

GOOD PRACTICE: HARASSMENT AND STAFF-STUDENT RELATIONSHIPS⁵

Sexual and gender-based harassment can be carried out by persons of any sex or gender, and persons of any gender may be victims. Although harassment of students by academic and non-academic staff is often the focus of discussions, departments need to be aware that power differentials of this sort are not essential to sexual or gender-based harassment. Departments should also be aware that such harassment may interact with and be modified by issues of race, ethnicity, religion, class and disability status.

There is good evidence that the proportion of incidents of sexual or gender-based harassment that get reported, even informally, in philosophy departments is very low. We therefore urge even those staff who do not believe that harassment is a problem in their own departments to give serious consideration to the recommendations below.

The US defines 'sexual harassment' as unwanted sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:⁶

1. Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment.
2. Submission to or rejection of such conduct by a person is used as a basis for employment decisions affecting that person.
3. Such conduct has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile, or offensive working environment.

Institutional definitions of 'sexual harassment' differ greatly from one another. Some institutional definitions focus solely on sexual conduct, while others also include non-sexual harassment related to sex or gender.

While departments need to attend to their institution's definition of 'sexual harassment', and to make use of institutional procedures where appropriate, this is not the end of their responsibilities. Where sexist or inappropriate sexual behavior is taking place that contributes to an unwelcoming environment, departments should act whether or not formal procedures are possible or appropriate.

⁵ For the passages on sexual harassment we relied heavily on the BPA/SWIP Good Practice Policy General Guidance available at: <https://bpa.ac.uk/wp-content/uploads/2018/11/General-guidance.pdf>

⁶ See the definition of Sexual Harassment by the US Department of the Interior on which the definitions in this section draw: <https://www.doi.gov/pmb/eeo/Sexual-Harassment#:~:text=submission%20to%20such%20conduct%20is,condition%20of%20an%20individual's%20employment%3B&text=such%20conduct%20has%20the%20purpose,or%20sexually%20offensive%20work%20environment>.

Note that while “sexual harassment” is clearly codified, some aspects of gender-based harassment, which tends to involve the inferiorization or humiliation of another person based on that person’s gender, are less well discussed but are nonetheless important to eliminate when they arise.

More broadly defined, sexual or gender-based harassment involves conduct of a sexual nature, or conduct related to sex, sexual orientation, or gender identity, with the purpose or effect of violating the dignity of a person, or creating an intimidating, hostile, degrading, humiliating, or offensive environment. Sexual and gender-based harassment are not limited to one-to-one interactions but can include generally inappropriate behavior directed towards a group of people. Political or ideological disagreements alone do not constitute sexual or gender-based harassment.

GENERAL POLICIES ON SEXUAL AND GENDER-BASED HARASSMENT⁷

1. All members of the department—undergraduates, graduate students, academic and non-academic staff—should be made aware of the regulations that govern sexual harassment in their university including requirements for mandated reporters.
 - a. In particular, they should know the university’s definition of ‘sexual harassment’ and whom to contact in possible cases of sexual harassment.
 - b. They should also know who has standing to file a complaint (in general, and contrary to widespread belief, the complainant need not be the victim).
 - c. They should be made aware of both formal and informal measures available at their university.
 - d. Departments should include this information in induction sessions for both students and staff, and in training for teaching assistants.
2. Where the University or Faculty has a list of Harassment Contacts, all staff and students should be made aware of it and this information should be both online and posted in a public space. If no such list exists, the department should consider suggesting this approach to the university. It is very important for department members to be able to seek advice outside their department.
3. All members of staff should be familiar with how to deal with individuals who approach them to discuss a particular incident.
4. All of the information listed above should be made permanently available to staff

⁷ For the following suggestions (through page 7) see the BPA/SWIP Good Practice Scheme: Sexual Harassment at <https://bpa.ac.uk/wp-content/uploads/2018/11/Sexual-harassment.pdf>

and students, e.g. through a stable URL on the department website and/or staff and student handbooks, rather than only in the form of a one-off email communication.

5. The department head and others with managerial responsibilities (e.g., Directors of Graduate and Undergraduate Studies) should ensure that they have full knowledge of university procedures regarding sexual harassment.

DEPARTMENTAL CULTURE

1. Seriously consider the harms of an atmosphere rife with derogatory or sexualizing comments and behavior, and address these should they arise.
2. Cultivate — from the top down — an atmosphere in which maintaining a healthy climate for all department members, especially those from under-represented groups and including non-academic staff, is considered everyone's responsibility. At a minimum this includes a responsibility to reflect on the consequences, intended or otherwise, of one's own behavior towards people from under-represented groups. It may also include a responsibility to intervene, either formally or informally.
3. Ensure that those raising concerns about sexual harassment are, as far as possible, protected against retaliation and that all those who are accused receive due process.
 - a. Report concerns about retaliation to the Department Chair, the Title IX Office
4. Offer bystander training either to faculty, staff, and graduate students, if this is available or can be made available by the institution. This can help bystanders to feel comfortable intervening when they witness harassing behavior.

STAFF-STUDENT RELATIONSHIPS⁸

Romantic or sexual relationships that occur in the student-teacher context, or in the context of supervision and evaluation, present special problems. The difference in power, respect, and trust typically present between a teacher and student, supervisor and subordinate, or senior and junior colleague in the same department or unit makes these relationships especially vulnerable to exploitation. They can also have unfortunate

⁸ This section has been taken by the BPA Good Practice scheme on staff-student relationships <https://bpa.ac.uk/diversity/good-practice-scheme/guidance-and-resources/staff-student-relationships-3/>