

THE PENNSYLVANIA STATE UNIVERSITY

SEXUAL HARASSMENT

This publication is available in alternative media on request.

The Pennsylvania State University is committed to the policy that all persons shall have equal access to programs, facilities, admission, and employment without regard to personal characteristics not related to ability, performance, or qualifications as determined by University policy or by state or federal authorities. It is the policy of the University to maintain an academic and work environment free of discrimination, including harassment. The Pennsylvania State University prohibits discrimination and harassment against any person because of age, ancestry, color, disability or handicap, national origin, race, religious creed, sex, sexual orientation, or veteran status. Discrimination or harassment against faculty, staff, or students will not be tolerated at The Pennsylvania State University. Direct all inquiries regarding the nondiscrimination policy to the Affirmative Action Director, The Pennsylvania State University, 328 Boucke Building, University Park, PA 16802-2801, Tel (814) 865-4700 /v, (814) 863-1150 /tty. U.Ed. OPR 03-5 DS63386



Affirmative Action Office
328 Boucke Building
University Park, PA 16802
814-863-0471
www.affirmativeaction.psu.edu

Penn State University is committed to an open, sensitive, understanding, and responsive campus environment. The single most important key to opening the doors wider to all people is to create an environment in which everyone feels welcome. To do this, we must eliminate intolerance and harassment within what should be an enlightened community of faculty, staff, and students.

We must all work together to discourage behavior within our community that is dehumanizing, including sexual harassment. This brochure defines instances of sexual harassment and delineates actions that can be taken to deter this behavior.

I urge you to read it.

Graham B. Spanier, President

POLICY AD41

Sexual harassment of faculty, staff or students is prohibited and will not be tolerated at The Pennsylvania State University. It is the policy of the University to maintain an academic and work environment free of sexual harassment. Sexual harassment violates the dignity of individuals and impedes the realization of the University's educational mission. The University is committed to preventing and eliminating sexual harassment of faculty, staff and students through education and by encouraging faculty, staff and students to report any concerns or complaints about sexual harassment. Prompt corrective measures will be taken to stop sexual harassment whenever and wherever it occurs.

For more information on sexual harassment visit the website created by professor Nancy Wyatt at www.de.psu.edu/harassment/

SEXUAL HARASSMENT- **WHAT IS IT?**

Sexual harassment has been defined by the U.S. Equal Employment Opportunity Commission as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- submission to such conduct is a condition for employment, promotion, grades, or academic status;
- submission to or rejection of such conduct is used as the basis for employment or academic decisions affecting an individual;
- such conduct has the purpose or effect of interfering unreasonably with the individual's work or academic performance or creates an offensive, hostile, or intimidating working or learning environment.

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
- disparaging remarks to a person about her/his gender or body
- sexual graffiti or visuals
- asking about a person's sexual fantasies, sexual preferences, or sexual activities
- repeatedly asking for a date after the person has expressed disinterest
- making sexual gestures with hands or through body movements

These examples are not all-inclusive of the types of conduct that may constitute sexual harassment. Each situation must be considered in light of the specific facts and circumstances to determine if sexual harassment has occurred.



UNDERSTANDING WHO ARE THE TARGETS OF SEXUAL HARASSMENT

Both women and men may be sexually harassed. Targets of sexual harassment may include heterosexuals, bisexuals, lesbians and gay men. Most reported cases involved women harassed by men who are in a position of power over them, either on the job or in the classroom. Sexual harassment may also occur between peers or between individuals of the same sex. Although anyone can be a target of sexual harassment, some groups are more vulnerable.

Examples include:

- students, undergraduate and graduate, involved in close working academic relationships that can develop into personal relationships;
- women in nontraditional fields who may be perceived as entering an area where “they do not belong” and, thus, competing with men for jobs;
- minority women who may be sexually harassed as a form of racism;
- young people whose inexperience and lack of self-confidence may be exploited by the harasser pressuring them into unwanted relationships;
- employees who, by the nature of their subordinate positions, are vulnerable to sexual harassment by superiors.

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. Under such circumstances, the person in the position of supervision or academic responsibility must report the relationship to his or her immediate supervisor. 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 relative to grading, thesis advice, evaluations, recommendations, promotions, salary increases or performance evaluations. The new supervisory or academic arrangement should be documented. (*University Policy AD41*)

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. Differences between behavior that is friendly or complimentary and behavior that is sexually harassing are recognizable. However, 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 other's feeling, 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 CAN YOU DO IF YOU ARE SEXUALLY HARASSED?

Don't ignore it. Take action.

Know your rights.

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 explore your options.

- 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 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.

WHO CAN HELP?

Penn State has a policy prohibiting sexual harassment (AD41) 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

Sexual Harassment Resources

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 choose to take complaints directly to the Affirmative Action Office.

Affirmative Action Office

Kenneth F. Lehrman III, Director, kf12@psu.edu

Carmen B. Borges, Associate Director, cbb1@psu.edu

Andrea Commaker, Senior Specialist, asc1@psu.edu

328 Boucke Building

University Park PA 16802-2801

(814) 863-0471 V/TTY for the following assistance:

information and consultation, informal complaints and resolution, formal complaints (requires an investigation), raising awareness and providing educational programs.

Student Affairs

Students may contact the University-wide designated sexual harassment resource person for students:

Peggy Lorah, Director

Center for Women Students

102 Boucke Building, University Park PA 16802

(814) 863-2027

Email: MAL273@psu.edu

To file a complaint against a student, contact:

Office of Judicial Affairs

Joe Puzycki, Director

135 Boucke Building, University Park PA 16802

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