
THE OFFICE OF HUMAN RESOURCES

TO: Lewis University Adjunct Faculty

FROM: Graciela Dufour, *Associate Vice President,*
Human Resources

CC: Dr. Stephany Schlachter, *Provost*

DATE: January 2, 2013

RE: **Harassment in Higher Education**

Attached, please find information for your review regarding Sexual Harassment in Higher Education. It is imperative you thoroughly read this information and understand the legal exposure you possess as a representative of the university. Accordingly, the following information will help you effectively manage relationships and situations that may arise in the classroom.

If you have any questions or would like more information, please do not hesitate to contact me at (815) 836-5548.

Best wishes for a successful year.



OVERVIEW OF WHAT FACULTY NEED TO KNOW ABOUT SEXUAL HARASSMENT IN HIGHER EDUCATION

Lewis University, January 2013

Title IX

- Federal law that prohibits discrimination on the basis of sex, including sexual harassment, in education programs and activities. Applies to all public and private education institutions that receive any federal funds.
- Protects students from harassment connected to any of the academic, educational, extracurricular, athletic, and other programs or activities of schools, regardless of the location.

Illinois Human Rights Act

- State law that prohibits various forms of discrimination, including sexual harassment in higher education. Applies to all employers with one or more employees.
- Protects students from harassment connected to any of the academic, educational, extracurricular, athletic, and other programs or activities of schools.

Title VII

- Federal law that prohibits an employer from discriminating against employees based on or because of an employee's race, color, religion, sex or national origin. Applies to employers with 15 or more employees.
- Amongst other things, protects employees from discrimination or harassment on the basis of their sex, including sexual harassment.

What Is Sexual Harassment?

- Sexual harassment is conduct that:
 - is sexual in nature;
 - is unwelcome; and
 - denies or limits a student's ability to participate in or benefit from a school's education program.
- Types – Quid Pro Quo and Hostile Environment

What Is Quid Pro Quo Harassment?

- Occurs when a teacher or other school employee conditions an educational decision or benefit on the student's submission to unwelcome sexual conduct.

What Is Hostile Environment Harassment?

- Occurs when a teacher, school employee, other student, or third party creates a hostile environment that is sufficiently serious to deny or limit a student's ability to participate in or benefit from the school's program.

What Creates A Hostile Environment?

- Adverse effect the conduct had on the student's education;
- Type, frequency, and duration of the conduct;
- Identity, age, and sex of the harasser and the victim, and the relationship between them;
- Number of individuals who engaged in the harassing conduct and at whom the harassment was directed;
- Size of the school, location /context of incidents; and
- Whether other incidents occurred involving different students.

What is Lewis' Discriminatory Harassment Policy

- “The University will not tolerate harassment based on race, color, religion, sex, sexual orientation, age, marital status, national origin, veteran status or disability. Such harassment can include unwelcome sexual advances or requests for sexual favors or it may consist of other offensive verbal or physical conduct that is directed at another employee because of that person's race, color, religion, sex, age, marital status, national origin, veteran status, sexual orientation, or disability. Harassment can include offensive comments, language, jokes, cartoons, innuendo, pictures, or other conduct of an objectively offensive manner and can also include such materials transmitted via e-mail or accessed on the Internet.”
- The Sanctified Zone: Lewis University has declared its campus to be a Sanctified Zone, which means that Lewis aspires to be a campus where people are committed to working to end racism, bias and prejudice by valuing diversity in a safe and nurturing environment.
<http://www.lewisu.edu/sanctifiedzone/index.htm>

How Should You Respond?

- If a student, parent, or employee reports the harassment to you, or you observe the harassment, you must immediately report the matter to the Office of Human Resources: Lewis University, Office of Human Resources, Learning Resource Center, (815) 836-5548.
- Regardless of whether the victim files a formal complaint or requests action, the school must conduct a prompt, impartial, and thorough investigation to determine what happened and must take appropriate steps to resolve the situation. Regardless of the nature of the complaint, it must be reported.

How Should You Not Respond?

- You should not make a finding on whether the complaint rises to the level of sexual harassment.
- You should not assume the situation was a one-time occurrence and will remedy itself.
- You should not dissuade the individual from following through on the report.
- You should not retaliate or discipline an individual for bringing forth a complaint.

What About Consensual Relationships?

- Learning how to establish **boundaries** with students to avoid claims of sexual harassment is another important aspect of fulfilling your obligations as an employee.
- Certainly, not every faculty/student relationship rises to the level of romantic or sexual in nature.
- Nevertheless, faculty/student personal relationships can still pose potential problems.

How To Handle Student Relationships?

- Be aware of the potential conflict.
- Faculty members should be very careful in making requests of current students that involve activities outside the classroom.
- While the student may appear willing to oblige, the power disparity between the professor and the student muddies the water.

What To Consider?

- Group invitations
- Avoid home invitations
- Consider on-campus meetings