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## VICTIMS OF SEXUAL HARASSMENT IN LEARNING ENVIRONMENT

ASHOKKUMAR. B. SURAPUR

Assistant Professor, Department Of Education , Karnataka State Women's University,  
Jnanashakti Campus, Toravi, Bijapur, Karnataka State

### Abstract:

*“Each woman who brings charges has a story to tell, and it is this collective voice that may, ultimately, have an impact on society.”*  
—(Muir and Mangus 1994, 104)

### KEY WORDS:

Learning Environment , Victims , sexual harassment , dramatically.

### INTRODUCTION

Across the nation, sexual harassment has become a major issue in higher education as media coverage and public awareness have increased dramatically. During this time there has been a considerable amount of research examining sexual harassment in higher education (e.g. Wilson and Kraus, 1983; Maihoff and Forrest, 1983; Cammaert, 1985; Metha and Nigg, 1982; Allen and Okawa, 1987). Despite the numerous studies conducted over the last decade, there is no exact data measuring the prevalence of sexual harassment. Dziech and Weiner (1990) and Rubin and Borgers (1990) estimate that 30% of female graduate and undergraduate students were harassed sometime during their college career, while Gordon (1996) and Truax (1996) conclude that as many as 40% of undergraduate women have experienced some form of sexual harassment. Yet, the crux of the problem may be in gender differentiation in the interpretation of social-sexual behavior. Although colleges and universities are charged with the safeguarding of their students, they must balance both the rights of the alleged victim and perpetrator while investigating harassment complaints (Mangan, 1993; Riggs, Murrell, and Cutting 1993). Yet, increasingly university's are coming under attack for failing to eliminate a climate conducive to sexual harassment of female students at their institutions.

1 Sexual harassment in schools is unwanted and unwelcome behavior of a sexual nature that interferes with the right to receive an equal educational opportunity. It is a form of sex discrimination that is prohibited by Title IX, a Federal law establishing civil rights in education that addresses issues of sex discrimination and, by judicial precedent, sexual harassment.

2 Sexually harassing behaviors that can interfere with one's educational opportunity range from words (written and spoken) and gestures to unwanted physical contact. Some of the behaviors may also be criminal acts (assault and rape, attempted or completed and child sexual abuse). Sexual harassment on college and university campuses has a damaging impact on the educational experience of many college students.

3 Similarly, persistently high rates of sexual harassment among students at the secondary level disrupt

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students' ability to learn and succeed in their studies.

4 Most students have an intuitive understanding of what defines sexual harassment, and when asked to provide a definition, describe it as physical and non-physical behaviors including touch, words, looks, and gestures.

5 AAUW defines sexual harassment in school as any unwanted and unwelcome sexual behavior that interferes with the student's ability to perform in an educational setting.

6 Disturbingly, according to AAUW's own research, student reports of sexual harassment remain high: 80 percent of students at the secondary level report that they experience sexual harassment; over one in four say they experience it often. At the postsecondary level, nearly two-thirds of college students (62 percent) say they have been sexually harassed, including nearly one-third of first year students 41 percent of students admit they have sexually harassed another student. A college education is increasingly becoming a prerequisite for many career paths and for lifelong economic security.

## SEXUAL HARASSMENT: MEANING AND ITS CONSEQUENCES

Various definitions of sexual harassment have been posited due in part to the wide range of behaviours that may be viewed as constituting harassment. A frequent component of these definitions is that of unequal or differential power relationships in hostile work environments. The U.S. Equal Employment Opportunity Commission (EEOC) (1980) guidelines for example define sexual harassment as:

“Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicit or implicit a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment”.

The definition identifies the various behaviours that may constitute sexual harassment in a work environment. The first two provisions deal with unequal power relations between the employer/supervisor and employee/subordinate. An employer or a supervisor demands sexual gratification from the employee or subordinate in return for job benefits. In the academic environment, a parallel situation could be argued to arise when faculty staff proposition female students for sexual favours, in return for favourable examination results. The third provision refers to the existence of a hostile work environment, where the offending behaviour interferes with the satisfactory work performance of an employee.

Arising from the EEOC (1980) guidelines, sexual harassment cases have been successfully pursued in the U.S (Koen, 1989; Popovich, 1988). Fitzgerald, Gelfand and Drasgow (1995) extended this definition by adding three empirically derived situations. First, unwanted sexual attention such as touching, hugging, stroking and demanding a date. Second, sexual coercion, which relates to sexual advances with the promise of job-related benefits. Third, gender harassment which refers to those verbal and non-verbal behaviours (such as jokes, taunts, gestures, and exhibition of pornographic materials) directed at and/or intended to degrade women.

However, Husbands (1992) believes that the meaning of sexual harassment is socially constructed depending on the personal and situational characteristics of the individual making the judgement. For instance, behaviour is likely to be labelled harassment when: (a) there are physical advances accompanied by threats of punishment for non-compliance; (b) There is an unequal power relation between the harasser and the victim; (c) It elicits negative response from the person being harassed; (d) The behaviour is perceived as being inappropriate for the actor's social role; (e) The harasser is seen as being persistent in his/her action; and (f) Women professionals are more likely than secretarial or clerical personnel to label behaviour as sexual harassment. In general, women are more likely to perceive or label behaviour as sexual harassment (Riger, 1991; Konrad & Gutek, 1986; Popovich et al., 1986). Dey, Korn and Sax (1996) in a review of literature present three theoretical models specifying the likely causes of sexual harassment. First, is the socio-cultural model that views harassment as the enforcement of gender role inequalities within the social system.

## VICTIMS OF SEXUAL HARASSMENT

In academia as in other work environments, victims of sexual harassment in most cases have been women; though to a lesser extent men have been the targets of harassment too (Dey et al., 1996). In their sample of faculty staff in the U.S, Dey et al., (1996) report that 15.1 percent of female faculty staff compared with 3.1 percent of male faculty experienced sexual harassment. However, much higher

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incidence rates have been reported for the women, such as 63 percent by Schneider, Swan and Fitzgerald (1997). Schneider (1987) observes that 60 percent of female faculty staff who were included in a study experienced a form of harassment every working day. But, Kelly and Parsons (2000) suggest that women in the academia must not be viewed as being a homogenous gender group. Rather there are subgroups such as female faculty members, staff, administrators, undergraduates and graduate students. Each of the five subgroups has differing incidence rates (female faculty members 22 percent, staff 30 percent, administrators 43 percent, undergraduate students 20 percent, and graduate students 19 percent). They also report that the perpetrators differ markedly in the case of undergraduates where fellow students are the main culprits, while for the graduate students male faculty members are often the offender. Each of the subgroups of women in academia is vulnerable to certain forms of harassment.

Kelly and Parsons (2000) found that employees (62 percent) are more likely to experience gender harassment than do students (43 percent), while more students (41 percent) are likely to be the target of unwanted sexual attention than are employees (30 percent). However, students experience sexual coercion more frequently than do employees. Finally, power differentials play a significant role regarding the identity of the victim. For instance, it has been established that female faculty of lower rank are more vulnerable to harassment from either senior faculty members or students (Dey et al., 1996; Kelly & Parsons, 2000). This is consistent with research that indicates that women employed in low status jobs (such as 'blue-collar jobs') and highly dependent on them experience more harassment than do other women (Riger, 1991). Similarly, young, unmarried, or divorced women are likely candidates of harassment (Popovich, 1988). Though recognised as a work-place malady, and despite its negative physical and psychological effects on victims, sexual harassment incidents are seldom reported by victims.

Most victims of harassment exhibit avoidance behaviour, for example staying away from the aggressor or from the environment that promotes such behaviours, or they simply put up with the behaviour. In some cases, victims blamed themselves for the situation, while others confide in friends or family members. Only a few actually filed a formal complaint against the offender (Kelly & Parsons, 2000; Schneider et al., 1997; Riger, 1991; Schneider, 1987).

Victims of harassment, most especially women, are often disinclined to report harassment cases because of fear of reprisals, ridicule, perceived indifferent attitudes by the organisation, and the nature of the grievance procedure, which may be male-dominated (Riger, 1991; Adamolekun, 1989; Schneider, 1987). Studies have shown that the consequences of sexual harassment even at low levels for the victims could include impaired psychological well-being, such as lowered self esteem, nervousness, irritability, and anger (Popovich, 1988); and negative job attitudes, and work withdrawal behaviours that may eventually lead to the discharge from the organisation. Negative outcomes to the organisation include absenteeism, decreased productivity, high attrition rate, litigation expenses, and an impaired organisational climate. In academia, female students who experienced harassment may exhibit a form of 'job withdrawal' behaviour in terms of changing their major subject choices, altering career plans, or avoiding a threatening situation (Schneider et al., 1997; Riger, 1991). Harassed female faculty members are more likely to suffer strained work relations, view colleagues as professionally incompetent, and become generally dissatisfied with their jobs (Dey et al., 1996). At other times, female faculty members have had to suffer detrimental consequences to their academic careers (Schneider, 1987).

## CONDUCT WHICH CONSTITUTES SEXUAL HARASSMENT TOWARD STUDENTS

### 1. Sexual Harassment Definition.

Sexual Harassment is unwelcome conduct of a sexual nature, which can include unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment also includes sexual violence. Sexual violence includes conduct that is criminal in nature, such as rape, sexual assault, dating violence, and sexually-motivated stalking.

### 2. Hostile Environment.

a. Sexually harassing conduct, unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, by an employee, by another student, or by a third party that is sufficiently severe, persistent, or pervasive to deny or limit a student's ability to participate in or benefit from an education program or activity, or that creates a hostile or abusive educational environment. 65 Fed. Reg. 66091 (adopted 66 Fed. Reg. 5512) (2001). b. Several factors are considered, including but not limited to: (1) the degree to which the conduct affected the student's education; (2) the type, frequency, and duration of the conduct; (3) the identity of the participants and their relationship; (4) the number, age, and



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sex of the individuals, and the relationship between them; (6) the size of the college, location of the incidents and the context in which they occurred; (7) other incidents at the school; (8) incidents of gender-based, but nonsexual harassment; and (9) welcomeness. c. Examples include: touching of a sexual nature; making sexual jokes or gestures; writing graffiti or displaying or distributing sexually explicit drawings, pictures, or written materials; calling students sexually-charged names; spreading sexual rumors; rating students on sexual activity or performance; circulating, showing, or creating e-mails or Web sites of a sexual nature; engaging a student in a sexually-oriented conversation; telephoning students at home to solicit a social relationship; touching; or making frequent anti-female comments in the classroom. Even a single or isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe, such as a rape.

### 3. Quid pro quo.

a. Verbal or physical conduct of a sexual nature, imposed on the basis of sex, by a student, an employee or third party, that explicitly or implicitly denies, limits, provides different, or conditions the provision of aid, benefits, or services on acceptance or rejection of the sexual conduct b. If this occurs, it does not matter if the student resists and suffers harm or submits and avoids threatened harm. c. Examples include: conditioning academic progress on submission to a sexual request; or promising academic achievement in exchange for sex.

### 4. Who Can be a Victim?

- a. Male and female students can be victims.
- b. The harasser and victim can be of the same sex.

### 5. Who Can Be A Harasser?

- a. Students b. Employees
  - c. Third parties such as contractors, guest speakers, and parents
- ### 6. Legitimate Nonsexual Touching
- a. The concept of "legitimate nonsexual touching" is recognized.
  - b. Sexual harassment does not include acts such as hugging a student who has achieved a goal or consoling a student with an injury or disappointment.
  - c. Care should still be taken, however, in the manner of touching so as to not create a hostile environment.

## CONCLUSION:

Sexual harassment on campus disrupts the college experience in large and small ways. Young adults on campus are shaping behaviors and attitudes that they will take with them into the workforce and broader society. A campus environment that encourages—even tolerates—inappropriate verbal and physical contact and that discourages reporting these behaviors undermines the emotional, intellectual, and professional growth of millions of young adults.

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**ASHOKKUMAR. B. SURAPUR**

Assistant Professor, Department Of Education , Karnataka State Women's University,  
Jnanashakti Campus, Toravi, Bijapur, Karnataka State

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