:
 - expressing concern to appropriate authority
 - filing a complaint
 - participating in an investigation
- The person is protected from *retaliation*:
 - actions that could deter complaints
 - taken because of protected activity



Oregon State University Bullying Policy

Oregon State University is committed to maintaining a working, learning, and social environment in which the rights and dignity of all the staff, faculty, and students of the University community are respected. Among the many things we do to maintain such an environment, the University prohibits behaviors that rise to the level of bullying as described below.

Under this University policy, bullying is prohibited. Bullying is defined as conduct of any sort directed at another that is severe, pervasive or persistent, and is of a nature that would cause a reasonable person in the victim's position substantial emotional distress and undermine his or her ability to work, study or participate in his or her regular life activities or participate in the activities of the University, and actually does cause the victim substantial emotional distress and undermines the victim's ability to work, study, or participate in the victim's regular life activities or participate in the activities of the University.

This policy is not intended to and will not be applied in a way that would violate rights to academic freedom and freedom of expression, nor will it be interpreted in a way that undermines a supervisor's authority to appropriately manage their work unit. This definition reserves to the University, in furtherance of its educational mission, the right to address conduct that would not necessarily be unlawful. It is not intended to create individual or group rights, whether contractual or otherwise, that do not exist under existing law.

Concerns about violations of this policy can be directed to the University's Office of Equity and Inclusion for consultation and possible investigation.

More information about the dynamics and effects of bullying is available through the [University Ombuds Office](#).

Strategies to prevent harassment:

- Create an atmosphere of respect
- Be aware of the potential unintended effects of your own behavior
- Always be a role model for appropriate behavior
- Publicize policies and expectations
- Schedule training
- Create an environment where all feel empowered to voice concerns
- Be clear that harassment of any type will not be tolerated

Policy on Discriminatory Harassment

Harassment and intimidation can impede an individual's ability to participate fully in the educational process. Acts of discrimination, harassment and insensitivity hurt and degrade all members of the campus community whether victim, perpetrator, or observer.

OSU prohibits discrimination on the basis of:

Age

Color

Disability

Gender identity or expression

Genetic Information

Marital status

National origin

Race

Religion

Sex

Sexual orientation

Veteran status