

Sexual Harassment: How to recognize it . . . What to do about it.

An AWG Information Paper By J. E. Tagudin, AWG Member-At-Large

In October of 1991, the nation's attention was riveted to the confrontation between Supreme Court nominee Judge Clarence Thomas and Dr. Anita Hill, a former aide who claimed that Thomas has sexually harassed her during the time she had worked for him. This highly publicized event sparked much debate throughout the nation on what exactly constitutes "sexual harassment." Although we would all like to believe that sexual harassment is a thing of the past, in fact, it remains widespread in both corporate and academic communities.

Historically, sexual harassment has been an unpopular topic to discuss and consequently, many people do not know what constitutes sexual harassment or even if they themselves have been victims or harassers. For women who feel they may have been harassed, there is often that same self-doubt that frequently plagues victims of sexual assault/abuse: Did I encourage it? Was it my fault? Am I being too sensitive? For men who feel they may have been harassed, there is a great sense of isolation: Who can they confide in? Who will believe them?!! The stress of being sexually harassed combined with these kinds of self-blaming thoughts can undermine a person's self-confidence and also have an adverse effect on their job performance and personal health. It is therefore important to: 1) Recognize when you are being harassed, and 2) Seek some method of ending the harassment.

As a graduate student at the University of California, Santa Cruz, I was a member of the Sexual Harassment Prevention Committee which helped educate graduate teaching assistants on this issue to promote their professionalism as instructors. What follows are some key points regarding sexual harassment that I'd like to share with AWG members.

What is Sexual Harassment?

Sexual harassment is primarily an issue of power, not sex. It occurs when a person with power abuses that power. Sexual harassment creates confusion because the boundary between the professional role and personal relationship blurs. The harasser introduces the personal element into what should be a sex neutral situation. Sexual harassment can be: men against women, women against men, women against women, or men against men. All are equally unacceptable and unprofessional forms of behavior. The difference between voluntary sexual relationships and sexual harassment is that harassment contains elements of coercion, threat and/or unwanted attention in a non-reciprocal relationship. In some instances, superiors feel physically intimidated by subordinates who "come on" to them, they nevertheless can say "no" without worrying about their self-esteem or loss of a grade or job. This makes the situation somewhat different than when a superior "comes on" to a subordinate. Sexual harassment violates Title VII of the 1964 Civil Rights Act. The actual legal definition varies from State to State, but the following examples are generally understood as forms of sexual harassment. Sexual harassment can involve persons in authority who make you uncomfortable because they:

- subject you to unwanted sexual attention, such as making sexual or suggestive comments;
- attempt to coerce you into a sexual relationship;
- punish or threaten to punish you for refusal to comply;
- imply that sexual favors may be a basis for grades in a course or otherwise influence your job evaluation;
- engage in conduct which has the purpose or effect of interfering with your performance or creating an intimidating, hostile or offensive work or learning environment.

Sexual harassment is simply coerced, unethical and unwanted intimacy. Although it usually is a repeated unwelcome behavior, in some instances it can be an action that only occurs once.

What are the Types of Sexual Harassment?

Most sexual harassment falls into two categories: verbal and physical.

Verbal harassment may include:

- addressing a professional in a belittling/demeaning manner (Honey, Babes, Sweetheart, Boy/Girl, etc.) in an attempt to diminish his/her status.
- sexual innuendoes and comments and sexual remarks about your clothing, body, or sexual activities ("So you're majoring in physical therapy? Gee, I'd love to get some physical therapy from you!"; "I noticed you lost weight; I'm glad you didn't lose your gorgeous chest, too!"; or "Those jeans really fit you well!");
- suggestive or insulting sounds (i.e. whistling, snarling, growling or grunting in a suggestive manner);
- humor or jokes about sex in general, or men/women as a specific group;
- sexual propositions, invitations or other pressure for sex ("My office hours are limited, why don't you drop by my house where we can have plenty of privacy and get to know each other better.");
- implied or overt threats ("It's very simple; if you want a good evaluation you have to be nice to me and sex is the nicest thing I can think of . . . It's up to you.").

Physical harassment may include:

- patting, pinching and any other inappropriate touching;
- brushing against the body;
- attempted or actual kissing or fondling;
- coerced sexual intercourse;
- assault.

Other types of sexual harassment may include:

- leering or ogling (e.g. staring at specific parts of your body);
- making obscene gestures;
- display of pornographic cartoons or photographs.

In addition to the three previous types of explicitly sexual behavior, sexual harassment may also include any type of inappropriate behavior that continues even after a subordinate makes it clear that it is unwanted. For example, although some people may like to be patted or touched on the back or arm as a gesture of support, this may not be universally liked by everyone. Such a gesture becomes sexual harassment when a subordinate asks a superior not to do it or in some other way clearly indicates displeasure and the offending behavior continues.

If You are Sexually Harassed: What You Can Do About It.

Ignoring sexual harassment will not make it go away. There are positive steps that can be taken toward resolution of the harassment. Victims of sexual harassment typically feel angry, violated or depressed; and although such feelings are certainly valid, they could hamper any attempt toward a positive resolution by clouding your reasoning under a very stressful situation. Deal with your emotions (e.g. anger, depression, etc.) through counseling and support groups; keep your head clear for presenting all the facts to resolve the situation.

Sometimes a person may not realize that his/her actions are offensive. (If you have been trying to ignore your harasser, he/she may have no idea at all that you are offended.) If you want the offensive behavior to stop, you must communicate this clearly either by direct confrontation, or perhaps by writing a letter. Either one of these methods provides the harasser with a new perspective on his/her behavior. The advantages of writing a letter are that it avoids the "public" confrontation and it also provides hard evidence that you made an attempt to resolve the situation, should you need such proof later. The letter should be direct and detailed. Mary Rowe 2 suggests the following format for such a letter:

- 1) Tell the facts of what has happened without evaluations, as seen by you: "Last week in the conference room you tried to kiss me and asked me to go to bed with you."
- 2) Describe how you feel (distrust, revulsion, dismay, etc.) about the events described and also include your opinion and thoughts about what happened: "I feel very uncomfortable around you and have considered leaving the company because of your unprofessional actions."

- 3) Describe what you want to happen next. This may be very short, since most writers usually just want the behavior to stop: "I don't ever want you to touch me again or make remarks about my sexuality." If you believe a remedy is necessary, include it here: "I will need a written answer about the reference you will provide for me from now on."

Keep one copy of the letter for yourself. The letter should be delivered in person, or by registered or certified mail. You may wish to be accompanied by a friend/protector/witness when you deliver it. (The person accompanying you does not need to know the purpose of the letter.) If writing a letter does not resolve the situation, there are other avenues to pursue, but initially you must make some effort to communicate to your harasser that their behavior is offensive to you and that you want it to stop.

Although a detailed procedure for resolving all forms of sexual harassment is beyond the scope of this article, Mary Lebrato 3 provides a useful checklist of things to consider before initiating a conflict resolution procedure. Lebrato divides the resolution process into three realistic phases:

- 1) **Personal considerations,**
- 2) **Deciding what you want, and**
- 3) **Strategies for achieving your goal.**

1) Personal considerations: Before doing anything, consider the following questions: How serious is the sexual harassment? Is it a mild irritation or does it have the potential to affect the advancement of your career/education? If you choose not to complain, will it cause you excessive conflict or stress? Can you withstand the pressure, economic and otherwise, of pursuing a lawsuit? Can you afford to lose your job, change your career or change your major? Do you have fears about holding your own personal life out for public scrutiny? If so, are those fears reasonable? How much personal support can you expect from your family and friends?

After answering these questions honestly, consider what strategies might work in your particular situation. Remember, you are the best judge of what method of resolution to pursue for yourself, and although you may solicit advice from friends and family, in the end the decision and method to achieve resolution should be yours.

2) Deciding what you want: Before choosing a strategy for resolution, you must define for yourself what you hope to achieve. Do you simply want the harasser to stop his/her offending behavior? Will you want back pay (this may require a federal or state agency)? Do you want restitution for the harm you endured, or is your primary objective to punish the harasser (e.g. have him/her demoted, fired, arrested)?

Be realistic. The remedy you seek must be appropriate for the harm you have suffered. A minor incident that is quickly corrected by management probably would not warrant any compensation, whereas a more serious incident involving job loss or injury due to stress would.

Be prepared for the worst. Be prepared for the possibility that you will receive nothing more than the satisfaction of knowing that you tried to rectify an unacceptable and illegal situation. You may invest a lot of time, money and energy, and receive no compensation at all. The sensational large cash settlements, even in the most well-documented and egregious cases, are rare.

3) Strategies for achieving your goal: No matter how you plan to resolve an incident of sexual harassment, it is essential that you have excellent documentation of the offending behavior. As Lebrato suggests:

- If someone is harassing you, keep a journal (not at work) of events (including dates, conversations, potential witnesses) describing what offensive behavior occurred.
- Let sympathetic co-workers know what is happening and how you feel, but be careful not to slander your harasser or you may be counter sued for defamation! Try to focus your attention on the facts of what occurred, instead of allowing your personal opinions about the harasser to get involved in your discussions. For your own protection, use discretion when deciding with whom to discuss the specifics of the sexual harassment.
- Keep any notes, cards, presents, or other "physical" evidence that you have received from the harasser. If any of the harassment results in bruises or ripped clothing, have a picture taken of the bruises and keep the clothing. Date and identify each picture, including the name of the individual who took the picture.

- Get copies of positive work evaluations or other evidence indicating that you are doing a good job. You have the right to access to your personnel file. Get any personnel documentation needed before you start a conflict resolution procedure to avoid "disappearance" of relevant records.
- If you are a union member, contact your local representative or shop steward and follow grievance procedures as outlined in the contract. If you are not represented by a union, contact your employee relations advisor for help. Follow up all telephone contacts and meetings in writing.
- Write a complaint to the harasser's supervisor and pursue it through higher internal channels if appropriate. Keep copies of all correspondence about sexual harassment for your records.
- If you seek medical care for stress, depression, anxiety, ulcers, or other ailments related to the harassment, tell your physician about the harassment. It is best to be specific about the events and not merely say that it is due to undefined "job stress".

After considering the options presented above, it is ultimately up to each individual to decide what is their best course of action in resolving an incident of sexual harassment. Ideally, we should be able to work in a non-hostile environment of mutual respect with our co-workers and superiors in our chosen field of the geosciences. Only through education can this difficult topic be confronted and addressed. (Note: The previous ideas are meant to provoke thought and examination of one's own experiences, but are in no way meant as a substitute for professional legal advice. If you feel you are a victim of sexual harassment, you are strongly encouraged to seek help from a support group, personal counselor, or, if need be, a professional legal consultant.)

References and Acknowledgments:

- 1) From UCSC handout *Definition and Examples of Sexual Harassment* (10/87), excerpted from *In case of Sexual Harassment, A Guide for Women Students*, Project on the Status and Education of Women, Washington, D.C.
- 2) From UCSC handout *Sexual Harassment . . . A Letter Will Help*, adapted from a paper by the Project on the Status and Education of Women (Assoc. of American Colleges), based on an article by Mary Rows, *Dealing with Sexual Harassment*, Harvard Business Review, May-June, 1981, pg 43.
- 3) "*Help Yourself: A Manual for Dealing with Sexual Harassment*, edited by Mary T. Lebrato, *Sexual Harassment in Employment Project of the California Commission on the Status of Women*, 1986.

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