

## Ohio State's Definition of Sexual Harassment

*From the Sexual Harassment Policy; Derived from Federal Guidelines*

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other physical or verbal conduct of a sexual nature when it meets any of the following:

- a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic status;
- b) Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual; or
- c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive environment for working, learning, or living on campus.

Sexual harassment can occur between any individuals associated with the University, e.g., an employee and a supervisor; coworkers; faculty members; a faculty, staff member, or student and a customer, vendor, or contractor; students; or a student and a faculty member. Sexual harassment can occur between individuals of the same and/or the opposite sex.

## How Do I Know If My Behavior Is Sexual and/or Unwanted?

Many faculty, staff, and students have a difficult time identifying when their behavior is sexual or unwanted. In the best of all worlds, people who find behavior offensive would tell the offending party. We know that this does not often happen. Because sexual harassment is defined more by its impact on the target or receiver of the behavior, and less by the intention of the individual doing the behavior, it is increasingly important for individuals to be aware of their behaviors and their possible impacts. Here are questions to ask yourself to determine if behavior may be sexual and/or unwanted.

### 1. Is there an equal level of initiation of the behavior?

I make 90% of the sexual innuendoes or jokes in meetings, the office, or class...

I put my arm around other people, or touch them in other ways, and they do not do the same to me...

I have asked this person out multiple times, and each time he/she has said no, and he/she hasn't asked me out in return...

### 2. Is there equal power?

Power is present in supervisor-employee, tenured-non-tenured, teacher-student relationships. It can derive from differences in gender balance of a group, length of time with department or university, etc.

### 3. Would I do this behavior to a person who is not of the gender of people that I am sexually attracted to?

If I am a heterosexual male, and I come out of my office and massage the shoulders of my female secretary, would I do this if my secretary were male?

### 4. Would I want this behavior to be made completely public?

For example, would I want Newswatch 4 here recording this behavior and showing it on the evening news, or at a professional conference?

5. **Would I behave this way if my partner, spouse, boyfriend, girlfriend were standing next to me?**
6. **Would I want someone to do this behavior to my child, partner, spouse, mother, father, grandmother, grandfather, etc.?**

If you answered NO to 1, your behavior *may be* unwelcome or unwanted.

If there is a difference in power in any form, the situation is “ripe” for harassment.

If you answered NO to 3 or 5, your behavior may *very likely* be sexual.

If you answered NO 4 or 6, your behavior may *very likely* be inappropriate.

## **How to Report Sexual Harassment**

- E-mail [sexualharassment@osu.edu](mailto:sexualharassment@osu.edu)
- Call 614-292-2800, Office of Human Resources Consulting Services
- Submit a Discrimination/Harassment Complaint form found on the web at:  
<http://hr.osu.edu/hrpubs/forms.htm>
- Talk to any faculty or staff administrator, department HR professional, supervisor, manager, or faculty member
- All allegations are investigated
- All investigations are conducted by the Office of Human Resources Consulting Services

## **Responsibilities of Individuals Who Allege Sexual Harassment**

*(or those who have observed behavior they feel is harassment)*

1. Document the harassment (dates, times, names, specific settings, witnesses, documents, etc.).
2. Complete and submit a *Discrimination/Harassment Complaint Form*, available on the web at: <http://hr.osu.edu/hrpubs/forms.htm>, or e-mail the Ohio State Sexual Harassment e-mail address at: [sexualharassment@osu.edu](mailto:sexualharassment@osu.edu) with this information: your name, position, phone number, best time and way to be contacted, and a summary of the experiences that you are concerned about.

## **Responsibilities of Faculty, Supervisors, Managers, Faculty and Staff Administrators, and HR Professionals**

*If you are a faculty member, supervisor, faculty or staff administrator, department human resource professional, or Human Resources Consulting Services Consultant, you have a responsibility under the university's sexual harassment policy to appropriately handle allegations by following the guidelines below.*

If you are informed of an allegation of sexual harassment or witness behavior that could be perceived as sexual harassment, you have a duty to respond promptly and effectively. Given your role under the university's sexual harassment policy, *you can be held personally liable if you knew or reasonably should have known that sexual harassment was occurring and you failed to take appropriate action.*

If any faculty, staff, student, or university volunteer approaches you with concerns that could constitute sexual harassment, **follow the steps listed below**. If you need assistance, contact Consulting Services at 614-292-2800.

For purposes of clarity, an **allegor** is an individual who reports that sexual harassment may have occurred and an **alleged harasser** is an individual who is reported to have engaged in behavior that may be sexual harassment.

1. Listen to the allegations. Obtain information for the allegor and the alleged harasser if possible (name, position, department, phone number, e-mail address).
2. Don't assure the allegor that the complaint will be kept completely confidential. Individuals with a "need to know" will be kept informed.
3. Inform the allegor what retaliation is and that it is not allowed under the policy. Ask the allegor to report any retaliation to the Office of Human Resources Consulting Services at 614-292-2800.
4. Inform the allegor that you will give their contact information and the alleged harasser's contact information (name, position, department, phone number, e-mail address) via e-mail to the Office of Human Resources. Human Resources handles all allegations of sexual harassment, and will contact them.
5. Give the allegor a copy of the Sexual Harassment Business Card. Encourage the allegor to call or e-mail: [sexualharassment@osu.edu](mailto:sexualharassment@osu.edu) about the experiences they reported to you. For additional copies of the card, contact the Office of Human Resources Consulting Services at 614-292-2800.
6. Encourage the allegor to complete and submit a *Discrimination/Harassment Complaint Form*, which can be obtained from the web at: <http://hr.osu.edu/hrpubs/forms.htm>
7. As soon as possible and no later than 5 work days, send an e-mail message with the allegor's and alleged harasser's information (name, position, department, phone number, e-mail address) to the Ohio State Sexual Harassment reporting e-mail address at: [sexualharassment@osu.edu](mailto:sexualharassment@osu.edu)
8. If you become aware that the alleged behavior is continuing, send this information to the Ohio State Sexual Harassment reporting e-mail address at: [sexualharassment@osu.edu](mailto:sexualharassment@osu.edu)
9. If there is risk of the individual being in physical danger, immediately contact the University Police (614-292-2121) and the Office of Human Resources Consulting Services (614-292-2800).
10. If you receive information about behavior that could be perceived as sexual harassment, from an eyewitness, follow this process.

## Confronting The Harasser

Confronting the harasser is one way to attempt to stop sexual harassment. Most people who are harassed never tell the harasser that the behavior bothers them. This may be why harassers rely on the defense "but you never told me it bothered you." As you think about confronting the harasser, consider the environment and the individuals involved to decide whether you are likely to be successful in ending the harassment. In some environments and with some individuals, a confrontation can result in a more hostile environment.

### Guidelines for Confronting the Harasser

1. Talk one-to-one if you feel you are able to. Do not rush the encounter. Be simple & direct.

2. Confront the harassing behavior, not the values or the person. Identify specific behaviors that you find offensive. Citing dates and times that the behaviors occurred is helpful and will show the harasser that you mean business.
3. Let the harasser know that not only does the behavior make you uncomfortable, but that you are angry and want it to stop.
4. Stick to the issues. Don't let the harasser make excuses or bring in a lot of outside circumstances and rationalizations.
5. If necessary, use constructive coercion. Give the possible negative results if the behavior does not stop, such as a report to your unit's human resources officer, speaking with the harasser's supervisor, filing an allegation with Human Resources Consulting Services, etc. Be sure that you will follow through with this constructive coercion before bringing it up. If you tell the harasser you will take action, and then you do not, it may encourage the harasser to increase or continue the harassing.

## **Campus Resources**

### **For Students**

- Office of Human Resources Consulting Services, 433 Archer House, 292-2800 (employment context)
- Office of Student Affairs, 33 W. 11<sup>th</sup> Avenue -Suite 115, 292-9334 (student to student harassment in the non-employment context)
- College/VP Unit or Department HR professional, supervisor, faculty member, faculty/staff administrator
- *\*\*Counseling and Consultation Service, 4<sup>th</sup> Floor, Younkin Success Center, 1640 Neil Avenue, 292-5766*
- The Women's Place, 5046 Smith Lab, 174 West 18<sup>th</sup> Avenue, 292-3960
- Student Gender and Sexuality Services, 464 Ohio Union, 688-4898
- Rape Helpline, 614-267-7020

### **For Staff**

- Office of Human Resources Consulting Services, 433 Archer House, 292-2800
- College/VP Unit or Department HR Professional, chair/supervisor, faculty/staff administrator
- *\*\*University Faculty and Staff Assistance Program, 700 Ackerman Road Suite 580, 292-4472*
- The Women's Place, 5046 Smith Lab, 174 West 18<sup>th</sup> Avenue, 292-3960
- Rape Helpline, 614-267-7020

### **For Faculty**

- Office of Human Resources Consulting Services, 433 Archer House, 292-2800
- College/VP Unit or Department HR Professional, chair/supervisor, faculty/staff administrator
- Office of Academic Affairs, 203 Bricker Hall, 292-5881
- *\*\*University Faculty and Staff Assistance Program, 700 Ackerman Road Suite 580, 292-4472*
- The Women's Place, 5046 Smith Lab, 174 West 18<sup>th</sup> Avenue, 292-3960
- Secretary of the Faculty, 115 Independence Hall, 1923 Neil Avenue, 247-7412
- Committee on Academic Freedom and Responsibility, 126 University Hall, 292-2423
- Rape Helpline, 614-267-7020

*\*\* When speaking with licensed therapists at these organizations, counselor – client confidentiality is assured*