

# The sexual harassment issue

Life



Sexual harassment is an issue that grabbed all of America when we saw Anita Hill accuse then Supreme Court nominee Clarence Thomas of harassing her while she worked in his office. It has been years since that incident brought question of what constitutes sexual harassment to the forefront of legal and business attention. During those years thousands of cases have weaved their way through our court system helping to clear the issue and make it something more easily understood.

The business world now has more specific guidelines on how to recognize harassment and how to handle its various forms. Although there are still plenty of gray areas regarding the issue people are now more informed on how to avoid potential problems and how to deal with them if they do arise. This is all well and good but is the workplace the only environment where sexual harassment rears its ugly face? The answer to that question is rather simple. No. One major area where people are still trying work through the issue of harassment is the institute of higher education.

Some might say that harassment in our colleges and universities may be handled similarly to they way we handle the problem in the business world and that viewpoint has allies in very high places such as the Supreme Court. In Davis v. Monroe County Board of Education the Supreme Court was faced with deciding whether a school could be held liable for a 10 year old boy making sexual statements and advances to one of his female classmates. The result of this case sent shockwaves through not only elementary schools but also any educational institution receiving federal funding.

Justice Sandra Day O'Connor delivered the majority opinion for the court which " held that the school would be liable for student-on-student sexual harassment if it acted with deliberate indifference to known acts of harassment in its programs or activities provided that the harassment is so severe, pervasive, and objectively offensive that it effectively bars the victim" s access to an educational opportunity or benefit "(Coulter, 1999)". Now you ask what does that mean and how would this institute affect higher education.

The answer is that the opinion applies the hostile-environment paradigm of sexual harassment, (which arose in reference to the workplace) to any school system financially assisted by the federal government. The concept of the hostile-environment concept if applied to higher education must be used with extreme caution. Approximately 90% of the hostile-environment sexual harassment claims are not based on physical contact but on language "(Coulter, 1999)". The ways in which language is used in academia differs greatly from the workplace.

Due to the application of the hostile-environment paradigm students and instructors alike must speak very carefully and avoid certain controversial issues that were once openly discussed. The classroom experience may suffer greatly if what was once looked upon as First Amendment-protected speech is now viewed as sexual harassment. Because of O'Connor" s ruling schools must silence students and teachers who might contribute to a hostile learning environment or risk a rather pricey lawsuit "(Coulter, 1999)".

Since its beginning academia was a place where possibly offensive conversation could be used in order to increase a student's understanding and assist in the quest for knowledge although now that quest has strict rules. Recently the Education Department's Office for Civil Rights (OCR) clarified how colleges should define sexual harassment and they followed the course set by Justice O'Connor. Applied through a federal law known as Title IX the OCR defined two types of sexual harassment.

The first is known as quid pro quo and it occurs when a school employee threatens to base an educational decision such as a grade on a student's submission to unwelcome sexual behavior. According to the OCR's guidance a school is liable for even one instance of quid pro quo harassment "(Chmielewski, 1997)". The second type of harassment is the hostile-environment situation described above and their definition mirrors the one delivered by Justice O'Connor. What exactly does all of this mean for college professors and their students?

Ramdas Lamb a professor of religion at the University of Hawaii knows all too well the dilemma currently facing our educational institutions. Lamb taught "Religion, Politics, and Society" a course he designed to meet the student's desire for relevance "(Thernstrom, 1999)". Lamb wanted a course where passionate debate could aid the students to learn and on the first day of class he warned the students that every topic would be covered from all viewpoints and if one particular opinion was not represented that he would play devils advocate and represent it "(Thernstrom, 1999)".

After his warning three students left the class and Lamb felt confident about the remainder. A student by the name of Michelle Gretzinger was enrolled in the class and had a friendly history with Lamb. She was actively involved in the class but after a disagreement with Lamb during a debate over sexual harassment she became withdrawn and refused to participate in class.

Gretzinger received a C in the class based on a lack of participation since that was a large part of the graded criteria. After the semester was over she filed a sexual harassment complaint alleging both of the above types of sexual harassment.

Eventually Lamb was cleared of the charges and won a countersuit for defamation, although Gretzinger refuses to pay any of the \$132, 000 ordered by the court. Although vindicated Lamb is still deeply troubled by the harsh allegations made by Gretzinger. This situation displays just how serious sexual harassment allegations are and just how out of place the current standards are in the realm of higher education. In conclusion sexual harassment cannot be handled in academia as it is in the workplace.

Victims need to be protected and no complaint should be taken lightly but the standards must reflect the environment they are applied to. Quid pro quo harassment standards can be the same across the board but what constitutes a hostile-environment in the workplace is extremely different than a hostile-environment in academia. By the nature of college courses the restrictions on free speech must be less stringent than they are in the traditional workplace. In order to aid in the learning process students and teachers alike must be permitted to use unpopular and even sometimes offensive speech.

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If we continue to apply the same standards to the academic world as we do in the business world the country will suffer. These sometimes-unpopular discussions lead to a better understanding of those whose opinions differ from our own. If the flow of discussion is restricted too much some issues may never be discussed leading to a lack of understanding between women and men. Any issue of a somewhat sexual nature may become taboo in the college classroom. If this happens it could compound the problems we currently have with sexual harassment could be compounded and society as a whole may suffer grave consequences.