

# Sexual harassment

[Sociology](#), [Social Issues](#)



Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
- Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or
- 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.

Unwelcome Behaviour is the critical word. Unwelcome does not mean "involuntary." A victim may consent or agree to certain conduct and actively participate in it even though it is offensive and objectionable. Therefore, sexual conduct is unwelcome whenever the person subjected to it considers it unwelcome. Whether the person in fact welcomed a request for a date, sex-oriented comment, or joke depends on all the circumstances.

Sexual harassment is bullying or coercion of a sexual nature, or the unwelcome or inappropriate promise of rewards in exchange for sexual favors. In most modern legal contexts, sexual harassment is illegal. As defined by the US EEOC, "It is unlawful to harass a person (an applicant or employee) because of that person's sex." Harassment can include "sexual harassment" or unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature.

Where laws surrounding sexual harassment exist, they generally do not prohibit simple teasing, offhand comments, or minor isolated incidents. In the workplace, harassment may be considered illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it

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results in an adverse employment decision (such as the victim being fired or demoted, or when the victim decides to quit the job).

The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer and harassers or victims can be either male or female.

‘ It includes a range of actions from mild transgressions to sexual abuse or sexual assault.[3] Sexual harassment is a form of illegal employment discrimination in many countries, and is a form of abuse (sexual and psychological) and bullying. For many businesses and other organizations, preventing sexual harassment, and defending employees from sexual harassment charges, have become key goals of legal decision-making. The term sexual harassment was used in 1973 in " Saturn's Rings", a report authored by Mary Rowe to the then President and Chancellor of MIT about various forms of gender issues.

Rowe has stated that she believes she was not the first to use the term, since sexual harassment was being discussed in women's groups in Massachusetts in the early 1970s, but that MIT may have been the first or one of the first large organizations to discuss the topic (in the MIT Academic Council), and to develop relevant policies and procedures. MIT at the time also recognized the injuries caused by racial harassment and the harassment of women of color which may be both racial and sexual. The President of MIT also stated that harassment (and favoritism) are antithetical to the mission of a university as well as intolerable for individuals.

In the book *In Our Time: Memoir of a Revolution* (1999), journalist Susan Brownmiller quotes the Cornell activists who in 1975 thought they had coined the term sexual harassment: " Eight of us were sitting in an office ... brainstorming about what we were going to write on posters for our speak-out. We were referring to it as 'sexual intimidation,' 'sexual coercion,' 'sexual exploitation on the job.' None of those names seemed quite right. We wanted something that embraced a whole range of subtle and un-subtle persistent behaviors. Somebody came up with 'harassment.' 'Sexual harassment!' Instantly we agreed. That's what it was."

These activists, Lin Farley, Susan Meyer, and Karen Sauvigne went on to form Working Women's Institute which, along with the Alliance Against Sexual Coercion, founded in 1976 by Freada Klein, Lynn Wehrli, and Elizabeth Cohn-Stuntz, were among the pioneer organizations to bring sexual harassment to public attention in the late 1970s. Still the term was largely unknown until the early 1990s when Anita Hill witnessed and testified against Supreme Court nominee Clarence Thomas.[6] Since Hill testified in 1991, the number of sexual harassment cases reported in US and Canada increased 58 percent and have climbed steadily ever since.

Sexual harassment may occur in a variety of circumstances - in workplaces as varied as factories, academia, Hollywood and the music business. Often, but not always, the perpetrator is in a position of power or authority over the victim (due to differences in age, or social, political, educational or employment relationships) or expecting to receive such power or authority in form of promotion. Forms of harassment relationships include:

The perpetrator can be anyone, such as a client, a co-worker, a parent or legal guardian, relative, a teacher or professor, a student, a friend, or a stranger. The victim does not have to be the person directly harassed but can be a witness of such behavior who finds the behavior offensive and is affected by it. The place of harassment occurrence may vary from school, university, workplace and other. There may or may not be other witnesses or attendances.

The perpetrator may be completely unaware that his or her behavior is offensive or constitutes sexual harassment or may be completely unaware that his or her actions could be unlawful.

The incident can take place in situations in which the harassed person may not be aware of or understand what is happening. The incident may be one time occurrence but more often it has a type of repetitiveness. Adverse effects on the target are common in the form of stress and social withdrawal, sleep and eating difficulties, overall health impairment, etc. The victim and perpetrator can be any gender.

The perpetrator does not have to be of the opposite sex. The incident can result from a situation where the perpetrator thinks they are making themselves clear, but is not understood the way they intended. The misunderstanding can either be reasonable or unreasonable. An example of unreasonable is when a woman holds a certain stereotypical view of a man such that she did not understand the man's explicit message to stop. With the advent of the Internet, social interactions, including sexual harassment, increasingly occur online, for example in video games.

It is the goal of the Community Colleges to promote an educational environment and workplace that is free of sexual harassment. Sexual harassment of students or employees occurring in the classroom or the workplace is unlawful and will not be tolerated by the Community College. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated.

To achieve our goal of providing a workplace free from sexual harassment, the conduct that is described in this policy will not be tolerated and we have provided a procedure by which inappropriate conduct will be dealt with, if encountered by students or employees. Because the Community Colleges take allegations of sexual harassment seriously, we will respond promptly to complaints of sexual harassment and where it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

In Massachusetts, the legal definition for sexual harassment is this: "sexual harassment" means unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

(a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment or academic decisions; or,

(b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's academic or work performance by creating an intimidating, hostile, humiliating or sexually offensive learning or working environment.

Under these definitions, direct or implied requests by a supervisor or instructor for sexual favors in exchange for actual or promised job or academic benefits constitute sexual harassment. The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a hostile, offensive, intimidating, or humiliating workplace or academic environment to male or female workers or students may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct, which if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;

- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences; and,
- Discussion of one's sexual activities. All employees and students should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment, and retaliation against individuals for cooperating with an investigation of sexual harassment complaint is unlawful and will not be tolerated by the Community Colleges.

Sexual Harassment is defined as any unwelcome sexual advance, request for sexual favors, or verbal, written or physical conduct of a sexual nature by a manager, supervisor, co-workers or non-employee (third party). Sexual harassment may occur between members of opposite genders or the same gender. It may occur on the basis of sexual orientation. It may occur in any context in which sex is introduced into a business or university relationship. Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision.

Introduction of sexually explicit materials into the classroom or workplace without a legitimate educational or work-related purpose. Sexual harassment is a form of Sex Discrimination that occurs in the workplace. Persons who are the victims of sexual harassment may sue under Title VII of the Civil Rights Act of 1964 (42 U. S. C. A. § 2000e et seq.), which prohibits sex discrimination in the workplace.



The federal courts did not recognize sexual harassment as a form of sex discrimination until the 1970s, because the problem originally was perceived as isolated incidents of flirtation in the workplace. Employers are now aware that they can be sued by the victims of workplace sexual harassment. The accusations of sexual harassment made by Anita F. Hill against Supreme Court Justice Clarence Thomas during his 1991 confirmation hearings also raised societal consciousness about this issue.

Courts and employers generally use the definition of sexual harassment contained in the guidelines of the U. S. Equal Employment Opportunity Commission (EEOC). This language has also formed the basis for most state laws prohibiting sexual harassment. The guidelines state:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals, or 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.

A key part of the definition is the use of the word unwelcome. Unwelcome or uninvited conduct or communication of a sexual nature is prohibited; welcome or invited actions or words are not unlawful. Sexual or romantic interaction between consenting people at work may be offensive to observers or may violate company policy, but it is not sexual harassment.

The courts have generally concluded that a victim need not say or do a particular thing to indicate un-welcomeness. Instead, a court will review all of the circumstances to determine whether it was reasonably clear to the harasser that the conduct was unwelcome. The courts have recognized that victims may be afraid to express their discomfort if the harasser is their boss or is physically intimidating. Victims may be coerced into going along with sexual talk or activities because they believe they will be punished or fired if they protest. Consent can be given to a relationship and then withdrawn when the relationship ends. Once it is withdrawn, continued romantic or sexual words or actions are not protected by the past relationship and may be sexual harassment.

The law prohibits unwelcome "sexual" conduct and words or actions "of a sexual nature." Some conduct, such as hugging, may be sexual or nonsexual and must be evaluated in context. Sexual harassment may be physical, such as kissing, hugging, pinching, patting, grabbing, blocking the victim's path, leering or staring, or standing very close to the victim. It may also be verbal, which may be oral or written and could include requests.

Despite both national and international efforts to eliminate sexual harassment, there is no single definition of what constitutes prohibited behavior. Generally, international instruments define sexual harassment broadly as a form of violence against women and as discriminatory treatment, while national laws focus more closely on the illegal conduct. All definitions, however, are in agreement that the prohibited behavior is unwanted and causes harm to the victim. At the International level, the United Nations General Recommendation 19 to the Convention on the

Elimination of all Forms of Discrimination Against Women defines sexual harassment as including: such unwelcome sexually determined behavior as physical contact and advances, sexually colored remarks, showing pornography and sexual demands, whether by words or actions. Such conduct can be humiliating and may constitute a health and safety problem; it is discriminatory when the woman has reasonable ground to believe that her objection would disadvantage her in connection with her employment, including recruitment or promotion, or when it creates a hostile working environment.