

*The following document has been forwarded to the University Council Steering Committee by the chair of the Council Committee on Student Activities, Dr. Linda P. Nelson. Members of the University community may send comment to Dr. Nelson c/o the Office of the Secretary, 121 College Hall/6382.*

## Report of the Subcommittee on Sexual Harassment Student Affairs Committee of the University Council

October, 1985

### 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.XII)

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.)

The subcommittee interviewed several administrators, faculty, and students to gather information about and opinions on the problem of sexual harassment and how it is dealt with at the University of Pennsylvania. The people we interviewed were:

Vicki Bernstein (Wh '85), Women's Alliance  
 Jim Bishop (Vice Provost for University Life), Co-chair, Task Force on Conduct and Misconduct  
 Jean Crockett (Professor, Finance), Ad Hoc Senate Committee on Behavioral Standards  
 Adelaide Delluva (Professor, Biochemistry), co-chair, Task Force on Conduct & Misconduct and Women for Equal Opportunity at the University of Penn (WEOUP)  
 Tom Ehrlich (Professor, Law), Provost  
 Judy Gerstl, Project Coordinator, University Council Committee to Survey Sexual Harassment  
 Ann Hart, Judicial Inquiry Officer  
 Charlotte Jacobsen, Director of Student Life  
 Deborah Levinson, Assistant Director, Women's Center  
 Barbara Lowery (Associate Professor, Nursing), Ombudsman  
 Amy Lyman (School of Education '87), Graduate & Professional Student Assembly (GASPA)  
 Arden Morris (COL '85), Lesbians & Gays at Penn (LGAP)

### 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-*

sis. 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 to 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 conduct 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 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 through 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 Pennsylvanian*. 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 also 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



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 of students occurs when a faculty member (or teaching assistant or work-study supervisor) makes unwanted sexual advances toward a student. It is usually implied that a lack of response to these advances will have a negative impact on the student. The advances often create conditions which interfere with the student's academic performance.

Sexual harassment takes many forms ranging from the subtle innuendo to rape. To aid potential victims in identifying sexual harassment when they encounter it, we offer the following categorization of behavior:

### 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

Nowhere has the expansion of opportunities for women been greater than it has for women as students. Enrollment in all areas of higher education has skyrocketed in the past decade. Federal and local laws and institutional policies no longer permit behavior that devalues and defines women in terms of their sexuality.

If you, or someone you know has experienced any of the types of behavior listed here, report it! Many women are socialized to believe that they "provoke" sexual harassment. For those who have been victimized, it is important to seek counsel that will help them understand they are victims of someone else's inappropriate behavior. Reports of sexual harassment are kept confidential and investigations only take place with the victim's permission. Also, harassers frequently repeat their behavior. Some victims who initially do not want to pursue an investigation, but learn that others have been victimized by the same person and have reported it, are far more likely to proceed.

## Campus Resources

1 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 Women's Center does not conduct investigations, and will keep all information confidential.

2 The Office of the Ombudsman exists to help resolve grievances of all members of the University community—students, faculty and staff—on a confidential and informal basis, and can assist persons with complaints about sexual harassment to decide on the course of action that they want to take. The office is independent of the University's formal administrative structure and grievance mechanisms. The Office of the Ombudsman may also be requested by the Office of Student Life to undertake a formal investigation of charges of sexual harassment of students.

3 The Director of the Office of Student Life is responsible for dealing with student grievances arising under Title IX of the Education Amendments of 1972, which prohibits sex discrimination in education. Grievances associated with student employment may also fall within the Director's purview. Complaints by students of sexual harassment may be made to the Director, who will supervise, or delegate to the Ombudsman, an investigation into the matter.

Student complaints of sexual harassment by faculty may be brought by the student or an advocate on behalf of the student to the

department chair or dean of the faculty member. The appropriate School Committee on Academic Freedom and Responsibility may investigate the case, either on its own initiative or at the request of an academic administrator.

Victims of harassment may seek assistance from the University Counseling Service, Gay and Lesbian Peer Counseling and the psychiatry section of the Student Health Service. Contacts with these services are strictly confidential and may be particularly helpful to students desiring assistance in dealing with their feelings about their experience with sexual harassment.

**Penn Women's Center**  
119 Houston Hall / CM  
898-8611

**Office of the Ombudsman**  
113 Dunning Wing / CK  
898-8261

**Office of Student Life**  
110 Houston Hall / CM  
898-6533

**University Counseling Service**  
3611 Locust Walk / CA  
898-7021

**Gay and Lesbian Peer Counseling**  
Christian Association  
3601 Locust Walk / CA Room 4  
898-8888, 386-6110

**Student Health Psychiatry**  
1 Maloney Building / G1  
662-2860

A Report on the Sexual Harassment of Students, by the National Advisory Council on Students, August, 1980



## Appendix B: Graduate School of Education Procedures for Sexual Harassment<sup>1</sup>

### University Definition

The University of Pennsylvania defines sexual harassment as follows:

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.<sup>2</sup>

### University Policy

The University of Pennsylvania regards sexual harassment 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.<sup>2</sup>

### GSE Procedures<sup>3</sup>

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 her/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.

<sup>1</sup>Approved by the Faculty of Education on October 24, 1984.

<sup>2</sup>From Thomas Ehrlich, Provost, "University Policy on Sexual Harassment," *Almanac*, March 22, 1983, p. 4.

<sup>3</sup>Adapted from outline prepared by Steven G. Olswang, University of Washington, for the American Council on Education.

3. The seeking of counseling is not regarded as a complaint.

Counseling is available from three individuals designated by GSE to serve this purpose; two are women, one is a man.

#### 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<sup>4</sup> or advisor<sup>4</sup> 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)<sup>5</sup> 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 psychiatrist. 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.

<sup>4</sup>A supervisor is defined as the Divisional Chair of a faculty member or the immediate formal supervisor of a staff member. If the respondent is a student, the report is made to his/her academic advisor.

<sup>5</sup>See the excerpt from University Policy reproduced above.