

# Sexual Harassment On Campus: Development Of Policies & Procedures At The City University Of New York

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## ABSTRACT

*This paper describes the procedures established at the City University of New York to implement their policy against sexual harassment and the steps taken to educate the University community on the topic.*

## INTRODUCTION

The Equal Employment Opportunity Commission (EEOC) defines sexual harassment as unwelcome sexual advances, requests for favors, and other verbal and physical conduct of a sexual nature. These behaviors constitute sexual harassment when certain criteria are met:

- Submission to such conduct is made either implicitly or explicitly a term or condition of employment.
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.
- Such conduct has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment is a violation of federal law. The EEOC, a Federal Agency, is charged with enforcing sexual harassment guidelines. Title VII of the Civil Rights Act was designed to prohibit discrimination based on religion, color, national origin, race, and sex. Title VII also protects employees (including student employees) at academic institutions from sexual harassment, but initially sex discrimination against students was not prohibited. A movement in the late 1960s and early 1970s led to the passage of Title IX of the Education Amendments of 1972 which applied Title VII standards to Title IX. Title IX of the Education Amendments of 1972 prohibited discrimination on the basis of sex in educational programs or activities that receive federal financial aid (Kelley & Parsons, 2000). Though there was little enforcement of Title IX law initially, it is now the primary weapon against sexual harassment (Shoop, 1997).

In 1976 students from Yale University sued their institution for failing to stop discriminatory behavior, including sexual harassment (Watts, 1996). More than a decade later, the "Tailhook" scandal, involving sexual hazing by male officers during a navy function in Las Vegas, Nevada in 1991 and the Senate hearings that same year in which Professor Anita Hill testified that Supreme Court nominee Clarence Thomas had made unwelcome advances to her some years earlier when she was his employee brought the issue of sexual harassment to national attention.

In 1992 the Supreme Court gave individuals harmed by a failure to discipline students who harass other students the right to sue the institution. In a series of 1998 decisions, the Supreme Court ruled that employees in the workplace are to be protected from harassment by people of the same sex; that an employee need not suffer a tangible job detriment in order to sue for harassment; and that a company having effective complaint procedures that an employee unreasonably fails to utilize is protected from suit (The Columbia Encyclopedia, 2004).

As a result of the growing litigation and modifications in the law, academic institutions began to develop policies and procedures concerning sexual harassment (Kelley & Parsons, 2000).

## **SEXUAL HARASSMENT IN HIGHER EDUCATION**

The media attention and growing public awareness has led to a significant amount of research concerning sexual harassment in academia (Malovich & Stake, 1990; Gadlin, 1997; Mooney, 1993; Sonne, 1994).

Numerous studies over the last two decades have attempted to measure the prevalence of sexual harassment. The vast majority of studies report that between 20% and 40% of undergraduate and graduate women are the target of some form of sexual harassment (McKinney, 1990; Seals, 1997; Dziech & Weiner, 1990; Gordon, 1996; Truax, 1996).

Studies which examine the experiences of both male and female faculty members report that between 6% and 50% experience behaviors that they consider to be sexual harassment at some point in their careers (Seals, 1997). These numbers are deceiving, however, as a result of combining the reported experiences of male as well as female faculty members. Women experience more sexual harassment than men and women are more likely to consider gender harassment and sexual attention as harassment than are men (Fitzgerald & Ormerod, 1991).

Even when considering only females, different subgroups of women within a university community (i.e. undergraduate students, graduate student, faculty, staff, and administrators) may experience different types of harassment. Fitzgerald, Gelfand, and Drasgow (1993) contend that there are three categories of sexual harassment: sexual coercion, unwanted sexual attention, and gender harassment. Sexual coercion is the demand for sexual favors in return for job or school-related benefits. Unwanted sexual attention is unwelcome and unreciprocated verbal and nonverbal behaviors which are considered to be offensive.

The most common form of sexual harassment in higher education is gender harassment which is experienced by an average of 60% of women in academia (Vaux, 1993). Gender harassment includes a broad spectrum of verbal and nonverbal behaviors that express insulting, hostile, and degrading attitudes about women. Examples of such behaviors include taunts, gestures, and the display of pornographic material.

When all types of harassment are considered together, it appears that students have at least a 40% chance of encountering some form of sexual harassment at school (Barak et al, 1992).

Astin (1993) confirms the positive impact of faculty involvement with students, strengthening the case for increased faculty involvement with students outside of the classroom. However, the obvious concerns about fairness along with a growing ethical and legal concern over the potential for exploitation of students dissuade faculty from developing personal relationships with their students. While faculty at most institutions of higher learning are encouraged to be active advisors and mentors to their students, they are at the same time, directed to avoid those situations or behaviors that are, or might appear to be exploitive.

The challenge for faculty stems from the fact that the professor does not have a single role in relation to students. Faculty are called upon to perform a variety of roles with their students, including that of instructor, academic advisor, curriculum planner and research supervisor (Brown & Krajer, 1985). The multiple professional relationships and the recognition of the importance of faculty involvement with students has encouraged faculty to extend their professional roles into more personal realms and to interact with students in more informal settings. Because of the inherent power differential between faculty and students, the students are usually at greater risk for exploitation as they enter into relationships with faculty that extend outside of the classroom (Holmes & Rupert).

Sexual relationships between faculty and students have been the focus of attention in the media and the courts (Wagner, 1993). The degree of potential harm arising out of such relationships is enormous, because it is so difficult to determine whether or not students are in a position to provide or withhold consent, given the power differential between them and the faculty. As stated by Wagner (1993): "How many coeds have endured the sexual

advances of their teachers out of fear, fascination, or just plain naïveté...? And if he won't take the brush-off, then what? Make a scene in the Dean's office and get a reputation as a troublemaker? Attempt to disappear? Drop out? Or play along for the duration?

Other than sexual relationships, faculty sometimes engage in a wide range of less intense, but personal, contacts with students which carry potential risks as well. Tabachnick, Keith-Spiegel, and Pope (1991) found that 73% of the respondents reported having asked students for small favors such as a ride home; 86% reported accepting students' invitations to parties; and 55% reported loaning money to students. Although the behaviors were reported to occur with some frequency, when questioned about whether or not they considered the behaviors to be ethical, the respondents indicated considerable ambiguity. For example, although over 60% indicated that they had allowed the likeability of a student to affect their grades, less than 2% of the respondents saw it as unquestionably ethical. While 73% of the respondents indicated that they had asked students for a small favor, such as a ride home, only 8% rated such requests as unquestionably ethical. The high incidence of certain behaviors that faculty members evaluate as unethical suggests that they must also envision remarkable potential benefits to themselves or to their students in engaging in these behaviors (Rupert & Holmes).

In the university setting, sexual harassment generally involves the harassment of college women by male faculty (Marks & Nelson, 1998; McKinney, 1994). The experience of being sexually harassed in an academic setting has been found to damage their career success and their wellbeing (Hotelling & Zuber, 1997; Fitzgerald et. al 1997).

College women, though, are not the only people adversely affected by sexual harassment. Both male and female members of the faculty are targets of sexual harassment from students (McKinney, 1990). Benson (1984) has labeled the harassment of those with more organizational power by those with less as "contra-power" sexual harassment.

Contrapower sexual harassment in academic settings is widespread. DeSouza and Fansler (2003) and DeSouza and Matchen (2000) in their examination of contrapower sexual harassment found that over half of all faculty experience sexually harassing behavior from students at least once. In contrapower sexual harassment, male professors appear to experience sexual harassment from students at about the same rate as females (DeSouza & Matchen, 2000). However, studies of interpretation of sexual harassment found that female professors perceive sexual harassment to be a greater problem on campus and are significantly less tolerant of it than male professors ((DeSouza, Pryor & Hurz, 1998; McKinney, 1990).

Anonymity is often used in the harassment of faculty, particularly female faculty. Anonymity may be the student's way of holding power in a relationship which they would typically have none. As in the case of a student writing sexist remarks on a teaching evaluation form, the student knows it will be read both by the instructor and by higher ranking members of the faculty as a means of evaluating the instructor. The evaluations may also be used as a factor in promotion, which causes a reversal of power (Rospenda et. al., 1998). Since professors cannot punish the unknown perpetrator nor can they keep the same act from reoccurring, they are simultaneously powerful and powerless (Benson, 1984).

### **TAKING ACTION: SEXUAL HARASSMENT POLICIES AND PROCEDURES AT A LARGE URBAN UNIVERSITY**

In 1995, the City University of New York adopted a policy against sexual harassment and accompanying procedures for implementation. Minor modifications were made to the document by the Office of Faculty and Staff Relations in conjunction with representatives from the campuses of CUNY and the Office of the General Counsel a decade later. The primary revision to the policy was the assertion that gender harassment is a form of gender discrimination. The Procedures were restructured to increase the effectiveness of the complaint intake and reporting process by eliminating a Sexual Harassment Panel and training the Sexual Harassment Education Committee to handle complaint intake.

## **THE CITY UNIVERSITY OF NEW YORK – POLICY AGAINST SEXUAL HARASSMENT**

It is the policy of The City University of New York to promote a cooperative work and academic environment in which there exists mutual respect for all University students, faculty, and staff. Harassment of employees or students based upon sex is inconsistent with this objective and contrary to the University's non-discrimination policy. Sexual harassment is illegal under Federal, State, and City laws, and will not be tolerated within the University.

The University, through its colleges, will disseminate this policy and take other steps to educate the University community about sexual harassment. The University will establish procedures to ensure that investigations of allegations of sexual harassment are conducted in a manner that is prompt, fair, thorough, and as confidential as possible under the circumstances, and that appropriate corrective and/or disciplinary action is taken as warranted by the circumstances when sexual harassment is determined to have occurred. Members of the University community who believe themselves to be aggrieved under this policy are strongly encouraged to report the allegations of sexual harassment as promptly as possible. Delay in making a complaint of sexual harassment may make it more difficult for the college to investigate the allegations.

### **1. Prohibited Conduct**

It is a violation of University policy for any member of the University community to engage in sexual harassment or to retaliate against any member of the University community for raising an allegation of sexual harassment, for filing a complaint alleging sexual harassment, or for participating in any proceeding to determine if sexual harassment has occurred.

### **2. Definition Of Sexual Harassment**

For purposes of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other oral or written communications or physical conduct of a sexual nature when:

- (a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic standing;
- (b) submission to or rejection of such conduct by; an individual is used as a basis for employment or academic decisions affecting such individual; or
- (c) such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or abusive work or academic environment.

Sexual harassment can occur between individuals of different sexes or of the same sex. Although sexual harassment most often exploits a relationship between individuals of unequal power (such as between a faculty member and student, supervisor and employee, or tenured and untenured faculty members), it may also occur between individuals of equal power (such as between fellow students or co-workers), or in some circumstances even where it appears that the harasser has less power than the individual harassed (for example, a student sexually harassing a faculty member). A lack of intent to harass may be relevant to, but will not be determinative of, whether sexual harassment has occurred.

### **3. Examples Of Sexual Harassment**

Sexual harassment may take different forms. Using a person's response to a request for sexual favors as a basis for an academic or employment decision is one form of sexual harassment. Examples of this type of sexual harassment include, but are not limited to, the following:

- (a) requesting or demanding sexual favors in exchange for employment or academic opportunities (such as hiring, promotions, grades, or recommendations);

- (b) submitting unfair or inaccurate job or academic evaluations or grades, or denying training, promotion, or access to any other employment or academic opportunity, because sexual advances have been rejected.

Other types of unwelcome conduct of a sexual nature can also constitute sexual harassment, if sufficiently severe or pervasive that the target does find, and a reasonable person would find, that an intimidating, hostile or abusive work or academic environment has been created. Examples of this kind of sexual harassment include, but are not limited to, the following:

- (a) sexual comments, teasing, or jokes;
- (b) sexual slurs, demeaning epithets, derogatory statements, or other verbal abuse;
- (c) graphic or sexually suggestive comments about an individual's attire or body;
- (d) inquiries or discussions about sexual activities;
- (e) pressure to accept social invitations, to meet privately, to date, or to have sexual relations;
- (f) sexually suggestive letters or other written materials;
- (g) sexual touching, brushing up against another in a sexual manner, graphic or sexually suggestive gestures, cornering, pinching, grabbing, kissing, or fondling;
- (h) coerced sexual intercourse or sexual assault.

#### **4. Consensual Relationships**

Amorous, dating, or sexual relationships that might be appropriate in other circumstances have inherent dangers when they occur between a faculty member, supervisor, or other member of the University community and any person for whom he or she has a professional responsibility. These dangers can include: that a student or employee may feel coerced into an unwanted relationship because he or she fears that refusal to enter into the relationship will adversely affect his or her education or employment; that conflicts of interest may arise when a faculty member, supervisor, or other member of the University community is required to evaluate the work or make personnel or academic decisions with respect to an individual with whom he or she is having a romantic relationship; that students or employees may perceive that a fellow student or co-worker who is involved in a romantic relationship will receive an unfair advantage; and that if the relationship ends in a way that is not amicable, either or both of the parties may wish to take action to injure the other party.

Faculty members, supervisors, and other members of the University community who have professional responsibility for other individuals, accordingly, should be aware that any romantic or sexual involvement with a student or employee for whom they have such a responsibility may raise questions as to the mutuality of the relationship and may lead to charges of sexual harassment. For the reasons stated above, such relationships are strongly discouraged.

For purposes of this section, an individual has "professional responsibility" for another individual at the University if he or she performs functions including, but not limited to, teaching, counseling, grading, advising, evaluating, hiring, supervising, or making decisions or recommendations that confer benefits such as promotions, financial aid awards or other remuneration, or that may impact upon other academic or employment opportunities.

#### **5. Academic Freedom**

This policy shall not be interpreted so as to constitute interference with academic freedom.

#### **6. False and Malicious Accusations**

Members of the University community who make false and malicious complaints of sexual harassment, as opposed to complaints which, even if erroneous, are made in good faith will be subject to disciplinary action.

## **7. Procedures**

The University has developed procedures to implement this policy. The President of each constituent college of the University, the Senior Vice Chancellor at the Central Office, and the Dean of the Law School shall have ultimate responsibility for overseeing compliance with this policy at his or her respective unit of the University. In addition, each dean, director, department chairperson, executive officer, administrator, or other person with supervisory responsibility shall be required to report any complaint of sexual harassment to the individual or individuals designated in the procedures. All members of the University community are required to cooperate in any investigation of a sexual harassment complaint.

## **8. Enforcement**

There is a range of corrective actions and penalties available to the University for violations of this policy. Students, faculty, or staff who are found, following applicable disciplinary proceedings, to have violated this Policy are subject to various penalties, including termination of employment and/or permanent dismissal from the University.

### **THE CITY UNIVERSITY OF NEW YORK – PROCEDURES FOR IMPLEMENTATION OF THE CITY UNIVERSITY’S POLICY AGAINST SEXUAL HARASSMENT**

The following are procedures for implementation of the Policy Against Sexual Harassment at The City University of New York (hereinafter the “Policy”):

#### **1. Responsibilities Of The Presidents**

The President of each constituent college of The City University of New York, the Senior Vice Chancellor at the Central Office, and the Dean of the Law School (hereinafter “Presidents”) are responsible for overseeing compliance with the implementation of the Policy. Each President shall:

- (a) Appoint a Sexual Harassment Coordinator and Deputy Coordinator(s) to be available to students and employees who wish to make complaints of sexual harassment. More than one Deputy Coordinator may be appointed at the discretion of the President. The responsibilities of the Sexual Harassment Coordinator and Deputy Coordinator(s) are set forth in paragraph 2 below.
- (b) Appoint a Sexual Harassment Education Committee to be responsible for educating the college community about sexual harassment through printed materials, workshops, and the like. The responsibilities of the Sexual Harassment Education Committee are set forth in Paragraph 3 below.
- (c) Ensure that the Coordinator, Deputy Coordinator(s) and Education Committee members are fully trained and equipped to carry out their responsibilities.
- (d) Disseminate the Policy Against Sexual Harassment, including the names, titles, telephone numbers, and office locations of the Sexual Harassment Coordinator, Deputy Coordinator(s) and Sexual Harassment Education Committee members, annually to all students and employees. It is recommended that such information be included in employee and student orientations; in student, faculty, and staff handbooks and newsletters; and on the college website.
- (e) Submit annually as part of the report on non-discrimination, a summary of the sexual harassment educational activities undertaken at the college, as well as a summary of the number of complaints filed and the general outcomes thereof.

#### **2. Responsibilities Of The Sexual Harassment Coordinator And Sexual Harassment Deputy Coordinator(s)**

- (a) It is the responsibility of the President to appoint the college Affirmative Action Officer as either the Sexual Harassment Coordinator or a Sexual Harassment Deputy Coordinator. Further, it is recommended that a faculty member be appointed as one of the coordinators.

- (b) The Sexual Harassment Coordinator is responsible, as the President's designee, for reviewing all complaints of sexual harassment from any member of the college community, and for making efforts to resolve those complaints informally, if possible. When informal resolution is not possible, the Sexual Harassment Coordinator shall investigate the complaint. The Sexual Harassment Coordinator shall report to the President (and the Chief Student Affairs Officer, if the accused is a student) the results of the investigation. A Deputy Coordinator may also assume responsibility for the informal resolution or investigation of complaints, as assigned by the Sexual Harassment Coordinator. The Coordinators have an obligation to maintain confidentiality to the fullest extent possible.
- (c) If the President concludes for some reason that the Sexual Harassment Coordinator or a Deputy Coordinator should not participate in the informal resolution or investigation of a particular complaint, he or she may appoint another trained investigator who shall function as Sexual Harassment Coordinator for that case only.
- (d) In the event that the complainant, the accused, or a third party believes that the Sexual Harassment Coordinator or a Deputy Coordinator has a conflict of interest, or for some other reason should not participate in the informal resolution or investigation of a particular complaint, he or she may ask the President to appoint another trained investigator who shall function as Sexual Harassment Coordinator for that case only.

### **3. Responsibilities Of The Sexual Harassment Education Committee**

- (a) The Sexual Harassment Education Committee is responsible for educating all employees and students about sexual harassment and its potential consequences to the University community, and for overseeing sexual harassment training for all employees and students.
- (b) It is recommended that the Sexual Harassment Committee consist of six to eight persons, all of whom shall be appointed by and serve at the pleasure of the President. Further, it is strongly recommended that the Committee reflect the diversity of the college, and be composed of faculty, administrators, staff, and students.
- (c) All members of the Sexual Harassment Education Committee shall be available to receive complaints of sexual harassment from any member of the college community, to explain the University complaint procedures, and to refer individuals and/or the complaint to the Sexual Harassment Coordinator as appropriate.
- (d) All members of the Sexual Harassment Education Committee have an obligation to maintain confidentiality to the fullest extent possible.

### **4. Confidentiality**

The privacy of individuals who bring complaints of sexual harassment, who are accused of sexual harassment, or who are otherwise involved in the complaint process should be respected, and information obtained in connection with the filing, investigation, or resolution of complaints should be handled as confidentially as possible. It is not possible, however, to guarantee absolute confidentiality and no such promises should be made by the Sexual Harassment Coordinator, a Deputy Coordinator, Education Committee member or other University employees who may be involved in the complaint process.

### **5. Making A Complaint Of Sexual Harassment**

Any member of the University community may report allegations of sexual harassment to the Sexual Harassment Coordinator, a Deputy Coordinator or any member of the Education Committee. Employees who are covered by collective bargaining agreements may either use their contractual grievance procedures, within the time limits provided in those agreements, to report allegations of sexual harassment; or, they may report such allegations directly to the Sexual Harassment Coordinator, a Deputy Coordinator or a member of the Sexual Harassment Education Committee. Members of the University community who believe themselves to be aggrieved under the

Policy are strongly encouraged to report the allegations of sexual harassment as promptly as possible. Delay in making a complaint may make it more difficult for the college to investigate the allegations.

In the event that a student or employee on an assignment off campus files a complaint, the Sexual Harassment Panel Coordinator should investigate the complaint promptly. Students who participate in field placement assignments should be informed, prior to reporting to the assignment, of CUNY's procedures regarding complaints of sexual harassment while on field placement assignments.

## **6. Responsibilities Of Supervisors**

- (a) Each dean, director, department chairperson, executive officer, administrator, or other person with supervisory responsibility (hereinafter "supervisor") is responsible within his or her area of jurisdiction for the implementation of the Policy. Supervisors must report to the Sexual Harassment Coordinator, or in his or her absence a Deputy Coordinator, any complaint of sexual harassment or any incident of sexual harassment that he or she becomes aware of or reasonably believes to exist. Having reported such complaint or incident, the supervisor should keep it confidential and not disclose it further, except as necessary during the complaint process.
- (b) Each supervisor shall arrange for the posting, in his or her area, of the University Policy Against Sexual Harassment and the names, titles, telephone numbers, and office locations of the college Sexual Harassment Coordinator, Deputy Coordinators and Education Committee members. Other materials provided to a supervisor by the Sexual Harassment Education Committee should also be posted.

## **7. Responsibilities Of The University Community-At-Large**

Members of the University community who become aware of allegations of sexual harassment should encourage the aggrieved individual to report the alleged sexual harassment to the Sexual Harassment Coordinator, a Deputy Coordinator or any member of the Education Committee.

## **8. Informal Resolution Of Sexual Harassment Complaints**

- (a) After receiving a complaint of sexual harassment, the Sexual Harassment Coordinator shall, in appropriate cases, make efforts to resolve the complaint informally, i.e., by an arrangement that is acceptable to the complainant, the accused, and the college. Examples of informal resolutions include, but are not limited to:
  - i. arranging for a workshop on sexual harassment to be conducted for the unit, division, or department in which the sexual harassment is alleged to have occurred;
  - ii. having a supervisor, Sexual Harassment Coordinator or Deputy Coordinator speak to the accused regarding the allegations of sexual harassment and counsel the accused as to appropriate behavior;
  - iii. arranging for a meeting between the complainant and the accused, with a third party present, to discuss and resolve the allegations;
  - iv. having the accused write a letter of apology.

Whenever possible, an informal resolution should be acknowledged in writing and signed by the complainant. The accused should also be asked to sign such an acknowledgement

- (b) If no informal resolution of a complaint is achieved, the Sexual Harassment Coordinator shall conduct a formal investigation of the complaint. It is recognized, however, that complaints may be resolved by mutual agreement of the complainant, the accused, and the college at any time in the process.



## **9. Investigations Of Sexual Harassment Complaints**

While the investigation of sexual harassment complaints may vary depending upon the nature of each case, it is recommended that an investigation include the following, to the extent feasible:

- (a) The Sexual Harassment Coordinator should interview the complainant, preferably with a Deputy Coordinator present. The complainant may bring the person to whom he or she originally brought the complaint to the interview. The complainant should be informed that an investigation is being commenced, that interviews of the accused and possibly other people will be conducted, and that the President will determine what action, if any, to take after the investigation is completed.
- (b) The Sexual Harassment Coordinator should interview the accused, preferably with a Deputy Coordinator present. The accused should be advised that a complaint of sexual harassment has been received, that an investigation has begun, which may include interviews with third parties, and that the President will determine what action, if any, to take after the investigation is completed. The accused should be advised of the nature of the allegations against him or her and be given an opportunity to respond. In addition, the accused should be advised that any sexual harassment of or other retaliation against, the complainant or others is prohibited. If such behavior is engaged in, it will subject the accused to severe discipline, up to and including termination of employment or, if the accused is a student, permanent dismissal from the University. An accused employee who is covered by a collective bargaining agreement may consult with a union representative and have a union representative present during the interview.
- (c) In addition to interviews with the complainant, the accused, and those persons named by them, it should be determined whether there are others who may have relevant information regarding the events in question and whether there is documentary evidence that may be relevant to the complaint. Persons interviewed should be advised that information related to the complaint should be kept confidential and not disclosed further, except as necessary during the complaint process.
- (d) In the event that a complaint is anonymous, the complaint should be investigated as thoroughly as possible under the circumstances.
- (e) While some complaints of sexual harassment may require extensive investigation, whenever possible, the investigation of most complaints should be completed within 60 days of the receipt of the complaint.

## **10. Action Following Investigation Of Sexual Harassment Complaints**

- (a) Promptly following the completion of the investigation, the Sexual Harassment Coordinator shall report his or her findings to the President, and in the event that the accused is a student, to the Chief Student Affairs Officer.
- (b) Following such report, the President or his or her designee shall promptly take such action as he or she deems necessary and proper to correct the effects of or to prevent further harm to an affected party or others similarly situated, including commencing action to discipline the accused under applicable University Bylaws or collective bargaining agreements. In addition to initiating disciplinary proceedings, corrective action may include, but is not limited to, transferring a student to another class section, transferring an employee, or granting a benefit wrongfully withheld.
- (c) The complainant and the accused should be apprised in writing of action taken as a result of the complaint.

## **11. Immediate Preventive Action**

The President can, in extreme cases, take whatever action is appropriate to protect the college community.

## **12. False Complaints**

In the event that the Sexual Harassment Coordinator concludes that a complainant made a complaint of sexual harassment with knowledge that the allegations were false, the Sexual Harassment Coordinator shall state this conclusion in his or her report. The failure to substantiate a sexual harassment complaint, however, is not in and of itself sufficient to demonstrate that a complaint was false.

## **13. Records And Reports**

- (a) The Sexual Harassment Coordinator shall keep the President informed regarding complaints of sexual harassment and shall provide the information necessary to prepare the annual report referenced above in paragraph 1 (e).
- (b) Records regarding complaints of sexual harassment shall be maintained in a secure location.

## **14. Applicability Of Procedures**

- (a) These Procedures are applicable to all of the units and colleges of the University. The Hunter College Campus Schools may make modifications to these procedures, subject to approval by the University, as appropriate to address the special needs of their elementary and high school students.
- (b) These Procedures are intended to provide guidance to the Presidents for implementing the University policy against sexual harassment; these procedures do not create any rights or privileges on the part of any others.

(Cuny, 2004)

## **SEXUAL HARASSMENT: RISK FACTORS**

Although men or women may experience sexual harassment, research indicates that women are much more likely to be sexually harassed (Bjorn, 1997). Personal costs to victims of sexual harassment include emotional and physical symptoms including anxiety, depression, irritability, anger, sleeplessness, weight loss, and stomach problems. Women who have experienced sexual harassment also experience greater lifetime risk of posttraumatic stress disorder and major depression than women who have never been sexually harassed (Dansky & Kilpatrick, 1997).

O'Donohue and O'Hare (1998) found that the strongest organizational risk factors for sexual harassment are a lack of knowledge about grievance procedures for sexual harassment, an unprofessional atmosphere, and the existence of sexist attitudes in the workplace. In environments where males hold sexist beliefs about women, i.e. believe that women are less capable or do not have the same rights as men, it may be that their rights are disregarded. Similarly, in an unprofessional atmosphere, a general atmosphere of disrespect is engendered facilitating sexual harassment.

Another factor associated with sexual harassment is sex-role socialization. While one might expect that stereotypically feminine women would make easier targets for harassment because of low assertiveness skills, women who fit the more masculine stereotype and thus, may create a threat to some men's feelings of power report more of the gender harassment type of sexual harassment (Powell, 1976).

## **INCREASED AWARENESS OF SEXUAL HARASSMENT ON CAMPUS**

As a result of all of the attention devoted to sexual harassment by the media and researchers, as well as the large settlements awarded to victims, college administrators have instituted or revised policies on sexual harassment (Oh, 1992). Many of the policies include stringent disciplinary guidelines in dealing with those who harass. These strict policies, however, have caused some faculty members to feel apprehension that their words and behaviors will be misinterpreted, leading to accusations of inappropriate sexual behavior (Leatherman, 1992). Some academicians

have expressed dissatisfaction that the current atmosphere of apprehension interferes with academic productivity and undermines the instructor-student relationship (Gallop, 1994).

Trout (1994) discusses cases where someone was charged with sexual harassment, and most of the instances seemed not to justify a charge. However, the American Psychological Association claims that fewer than one percent of sexual harassment complaints are false (Whitehead, 1998).

True sexual harassment must not be tolerated in higher education. Academic consultants advocate informal resolution. Even if individuals choose informal resolution, policies on sexual harassment can help to change people's attitudes by treating sexual harassment as a form of sexual discrimination which may be dealt with in formal and civil ways, as well as informal channels. The purpose of a sexual harassment policy is to educate as much as to describe a procedure (Mitchell, 1997).

## CONCLUSION

Whether considering the City University of New York or another college or university it is critically important to develop well-formulated sexual harassment policies and procedures in which the entire college community is educated about how to deal with incidents of sexual harassment.

By stating sexual harassment policies and procedures explicitly and insuring awareness throughout the campus, the college or university may deter potential harassers from harassing. Professional conduct should be modeled by those in supervisory positions and expectations of what constitutes acceptable and unacceptable behavior should be clearly stated and enforced (O'Donohue and O'Hare, 1998). The college or university should be a learning environment in which students and faculty can take part in intellectually stimulating exchanges without fear of harassment.

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