

Information about
SEXUAL HARASSMENT



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WHAT IS SEXUAL HARASSMENT?

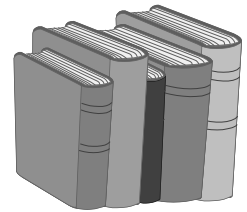
Sexual harassment is defined as any unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature in a work or educational setting. Sexual harassment is the inappropriate sexualization of an otherwise non-sexual relationship.

Women being sexually harassed are confronted with a variety of challenges. It is reported that 50% to 80% of American women will experience some form of sexual harassment during their lifetime.

Sexual harassment exists along a continuum of sexual violence. It is one way in which a person (typically a male) can impose their will on another person, in this case through sexuality. **Sexual harassment is not about sex—it is about power.** It is a major way in which women are held back from advancing in education and/or employment, which is one of the reasons it is illegal.

Facts to Know:

- ✓ Sexual harassment includes many forms of offensive behavior and can include gender-based harassment from a person of the same sex.
- ✓ You have the right to an education, a job, and a life without being sexually harassed.
- ✓ Your employer has a legal obligation to address sexual harassment.
- ✓ When ignored, it often gets worse.



Examples of Sexual Harassment:

- Unwanted sexual advances at work or at school.
- Suggestive or obscene letters, notes, or invitations.
- Offering employment benefits in exchange for sexual favors.
- Making or threatening reprisals after a negative response to sexual advances.
- Visual conduct: leering, making sexual gestures, the display of sexually suggestive objects, pictures, cartoons, or posters.
- Verbal conduct: verbal sexual advances, propositions, derogatory comments, epithets, slurs, or jokes .
- Personalized verbal abuse of a sexual nature: graphic or verbal commentaries about an individual's body, sexually degrading words used to describe an individual.
- Physical conduct: Impeding or blocking movements, or offensive touching.

COMMON REACTIONS

As women, we may be slow to take care of ourselves and seek support since we are taught to put men's feelings first and are usually not encouraged to recognize our own. We need to reclaim our right to value our feelings and responses.

For many women being sexually harassed the decision of whether or not to take formal action against their harasser can be a difficult one. While some women do decide to report, many others choose to remain silent. Many women are reluctant to come forward because they fear retaliation or a loss of privacy. These are valid responses. While talking to someone about the harassment may be helpful, only you can make the appropriate decision for yourself.

It is common to become preoccupied with the harassment, how to stop it, and/or what it signifies, which can interfere with normal functioning. A sexual harassment victim may have to go to great lengths to try to avoid the harassment. A violation of boundaries can damage one's sense of power, autonomy, and self worth.

PHYSICAL EFFECTS

- ❖ Headaches
- ❖ Weight loss or gain
- ❖ Stomach aches
- ❖ Inability to concentrate
- ❖ Insomnia
- ❖ Anxiety attacks
- ❖ Crying spells

EMOTIONAL EFFECTS

- ❖ Feelings of humiliation
- ❖ Depression
- ❖ Deep sense of guilt
- ❖ Feelings of helplessness and vulnerability
- ❖ Anger and frustration
- ❖ Fear
- ❖ High levels of stress or anxiety

Many people feel ashamed or humiliated as a result of the harassment. It is not your fault and you do not have to put up with it. Know your boundaries and limits. Trust what you are feeling. **Reach out! You deserve support!**

LEGAL ASPECTS OF SEXUAL HARASSMENT

DEFINITIONS

Criminal vs. Civil Sexual Harassment. Sexual harassment can be prosecuted as a criminal case through the D.A.'s office when it involves unlawful touching or the threat thereof. Offensive touching is legally defined as sexual battery, and the fear or threat of being offensively touched is called sexual assault and battery—both are considered criminal conduct. The other forms of sexual harassment that do not involve offensive touching are filed in a civil lawsuit.

THE EEOC (Equal Employment Opportunity Commission) DEFINES SEXUAL HARASSMENT AS:

Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, academic status, or progress, or
- (2) Submission to/rejection of that conduct is used as a basis for employment or academic decisions affecting such individual, or
- (3) Such conduct has the purpose or effect of unreasonable interference with an individual's work or academic performance, or the creation of an intimidating, hostile, or offensive work or education environment.

Numbers (1) and (2) within that definition are called **quid pro quo** (Latin for "this for that"). In order to establish quid pro quo harassment, the following must be shown: (1) the accused harasser has some sort of power over the target (supervisor/employer; teacher/student, and so forth); (2) the reaction to the unwelcome sexual conduct was used as a basis for decisions concerning the terms, conditions, or privileges of employment, academic, or extracurricular school opportunities; and (3) the target feels that accepting the behavior or "putting up with it" is something they have to do in order to receive the same benefits or opportunities as another employee or student. One incident may be all that is needed for legal action to be taken.

Number (3) of the definition, which is referred to as **hostile work environment**, is by the far the most common form. It refers to situations in which the acts of sexual harassment create a hostile or intimidating work or academic environment. This type of harassment is illegal because it causes the target to lose the intangible benefits of a discrimination-free workplace or school. The EEOC recognizes that hostile environment harassment takes a variety of forms and can be affected by many factors. A hostile environment claim generally requires the establishment of a *pervasive pattern* of offensive conduct. Unless the conduct is quite severe (such as sexual touching), a single incident or isolated incidents of offensive sexual conduct generally will not suffice to create evidence of an abusive or hostile environment.

**UNDERSTANDING WHAT CONSTITUTES
SEXUAL HARASSMENT
CAN BE COMPLICATED BY THE FOLLOWING FACTORS:**

- Certain interactions which are deemed acceptable in social situations may not be appropriate in the workplace or at school.
- Differing cultural assumptions and expectations about gender roles, including what constitutes acceptable male and female behavior.
- Males and females may interpret experiences differently. While females may view certain sexual behaviors as intimidating, hostile, offensive, demeaning, or inappropriate, males may view the same behavior as flattering, friendly, or funny. In 1991 the **reasonable woman standard** replaced the *reasonable person standard* in sexual harassment cases for this reason.

Sexual harassment is defined by the context in which behaviors take place, not necessarily by the behaviors themselves. The harasser's *intentions* are not relevant to the case. The harassment is determined only by how the behaviors were *received* by the target person

--Adapted from material produced by UCSC Title IX office.



OTHER QUESTIONS

What about the harasser's liability? The harasser can be held personally liable for damages, as well as any management representative who knew about the harassment and allowed it to continue. The EEOC even goes as far as to suggest that the employer be held liable regardless of whether they know about the harassment or not.

What about sexual harassment in other arenas, such as a gym, store, or by a landlord? While sexual harassment laws do not specifically address these issues, the emotional effects can be equally devastating. You can try using similar tactics to stop the behavior, such as documenting the evidence, confronting the harasser, gaining information on the subject, and getting legal advice.

What about 3rd party complaints? If someone else at work or school is being sexually harassed and it distracts or upsets you, you can file a complaint. Check your agency's policy; UCSC does have some coverage for this.

What about dating in educational settings? Be aware that at both UCSC and Cabrillo College it is against the rules for a faculty member or teaching assistant to *initiate* or *accept* romantic/sexual advances with any current student. This includes a student in his/her class as well as any teaching or research relationship.

What about same sex harassment? In 1964 the Supreme Court ruled that same sex harassment does exist under Title VII. Though the legal issues are somewhat different, if you are being harassed by someone of the same sex you should document the details and seek legal advice.

WHAT YOU CAN DO: THE FIRST STEP

--Adapted from material produced by UCSC Title IX office.

<i>Document the details.</i>	<ul style="list-style-type: none">• After each incident write down the date, time, place, and description of the harassment. Who you spoke to about it, and what you did about it, if anything. Having written documentation detailing the harassment will be invaluable if a third party (employer or legal system) becomes needed to stop the harasser's behavior.
<i>Confront the harasser.</i>	<ul style="list-style-type: none">• If you feel comfortable. Name the behavior and state how you want it to change: "I don't like it when you ___ and I want you to stop". Document your conversation and tell someone you work with or a close friend what you've done.
<i>Remember that the harasser's intent does not matter.</i>	<ul style="list-style-type: none">• It is the impact the conduct has on you that determine whether it is harassment. If the harasser comes to you and wants to "talk about it," simply tell them "I'm not willing to discuss it. I expect the behavior to stop."
<i>Write the harasser a letter.</i>	<ul style="list-style-type: none">• Stating that you do not like the behavior and that you want it to stop immediately. For example, give an objective account of the behavior that you object to: "Yesterday you walked up to me while I was at the copier and you started massaging my shoulders." Express your feelings: "I feel angry by this behavior, and it makes me uncomfortable in the office." Then let the harasser know what you want to happen: "I want you to stop all these behaviors so that I can continue to be productive on the job." Keep a copy of any correspondence that you give to the harasser.
<i>Make a copy of the definition of sexual harassment.</i>	<ul style="list-style-type: none">• Or the policy of your organization and leave it on the harasser's desk or send it to them anonymously. You may want to underline the specific parts of the definition which apply.
<i>Ask other people in your office.</i>	<ul style="list-style-type: none">• If they have experienced the same thing. A group complaint may be more effective in stopping the harassment.
<i>Get legal advice early.</i>	<ul style="list-style-type: none">• Know your rights.
<i>Take care of your self.</i>	<ul style="list-style-type: none">• Try to find a person that you trust and tell her all about it, so that she can give you Support, this way you will reduce the isolation. (counselors, friends, family members). Inform you self about sexual harassment: talk to people that has read about the subject or in some way they have experience sexual harassment. Find ways to take care of your self in an active way, this will help you feel strong.
<i>Report the harasser to their supervisor or someone else in management who deals with employment complaints.</i>	<ul style="list-style-type: none">• Make an appointment to meet during the work day so it is strictly a business meeting.• Begin the meeting by stating: "I need to speak to you about some specific conduct that is interfering with my ability to do my job." Then tell who the harasser is and give the facts of the harassment: "My co-worker Janet has asked me repeatedly for dates even though I've told her no each time."• Tell this person that you need their help in solving the problem.• Confirm that this person is in a supervisory/management position. Make an appointment for a follow-up meeting. Make it clear that you expect the problem to be corrected and that you are documenting the process.

TAKING FORMAL ACTION

LEVEL ONE

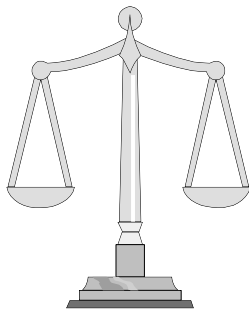
The first step should be to contact the sexual harassment or affirmative action officer at your school, organization, or company where the harassment is taking place.

- If you work for a **private business or other agency**, your supervisor is mandated to do something about your harassment.
- Each business or agency is required to have:
 - A sexual harassment policy, and to uphold the California law on such issues.
 - A worker's compensation, you need to file it within one year.

DID YOU LOSE A JOB BECAUSE OF SEXUAL HARASSMENT?

You may be eligible for:

- **State Disability Insurance:** 1-800-480-3287
- **Unemployment Insurance:** 1-800-300-5616. When applying for unemployment insurance, you must clearly state that the reason you quit or were fired was sexual harassment.



LEVEL TWO

If the options described in **Level One** do not solve the problem or they are not workable for whatever reason, then you can try contacting agencies in the next level of recourse.

- **DFEH** (Department of Fair Employment and Housing): 111 North Market Street, # 810, San Jose, CA 95113-1102, (408) 277-1264 or 1-800-884-1684. The time limit to file a complaint is 1 year.
- **EEOC** (Equal Employment Opportunity Commission): U.S. Courthouse and Federal Building, 96 North 3rd Street, Suite 200, San Jose, CA 95113, (408) 291-7352. Public information recording at 1-800-669-3362. The time limit to file a complaint is between 180-300 days, depending on the complaint.
- **U.S. Department of Labor:** Office of Federal Contract Compliance Program, 211 Main Street, Suite 328, San Francisco, CA 94105, (415) 744-6630. Contact this agency if your organization holds federal contracts of \$50,000 or more.
- **U.S. Department of Education:** Office of Civil Rights, 50 United Nations Plaza, Room 239, San Francisco, CA 94102, (415) 437-7700. The time limit to file a complaint is 180 days from last incident or outcome of grievance. Contact this agency if you attend or work at an educational institution.

HOW TO SUPPORT A FRIEND WHO IS DEALING WITH SEXUAL HARASSMENT

Women often need to speak with someone who is not enmeshed in the situation. Do not hesitate to give this page to the friend or support person helping you through this difficult experience.

THE DECISION PROCESS ⌘ Do not judge her choice to speak out or remain silent. It is valid for her to choose an option that is least painful to her. Be supportive and listen.

SPEAKING OUT ⌘ Remind her that other people's reactions are not always rational responses to the facts at hand. *Her* response to the harassment is the only relevant one. Let her know that she does not have to justify her right to speak up no matter what the repercussions might be for the harasser. It is her right not to be sexually harassed. The harasser has made a choice to violate her boundaries and he or she is responsible for accepting the consequences.

EMOTIONAL REPERCUSSIONS ⌘ She may be experiencing problems which she does not realize are associated with the harassment. It may help her to know that her feelings are normal.

⌘ Emphasize her strengths. She may only be in touch with her vulnerability and feelings of weakness. It takes strength to correctly label someone's conduct as sexual harassment and to face up to the problem. It takes strength to go to work or school every day knowing that the harasser will be there.

⌘ Support and validate her perceptions. Remind her that she is not crazy to feel as she does. Others may be constantly challenging and denigrating her interpretation of the sexual harassment and/or any action she has taken. She could use a reality check.

⌘ Emphasize the strengths in her responses to the situation. Anger is a very healthy response to sexual harassment.

⌘ Be on the lookout for her denying, minimizing, or trivializing her situation, and let her know that those feelings are a common response. It is extremely hard to stick to the belief that harassment really is a problem—especially given other people's tendency to minimize it.

⌘ Examine her situation within a larger social context—what she is experiencing is linked to the systematic way in which women have been kept subordinate in the workplace and in education arenas, and can also be linked to a continuum of male violence. She is not alone!

⌘ Help her to assess the risks and costs of each option, and what her financial and emotional grounding is for each option



RESOURCES

- **Monarch Services ~ Servicios Monarcas:** 24-hour crisis hotline(888) 900-4232

- **Fund for the Feminist Majority (VA):** Provides phone counseling, help with strategies, and resources. sexual harassment hotline(703) 522-2501

- **Counseling at Cabrillo College or UCSC:** students get free counseling.
- **Cabrillo Women's Center**..... (831)479-6249
- **UCSC students should contact Counseling and Psychological Services**.....(831)459-2628

- **“SHINE” (Sexual Harassment Innovative Education):** provides educational workshops and works with Title IV located on the UCSC Campus..... (831)459-2462

- **9 to 5, National Association of Working Women:** staffed 10-4. Advice for women with concerns, fears, and/or questions about sexual harassment. toll-free job survival hotline(800) 522-0925

LEGAL RESOURCES

In order to file a civil claim, you must first file with the DFEH. Watch time limits!

- **Equal Rights Advocates:** (800) 839-4372. Provides initial information and legal advice; will help file with the EEOC. Bilingual: Spanish/English. Website equalrights.org

- **Asian-American Legal Defense and Education Fund, Women's Rights Project:** 99 Hudson Street, New York, NY, 10013, (212) 966-5932.

- **NOW Legal Defense Fund:** 99 Hudson Street, 12th Floor, New York, NY, 10013.

- **Federally Employed Women:** Washington DC, (202) 898-0994. Represents all female federal government employees. 8:30 a.m.-5 p.m. EST.

EXCELLENT BOOKS ON SEXUAL HARASSMENT

These books come highly recommended to increase your knowledge and understanding of this complicated subject. In addition to a brief description, a location where each book can be found is provided below.

Coburn, Jennifer. (1995). Take Back Your Power: A working woman's response to sexual harassment. San Francisco: ism press, inc.
A very practical guide, step-by-step guide to what you can do and what it might be like. \$10 at Herland Women's Book-Cafe.

Larkin, June. (1994). Sexual Harassment: High school girls speak out. Canada: Second Story Press.
Because it is written for a high school audience it is very clear and can be a good resource for all women. It tells it like it is. \$14.95 at Herland.

Langelan, Martha J. (1993). Back off! How to confront and stop sexual harassment and harassers. New York: Simon and Schuster.
GREAT stuff! Highly recommended. \$12 at Herland.

Morris, Celia. (1994). Bearing Witness: Sexual harassment and beyond—Every woman's story. Boston: Little Brown.
Mostly consists of women's own stories about their experiences with the different aspects of the harassment or with dealing with it. It is a good way to connect with other women's experiences and insight they can share. At Santa Cruz Public Library, 305.42 M83.

Paludi, Michelle A. (Ed.). (1989). Ivory Power: Sexual and gender harassment in the academy. Suny Press.
Not just for universities! Very good discussion about it conceptually, including its impact on women (great for counselors), profiles of the harassers, and how complaints are handled. UCSC McHenry Library: LC212.862.I95

Pellicciotti, Joseph M. (1988). Title VII Liability for Sexual Harassment in the Workplace. Alexandria, VA: International Personnel Management Association.
Very good and concise coverage of the legal evolution of enforcement. At UCSC McHenry Library: KF3467.P44 1988, and at Bookshop Santa Cruz.

Siegel, Deborah, L. (1991, November). Sexual harassment: Research and Resources: A report-in-progress. Prepared by the National Council for Research on Women (compiled and written by Deborah L. Siegel, edited by Susan A.) New York: National Council for Research on Women, c1991.
This 36-page booklet is one of the best resources out there if you want to know more about the topic. A good one-stop resource, not as good for a how-to guide. Available at UCSC McHenry Library, HD6060.3.S53 1991.

Sumrall, Amber C., and Taylor, Dena. (Eds.) (1992). Sexual Harassment: Women Speak Out. Freedom, CA: The Crossing Press.
Full of short pieces by various women—many of them from Santa Cruz—who have been through it and have wonderful insights and reactions. Empowering! At Santa Cruz Public Library, 305.42 Se9.

SEXUAL HARASSMENT LAWS AT A GLANCE

- ★ Title VII of the Civil Rights Act of 1964 prohibits employment discrimination based on sex.
- ★ Title I of the Civil Rights Act of 1991 allows damages for employees who are victims of intentional sex discrimination.
- ★ Title IX of the Education Amendments of 1972 prohibits sex discrimination in educational institutions.
- ★ California Fair Employment Practices and Housing Act, California Government Code 12900-12996, prohibits sex discrimination in housing or employment.
- ★ California Code of Regulations Title 2, R. 7287.6 expressly forbids sexual harassment in employment.
- ★ Title I of California's General Education Code prohibits sex discrimination in educational institutions.
- ★ California Civil Code 51.9, 1996, gives providers and purchasers of "professional" services the right to sue one another if either party makes unwelcome sexual advances.
- ★ Executive Order 11246 prohibits discrimination on the basis of race, color, religion, national origin, and sex for all employers who have federal contracts over \$10,000.
- ★ Title 42 of the U.S. Code, Section 1983, prohibits persons "acting under color of state law" from depriving individuals of any right secured by the constitution. Sex discrimination suits usually cite violations of a person's rights under the 13th, 14th, and 15th Amendments.