

Title IX protects students and employees from unlawful sexual harassment in all of a schools programs or activities, whether they take place in the facilities of the school, or at a class, training program, or event sponsored by the school at another location. Title IX protects both male and female students and employees from sexual harassment, regardless of who the harasser is.

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QUESTIONS AND ANSWERS ABOUT SEXUAL HARASSMENT

WHAT IS SEXUAL HARASSMENT

Sexual harassment is a form of sex discrimination. There are two types of sexual harassment: "quid pro quo" and "hostile environment."

WHAT IS "QUID PRO QUO" SEXUAL HARASSMENT?

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute "quid pro quo" (something for something) sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic performance, or (2) submission to or rejection of such conduct by an individual is used as the basis for employment or academic performance decisions affecting such individual.

WHAT IS "HOSTILE ENVIRONMENT" SEXUAL HARASSMENT?

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute "hostile environment" sexual harassment when such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or academic environment.

WHAT FACTORS DETERMINE WHETHER AN ENVIRONMENT IS "HOSTILE?"

The central question is whether the conduct "unreasonably interfered with an individual's work (or academic) performance" or created "an intimidating, hostile, or offensive working (or academic) environment." The following factors to determine whether an environment is hostile: (1) whether the conduct was verbal or physical or both; (2) whether the conduct was frequently repeated; (3) whether the conduct was hostile or patently offensive; (4) whether the alleged harasser was a co-worker or supervisor (or faculty); (5) whether others joined in perpetrating the harassment; and (6) whether the harassment was directed at more than one individual. No one factor controls, rather, an assessment is made based upon the totality of the circumstances.

WHAT IS UNWELCOME SEXUAL CONDUCT?

Sexual conduct becomes unlawful as sexual harassment only when it is unwelcome. The challenged conduct must be unwelcome in the sense that the employee or student did not solicit or incite it, and in the sense that the employee or student regarded the conduct as undesirable or offensive.

WHO CAN BE A VICTIM OF SEXUAL HARASSMENT

The victim may be any gender, an employee, a student or a guest at the College. The victim does not have to be the person harassed but could be anyone affected by the offensive conduct, including other persons in an office or other students in the classroom.

WHO CAN BE A SEXUAL HARASSER?

The harasser may be any gender; the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, a non-employee or a student.

CAN ONE INCIDENT CONSTITUTE SEXUAL HARASSMENT?

In "quid pro quo" cases, a single sexual advance may constitute harassment if it is linked to the granting or denial of employment or employment benefits or for academic advantages. However, unless the conduct is quite severe, a single incident or isolated incidents of offensive sexual conduct or remarks generally do not create a "hostile environment." A hostile environment claim usually requires a showing of a pattern of offensive conduct. The more severe the harassment, the less need to show a repetitive series of incidents. This is particularly true when the harassment is physical. For example, the unwelcome, intentional touching of charging party's intimate body areas is sufficiently offensive to alter the condition of his/her working environment and constitute a violation.

CAN VERBAL REMARKS CONSTITUTE SEXUAL HARASSMENT?

Yes. Evaluating the totality of the circumstances helps determine the nature, frequency, context, and intended target of the remarks. Relevant factors may include (1) whether the remarks were hostile and derogatory; (2) whether the alleged harasser singled out the charging party; (3) whether the charging party participated in the exchange; and (4) the relationship between the charging party and the alleged harasser.

WHAT SHOULD A SEXUAL HARASSMENT VICTIM DO?

The victim has options. The victim could inform the harasser that the conduct is unwelcome, particularly when the alleged harasser may have some reason to believe that the advance may be welcomed. However, a victim of harassment need not always confront his/her harasser directly, so long as his/her conduct demonstrates that the harasser's behavior is unwelcome. The victim should report the incident to the Title IX Coordinator.

The College's procedure for resolving sexual harassment complaints is designed to encourage victims of harassment to come forward. Victims are not required to complain first to the offending supervisor or faculty member. Confidentiality to the extent possible is maintained and effective remedies, including protection of victims and witnesses against retaliation, is crucial.