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At the November 1996 Annual Meeting, when Lawrence Sullivan was President, the Board of Directors of the American Academy of Religion voted to adopt a “ [Sexual Harassment Policy](#) .” Drafted by the Status of Women in the Profession Committee, the policy-making process was completed two years later by the adoption of an accompanying “

[Grievance Procedure](#)

.” Readers of

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should consider this a reminder of the issue.

The situation today suggests the continuing need for a policy as well as additional questions to be considered by the constituency of the AAR.

The AAR’s policy shares with all other sexual harassment policies a basis in Catharine MacKinnon’s groundbreaking 1979 work, *Sexual Harassment of Working Women: A Case of Sex Discrimination* and the 1980 Equal Employment Opportunity Commission establishment of legal definitions. Mackinnon argued that the behaviors we now consider sexual harassment were not to be seen as examples of men behaving badly — which women should just figure out how to handle — but rather constitute a violation of equal rights, inasmuch as the action, as well as the toleration of it by an institution, reinforces the social inequality of women. MacKinnon also laid out the now familiar distinction

between the two types of sexual harassment, namely, the quid pro quo form in which sexual behavior is expected in exchange for something else and the creation of a hostile work environment. The AAR Policy reflects this distinction and the Grievance Procedure bears the hallmarks of all the other similarly well-crafted documents designed to protect both accusers and accused in striving to ensure both fairness and confidentiality in the pursuit of equal rights.

The academy in North America has been radically transformed over the last thirty years. Through the middle of the twentieth century, it was a place where white men of privilege taught other white men of privilege so that the latter might take their place in the world. Today women make up a majority (57 percent) of students in higher education and in 2010 out-earned men in both undergraduate and doctoral degrees.¹ The numbers themselves suggest a substantial change, which would be confirmed by a look at most classrooms. The number of women in the faculty ranks has also grown.

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In the bad old days before 1980, women students warned other women students about which professors' offices to avoid and women newly appointed to faculty positions were generally on their own to find that narrow space between being branded uncooperative or uncollegial and getting dragged into an intradepartmental drama. The treatment of women in colleges and universities then had the effect of reinforcing social inequality, perhaps not the least at colleges and universities.

Looking back, veterans of the struggle to persuade institutions of higher learning to adopt and vigorously enforce sexual harassment policies seem to have been an optimistic lot. This partly explains their being in higher education, after all. At the foundation of educational institutions is the conviction that learning is possible, that it elevates us from a previous situation, and that, in the aggregate at least, what we teach and learn will improve the world in some way. Many policies, including that of the AAR, conclude with a section titled, "Resources." Further reading can improve any situation.³ The problem of sexual harassment as reinforcing social inequality needed addressing at the level of definition, policy making, and enforcement of policy. MacKinnon and the federal government provided the first step; institutions of higher learning have done the other two steps at their own pace and in ways appropriate to their stated missions and often at a speed determined by the depth of their desire not to fall afoul of the federal government or the courts.

Nonetheless, those veterans of the struggle may have been a bit too optimistic. Research exploring the extent and the effects of sexual harassment continues, suggesting that sexual harassment itself hasn't evaporated in the presence of so many women in higher education. The [EEOC collects and reports data](#) on charges filed with them; however that information does

not separate out claims within higher education. Precise reporting on harassment in higher education is hard to come by, although opinions are plentiful.

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I have tried to imagine the effects on students and junior colleagues of having been on the receiving end of unwelcome attention by a professor or senior colleague. Ann Lane, writing in the *Chronicle of Higher Education*, says, "I have heard countless stories from women, and some men, confirming my observations. Students...have described the difficulty of walking into a chemistry building, an anthropology class, or a dean's office, in terror of encountering a former faculty lover."

⁵ A synthesis of recent psychological research on the topic suggests a strong correlation between having been sexually harassed and developing symptoms of depression and possibly even post-traumatic stress disorder.

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These studies, again, did not specifically identify examples from higher education, but there is no reason to believe that being in a college or university completely inoculates someone from the effects of a bad situation.

Some may think the era of the crude pass and the demands for sexual favors in exchange for some academic benefit to be a thing of the past (although I myself would be unwilling to claim this). Surely campus communities today would universally agree that quid pro quo sexual harassment is a bad thing, and such agreement would extend to women harassing men or same-sex harassment. Some have claimed that all this emphasis on sexual harassment is nothing but old-fashioned victim talk. Sometimes projected as a generational divide, posing so-called "Third Wave against Second Wave Feminists," it makes great magazine copy, identifying one type of feminism as sexy, attractive, and fun against the dowdy and prudish type.

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Anyone who has served on a sexual harassment investigation panel may well have heard a variation on this argument. "You must be some kind of prude. This isn't harassment," an accused might claim. "This was a mutual relationship. Besides, you can look at her and see for yourself that she's a grown woman, capable of making her own decisions."

Today's gray area may be that of consensual relationships. Does your institution prohibit all sexual relationships between faculty and students? Does it merely discourage them? Or perhaps it has adopted some version of the dire warning that, should the situation change, claims that the relationship was mutual would offer no immunity from penalties possibly resulting from any harassment investigation. The AAR policy acknowledges the possibility of sexual attraction between students and teachers, but wisely points to the fundamental problem — the power differential that is always present between teacher and student. The age and maturity gaps may appear negligible with graduate students, but that power differential never goes away. Indeed, the authority that comes from expertise and academic accomplishment may

be part of the attraction for a graduate student, who may recognize — perhaps too late — how inextricably intertwined all that may be with grades, fellowship offers, and, eventually, letters of recommendation.⁸ Indeed, the power differential in any student-teacher relationship calls into question the capacity of the student to offer what might be considered genuinely informed consent.

At the heart of the matter, any episode or pattern of sexual harassment, including so-called consensual relationships, undermines the health of an academic community. The primary instructional tasks of teaching, counseling, and mentoring cannot be effective in the long term when everyone involved is aware that the dignity and personal integrity of some is violated with impunity. Students talk to each other or they see one thing and — like the rest of us — supply details to round out a scenario and, before long, a lot of people begin to think they know something is happening. Students on the periphery of such a relationship may begin to wonder whether they can be certain that grading rubrics will be evenly applied. The student in the relationship might begin to have the same question, and eventually self-confidence comes to be undermined. The full development of students intellectually is not likely to happen where trust has been eroded. Imagine the puzzlement of the next generation of students who, sensing something not quite right, can't find even a decent rumor to confirm the malaise they sense.

Now part of the law of the land, sexual harassment policies are an inevitable aspect of higher education, and this pursuit of equal rights bears a cost. Every existing sexual harassment policy requires some means of enforcement and that usually becomes embodied in a grievance, a hearing committee, or an investigative panel. A charge is taken to the designated person; often an EEOC compliance officer. Depending on the details of the process, faculty colleagues may be called in to investigate the claims. Such inquiries are extraordinarily time-consuming: read the statements provided; identify persons to interview; schedule the interviews; hold them; sort through the claims; write a report; turn it in to the compliance officer and pray that your name doesn't come to the top of the list of investigators for a long time. It's a look into a corner of academic life that you'd just as soon wish you hadn't seen. One part of that report just turned in may include recommending that the institution offer professional counseling for the student or junior colleague whose claim you were investigating. Thus, the problem and its remedy cost both time and money. No matter the size of a particular institution's endowment, this is one kind of expense that might well have been avoided.

A look into the current situation regarding sexual harassment demonstrates what may be a new set of challenges. The [American Association of University Women](#) has had a long-standing interest in sexual harassment. A decade ago it sponsored research into the phenomenon at the K–12 level; in 2005, the report on the undergraduate level appeared.

Drawing the Line: Sexual Harassment on Campus

is a sobering look at the climate on campuses in the United States. I was astonished to read

that 89 percent of students reported that sexual harassment happens on their campuses and that 62 percent said they have been on the receiving end!

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Both figures are extraordinarily high, but the complexity of the problem crystallized when I realized that the majority of the episodes described in the report are student-on-student harassment.

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Without reliable comparative figures based on campus life twenty years ago, it's hard to know if this represents a serious deterioration of civility, especially in campus life outside the classroom. Still, the report clearly states that women are more likely than men to have been harassed, women are more likely than men to experience negative effects from harassment, and that more LGBT students endure harmful consequences while pursuing their education than heterosexual students.

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The report prompts the question now about the proper faculty role in fostering campus dialogue that can improve the culture in which our students learn.

It pains me to say that I suspect the problems that earlier required the development of sexual harassment policies and procedures are not like to go away any time soon. In fact, the situation is likely to grow in complexity. But that's why we have the policies in place and people willing to enforce them.

Endnotes

¹ *Chronicle of Higher Education*, "The Almanac Issue," Vol. LVII, No. 1 (August 27, 2010): 26. Of all the bachelor degrees awarded, 57 percent went to women and 52 percent of all doctoral degrees. Statistics are for the United States.

² The overall statistics look rather hopeful, at least in the aggregate. Women now make up 42 percent of full-time faculty and men 58 percent. However, women are disproportionately represented among assistant professors, instructors, and lecturers. *Ibid.* 20.

³ In "The Nature of the Beast: Sexual Harassment," Anita Hill reflects on the events of 1991 that propelled her and the phrase "sexual harassment" into public awareness. She ends her brief essay with — of course — suggestions for further reading. *Sisterhood is Forever: The Women's Anthology for a New Millennium*, Robin Morgan, ed. New York: Washington Square Press, 2003: 296–305.

⁴ The website titled "[Sexual Harassment Support](#)" provides a good deal of information designed to be helpful to anyone who has experienced sexual harassment; but especially when it is describing harassment in education, it mixes statistics and opinions indiscriminately.

⁵ Lane, Ann. "[Gender, Power, and Sexuality: First, Do No Harm](#)," *Chronicle of Higher Education*

⁶ Sigal, Janet and Vidal Annan Jr., "Violence against Women: International Workplace Sexual Harassment and Domestic Violence," in *Psychology of Women: An Handbook of Issues and*

Theories . Second edition, Florence L. Denmark and Michele A. Paludi, eds. Westport, CT: Praeger, 2008: 617.

⁷ Henry, Astrid. *Not My Mother's Sister: Generational Conflict and Third-Wave Feminism*. Bloomington: Indiana University Press, 2004: 111. The opinion isn't Henry's, but one she is critiquing.

⁸ Lane, "Gender, Power, and Sexuality," acknowledges what many of us could testify to; namely, the reality of long-term marriages that began as teacher-student relationships. She articulates vigorously the need for firm ethics rules for professors that would forbid such relations, as can be found among social workers, mental health professionals, and the like.

⁹ Hill, Catherine and Elena Silva. *Drawing the Line: Sexual Harassment on Campus*. Washington, D.C.: American Association of University Women Educational Foundation, 2005: 14.

¹⁰ The data was gathered in a May 2005 online survey based on a random sampling of students. The authors note that the incidence of faculty or staff on student harassment was less common than student on student harassment, but that the percentages translate into something like one-half million situations over the college careers of the respondents — not exactly a figure anyone could be proud of.

¹¹ Hill, Catherine and Elena Silva. *Drawing the Line: Sexual Harassment on Campus*. Washington, D.C.: American Association of University Women Educational Foundation, 2005: 14, 31, 30. The LGBT terminology is that of *Drawing the Line*.