

# **Sexual Harassment – Prevent It – Protect Yourself**

## *AN INFORMATIONAL PAMPHLET FOR ST. LAWRENCE UNIVERSITY STUDENTS, FACULTY, AND STAFF*

Prepared and distributed by  
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This pamphlet is written to provide better understanding of sexual harassment. Examples are given to be illustrative, not definitive. Recommendations are given as general guidelines, not specific policy. Each instance of behavior must be considered in the full context of each situation.

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## Sexual Harassment – Prevent It – Protect Yourself

St. Lawrence University Policy prohibits unlawful sexual harassment. Sexual harassment is a form of illegal sex discrimination. It is 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 or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.*

Students are protected from sexual harassment by the U.S. Office of Civil Rights which defines two forms of sexual harassment:

*Hostile environment* sexual harassment: this occurs when unwelcome sexually harassing conduct is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening or abusive educational environment.

*Quid Pro Quo* sexual harassment: this occurs when a school employee causes a student to believe that he or she must submit to unwelcome sexual conduct in order to participate in a school program or activity... [or] when an employee [makes] an educational decision based on whether or not the student submits to unwelcome sexual conduct.

*You might be a victim of sexual harassment if*

acceptance or rejection of sexual activity affects your status as a student, faculty or staff member.

you are working or studying in an environment made hostile or intimidating by unwelcome, severe, pervasive and persistent behavior based on sex.

Sexual harassment	
	is unwelcome and unwanted is usually persistent and repetitive interferes with the victim's ability to do a job or to be a student usually involves power of the harasser over the victim
Anyone, male or female, can harass another. Anyone, male or female, can be a victim of harassment.	

Sexual harassment is behavior that gets in the way of the person who wants to get on with being a student or to do his or her work. Sexual harassment is **NOT** about *good manners*, it is **NOT** about being able to *take a joke*, it is **NOT** about being *oversensitive*. Sexual harassment is behavior that frightens, demeans, or belittles, and that interferes with a person's academic or work life. Sexual harassment, because it is discriminatory behavior, is against the law as part of everyone's civil rights.

**IMPACT – NOT INTENT**  
*SEXUAL HARASSMENT IS ABOUT IMPACT-  
NOT INTENT.*

*The real question is* **WHAT IMPACT DID THE BEHAVIOR HAVE?**  
*Not* Did the harasser mean any harm?

**WHAT’S THE FUSS?**  
**DOES SEXUAL HARASSMENT REALLY AFFECT PEOPLE?**

**Sexual harassment can make people feel  
angry, afraid, embarrassed, degraded and intimidated.**

Sexual harassment can have serious effects in the workplace. Most people look for and expect dignity on the job. They want to be taken seriously at work. Sexual harassment can create increased absenteeism and employee turnover. On the job victims may spend more time thinking about how to avoid the harassment than how to get the job done, decreasing productivity and effectiveness.

Sexual harassment can have serious effects on students. Studies on students in high school who report experiencing sexual harassment report an increase in skipping and dropping out of school and an increase in eating disorders, depression and suicidal thoughts.

**SEXUAL HARASSMENT CAN BE FOUND IN BEHAVIOR THAT IS PHYSICAL,  
VERBAL OR VISUAL**

**PHYSICAL HARASSMENT**

Touching, kissing, holding, stroking, hugging, staring, leering, gesturing - any physical contact or behavior that is unwelcome can be harassing. Every person differs in what kind of touching is acceptable given

- the situation
- who the other person is
- the cultural and situational context.

What’s recommended? In the American context a handshake is generally considered routine and polite. Don’t assume ANYTHING beyond that is OK unless you know that the other person would consider it OK, AND

BE MINDFUL, that, even when the other person might consider something OK, you may still be perceived, especially if you are a faculty or staff member, as acting in an unprofessional way and/or in a way that is taking advantage of someone. (see the *Third Party* note below)

**VERBAL BEHAVIOR**

Any verbal commentary directed at or in the vicinity of someone can be sexual harassment, especially if it is commentary that creates a hostile or intimidating or belittling atmosphere. Comments about appearance and jokes are very often the context for this kind of sexual harassment. Verbal harassment can be direct (person-to-person) or by electronic means (voice mail, radio or TV signal).

What's recommended? Be respectful of others in your communications. Say only what you know FOR SURE your listeners (see *Third Party* note below) will find to be acceptable – that is, your comments / jokes are not demeaning or belittling or hostile. If you aren't SURE, then save what you have to say for a private setting.

## VISUAL

Sexual harassment can be created by anything that is meant to be seen - signs, posters, pictures, cartoons, sayings – that contribute to a hostile or intimidating or demeaning atmosphere.

What's recommended? Be respectful of others in your communications. If you know FOR SURE that anyone seeing what you have in the way of a cartoon, poster, etc. (see *Third Party* note below) will find it to be acceptable – that is, your pictures/ posters/ cartoons/ etc. are not demeaning or belittling or hostile - then you can display them, within whatever other regulations might apply for your situation. If you aren't SURE, then save what you have for a private setting – at home, in your room (but not for public viewing).

### *THIRD PARTY IMPACT NOTE:*

Sexual harassment can exist when a third party hears or sees behavior that is welcome between the parties involved, but that behavior creates an intimidating or hostile environment for that third party. For instance: two people in a work setting repeatedly hug and kiss in a relationship that is OK with both of them. A third worker in that setting is uncomfortable and feels intimidated about being around that couple. Sexual harassment of the third person could be happening. What you do, say or express in a setting may affect everyone in that environment.

## ***EXAMPLES OF SEXUAL HARASSMENT***

This pamphlet is written to provide better understanding of sexual harassment. Examples are given to be illustrative, not definitive.

### STALKING/ WON'T TAKE NO FOR AN ANSWER

The harasser [could be student, staff or faculty] asks the victim [student, staff or faculty] for dates, private meetings, some kind of personal / intimate encounters, even when the victim has said no and/ or has asked to be left alone. The victim starts trying to avoid the harasser – changes a class or work schedule, skips work or class, is afraid to walk around campus without a friend. The stalking is getting in the way of the victim being a student, or doing her/his work. This repetitive, persistent, and unwelcome behavior could be sexual harassment.

### POISONED ATMOSPHERE

Working or studying in an atmosphere which is repeatedly experienced as demeaning or hostile or belittling based on sex can be sexual harassment. This kind of atmosphere can be created for a worker by co-workers or for a student by faculty, staff or other students. Jokes, discussions about sexual encounters and fantasies, teasing about an individual's sexual activity, pinching or stroking, posters and cartoons etc. can create an offensive and hostile atmosphere. When that atmosphere gets in the way of a student being a student ( e.g. being unwilling to speak up in class, difficulty concentrating, cutting class, skipping a lab or assignment or avoiding working with a certain individual or group, avoiding getting special help from a faculty member or tutor) or of being a worker (e.g. being late or not coming to work, avoiding certain job tasks in order to avoid certain co-

workers or situations, being unable to concentrate or to work effectively) sexual harassment could be found to be happening.

### THE LIVING ENVIRONMENT

A poisoned atmosphere can be created in a residential setting. One or more students – male or female – can create a hostile environment for one or more others – again, male or female – that, if based on sex, could be sexual harassment. The “poison” can include persistent and repeated notes on a message board, emails or voice mail messages, whistles, sneers, or other comments, posters or cartoons, spreading rumors, following or stalking. The harasser may not appear to be “powerful” but that person is often acting with the support of others, so that the victim is outnumbered, or is acting anonymously, while creating harm and havoc in the victim’s life. Persistent, repetitive, and unwelcome behavior of this kind could be found to be sexual harassment.

### THIS FOR THAT (ALSO CALLED *QUID PRO QUO*)

*Quid pro quo* sexual harassment happens when the harasser [usually someone with power over the victim – e.g. a work supervisor who has the power to give someone a better job, a promotion, a raise, or a good recommendation – or a faculty member who has the power to give a good grade on an assignment or a course, or a good recommendation for graduate or professional school] asks the victim for some kind of sexual encounter in exchange for that good grade or promotion. *Sleep with me and you get the promotion..... Have dinner with me and you won’t need to worry about that final paper....* The sexual harassment can be found whether the victim agreed or not: in other words, sexual harassment could be found where *You didn’t show up for dinner – forget that A! .... Too bad you didn’t stop by my house last night, I gave that promotion to someone else...*

Because of the imbalance of power that usually exists in *Quid Pro Quo* the APPARENT consent of the victim is often in doubt. In other words, even though a relationship appears to be consensual the victim can, often with success, claim later that the consent was a forced one, given the power and the “that” which was at risk. For this reason sexual relationships between coworkers and between students and faculty/staff can be problematic.

### WHO SETS THE STANDARDS ON WHAT’S ACCEPTABLE – AND WHAT ISN’T?

At SLU the important standard is mutual respect including a respect for and support for diversity. Meanwhile, the standards around the country for sexual harassment have been set by the legal system as the *reasonable person [or reasonable woman]* standard. The behavior is described and the question is asked – *did the victim experience this as unwelcome and offensive? Would a reasonable person [woman] experience it as unwelcome and offensive?*

## WHAT'S THE SLU POLICY ON SEXUAL HARASSMENT?

See also the appropriate sections in the *Faculty Handbook* and the *Student Handbook*.

### **Discriminatory Harassment Policy**

It is the policy of St. Lawrence University that all our employees and students should be able to enjoy a work and educational environment free from all forms of discrimination and discriminatory harassment, including sexual harassment. St. Lawrence University provides for the development of a climate of tolerance and pluralism and prohibits expressive behavior which is demeaning, intimidating or hostile, communicated verbally, physically or with other communication device, including telephonic or electronic means. It is expressly against University policy for any employee or student to engage in discriminatory harassment which is defined as any demeaning, intimidating or hostile verbal, physical or symbolic behavior that is based on race, religion, ethnicity, age, gender, national origin, marital or veteran's status, disability or sexual orientation, and has the effect of interfering with a reasonable person's academic or work performance or of creating, as experienced by a reasonable person, an intimidating or hostile situation or environment. Such behaviors include, but are not limited to, the use of slurs, epithets, gestures, demeaning jokes or derogatory stereotypes.

**\*Sexual harassment is one form of discriminatory harassment, and is covered by this policy.** It is expressly against University policy for any employee or student to engage in sexual harassment. A charged atmosphere is often involved in instances of sexual harassment, which is defined as any unwelcome sexual advancement, request for sexual favors, or other physical or verbal 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 employment or education; or
- 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 unreasonably interfering with an individual's academic or professional performance or creating an intimidating, hostile or offensive employment, educational, or living environment.

No forms of discriminatory harassment of students or employees will be tolerated. Any employee or student will be subject to disciplinary action for violation of this policy, up to and including termination or expulsion. Discrimination and harassment may be found to be illegal under both state and federal law. In some cases, it may be susceptible to prosecution under criminal sexual law.

This policy is not intended to proscribe, and should not limit free discussion of, the merits of any issue relating to ethnic, racial, religious or other multicultural difference or open inquiry into any material or issue relevant to the academic content of a course.

Not all offensive conduct or language that might be derogatory concerning an individual or group necessarily constitutes discriminatory harassment. Whether a specific act does in fact

constitute discriminatory harassment must be determined on a case-by-case basis in light of all relevant circumstances.

If you believe you have experienced or are experiencing discriminatory harassment, talk to the person or persons who may be responsible for the problem. If that is not possible, or doesn't work, speak to someone for help or advice. Any St. Lawrence University employee having a complaint of harassment is urged to notify his or her immediate supervisor at once. If the complaint is against the immediate supervisor, or if the complainant for any other reason is not comfortable with or is unable to contact his or her supervisor, the University's Office of Equity Programs, the Human Resources Office or the Office of Security & Safety may be contacted.

If you are a student you may speak to your academic advisor, the chairperson of the department, any staff member in student life, particularly residential learning, security, counseling, or the Associate Dean of Student Life, or to the special assistant for equity programs.

If you are an employee, speak with the human resources office, the vice president or dean of the area involved (academic affairs, administrative operations, admissions and financial aid, business and finance, information technology, student life, university advancement), the equity programs office or the Office of Security & Safety.

Formal complaints of alleged discriminatory harassment are heard by the Discriminatory Harassment Hearing Board, which is described in the [Student Handbook](#) and on the SLU website under *Policies* or *Human Resources* as well as a Section 504/ADA Grievance Procedure for complaints relative to those regulations. For more information about the DHHB or other venues for complaints contact Susan M. Cypert, Special Assistant to the President for Equity Programs in Vilas G1, 229-5584, Fax 315-229-7431, [scypert@stlawu.edu](mailto:scypert@stlawu.edu) .

Retaliatory action of any kind (such as, but not exclusive to adverse action vis-à-vis standing in employment or student status, adverse decisions re salary, job performance or student performance, or adverse action taken re opportunity for advancement for an employee or student) taken by any employee (including faculty, department heads, supervisors, and co-workers), student or beneficiary of the University against any other employee, student, or beneficiary as a result of that person's seeking redress through an appropriate means, including under the procedures of the DHHB, cooperating in any appropriate inquiry in the matter, or otherwise participating in any proceedings under the procedures of the DHHB or appropriate University body is prohibited. Any such retaliatory action can be the basis for a separate complaint.

Any person may also contact outside authorities to file complaints. External agency rules, or procedures internal to St. Lawrence University, may obviate further internal review in the event a complainant chooses an external route.

For more information about the DHHB consult the SLU Policies website [SLU/Faculty & Staff/Policies] @ <http://www.stlawu.edu/policies/index.html> or contact Susan M. Cypert, Special Assistant to the President for Equity Programs, Vilas G1, 315-229-5584, FAX 315-229-7431, [scypert@stlawu.edu](mailto:scypert@stlawu.edu) .

*Office of Equity Programs*  
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## **WHAT SHOULD I DO IF I EXPERIENCE SEXUAL HARASSMENT?**

### **THE THREE R'S: RESPOND... REPORT ... RECORD**

**RESPOND:** If you are experiencing sexual harassment you can confront the harasser and make it very clear that you want the harassment to stop. You can communicate this in writing or person-to-person. Consider having another person with you for support.

**REPORT:** If you can't confront the harasser, or you confront the harasser and the harassment doesn't stop, **SEEK FURTHER HELP.** See below.

**RECORD:** **DOCUMENT DOCUMENT DOCUMENT** what is going on. A written diary of what happens when and where and at what time is important. It helps you get a full picture of what is going on, as well as creating the full picture for anyone else who gets involved.

**GET SUPPORT! TALK TO SOMEONE!** Harassment does not go away by itself. Just ignoring it will probably not make it stop. Talk to someone - your supervisor, your faculty advisor, your department chairperson, a student life staff member - at least for support. (See below for contacts for support.)

## **WHAT HAPPENS WHEN THERE IS A COMPLAINT OF SEXUAL HARASSMENT?**

Complaints can be informal or formal, the difference generally being whether the complainant wants her/his name known, and what the complainant wants done.

### **WHERE TO FILE A COMPLAINT:**

**STUDENTS:** talk to a faculty member or advisor, a faculty chairperson, a staff member in Student Life ( Counseling Center, Residence Life / FYP, Security and Safety, Multicultural Affairs), or the Special Assistant for Equity Programs.

**EMPLOYEES:** talk to a supervisor, the Security & Safety Office, or the Human Resources / Equity Programs Office. The Employee Assistance Program can provide counseling, but does not process complaints.

### **INFORMAL COMPLAINTS**

#### **ADVICE AND SUPPORT**

Advice and support is provided to a complainant with any report. A first and primary concern is the complainant's well-being. Is the complainant in any immediate danger? If so the issues of safety must be addressed first. It might mean keeping the alleged harasser off campus and seeking assistance from the Canton Police.

[NOTE: SLU is a private entity whose only power is to declare someone as a trespasser, which is done when someone is dangerous in any way. Once an individual is off the SLU property SLU has no power. An individual who wants protection off campus must work through local police. The Security & Safety Office will assist with making contacts.]

If the complainant is not in immediate danger what does she/he want done? If the complainant wants time to consider what to do s/he can discuss the situation with a supervisor, a staff member in counseling, the Special Assistant, or the University Judicial Officer, with no immediate action. A written report is made for the record.

### **CEASE AND DESIST**

If the complainant is willing to make his/her name known to the alleged harasser, and if the complainant agrees to this as a course of action, the Special Assistant for Equity Programs, the University Judicial Officer, or a staff member from the Office of Security & Safety will talk to the alleged harasser. The discussion will be about what the complainant says has been happening with the focus on getting the alleged behavior to stop. The discussion identifies the behaviors that should not have been happening and which must not happen in the future. The Cease and Desist approach does not involve an investigation, hence there is no finding of culpability. The perpetrator is warned against any future action, but there is no discipline for what action might have occurred up to that point.

If the Cease and Desist doesn't work the complainant can proceed to a formal complaint which would involve investigation and possible discipline. The Cease and Desist doesn't obviate that possibility.

### **FORMAL COMPLAINTS**

A formal complaint starts a process of investigation that may result in a recommendation for disciplinary action.

#### **PROCEDURES:**

##### **COMPLAINT ALLEGING THAT A STUDENT IS THE HARASSER:**

Informal and formal complaints can be made with the Office of Security and Safety, the University Judicial Officer, or the Special Assistant for Equity Programs. A formal complaint against a student is investigated and can be taken by the University Judicial Officer before the Student Judicial Board or the Special Hearing Board.

##### **COMPLAINT ALLEGING THAT A FACULTY MEMBER IS THE HARASSER:**

A complaint by a colleague or student against a faculty member is filed with the Special Assistant and the sexual harassment procedure as outlined in the *Faculty Handbook* is used.

##### **COMPLAINT ALLEGING THAT A STAFF MEMBER IS THE HARASSER:**

Complaints involving staff members are handled by the Office of Human Resources in accordance with the applicable contracts or policies.

### **WHAT CAN I DO TO PREVENT SEXUAL HARASSMENT?**

Support and encourage knowledge and understanding. Talk with friends and colleagues. Sponsor educational events or programs. STOPS (Students Talking on Peer Sexuality), the University Judicial Officer, and the Special Assistant for Equity Programs are available to talk

with groups of any size on campus. Think about the issues, the behavior of groups you belong to or your friends, and your own behavior.

Remember, it's not what you meant, it's how the other person is affected. Think about how you behave in a group of peers, think about what kind of behavior you've learned to accept as "just the way we are".

### **WHAT CAN I DO TO SUPPORT A VICTIM OF SEXUAL HARASSMENT?**

Listen, provide support, and help the person talk to someone who can be of further help (see the list below).

Encourage the victim to R-R-R: respond / report / record.

#### **CONTACTS:**

**Security & Safety 229-5555**

**Office of Human Resources 229-5596**

**Special Assistant for Equity Programs 229-5584 / 5509**

**Student Life Office / University Judicial Officer 229-5311/5551**  
**Counseling Center 229-5391**

**Employee Assistance Program - <http://www.mybalanceworks.com/> or contact Human Resources, 229-5596**

**Advocates (see list in *Larry*)**

**Canton Village Police 911**