

Sexual Harassment in Universities

A Critical View of the Institutional Response

By Rachel L. Osborne

En général, les universités canadiennes ont réagi aux problèmes de harcèlement sexuel sur les campus par l'élaboration de politiques et de procédures définissant le harcèlement ainsi que de lignes directrices pour porter plainte. Cette réaction est analysée sous une perspective féministe qui insiste sur la nécessité de changer l'environnement hostile qui provoque le harcèlement sexuel dans les universités.

A number of Canadian universities have responded to the problem of sexual harassment on campus by developing sexual harassment policies and procedures that define what actions and situations constitute sexual harassment and what guidelines will be followed to address a complaint of sexual harassment. However, this institutional response is inadequate, shortsighted, and ineffective as it fails to address the more fundamental issue underlying sexual harassment: the sexist, hostile, and misogynist environment women inhabit in universities.

This article first outlines the institutional response to the problem of sexual harassment in universities, offering a brief overview of sexual harassment policies and procedures in Canadian universities. Next, the article focuses on three of the main problems with university sexual harassment policies and complaint procedures: 1) the framing of sexual harassment as isolated incidents; 2) the place of mediation in sexual harassment complaint procedures; 3) the use of gender neutral language policies and procedures. Finally, the article concludes with alternative courses of action women can consider in their struggles to have the university respond to their experiences of sexism and misogyny on campus.

Sexual harassment in Canadian Universities

Women in Canadian universities inhabit a hostile and sexist environment. Manifestations of sexism may be subtle: the suspicious absence of women from curriculum; the invisibility of women in positions of power within the institutional hierarchy; and the low percentage of female faculty. Other manifestations of sexism and hostility towards women may be more blatant: sexual assaults on campus; sexual harassment by male professors and male students; and misogynist orientation rituals.

Through the process of university education, a woman's integrity is undermined by subtle and overt sexism, hostility, and misogyny. One of the more particularly damaging experiences faced by women in universities is sexual harassment. This "pernicious form of sexual injustice" (Lott et al, 1982:296) is rampant in universities and contributes to the hostile and sexist environment women inhabit. As Benson and Thomson note, the practice of sexual harassment both reflects and reinforces the devaluation of women's competence (1982:243).

Sexual harassment is a pervasive problem on campuses across the country. The picture constructed by Canadian university surveys and reports reveals that sexual harassment is experienced by many women in our institutions of higher learning. In 1989-1990, the Sexual Harassment Education and Complaint Centre at York University dealt with 126 reports of sexual harassment (Sexual Harassment Education and Complaint Centre, 1990:3). A 1988 survey conducted at the University of Manitoba reported that 16% of the 1200 female respondents indicated that they had been sexually harassed at that particular educational institution

(McKenzie & Lussier, 1988:6). Research at Acadia University revealed that 38% of female faculty experienced sexual harassment (Looker, 1990:22). A study conducted at the University of Calgary reported that 30% of female undergraduates and 23% of female graduate students surveyed experienced "sexually inappropriate behaviour" (Cammaert, 1985:392). Clearly, sexual harassment in Canadian universities is a pervasive and wide-spread problem.

The Institutional Response

Universities have responded to the increasing concern and growing awareness of sexual harassment on campuses. A policy statement for the Canadian Association of University Teachers (CAUT) states that "all sectors of the university community have a responsibility to cooperate in the creation of a climate in which sexual harassment does not occur... [and] every university should have clear procedures under which complaints of sexual harassment may be processed" (1989:1-2).

Definitions of Sexual Harassment

Although minor differences may exist, there are three components common to each Canadian university's definition of sexual harassment. The core definition of sexual harassment shared by Canadian universities identifies sexual harassment as (1) unwanted, unsolicited sexual attention of a persistent and abusive nature; (2) sexually oriented remarks and behaviors which contribute to a negative psychological or emotional study and work environment; and (3) implied or expressed promises of reward for sexual favours. I will deal with each in turn.

The first definitional component iden-

tifies unwanted and unsolicited sexual attention of a persistent and abusive nature as sexual harassment. Unwanted sexual attention encompasses both the physical and psychological nature of sexual harassment, and university definitions often state in explicit terms that sexual harassment includes unwanted physical attention of a sexual nature, as well as offensive and abusive verbal remarks of a sexual nature.

Canadian universities also define sexually oriented remarks and behaviours which contribute to a negative psychological or emotional work or study environment as sexual harassment. This aspect of sexual harassment is encompassed under the label "hostile environment" in most university policies, and behaviors and remarks that create such negative study and work environments include sexually suggestive gestures and the display of offensive material. Examples of sexual harassment which fall under the category of hostile environment include the display of offensive visual and/or audio materials, and a situation where an individual in a work or classroom environment uses sexually oriented language which is inappropriate, invasive, or demanding.

The third component common to Canadian university definitions of sexual harassment involves the implied or expressed promise of reward for sexual favours and conversely, the implied or expressed threat of reprisal for not complying with the request for sexual favours. This aspect of sexual harassment is often discussed in the context of the abuse of professional authority and the scenario described in many university sexual harassment pamphlets involves a professor requesting sexual favours from his student.

Sexual Harassment Complaint Procedures

Although some variations exist, there are stages that are common to Canadian university sexual harassment complaint procedures.

Stage I: At the initial stage, the complainant makes contact with a sexual harassment advisor, counsellor, or an official contact person who is usually a member of the sexual harassment hearing committee. At this point, the individual seeks information and advice from the

sexual harassment contact person in terms of the legitimacy of the complaint and the options available to have the complaint addressed. The complaint is considered legitimate if (1) the incident(s) constitutes sexual harassment as so defined by the institution, and (2) if the time period between the date of the incident and the date of the complaint falls within the time limit specified by the university. The sexual harassment contact person also advises the complainant in terms of the options, both formal and informal, available to address the complaint.

Stage II: If the complaint is founded (i.e. considered legitimate) and the individual wishes to proceed with the complaint, the details of the incident(s) are recorded in writing. Once the complaint is in writing, it is considered a formal or official complaint, and the respondent(s) is/are notified of the allegations.

Stage III: At this stage in the sexual harassment complaint procedure, mediation is either suggested as a means of resolving a complaint, or is a mandatory step before the case can proceed to a formal hearing. During the mediation process, both the complainant and the respondent can be accompanied by a person of their choice. The duration of the mediation process cannot exceed the time limit specified by the institution.

If a resolution is reached during the mediation process, a statement of resolution is signed by the complainant, the respondent(s), and the mediator. At this point, the case is considered closed. However, if a satisfactory resolution is not reached through mediation, the complainant can request a formal investigation which is usually conducted by the institution's sexual harassment hearing committee.

Stage IV: At this stage where administrative action is taken, the complaint is investigated by the university's sexual harassment hearing committee or by a university appointed investigative officer. The complainant and respondent(s) may appear, or may be required to appear, before the sexual harassment hearing committee or the investigation officer. Once all evidence is reviewed and a decision made, the hearing committee or investigation officer may recommend what, if any, disciplinary action is to be taken. Recommendation may involve a

range of actions including an oral or written reprimand, a letter of complaint in the respondent(s)' personnel or school file, directives to receive counselling, and/or suspension or expulsion. In some universities any recommendations for disciplinary actions must be forwarded to the university president. At some universities this is the final stage in the sexual harassment complaint procedure, and at other universities there is an option to appeal the findings of the formal investigation.

Stage V: If an appeal stage is part of a university's sexual harassment complaint procedure, the complainant has the opportunity to appeal the findings of the administration's investigation. An appeal of the findings must be filed within a specified time period as so defined by the institution—usually within 10 to 14 days. At some universities, the appeal is forwarded to the university's Vice President, and at others it may be dealt with by a complaints hearing panel or an outside legally trained arbitrator. The appeal stage is the final stage of university sexual harassment complaint procedures.

A Feminist Critique of the Institutional Response

The institutional response to sexual harassment in universities—the drafting of sexual harassment policies and the implementation of complaint procedures—is one that ultimately fails women. The following section will explore three of the main criticisms surrounding sexual harassment policies and procedures in Canadian universities.

The Framing of Sexual Harassment as Isolated and Individual Incidents

One of the more problematic aspects of the institutional response to sexual harassment in universities is the way in which sexual harassment is treated as an individual and isolated experience. The framing of experiences of sexual harassment as individual cases is achieved through the legalistic approach of both the definition of sexual harassment and the sexual harassment complaint procedures.

Kilcoyne (1990:18) suggests that while law may be an appropriate starting point in considering the institutional responsibility for responses to sexual harassment,

a legalistic approach to sexual harassment in universities is ineffective and inappropriate. The framing of sexual harassment as individual cases is dangerous, and Kilcoyne notes that the "individualistic thrust" characteristic of a legalistic approach to university definitions and complaint procedures may "exacerbate the harmful effects of harassment on women students while simultaneously obscuring the systemic nature of the problem" (1990:18). Walker, Erickson and Woolsey also suggest that the ways in which the institutional response, i.e., sexual harassment complaint procedures, construct the problem as isolated and individual experiences results in "shift[ing] emphasis and energy away from the overall context of discrimination, power, and equality of opportunity" (1985:423). Dykstra (1982:22) also warns that it is problematic to have sexual harassment conceptualized and treated as a separate incident or a set of incidents. Dykstra (1982:22) notes that:

When sexual harassment is constituted as a topic, it is very possible for it to be lifted out of the actual experience of women, out of the social context in which it occurs, and this experience and context then do not find full expression in the definitions (or procedures).

By framing each incident of sexual harassment as a separate and individual case, university sexual harassment complaint procedures decontextualize the experience from its grounding in the continuum of sexism and misogyny that women encounter on campus. This depoliticizes women's struggles against sexism and discrimination in universities because the framing of the experience as individualized and isolated fragments the totality of women's experience of oppression, treating one aspect, such as sexual harassment, as separate and disconnected from other experience of oppression such as sexist curriculum and sexual assaults on campus.

Mediation

Whittington (1990:2) notes that "many campus policies [on sexual harassment] either originally contained or have been

amended to contain a voluntary mediation component or a compulsory mediation clause as a prerequisite for formal administrative investigation." However, the place of mediation in sexual harassment complaint procedures, whether mandatory or optional, is highly questionable.

Mediation is problematic in situations of sexual harassment because it reinforces the conceptualization of sexual harassment as individualized experiences, thereby depoliticizing those experiences and fragmenting women's efforts to address the systemic discrimination they face in universities. The depoliticization and decontextualization of women's experience is reinforced by mediation clauses in complaint procedures since mediation attempts to "resolve" an individual situation and is thus incapable of addressing the political structures that allow and encourage sexual harassment to flourish. Mediation focuses energy and attention on "damage management" rather than addressing the context and the political nature of the sexual harassment that occurred. Whittington (1990:13) notes that the inherent problem with mediation in situations of sexual harassment is the privatizing and individualizing effect that it has on women's experience. She notes that:

By stressing mediation as a process which protects both the victim and offender, the issue becomes a private affair between two people, re-entrenching the myth that sexual harassment is a "personal problem" shared by two people... [and by] privatizing the process of rectification through mediation, the purpose of redressing the greater societal problem of sexual harassment is ignored.

Mediation clauses in university sexual harassment procedures are also problematic due to the assumptions underlying the very process of mediation; that the two parties involved have equal bargaining power and are equally competent and effective negotiators (Kilcoyne, 1990:29; Whittington, 1990:8). Kilcoyne notes that "beyond the absurd assumption of an equality of bargaining power in these circumstances, the implicit legitimization of harasser interests suggests that media-

tion, far from vindicating the rights of women, compels them to bargain for those rights" (1990:29). Harris (1990:2) also suggests that the "we-can-work-it-out" model which underlies the process of mediation is problematic, and she questions the effectiveness of mediation given the power imbalance inherent in situations of sexual harassment. Whittington (1990:10) also insists that there is no place for mediation in university sexual harassment complaint procedures:

The very reason that sexual harassment exists as a problem is the reason that we must question mediation as a means of solution. If the parties involved can come to the mediation table as equals with equal possibility for gains and losses, the societal conditions that create the ground where sexual harassment can flourish must not be present. If women had equal power in the university—in society—the harassment either would not happen or it would happen equally.

Gender Neutral Language

Eisenstein (1988:9) notes that language constructs, interprets and reflects political reality. However, the gender neutral language that constitutes university sexual harassment policies and procedures inaccurately reflects the political reality of the sexual harassment that occurs in universities. Both university definitions of sexual harassment and university sexual harassment complaint procedures use the gender neutral terms "respondent" and "complainant" when, in fact, statistics indicate that 95 to 99% of the "complainants" are women and 95 to 99% to "respondents" are men (Benson and Thomson, 1982:238). However, gender neutral terms mask this reality and obscure the systemic discrimination that women experience in universities.

Dykstra (1982:27) notes that the gender neutral language used in university policies and procedures on sexual harassment serve the administrative and legal purposes of the institution. Kilcoyne (1990:31) also suggests that, written in the objective language of legal discourse, university definitions and policies use gender neutral terms to protect men, as well as women, from sexual harassment.

Kilcoyne notes that while it is reasonable to argue that all students should be entitled to an environment free of sexual harassment, the formalistic conception of equality written into university sexual harassment policies and procedures is detrimental to women (1990:31). In addition to the use of gender neutral language to protect men from sexual harassment, university sexual harassment policies also include statements to the effect that, in addition to the situation of a man sexually harassing a woman, situations of sexual harassment can also involve a woman harassing a man, and same sex harassment. The implications of presenting sexual harassment in such gender neutral terms and all-encompassing situations is ultimately detrimental to women. Kilcoyne (190:31) notes that this:

denies any implication of sexual harassment in the systemic oppression of women and characterizes harassment as simply a behavioural phenomenon. The result is to marginalize harassment quantitatively (as deviant or abnormal behaviour), qualitatively (by ignoring its unique impact on women), and prescriptively (by inviting individually oriented responses).

Strategies for Change: A Feminist Response

University definitions and complaint procedures decontextualize women's experience from its grounding in the everyday experience of sexism and discrimination that women encounter on campus. Through this decontextualization, women's experiences are depoliticized and individualized, and those experiences are thus organized in such a way that they can be responded to in isolation from the continuum of sexism and misogyny women experience. Organized in this way, university procedures and policies on sexual harassment make it impossible to address the broader and underlying issue at hand: the sexism and institutionalized sexist practices embedded in universities.

To effectively deal with the pervasive and widespread problem of sexual harassment in universities, the political context in which it takes place must be taken into account. However, it is clear that the way sexual harassment policies and pro-

cedures are organized do not allow for anything other than the particulars of an individual incident to be addressed. Given this, how then should women reorganize their efforts in their struggles to have universities respond to the sexual harassment they experience on campus? This article will conclude with some possible alternative courses of action women can consider in their continuing struggles to have universities respond to their experiences of sexism and misogyny on campus.

The Need for Structural Change

As Whittington (1990:10) noted, if women had equal power in universities, sexual harassment either would not happen or would happen equally to men and women. However, women do not have equality in universities, and the very structure and organization of universities are based upon this inequality. Dziech and Weiner (1984:40) note that the structure of universities helps to determine the extent to which women are sexually harassed, and sexual harassment is dependent upon power imbalances between men and women. In order to adequately and effectively address the pervasive problem of sexism in universities, women's efforts must be directed toward the political structure of the university that fosters sexual harassment.

The institutional organization of universities is characterized by power and status inequalities between men and women, and the type of environment thus created sets the stage for sexual harassment (Tangri et al, 1982:35). The male-dominated environment contributes to the "chilly" and hostile climate women inhabit in universities. It seems, then, that an effective strategy to address the sexism that pervades universities would be increased and constant pressure on the institution to aggressively pursue affirmative action hiring practices.

In addition to increasing the numbers of women on faculty, it is also important to have women in positions of power within the institutional hierarchy. Currently, universities are institutions characterized by bureaucratic and hierarchical modes of decision-making (Kilcoyne, 1990:37), and if structural changes are needed to eradicate the sexist institutionalized practices of universities, women

need to be in positions of power and influence to facilitate those changes. A complete organizational restructuring of universities should be the ultimate goal of feminists, but since such fundamental changes are unrealistic at the present time, women must attempt to make the changes they can from positions of power within the institutional hierarchy.

Continued efforts toward the development of non-sexist curriculum should be a priority in the struggle to create a less hostile environment for women in universities. Women must continue to critique the androcentric bias that permeates university curriculum, and continue to struggle to have feminist scholarship incorporated into university teaching materials. Sexist curriculum and sexist teaching practices create an uncomfortable and offensive environment for women, and also set the stage for sexual harassment.

Conclusion

In terms of strategy, the long-term change we must work toward involves changing the political structure of the university that creates an environment that enables sexual harassment to flourish. The institutional response characteristic of Canadian universities is ineffective and inadequate since sexual harassment policies and procedures currently in place fail to take into account the context in which sexual harassment occurs.

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The Women Want Equity While the Boys Get IMAX

By Pat Hacker

L'auteure soutient que l'Office national du film ressemble aux autres milieux de travail où les femmes tendent de provoquer le changement. Une prise de conscience graduelle a suscité le désir et l'inspiration nécessaires pour entamer le changement. Des efforts doivent maintenant être déployés pour permettre aux femmes des minorités visibles, aux autochtones et aux handicapées de s'affirmer.

It is difficult to make reporting on employment equity sexy, even from the National Film Board of Canada. Equity reporting still operates in the sphere of data collection and analysis, and from a rational and structured statistical point of view.

For many of us equity figures are like technical points in law—very important to the implementation of change and not recognizably experienced in the daily lives of most women. Many working women, unionized or not, in large or small companies, have not yet come into personal ownership of employment equity as a concept, never mind as a reality. The ideals of “equal opportunity” and “affirmative action” pass by without a noticeable impact.

Women are not disinterested, unable, or unwilling to grasp the meaning and impact of employment equity. Equity, at the best of times, creeps along very carefully and very correctly, like so much of women's lives. Most employment equity practitioners are women and have a commitment to achieving parity of access to all levels of employment, remuneration, training and opportunity.

In the film and television industry, there is yet another kind of equity, portrayal equity, concerned with the presentation of women and girls in the media as passive, vulnerable, willing and silent victims preoccupied with perfect beauty. Repeated in programs and articles and advertisements, this image has a direct and personal effect

on the home, school, and work life of women and girls. However, achieving portrayal equity makes the leaders in the male dominated media and advertising industry worry that profits will drop and that they will be uncomfortable and lost in a world of ‘new’ and unfamiliar females.

If we want to know what women want we have only to ask. Regardless of the labels, “feminist” or “not feminist,” women say over and over again in questionnaires and studies that they want an equal chance at training, money, jobs and satisfaction, freedom from harassment and violence; and freedom from discrimination with regard to gender, race, physical disability and all the other internalized and institutionalized prejudices. The same things everybody else wants.

Like the chants at rallies, the question is called—What Do We Want? The response—Equity! The next question—When Do We Want It? And, of course, the answer is—Now!

There is enough documented evidence telling us that equity programmes are working but that they can work better, and carry women further, faster. Progress is at a snail's pace. But where determination and commitment are present, change can occur with the speed at which action plans are developed and resources allocated.

Where the political will is present to make immediate and conspicuous changes, history has demonstrated that change is possible—even within a bureaucracy—immediately. When the political will is present, hiring can be focused on target groups. Training opportunities can be created to shoehorn target groups into vacancies and specially designed positions. Until very recent times we never questioned these practices.

Equity Can Work

That's the good news. In the case of the National Film Board of Canada, the intro-

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