



Sexual Harassment

(page 1/2)

Sexual harassment of a student can deny or limit, on the basis of sex, the student's ability to participate in or to receive benefits, services or opportunities from the institution's program. Therefore, it's a form of sex discrimination prohibited by Title IX.

Sexual harassment is conduct that:

- ▶▶ Is sexual in nature
- ▶▶ Is unwelcome
- ▶▶ Denies or limits a student's ability to participate in or benefit from a school's education program

Some other key points...

- ▶▶ Sexual harassment can take different forms depending on the harasser and the nature of the harassment.
- ▶▶ College or university employees, other students and non-employee third parties, such as a visiting speaker, can carry out this conduct.
- ▶▶ The conduct can be verbal, nonverbal or physical.
- ▶▶ Both male and female students can be victims of sexual harassment, and the harasser and the victim may be of the same sex.
- ▶▶ Sexual harassment can occur in any school program or activity and can take place in institutional facilities or at off-campus locations, such as a school-sponsored retreat or training program at another location.

Sexual Conduct

Examples of sexual conduct include:

- Making sexual propositions
- Pressuring students for sexual favors
- Unwelcome sexual advances
- Writing graffiti of a sexual nature
- Displaying or distributing sexually explicit drawings, pictures or written materials
- Performing sexual gestures or touching oneself sexually in front of others
- Telling sexual or dirty jokes
- Spreading sexual rumors or rating other students as to sexual activity or performance
- Circulating or showing emails or websites of a sexual nature

Two Forms of Sexual Harassment

Sexual conduct "denies or limits a student's ability to participate in or benefit from a school's education program" when it comes in these two forms...

Quid Pro Quo Harassment. This occurs when a campus 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. It can also occur when an employee causes a student to believe that the employee will make an educational decision based on whether or not the student submits to unwelcome sexual conduct. For example, when a faculty member threatens to fail a student unless the student agrees to date that faculty member, it is quid pro quo harassment.



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(page 2/2)

It doesn't matter whether the student resists and suffers the threatened harm or submits to and avoids the threatened harm for it to be considered sexual harassment.

Hostile Environment Harassment. This occurs when unwelcome conduct of a sexual nature is so severe, persistent or pervasive that it affects a student's ability to participate in or benefit from an education program or activity, or creates an intimidating, threatening or abusive educational environment. A school employee, another student or a non-employee third party (e.g. a visiting speaker) can create a hostile environment.

The conduct may be repetitive (e.g. sexually suggestive comments) or include a single, severe, isolated incident that creates a hostile environment (e.g. a sexual assault). And it can occur even if the harassment is not targeted specifically at the individual complainant (e.g. a group of students regularly directs sexual comments toward one student, thus creating a hostile environment for that person as well as others who witness the conduct).

Examples of Sexual Harassment

- ▶▶ A faculty member conditions a student's evaluation on submission to his sexual advances and then gives her a poor evaluation for rejecting the advances
- ▶▶ A drama director doesn't give a student a part in a play because he hasn't responded to her sexual overtures
- ▶▶ A college newspaper advisor continually and inappropriately touches a student editor in a sexual manner, causing her to resign from the newspaper staff
- ▶▶ A faculty member withdraws approval of research funds for her assistant because she has rebuffed her advances

Sexual Violence

Sexual violence is a form of sexual harassment, prohibited by Title IX, which includes conduct that is criminal in nature. Acts may include rape, sexual assault, sexual battery, sexual coercion, unwanted touching, domestic violence, dating violence and sexually motivated stalking.

Sexual violence refers to sexual acts perpetrated against a person's will where consent is not obtained or where a person is incapable of giving consent due to his/her use of alcohol or other drugs or due to an intellectual or other disability.

Sources: U.S. Department of Education, Office for Civil Rights, *Sexual Harassment: It's Not Academic*, Washington, D.C., 2008, "Revised Sexual Harassment Guidance, 1/19/01 and "Frequently Asked Questions About Sexual Harassment," updated 4/3/11