

# IIT Office of General Counsel Educational Program

Sexual Harassment  
Faculty and Staff

# Introduction

Mary Anne Smith

## Sexual Harassment – Policy No. E 2.00

IIT is committed to ensuring an environment for all students and employees that is fair, humane, and respectful - - an environment which supports and rewards student and employee performance on the basis of relevant considerations such as ability and effort. Behaviors which inappropriately assert sexuality as relevant to student or employee performance damage this environment.

## Sexual Harassment – Policy No. E. 200

Therefore, IIT will provide for its students and employees an educational and employment environment free of unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct or communications constituting sexual harassment as defined or otherwise prohibited by state or federal law.

## What is Sexual Harassment ?

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,
- Submission to or rejection of such conduct by an individual is used as the 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 environment.

## Sexual Harassment of Students Defined

- The IIT Sexual Harassment Policy and the Illinois Human Rights Act prohibit unwelcome sexual advances or requests for sexual favors made by a higher education representative to a student.
- Also prohibits any conduct of a sexual nature exhibited by a higher education representative toward a student when such conduct has the the purpose of substantially interfering with the student's educational performance or creating an intimidating, hostile or offensive educational environment.

## Two Types of Sexual Harassment

- Quid Pro Quo
- Offensive or Hostile Environment

## Quid Pro Quo

- Conditioning employment benefits upon providing sexual favors to a supervisor or another person who controls the benefits. May apply to anyone, including managers who are not direct supervisors, but in a position to affect hiring, firing, promotion, performance reviews and raises.
- For faculty, conditioning benefits/grades upon a student providing sexual favors to a faculty member.



## Hostile Environment - Staff

Repeated unwanted behavior or conduct of a sexual nature that has the effect of unreasonably interfering with an individual's work performance or creating an offensive work environment. Does not need to involve loss of economic benefits.

## Hostile Environment - Faculty

Repeated unwanted behavior or conduct of a sexual nature that has the effect of unreasonably interfering with an individual's education or creating an offensive environment.

## Verbal Conduct of a Sexual Nature

- Remarks about physical characteristics (e.g. comments about body parts)
- Remarks about attractiveness or appearance (e.g. “That outfit looks sexy.”)
- Remarks about sexual activity. (e.g. discussion of dating, sex lives, preferences)
- Sexual jokes
- Propositions (any type)

## Nonverbal Conduct of a Sexual Nature

- Suggestive or insulting noises
- Leering
- Whistling
- Gazing
- Sneering
- Making obscene gestures
- Exposing oneself

## Physical Conduct of a Sexual Nature

- Any unwanted physical contact, including:
- Touching any part of another's body - - especially in a suggestive manner
- Hand holding
- Pinching/grabbing
- Back rubs or “shoulder massages”
- Brushing up against another person
- Coerced sexual intercourse

## Written Conduct of a Sexual Nature

- Includes electronic communications and email
- Love notes or letters
- Suggestive comments on memos
- Graffiti

## Visual Conduct of a Sexual Nature

- Explicit pictures (e.g. Playboy, pin-ups)
- Photocopies of private body parts
- Explicit Films
- Sex Toys

## Scenario No. 1

John is a Department Director. John received an email with a sexually explicit picture and forwarded it to a co-worker. The co-worker complained to Human Resources. This appears to be an isolated incident. The co-worker cannot recall any other similar incidents. Has John's action created an offensive or hostile and intimidating atmosphere?



## Scenario No. 2

A faculty secretary complained to her supervisor that a mailroom assistant is constantly asking her out for a drink after work. The supervisor told the secretary to ignore him. The next week, the mailroom assistant propositioned the secretary and used graphic language of a sexual nature. The secretary quit her job and filed a discrimination charge. Can IIT be liable for the actions of the mailroom assistant?

## Scenario No. 3

The Director of a department and the Assistant Director have worked together for years. They begin dating and develop a consensual relationship. Is this sexual harassment?

## Scenario No. 4

A female member of the faculty has worked closely with a male student who needed academic assistance. Through their meetings in her office, she has become fond of him. She writes a letter to the student expressing her affection and asking him to have dinner with her.

## Scenario No. 5

A male university administrator develops a close friendship with a female assistant professor. The close friendship later develops into an intimate and consensual relationship. They keep their relationship discrete and see one another outside of the office. Does this relationship present any problems? What problems might arise if they terminate their relationship?

## Sexual Harassment?

- A male professor tells a student that he loves the way she looks in her new sweater.
- A female professor asks a male student whether he's been working out. When he says yes, she smiles and says "I thought so!"
- A male professor asks another male student to join him for a drink after class.
- A male professor tells the class that women shouldn't pursue careers in engineering.

## Sexual Harassment Complaints

- Complaints alleging sexual harassment may be filed by any person who has been the subject of harassment.
- Privacy of complainants and of those accused shall be protected to the extent possible.
- Informal Consultation and Resolution.
- Investigation Prior to Formal Action.
- Formal Action.