



Office of **HUMAN**
RESOURCES



Sexual Harassment

2004

Organization and Human Resource Development

150 Pressey Hall, 1070 Carmack Road

Columbus, OH 43210-1002

614-292-4500

OHRD@hr.osu.edu

<http://hr.osu.edu>

sexual.harassment@osu.edu

The Reason for This Training

You have been asked to complete this training because you are a member of the university community. As such, you share the responsibility to create an inclusive and respectful environment for all. If you are a faculty member, supervisor, administrator, or human resources practitioner at Ohio State, you are designated to receive allegations of sexual harassment and are mandated by university policy to complete this training. Recent U.S. and Ohio Supreme Court decisions have increased the personal and institutional risk that non- or inappropriate-response to a concern about sexual harassment raises.

This training session should provide you with basic information about sexual harassment. It will also prepare you to refer all sexual harassment allegations to the Office of Human Resources. If you have any concerns about your responsibilities or how to carry them out effectively, contact the Office of Human Resources Consulting Services at 614-292-2800, or e-mail your questions to sexualharassment@osu.edu.

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.

Types of Sexual Harassment

Quid Pro Quo

Quid pro quo means this for that. It assumes a power differential and occurs when an employee or student is subject to unwelcome sexual behavior or advances, and submission is made a condition of firing, hiring, advancement, admission, or evaluation in the work or academic setting. One instance of quid pro quo will generally constitute sexual harassment.

Hostile Environment

Hostile environment occurs when unwelcome sexual behavior “unreasonably interferes with an individual's job performance” or creates an “intimidating, hostile or offensive” work or study environment. Unlike quid pro quo, hostile environment generally requires a severe and pervasive pattern of behaviors to constitute sexual harassment. The number of times a behavior needs to occur depends on the severity of the behavior.

Examples Of Inappropriate Behaviors

Not an exhaustive list

The behaviors listed below are examples of some of the behaviors that are inappropriate in the classroom, work environment, or advising sessions, in syllabi, tests, or other course material (unless it has a legitimate relationship to the subject matter of the course), or in any other academic or workplace arena. A severe and pervasive pattern of these behaviors can constitute hostile environment sexual harassment. If rewards/punishments are contingent upon submission to or participation in these behaviors, they can constitute quid pro quo harassment.

- Sexual jokes, innuendoes, and gestures
- Unsolicited and unwelcome flirtations, advances or propositions, however subtle
- Graphic or degrading comments about an individual's appearance, dress, or body
- Staring at an individual or focusing upon a particular area of the body
- Leering or elevator eyes - looking someone up and down
- Whistling and cat calls
- Terms of address such as honey, baby, chick, hunk, or dear
- Regularly offering personal gifts such as flowers, candy, etc.
- Display of sexually suggestive objects or pictures
- Display or transmission of sexually suggestive electronic content
- Sexual or intrusive questions about an individual's personal life
- Explicit descriptions of sexual activities or experience
- Neck or shoulder massages
- Pressure for sexual activity, however subtle
- Explicit offers of sex for grades, money, or other rewards
- Any unnecessary, unwanted physical contact such as touching, rubbing, hugging, pinching, patting, or kissing
- Physical or sexual assault, including rape

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 your behavior or behaviors you observe 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 also derive from differences in gender balance of a group, length of time with the 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, or 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.

Policy Points to Note

Consensual Relationships

Consensual relationships are strongly discouraged but not prohibited. If a supervisor and employee, faculty and student, or other consensual relationship within a power relationship occurs, the person in authority can no longer evaluate the work of the individual with whom they are in relationship. The person in authority needs to take steps to resolve the conflict by consulting with her/his supervisor to identify who can evaluate the work (academic and workplace) of the individual with whom they share a consensual relationship.

False Allegations

False allegations occur when an individual knowingly and with recklessly makes untrue allegations of sexual harassment. They are not the same as a finding that sexual harassment did not occur. False allegations are serious and sanctions may be imposed if they are found to have occurred.

Confidentiality

Every reasonable effort is made to protect the confidentiality of the alleged and the alleged harasser. The university has a compelling obligation to address allegations and suspected instances of sexual harassment, even when the alleged is reluctant to proceed.

Retaliation

Federal and state law prohibits retaliation against individuals who allege sexual harassment or who are witnesses in a sexual harassment investigation. Retaliation is serious and sanctions may be imposed if it is found to have occurred.

How to Report Sexual Harassment

- E-mail 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 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, 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 alleged 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 alleged a copy of the Sexual Harassment Business Card. Encourage the alleged to call or e-mail: 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 alleged 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 alleged'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
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
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.

The Investigation Process

1. The investigation process is laid out in detail in the *Guidelines for Investigating Complaints of Discrimination and Harassment*, <http://hr.osu.edu/policy/policyhome.htm>
2. Depending on the facts of the case, an investigation may range from a one-on-one conversation with the alleged harasser with an agreement as to further interactions, to an inquiry with several witness interviews, a finding of facts, and recommendations to the unit for appropriate employment action. In every case, a record must be made of the allegations, the investigation, and the action taken.
3. The progress of the investigation is shared with the alleged, the alleged harasser, the department human resource professional, the department administrator, and the Office of Human Resources.

Campus Resources

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

Resources for Students

Human Resources Consulting Services, 433 Archer House, 292-2800 (employment context)

Student Judicial Affairs, Room 115, 33 West 11th Avenue, 292-0748 (student to student harassment in the non-employment context)

College/VP Unit or Department HR Professional, supervisor, faculty member, faculty or staff administrator (employment context)

**Counseling and Consultation Service, 4th Floor, Younkin Success Center, 1640 Neil Avenue, 292-5766

The Women's Place, 5046 Smith Lab, 174 West 18th Avenue, 292-3960

Student Gender and Sexuality Services, 464 Ohio Union, 688-4898

Rape Helpline, 614-267-7020

Resources for Staff

Human Resources Consulting Services, 433 Archer House, 292-2800

College/VP Unit or Department HR professional, supervisor, faculty or staff administrator

**University Faculty and Staff Assistance Program, 700 Ackerman Road Suite 580, 614-292-4472

The Women's Place, 5046 Smith Lab, 174 West 18th Avenue, 292-3960

Rape Helpline, 614-267-7020

Resources for Faculty

Human Resources Consulting Services, 433 Archer House, 292-2800

College/VP Unit or Department HR professional, supervisor, faculty or staff administrator

Academic Affairs, 203 Bricker Hall, 614-292-5881

**University Faculty and Staff Assistance Program, 700 Ackerman Road Suite 580, 614-292-4472

The Women's Place, 5046 Smith Lab, 174 West 18th 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

Other Resources

Human Resources Website

<http://hr.osu.edu/policy/policyhome.htm>

- Sexual Harassment Policy
- Guidelines for Investigating Complaints of Discrimination and Harassment
- Discrimination/Harassment Complaint form

Advice on how to proceed

- HR Consulting Services
614-292-2800 or
sexualharassment@osu.edu

Sexual harassment business cards or policy pamphlets to distribute

- HR Consulting Services
614-292-2800

Sexual harassment training and publications

- Organization & HR Development
614-292-4500 or
OHRD@osu.edu



Discrimination/Harassment Complaint Form

The Ohio State University

INSTRUCTIONS

Submit this form to the Office of Human Resources (OHR) Consulting Services in person at 433 Archer House, 2130 Neil Avenue, Columbus, OH 43210-1156; via fax to 614-292-0549; or via e-mail to sexualharassment@osu.edu. A form can be requested by calling 614 292-2800 or on the OHR website at <http://hr.osu.edu/hrpubs/forms.htm>. If a faculty or staff member is notified of an allegation, they must refer the alleege or notify OHR Consulting Services as soon as possible and no later than 5 days after becoming aware of the allegation. *Filing an allegation of sexual harassment with the university does not preclude an alleger from filing an allegation with an external agency nor does it extend time limits for such complaints.*

Person alleging discrimination/harassment:

Name: _____ Title: _____

Department: _____

Campus mail address: _____

Campus phone: _____ E-mail address: _____

Person against whom allegation of discrimination/harassment is being made:

Name: _____ Title: _____

Department: _____

Campus mail address: _____

Campus phone: _____ E-mail address: _____

Person referring the complaint (if different than the person alleging discrimination/harassment):

Name: _____ Title: _____

Department: _____

Campus mail address: _____

Campus phone: _____ E-mail address: _____

Using the back of this form or an additional sheet, describe the events and/or behaviors that are the subject of the complaint. Include any offices or individuals you've talked with on campus, the names of witnesses, as well as dates, times and location