SEXUAL HARASSMENT—WHAT IS IT?

In the employment context, harassment on the basis of sex is a violation of Sec. 703 of Title VII of the Civil Rights Act of 1964. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment.
2. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual;
3. such conduct is sufficiently severe or pervasive so as to substantially interfere with the individual’s employment, education or access to University programs, activities and opportunities. To constitute prohibited harassment, the conduct must be such that it detrimentally affects the individual in question and would also detrimentally affect a reasonable person under the same circumstances.

Examples of Sexual Harassment:

- Pressure for sexual activity
- Requests for sexual favors
- Unwelcome patting, hugging, or touching of a person’s body, hair, or clothing
- Sexual innuendos, jokes, or comments
- Asking about a person’s sexual fantasies, sexual preferences, or sexual activities
- Repeatedly asking for a date or making invitations after the person has expressed disinterest
- Displaying or transmitting sexually suggestive electronic content, including inappropriate emails
- Giving unwelcome personal gifts

Kenneth F. Lehman II, Vice Provost for Affirmative Action

POLICY AD95

The University is committed to equal access to programs, facilities, admission and employment for all persons. It is the policy of the University to maintain an environment free of harassment and free of discrimination against any person because of age, race, color, ancestry, national origin, religion, creed, service in the uniformed services (as defined in state and federal law), veteran status, sex, sexual orientation, marital or family status, pregnancy, pregnancy-related conditions, physical or mental disability, gender, perceived gender, gender identity, genetic information or political ideas.

Discriminatory conduct and harassment, as well as sexual misconduct and relationship violence, violates the dignity of individuals, impedes the realization of the University's educational mission, and will not be tolerated.

UNDERSTANDING DISCRIMINATORY BEHAVIORS UNDER TITLE IX

Title IX also prohibits discrimination on the basis of sex in any program or activity including, but not limited to:

1. Educational programs or activities, e.g., student services, academic counseling, discipline, classroom assignment, grading, athletics, research and study abroad;
2. Admission and recruitment, e.g., financial aid, housing;
3. Medical services, including psychological counseling.

UNLAWFUL DISCRIMINATORY BEHAVIORS UNDER TITLE IX

SEXUAL HARASSMENT (unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature)

SEXUAL MISCONDUCT (rape, sexual assault, sexual battery, sexual exploitation and other forms of non-consensual sexual activity)

STALKING (repeatedly following, harassing, threatening or intimidating another by telephone, mail, electronic communication or social media)

DATING VIOLENCE (including emotional, verbal, and economic abuse without the presence of physical abuse)

DOMESTIC VIOLENCE (including emotional, verbal and economic abuse without the presence of physical abuse)

RETRIAL (adverse employment, academic or other actions against anyone reporting or participating in an investigation of Title IX allegations)

A WORD ABOUT HARASSMENT

Sexual harassment is not only against University policy—it’s illegal. A person who sexually harasses another can be held liable for his or her actions. It is important that people consider how their behavior is viewed by others. Many accused harassers are surprised to learn how their behavior is perceived by those who feel victimized. Consider the following:

- Review your attitudes and actions toward others. Is your behavior sex neutral and bias free?
- Do not assume that colleagues, peers, employees, or students enjoy sexually oriented comments, jokes, inappropriate comments about their appearance, or even minor physical contact.

- Do not assume that others are comfortable telling you that they are offended or harassed by what you say or do.
- Be sensitive to cultural and experiential differences of those with whom you interact.
- Consider the impact your position of power may have on others' feelings, behaviors, and responses.

The University actively investigates complaints of sexual harassment. Appropriate disciplinary action, which may include termination of employment for offending employees or expulsion from the University for offending students, will be taken if it is determined that sexual harassment has occurred.

WHAT ABOUT CONSENSUAL RELATIONSHIPS?

Romantic and/or sexual relationships between faculty and students, staff and students or supervisors and subordinate employees are strongly discouraged. Such relationships have the potential for adverse consequences, including the filing of charges of sexual harassment. Given the fundamentally asymmetric nature of the relationship where one party has the power to give grades, thesis advice, evaluations, recommendations, promotions, salary increases or performance evaluations, the apparent consensual nature of the relationship is inherently suspect.

Even when both parties have consented to the relationship, there may be perceptions of conflicts of interest or unfair treatment of others. Such perceptions undermine the atmosphere of trust essential to the educational process or the employment relationship. Accordingly, the person in the position of supervision or academic responsibility must promptly report the relationship to his or her immediate supervisor. If you are involved in a romantic relationship of the sort described above, and that relationship has not been reported, you can seek confidential guidance from the Affirmative Action Office. Once the consensual relationship is reported, the immediate supervisor is responsible for eliminating or mitigating the conflict of interest to the fullest feasible extent and ensuring that fair and objective processes are in place for decisions regarding the investigation, their advisement, evaluations, recommendations, promotions, salary increases or performance evaluations.

The new supervisory or academic arrangement should be documented. (University Policy AD95)
WHAT CAN YOU DO IF YOU ARE SEXUALLY HARASSED?

Don’t ignore it. Take action.

Know how to report it.
Be familiar with Penn State’s policies and resources that protect you as a student, faculty, or staff.

Seek information and support.
You may feel a range of emotions—from helplessness, to anger, to confusion, to fear. Talking with someone often helps to lessen isolation and may help you to develop strategies to remedy the situation.

Ask for help to explore your options including filing a complaint:
• Keep a written and dated record.
• Let the harasser know the behavior is not welcome and you want it stopped immediately. You can talk to the harasser or write a letter. Deliver the letter by certified mail, email, or in person; keep a copy.
• Discuss the situation with a supervisor, the Affirmative Action Office or a sexual harassment resource person in your area.

Penn State has a policy prohibiting sexual harassment (AD85) and a complaint procedure to assist students, faculty, and staff. Many problems can be resolved through the informal resolution portion of the process. Complaints of sexual harassment may be brought to the attention of a sexual harassment resource person in your area, who will attempt to resolve the complaint at the departmental, college, or work-unit level, with the assistance of the Affirmative Action Office. Complaints also may be taken directly to the Affirmative Action Office. People available to help can answer questions, listen to complaints, advise on procedures, see that appropriate action is taken, and monitor protection from retaliation. All situations are handled in the most confidential manner possible.

PEOPLE DESIGNATED TO HELP

For complaints against an employee, contact:

Sexual Harassment Resource People
Faculty, staff, and students may contact a sexual harassment resource person in their area or campus. Those names are available on the Affirmative Action Office website at www.affirmativeaction.psu.edu. Individuals may contact the Affirmative Action Office directly.

Affirmative Action Office
Kenneth F. Lehman III, Vice Provost for Affirmative Action, kf32@psu.edu
Carmen B. Borges, Associate Director, cbb6@psu.edu
328 Boucke Building, University Park, PA 16802-2801
(814) 863-0471

For complaints against a student, contact:

Student Affairs
Paul Apicella, Senior Director and Title IX Coordinator
222 Boucke Building, University Park, PA 16802
(814) 867-0099, pu.226@psu.edu
Peggy Loras, Director, Center for Women Students
204 Boucke Building, University Park, PA 16802
(814) 863-2007; MAL27@psu.edu

Office of Student Conduct
Danny Shulu, Senior Director
120 Boucke Building, University Park, PA 16802
(814) 863-0342, ds40@psu.edu

To file a complaint outside the University, contact:

Pennsylvania Human Relations Commission
Harrisburg Regional Office
Riverside Office Complex, 1101-1125 S. Front Street,
Harrisburg PA 17104, (717) 787-9780

Office for Civil Rights, Philadelphia Office
Wachsmuth Building
150 Penn Square East, Suite 355
Philadelphia, PA 19107-3323; (215) 656-8541

This publication is available in alternative media on request.

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