I. Introduction

The following report is presented by the Student Affairs Committee and was prepared by the Subcommittee on Sexual Harassment. This subcommittee consisted of Lisa Robinson, chair (GAS), Jeffrey Cohen, Col/Wh '85, Robert E. Davis (Benjamin Franklin Professor of Molecular Biology and University Professor), and Linda P. Nelson (Assistant Professor, Pediatric Dentistry).

This subcommittee proposes to be a central clearinghouse for information concerning sexual harassment until such time as another committee or body within the University of Pennsylvania is officially designated for this purpose.

What is sexual harassment? "For purposes of University policy, the term "sexual harassment" refers to any unwanted sexual attention that: (1) involves a stated or implicit threat to the victim's academic or employment status; (2) has the purpose or effect of interfering with an individual's academic or work performance; or (3) creates an intimidating or offensive academic, living, or work environment. The University regards such behavior as a violation of the standards of conduct required of all persons associated with the institution. Accordingly, those inflicting such behavior on others within the University setting are subject to the full range of internal institutional disciplinary action, including separation from the institution."—Thomas Ehrlich, Provost (Almanac September 24, 1985, p.XI)

A pamphlet entitled Sexual Harassment, A Guide for Students, was published by the University Council Student Affairs Committee and the Penn Women's Center and was produced by The Office of Student Relations, October, 1984. It defines sexual harassment as taking many forms ranging from the subtle innuendo to rape. The pamphlet categorizes sexual harassment according to behavior as follows:

Less Severe—sexual teasing; jokes; questioning about one's private personal life
Severe—unwelcome touching, patting, pinching, cornering; unwelcome arms around the shoulder; pressure for dates; letters, phone calls discussing sexual matters
Most Severe—sexual bribery, e.g., demanding sexual favors accompanied by threats of low grades, bad references, etc. or in exchange for a good grade, letter of recommendation, etc.; sexual assault; attempted rape; rape.

(*These types of behavior are also crimes.)

II. The Charge of The Subcommittee

"The sexual harassment of post-secondary students is an increasingly visible problem of great, but as yet unascertained dimensions."—A Report on the Sexual Harassment of Students by the National Advisory Council on Students, August, 1980.

Following the publication of the report of the recent survey on sexual harassment (Almanac September 24, 1985 and subsequent correspondence), it is embarrassingly obvious that sexual harassment at the University of Pennsylvania is an urgent problem. The results of the recent survey on sexual harassment have given us more details about the pervasiveness of this problem.

The major intent of this report is to contribute to the awareness of the University community of the existence of harassment and discrimination by some of its members and to make recommendations for procedures to deal with complaints of sexual harassment.

III. Existing Campus Resources

The Student Affairs Committee, in conjunction with the Office of Student Life and the Women's Center, published a pamphlet, in 1984 (Appendix A) that defines sexual harassment and explains the various processes by which complaints can be made. It also lists the appropriate University offices where assistance with such complaints can be sought. (Subsequent words in italics are from this pamphlet).

These are:

1. The Office of the Ombudsman. The Office of the Ombudsman exists to help resolve grievances of all members of the University community — students, faculty, and staff — on a conditional and informal ba-
s. This office can assist persons with complaints about sexual harassment to decide what action they want to take. The Ombudsman is independent of the University's grievance mechanisms and may also be requested by the Office of Student Life to undertake a formal investigation of charges of sexual harassment of students. This committee believes that the Office of the Ombudsman is the best place to receive complaints about sexual harassment.

2. The Women's Center. The Women's Center will aid students, faculty, and staff with counseling, advocacy, advice and referral concerning formal and informal avenues of redress in matters of sexual harassment. The Center does not conduct investigations and does keep all information confidential. The Center has co-sponsored a number of programs on the problem of sexual harassment, such as conferences on sexual harassment in the workplace and a two-day program in the Graduate School of Education. The Director of the Women's Center is available to speak in dormitories. We believe this constitutes a most effective awareness program. The Women's Center receives many calls a day on a variety of subjects from members of the University community and asks all complainants of sexual harassment to report to the Ombudsman. However, not all complainants comply with this request. The main function of the Women's Center, in this regard, is to reassure and advise the complainants.

3. The Office of Student Life. The Director of the Office of Student Life is responsible for dealing with student grievances arising from sex discrimination in education. Complaints about sexual harassment may be made by students to the Director, who will either conduct an informal investigation or refer the complaint to the Ombudsman for formal action. The Office of Student Life is a place for preliminary investigations of grievances and a referral center for students. The complainants themselves decide whether to continue to pursue the complaint. The Director of the Office of Student Life may also serve as an advocate for students in the University judicial system. This office has dealt mainly with students/faculty grievances and the director saw her role as one of information gathering to help avoid confrontation. When complaints were resolved without recourse to the University judicial system, this information did not leave the Office of Student Life.

4. The Judicial Inquiry Officer. Most of the complaints that have involved cases of sexual harassment that have reached the Judicial Inquiry Officer have concerned work-study students and their supervisors. In the last year, this office has dealt with three such cases. This information remained in the office.

5. Department Chairs and School Deans. Student complaints of sexual harassment by faculty may be brought by the student to the department chair or the school dean. Both chairs and deans may investigate and take informal, collegial action. This committee was repeatedly informed that such information usually remains in these offices.

6. The Provost. It has often proved fruitful to take complaints of sexual harassment to the Provost, who has been able to resolve cases even where no formal charges have been brought. However, even these cases may not all be reported to the Ombudsman.

7. Lesbian and Gays at Penn (LGAP). Complainants of sexual harassment may seek assistance from Gay and Lesbian Peer Counseling, which is strictly confidential and may be particularly helpful in dealing with feelings about the experience of sexual harassment associated with the lesbian and gay community. This information is not available to any other University office.

8. The School of Education's Procedures for Sexual Harassment. The School of Education has recently created a formal procedure for complaints of sexual harassment (Appendix B). There are three Faculty members in the School of Education from whom advice may be sought and whom complaints may be made. The School of Education is presently the only school with a formal procedure concerning sexual harassment. No provision is made in these procedures for complaints to leave the School of Education.

IV. Problems with Existing Structures

A major problem in the University has been a lack of communication especially by those who have been sexually harassed. The major problem for complaints has been to decide where, if anywhere, to go for advice and information. Section IV (1-8) lists the many places where complaints of sexual harassment may be filed. This has led to a dispersion of information so that no single office has had records of all cases of sexual harassment. Thus, documentation has been unavailable about the total number of complaints. Complaints involving what eventually proved to be repeat offenders have been filed in at least three different non-communicating offices. Other examples of non-communicating include the fact that the Judicial Inquiry Officer handled three such complaints last year which were reported to the Ombudsman but has dealt with 20 to 25 cases in the last four years that were not so reported. In another example, the Director of the Office of Student Life dealt with two complaints of sexual harassment in the last year. Both cases were resolved without the knowledge of the Ombudsman or recourse to the University's grievance procedures. Some sexually harassed women, many of whom were graduate students, did not file complaints because they feared reprisals. Formal charges were not filed because the accused would then know the name of the person making the complaint. A system must be developed that is strong enough to support the complainant so that information can be filed (formally or informally) without fear of reprisal yet allows for effective documentation. Of course, the full civil rights of the accused must always be safeguarded.

Many interviewees stated that the biggest problem was to get victims to follow through on complaints. We were told repeatedly that many members of the support staff of the University had suffered greatly from sexual harassment and that their complaints usually cost them their jobs or at best resulted in a transfer from an otherwise satisfactory position. They have the least protection. However, it is widely believed that graduate students and untenured faculty are in the most peril from reprisals from those accused of sexual harassment because they could lose both their university position and their career. The committee sees a need for procedures in which victims feel safe enough to make and follow through on complaints. We must be able to safeguard the complainant from reprisals and ensure that the harassment is not repeated and, if need be, leads to appropriate punishment.

We were advised that there should be one central location responsible for recording all cases of sexual harassment. It is clear that differences in the rank of the harasser have led to differences in the disposition of complaints, that informal measures are not sufficient to stop sexual harassment, and that more publicity is needed to change behavior.

A reporting mechanism needs to be developed that protects the accused from having secret "files" created and perhaps used against the accused. Equally, the victims need protection from reprisals from the harasser. Victims who seek help elsewhere should be encouraged to make a report to the Ombudsman, but full reports (those including all names) should not be sent to the Ombudsman from third-parties without the victim's permission. However, the Ombudsman could keep records that did not contain names and could publish general, aggregate statistics on the various types of sexual harassment each year. Even nonspecific data can be useful and can lead to informal action to correct problems through, e.g., the dean's or the Provost's office.

There is no doubt that clarification is urgently needed on what constitutes standards of behavior that involve harassment or offensive behavior and on who should determine those standards. Everyone should have the right to complain about behavior perceived to be offensive. However, final determination of behavioral standards should be made by the University community through appropriate committees. Since standards of behavior are varied, everyone needs to be educated about behavior appropriate to the situation.

(continued past calendar)
V. Recommendations

Whereas, this subcommittee proposes to be a central clearinghouse for information concerning sexual harassment, we recommend that there should also be a central clearinghouse for complaints about sexual harassment. We recommend that this central clearinghouse for complaints about sexual harassment should be the Office of the Ombudsman. We suggest that complaints about sexual harassment be reported to that office and that at the discretion of the Ombudsman and the complainant, a copy be forwarded to the departmental chair. We agree that there should still be many avenues through which complaints may be initiated, such as the Women's Center, Office of Student Life, etc., which can provide support for the complainant.

We also recommend that all schools develop a set of informal and formal procedures for dealing with complaints of sexual harassment and that the School of Education's procedures could be used as a model. However, the Office of the Ombudsman should be informed of all complaints. (Names should be used only with the permission of the complainant.) It would be desirable to have a group in each school, such as that in the School of Education, to provide consultation and advice about informal and formal complaints of sexual harassment.

We believe strongly that the University needs to set up mechanisms geared to the problem. These mechanisms could either be developed through the committees on Academic Freedom and Responsibility and/or through the mechanisms recommended by the Senate Ad Hoc Committee on Behavioral Standards. In any case it is necessary to protect the rights of both the accused and the complainant. There must be due process. The accused must have the right to confront and respond to the complainant. Anonymous complaints must not get into personnel records.

The Subcommittee also recommends that discussion of the problem of sexual harassment be promoted throughout the University, especially though the twelve schools, residential living programs and the Women's Center.

The subcommittee is also concerned that justice be seen to be done. Provost's Memorandum #3-80, issued on May 6, 1980, defines the University's responsibilities in matters of sexual harassment:

"As an employer, the University seeks to ensure that the workplace is free from harassment. As an educational institution, the University's commitment to eradicating sexual harassment goes beyond the Equal Employment Opportunity Commission Guidelines. We believe it may be necessary that the names of those formally convicted of repeated offenses of 'most severe' sexual harassment be published in Almanac or the Daily Pennsylvania. A clarification of proper, professional behavior is needed and awareness of the seriousness of the problem needs to be increased throughout the University.

In summary, the subcommittee recommends:

1. Complaints of all types of sexual harassment should go to the Office of the Ombudsman, which should be the central clearinghouse for all complaints.
2. The Women's Center, the Office of Student Life, etc., should be available for making such complaints. The Directors of these places should report their complaints to the Office of the Ombudsman as specifically as possible. Resolved complaints should also be reported to that Office.
3. Each school should develop a set of formal procedures for dealing with complaints of sexual harassment.
4. The University should conduct more programs on behavioral standards, Resident Faculty, Advisors, and Graduate Fellows should continue to have information about support places for referral of victims of sexual harassment.

Appendices

Pamphlet on Sexual Harassment (below)
School of Education Procedures (next page)

Appendix A: Pamphlet on Sexual Harassment

Sexual Harassment

A Guide for Students

The sexual harassment of post-secondary students is an increasingly visible problem of great, but as yet unacknowledged dimensions. A report on the sexual harassment of students, by the National Advisory Council on Students, August, 1980.

A survey conducted by the Undergraduate Assembly indicated that approximately 13% of the women students at Penn have been sexually harassed. A smaller number of male students have also experienced harassment.

Sexual harassment occurs when a faculty member or teaching assistant or work study supervisor makes unwanted sexual advances toward a student. It sexually implies that a lack of response to these advances will have a negative impact on the student. The advances often create situations which interfere with the student's academic performance.

Sexual harassment takes many forms ranging from the subtle: assigning a student to a group that sexually intimidates another student, requesting a student to perform a sexual act, to the obvious: unwanted touching, patting, pinching, kissing, sexual advances, sexual insults, and unwanted sexual advances toward a student. "Sexual advances, sexual insults, and unwanted sexual advances toward a student are examples of sexual harassment when they occur. We offer the following categories of behavior as examples of sexual harassment:

Less Severe
- Sexual teasing
- Places
- Questions or comments about one's private personal life

Severe
- Unwelcome touching, patting, pinching, kissing
- Unwelcome remarks or questions about one's private personal life
- Letters, phone calls discussing sexual matters

Most Severe
- Sexually explicit language, e.g., demanding sexual favors accompanied by threats of low grades, bad references, etc.

Exchanges for a good grade, letter of recommendation, etc.

These types of behavior are also crimes.

Nowhere has the importance of opportunities for women been greater than in higher education. Today, as women make up a growing proportion of the student body. It is important to seek counseling and help understand that some women are victims of sexual harassment and that they have the right to be treated with dignity.

Reports of sexual harassment are kept confidential and investigations only take place with the victim's permission. All harassment is handled by the complaint's person.

Exchanges for a good grade, letter of recommendation, etc.

Campus Resources

The Women's Center will assist students, faculty, and staff with counseling, advocacy, advice, and referrals concerning formal and informal avenues of relief from matters of sexual harassment. The Women's Center does not conduct investigations and will keep all information confidential.

The Office of the Ombudsman exists to help resolve grievances of all members of the University community - students, faculty, and staff - in a confidentiality and impartial manner. The Office of the Ombudsman is independent of the University's formal administrative structure and can assist persons with concerns about other means of sexual harassment.

The Director of the Office of Student Life to undertake a formal investigation of charges of sexual harassment of students.

Department chair or dean of the faculty member.

University Counseling Service

Office of the Ombudsman

Office of Student Life

University Counseling Service

Gay and Lesbian Peer Counseling

Student Health Psychology

Almanac Supplement October 29, 1985

III
Appendix B: Graduate School of Education Procedures for Sexual Harassment

University Definition

The University of Pennsylvania defines sexual harassment as:

- a violation of the standards of conduct required of all persons associated with the institution.
- behavior on others within the University setting subject to the full range of internal institutional disciplinary action, including separation from the institution.

GSE Procedures

Any person associated with GSE who has a concern about possible or actual sexual harassment in their academic or work lives in the School should avail themselves of the procedures outlined below.

Need

GSE procedures are designed to serve two needs:
1. To enforce University policy prohibiting sexual harassment, thereby protecting the rights and opportunities of victims.
2. To afford due process to those accused, and those accusing others, of sexual harassment.

Counseling Procedures

GSE offers informal, confidential counseling to any GSE student, staff member, or faculty member who suspects or feels herself/himself to be sexually harassed. The purposes of such counseling are:
1. To assist the individual seeking counseling in understanding and interpreting the situation about which she/he is concerned.
2. To provide information about the phenomenon of sexual harassment, including policy and procedures to be followed.

Anonymity of the person seeking counseling is protected by the following procedures:
1. The counseling is completely confidential.
2. No records are maintained.

Complaint Procedures

GSE provides two complaint procedures, one informal and one formal. A three-member panel, consisting of two women and one man, is designated by GSE to receive and deal with complaints of sexual harassment and empowered to intervene/discuss matters with respondents. The panel will meet each semester to review its responsibilities and procedures, and to make recommendations, when deemed desirable, to the Dean.

1. Members of the panel are separate and distinct from the three GSE counselors described above. No one individual will serve in both capacities at the same time.
2. A complainant may go directly to a member of the complaint panel without first using the counseling procedure.

Informal Complaint Procedure. Any GSE student, staff member, or faculty member may institute an informal complaint through the following procedure:
1. The complainant first consults with any one of the three members of the panel.
2. The panel members will discuss the problem with the complainant, and then the respondent in an attempt to reach an agreeable resolution.
3. Discussion of the problem will be confidential among the three parties concerned—the complainant, panel member, and respondent.
4. The panel member will keep a confidential written record of the incident and provide copies thereof to the complainant and respondent. The written record will provide background if a formal written complaint is filed. Accumulation of data on complaints and respondents will determine whether a pattern of conduct by one person is present.
5. The written record will remain confidential if the complaint is resolved or if the complainant decides not to make a formal complaint; but if a panel member receives two complaints concerning the same respondent, the information will be shared with the other members of the panel.
6. When the panel receives 3 or more informal complaints from different complainants about different incidents concerning the same respondent, the panel will hold a conference with the respondent.

Formal Complaint Procedure. Any GSE student, staff member, or faculty member may institute a formal complaint by filing a signed, written complaint with any member of the designated complaint panel. The panel will then conduct a formal inquiry into the matter by the following procedures:
1. The respondent is provided with a copy of the written complaint in order to fully advise him/her of the matter so defense or response can be prepared.
2. The supervisor or advisor of the respondent and the Dean are notified in writing of the complaint.
3. The panel functions as a hearing body on the complaint and considers all information and evidence presented to it.
4. The panel makes a determination as to the validity of the complaint.

If the panel deems the complaint to be valid, it issues a written report of findings and recommendations to the complainant, the respondent, the supervisor/advisor of the respondent, and the Dean. It is the responsibility of the supervisor/advisor and the Dean to consider the report, to attempt a resolution of the matter, and to take action (remedial, rehabilitative or disciplinary) as appropriate.

If the panel deems the complaint not to be valid, it also issues a written report of findings to the complainant, the respondent, the supervisor/advisor of the respondent, and the Dean.

University Resources

GSE students, staff members, and faculty members who have a complaint about sexual harassment but feel that it could not be or has not been resolved to their satisfaction through GSE procedures described above may, of course, avail themselves of appropriate University resources.

Counseling Services

In general, students may seek counseling at the University Counseling Service, and from a student health psychologist. Women may consult with the Women's Center. There is also the Faculty/Staff Assistance Program.

Intervention Services

Anyone may consult with the University's Office of the Ombudsman; faculty members may also consult with the Faculty Grievance Commission while staff members may consult with the Office of Staff Relations. More detailed information is presented in the Provost's notice cited in footnote number two.

Annual Dissemination

As part of its routine procedure, GSE will disseminate this statement by mail annually to all GSE students, staff members, and faculty members during the fall term when current mailing labels are available from University sources.

Approved by the Faculty of Education on October 24, 1984.


Adapted from outline prepared by Steven G. Olswang, University of Washington, for the American Council on Education.