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A homosexual male student is propositioned by a male professor and responds negatively. No overt threat regarding the student's grade is made, but the student feels he must do additional work - beyond course requirements - to get the grade he had originally expected. Is this sexual harassment?

Sexual harassment within the student-teacher relationship can occur between a male faculty member and a female student, a female professor and a male student, a male student and a female professor, or a male student and a male professor. Because most faculty at Yale are men and because heterosexuality is the norm in our society, the harassment of female students by male faculty members occurs most often.

In the case, *Alexander v. Yale*, which made sexual harassment an issue on the Yale campus, the presiding magistrate ruled that sexual harassment in academia is sex discrimination under Title IX of the Education Amendments of 1972. "It is perfectly reasonable to maintain that academic advancement conditioned upon submission to sexual demands constitutes sex discrimination in education, just as questions of job retention or promotion tied to sexual demands from supervisors have become increasingly recognized as potential violations of Title VII's (of the Civil Rights Act of 1964) ban against sex discrimination in employment."

Sexual harassment has existed at Yale as a barrier for women students since at least 1971. That year, a coalition of university women's groups, including the precursors of the Undergraduate Women's Caucus and the Women's Forum, compiled a report, documenting

occurred at Yale in the last few years. They raise some of the complex issues involved in sexual harassment in education which are being considered by the courts, by universities around the country, and by the new Yale committee on grievance procedures.

What constitutes sexual harassment of students by faculty? What is the dividing line between consensual sex and coerced sex when there is an inherent power differential between the two parties? Must there be an overt threat? Must there be retaliation? Must the student reject the proposition to claim that harassment has occurred? Do there have to be repeated advances, or is one sufficient? Is it enough for a student to feel harassed or must there be clear verbal or physical advances before an investigation is started?

Various members of the Yale community offered a number of definitions for sexual harassment. Although the interpretations varied widely, all included the abuse of the power that faculty have over students.

Ezra Stiles Dean James Rush suggested that sexual harassment was the "deliberate exploitation of authority of one person to request sexual favors on the part of another." Etta Onat, Associate Dean of the Graduate School offered a broader definition. "Sexual harassment can be blatant or subtle, ranging from a proposition or an advance to a lack of tact in describing women

power.

It is only recently that people have begun to talk about sexual harassment in these terms. Until two years ago, the problem was rarely discussed openly and seldom considered a problem which had solutions. Like the birds and the bees, sexual harassment was for women a fact of life. In MacKinnon's words, everyone has "understood and dismissed such incidents as trivial, isolated, and 'personal,' or as universal 'natural' or 'bio-

numerous ways in which women who worked and studied at Yale were discriminated against. Sexual harassment was one of the areas covered.

One graduate student talked about the harassment she faced in the admissions process: "When I came to Yale to show my portfolio, a requirement for admission to the department, I did not realize what was going to happen. When I had finished discussing the final picture with one professor, he asked me, 'Now, don't

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In 1975, the Working Women United Institute now in New York City, held a "speak-out" for women who had been sexually harassed at work. Since then, they have organized a national litigation project, a handbook for working women, and a resource library. They conduct ongoing research and plan to provide support services for victims. The Alliance Against Sexual Coercion, a group formed recently in Cambridge, Massachusetts,

you have something else to show me?" and with that he grabbed me by the shoulders, as they say in Victorian novels." Another student had severe doubts about the professional qualifications of her DGS. "You begin to wonder about the intentions of a Director of Graduate Studies who spends more time patting your thighs and pinching your rear than discussing your academic career."

The women also complained officially to the Department of Health, Education

and Welfare about these discriminatory practices. Their proposal for an Affirmative Action program included this statement: "A Women's Bureau shall be established to investigate all grievances of sexual harassment which inhibit the full participation of women in the professional community." The suggestion was never implemented. Though HEW representatives came to Yale to investigate, they could do nothing about the sexual harassment of students by faculty. The Educational Amendments banning discrimination in federally funded educational institutions were not passed by Congress until 1972.

In 1975-76, sexual harassment was discussed at a meeting of the residential college deans. According to Morse Dean Eva Balogh, former JE Dean Williamson Murray brought up the topic, stating that sexual harassment of women students - especially by TAs - was a severe problem, and that something should be done. The current dean of JE Mark Ryan was also present at that meeting. He remembers a discussion about issuing a statement to the faculty condemning the practice of sexual harassment. Most of the deans did not like the idea and the matter was dropped.

About the same time, a department chairman faced with a number of complaints about a particular TA's behavior, warned other department members that anyone caught harassing a student would be dismissed. The TA in question was fired.

The first recent reports of widespread harassment came from the Women's Caucus in their *Report to the Yale Corporation* published last spring. "It is not uncommon to hear complaints by women students of being propositioned by Yale faculty members," the report reads. A detailed description of an incident followed. The Caucus tried to help several

30

from page one

only a segment of the total that occurred. Donna Schaper, Associate University Chaplain, believes that "there's no difference in the amount of harassment that occurs in business and academia." The figures quoted for the work force, based on several studies, indicate that seven out of ten women have been harassed on the job at some point in their career.

Many students don't report that they have been harassed for the same reasons rape victims often don't report. They find the situation embarrassing and extremely discomforting; they would rather try to forget that it happened.

Other students do not complain because they think their case is an incident which they may have invited in some unspecific way. "Even though I hadn't done anything to provoke him, when he began to make advances. I kept wondering if I had been suggestive," said one woman who eventually complained.

Her case involved a professor who never really propositioned her. While taking a class with him, however, he continually made suggestive comments and advances. After these were openly rejected, he refused to see her when she needed advice on a project. As in the case cited earlier, the professor in question was the only person at Yale in a particular sub-discipline. The student suffered emotionally for several months and says she might still be suffering if her dean and the TA for the course hadn't been so supportive.

Some students are too confused by their feelings about an incident to complain. They are flattered that an older and eminent professor would be sexually interested in them. Yet, they lose some respect for the professor due to his advances. Offers of rewards - better grades, recommendations - further complicate the situation. Will the professor use these re-

Adequate Procedures?

Administrators and faculty disagreed about whether a procedure exists and whether it is adequate. Several professors denied that the procedure described in the undergraduate regulations is a procedure at all. A few faculty members and college deans feel that the mechanisms exist but are inadequate. "What exists now is unsatisfactory," says Dean Onat. "It relies too much on individuals." Many people feel that the master-dean mechanism has not yet been proved inef-

fective, but that if a group of students strongly want a more formal procedure, it should be designed and implemented.

Several professors also feel that a more formal grievance procedure is necessary to protect the faculty. They feel that there is always a potential for false accusations from students who attempt to seduce them or consensual relationships which break up. However, Donna Schaper, the Associate University Chaplain, claims "There is no reason for a woman to accuse a man of sexual harassment if it is not true. It can only backfire on her."

Most people agree that the master-dean channels need to be better publicized. The procedures seem clear, says Calhoun Dean Eustace Theodore. The problem is that students may not read the sources of information on those procedures. As Kingman Brewster once said, "The two least read books on the Yale campus are the *Report of the President* and the *Undergraduate Regulations*."

The *Undergraduate Regulations* read: "If a student in Yale College believes that someone acting for the University has behaved towards the student in a way that is improperly based upon considerations of race, color, religion, sex, or ethnic or national origin, the student should normally first discuss the problem

women bring complaints against offending professors. They claim that the administration was unsympathetic and unresponsive. In July, several women filed the current law suit in order to change university policy regarding harassment.

A poll of the residential college deans, the Chaplain's office, the University Health Service, and the central dean's office yielded a tally of about 30 complaints lodged over the last few years. The complaints varied in form from written statements to confidential confessions, and covered a range of alleged offenses. A similar poll of a small group of 7 faculty members revealed 20 cases. Only Calhoun Dean Eustace Theodore and TD Dean James Davie received complaints from men about harassment by male and female professors, though other professors and deans indicated that they had heard of some such cases. Almost everyone agreed that the number of reported cases of harassment was probably

continued on page seven

refuses his advances and double the retribution if she complains? Will she then have a reputation as a troublemaker among the professor's colleagues? The consequences of complaining can extend beyond the uncomfortable situation that is created in a woman's working relationships as an undergraduate. Students fear that complaints will damage their chances for admission to graduate or professional school.

For graduate students, the factors keeping women from filing complaints are even more severe. Dean Onat, the sole female administrator in the graduate school, and the Title IX officer has never received a formal complaint. Graduate students know it is "suicidal to complain about almost anything," said Cherri Waters, a student in the political science department. Diane Ross, a graduate student in English, felt complaints about sexual harassment were a particular problem. "A student making a major complaint would expose herself in a way that's more harmful than harassment. The complaint could have a much more profound effect on your future and the focus of your education than the instance of harassment."

Students may not complain because they do not know whom to go to, what the consequences of complaining are likely to be for themselves or the person they are accusing, and whether their complaints will be taken seriously. Despite the recent publicity about the existing University grievance "procedures," both graduate and undergraduate students still do not know who to complain to.

with the person complained of, but may also seek advice on how to secure an equitable solution of the problem from the Masters and Deans of the Residential Colleges, the Chairman of the Yale College Executive Committee, or the Associate Dean for Student Affairs. If the problem cannot be resolved by informal discussion, the person or persons to whom it is referred shall assure that the complaint is reviewed by the appropriate authorities and/or established procedures."

The "appropriate authorities and/or established procedures" evidently are Dean Taft. In a *Yale Daily News* interview, Taft says "If the action is believed to be true and is an action that the Dean of Yale College should know about, then the incident should be brought to my attention. I would talk to the student and the faculty member involved and try to make a determination if, in fact, the situation required action. If it did, we would have to consider faculty disciplinary procedures which would probably parallel those set forth by the American Association of University Professors."

On the graduate level, the procedure is similar. Students should complain to their advisor, their IXIS, their department chairman, Dean Onat, or Dean Pelikan.

Some students who have used these procedures seem satisfied. For example, the woman who refused her professor's advances and then was ignored by him, is confident that the professor will be asked to leave Yale. Other students claim the procedures are ineffective. Pamela Price, the remaining plaintiff in the lawsuit, says she complained about the harassment incident to her dean, to the department chairman, and to the director of the Afro-American Cultural Center and was told nothing could be done. A year

and a half later, after the suit was filed, but before she joined it, the university asked her to resubmit the complaint. They then investigated the incident by giving the paper on which the disputed grade was based to two professors in her department. They reread the paper and decided that it merited the "c" that it had received. They did not investigate the circumstances of the incident, in which Price was told that she would get an "A" if she slept with the professor, but simply told her that the matter was settled. Price is suing because she does not think that the university adequately handled her complaint.

Another woman who attempted to complain through university channels now faces the possibility that the man she complained about will be rehired without an investigation into her allegations. "I tried the Yale channels for a year, I played their game, and now I'm angry. Nothing has been done and I am not the only one who has complained about this man."

No Morals

During her second year of music lessons with a particular teacher, he began to lock his office door during the session. He would approach her, kiss her ear, and comment on her figure. He said several times that he had no sexual morals and could not understand his wife's discomfort about his involvement with other women. During one lesson he took out a conductor's score to show her and "found" a Playboy foldout in the center. As a result of these incidents she began to feel "incredible emotional pressure from him." She dreaded practicing for her lessons. When her teacher asked her why she was so nervous, she did not have the courage to tell him, knowing from other students how vindictive he could be. She began to have nightmares about being sexually molested by him. She switched teachers and later filed a complaint.

32 Faculty and administrators agree that disciplining of faculty members proved to have harassed students would have to proceed according to AAUP guidelines. The sanctions would depend on the offense, but could range from reprimand to dismissal. Repeat offenders would be disciplined more severely. To date, according to Dean Griffin, no faculty member has ever been explicitly dismissed for misconduct though several have been quietly asked to leave.

Avoiding Faculty Suits

The entire procedure would have to be conducted carefully and confidentially, to avoid possible lawsuits arising from incorrect proceedings. New York University Law School is currently faced with such a suit by a professor who claims he was forced to resign because of false rumors that he has sexually harassed female students. He charges that he was unfairly excluded from an investigation of the allegations against him, and that the investigation damaged his reputation.

Even if a new procedure were designed and publicized, some faculty wonder if it would be used. Dean Davie doubts that it would. "There are mechanisms already which people don't avail themselves of," he said. He believes that people would be even less willing to go to a hearing officer or board than to their dean. Other deans feel that the mechanism might work best as the second step in a procedure where the front people were the deans. Nancy Cott, Assistant Professor of American Studies and History, believes that, at the least, an established grievance procedure will make students freer to admit that harassment occurs, and therefore make them freer to complain to their deans.

Several people were concerned that informal procedures would disappear if formal mechanisms were established. Donna Schaper believes people should be free to choose informal proceedings if

Donna Schaper suggests other ways for women to deal with the situation themselves, if they do not want to report it: 1) Tell the professor that he has one month to leave you alone, otherwise you will try to get him fired; 2) Publicly embarrass him in front of a small group of people who will be witnesses if he tries to retaliate; 3) Threaten to publicly embarrass him by telling every person in the class what he is doing; 4) Ask a counsellor to go talk to him.

To prepare students to cope with the possibility of sexual harassment, Lorna Sarrel, co-director of the Yale Human Sexuality Program, plans to begin discussing sexual harassment in her talks with freshmen. The Grievance Committee of the Undergraduate Women's Caucus and the Faculty Support Group which has formed to work with them will continue their educational efforts.

Professors must also take more responsibility for their behavior, according to one dean. "The teacher-pupil relationship is a special one, and the kind of complication sexuality brings in, is not good," said Dean Davie. "Some people are inexperienced in handling difficult interpersonal relationships, and the university as a whole cannot tolerate the disruption in the teacher-pupil relationship which harassment causes."

Partially because of the lawsuit, which has been publicized across the country, sexual harassment in academia is becoming an issue. The Modern Languages Association Commission on the Status of Women in the profession is beginning a study on the sexual harassment of graduate students and academics.

Some schools are beginning to examine the incidence of harassment on their campuses. But, neither students nor faculty members at most schools are aware of more than a few cases. At the University of California at Berkeley,

A number of questions have been raised about the form of an alternate mechanism. Should it be a committee, a hearing board, or an ombudsperson? To what extent should students be involved? What kind of disciplinary power should the procedure incorporate?

Judith Genova, a member of the philosophy department and the head of the Faculty Support Committee working against sexual harassment, suggests a two-part procedure. One committee composed of faculty, administrators, and students would receive complaints, investigate, and decide whether harassment had occurred but would let the faculty discipline the offender. Deans Taft and Griffin, however, believe that students should not be involved at all in decisions about faculty members. Students can advise during a fact-finding session but only faculty are qualified to judge faculty.

However, many of the deans and faculty feel that students should be involved in the entire process. The proceedings involve both student and faculty interests, and each party will keep the other honest. They also feel that students would be as likely to decide wisely and carefully as faculty. Dean of Student Affairs Marnesba Hill and Pierson Dean Rachel Wizner were particularly outspoken on this issue.

Dean Onat suggests a tribunal of disinterested people with members from each of the possible constituencies which would come before it. Dean Rush suggests using Associate Dean of Yale College, Judith Brandenburg, as a hearing officer.

they "don't want to fight other people's battles." Several graduate students also felt strongly about this. Informal proceedings, however, tend to be decentralized. And when incidents are not reported to a central place, it is difficult to catch repeat offenders.

Saying 'No'

Some members of the university community feel that grievance procedures are not enough. They believe that women must be taught to confront the situation, and learn to say "no" firmly. This is not as simple as it sounds. "In this environment, it is not always possible to say 'no,'" said Dean Hill. "People want to do well academically and socially, not make enemies and 'F's'." Sometimes saying no will not stop the harassment. In the case of one of the original plaintiffs in the suit, Ronni Alexander, a 'no' was not enough. "He grabbed hold of me and began to fondle my breasts and kiss me. I was shocked, scared, and angry, but did not know what to do. I felt I needed him as a flute teacher, and hoped that he would respect my telling him that I was in no way interested in a sexual relationship with him. In fact, he would not take no for an answer."

Saying "no" can work only if the professor believes that a woman's "no" means "no." Too often in this situation as in others, a woman's word is not taken seriously. If the professor is interested in exerting his power as well as enjoying a physical relationship, however, then saying "no" may only lead to greater harassment.

however, a survey of 230 female graduate students revealed that 20 percent had received "sexual attention" from instructors. Of these women, 71.5 percent responded negatively and felt the incident infringed on their educational freedom. None of the women reported the incidents to university officials.

Clearly, administrators at Berkeley and at Yale could easily be unaware of the scope of the problem, and underestimate the need for effective procedures to combat it. Studies, public speak-outs, and lawsuits are necessary to bring attention to problems like harassment, which society would rather brush under the rug. Academia will only eliminate sexual harassment when it recognizes the severity of the problem and establishes explicit and effective procedures to act decisively against offenders.