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SEXUAL HARASSMENT:
THE DISPARITY BETWEEN ABSTRACT DEFINITIONS
AND UNIVERSITY STUDENTS' EXPERIENCES

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Abstract

It is estimated that between 20-40% of women encounter sexual harassment at university. However, university grievance offices report that less than one percent of the student population, whether female or male, complains. Sexual harassment research indicates that a large number of people who experience sexual harassment do not label it as such and therefore, do not report it. The effectiveness of the objective sexual harassment definition in describing the experiences of students is questioned. A qualitative approach is used to explore how students define sexual harassment and how they categorize their experiences in relation to their definitions. The analysis, based on twenty interviews of upper year undergraduate students, suggests that although students define sexual harassment similarly to the objective definition, they do not relate their experiences to the definition. The disparity between abstract formulations and concrete experiences may account for the low reporting. The addition of examples of common sexual harassment experiences is suggested as a way of making the objective definition more comprehensive and accessible. An example of how the objective definition may be developed is provided in the concluding chapter.

Résumé

D'après les évaluations, entre 20 % et 40 % des femmes sont victimes de harcèlement sexuel à l'université. Toutefois, les services universitaires chargés du traitement des griefs signalent que moins de un pour cent de la population étudiante, féminine ou masculine, porte plainte pour harcèlement sexuel. Les recherches menées sur ce sujet révèlent qu'un grand nombre de personnes victimes de harcèlement sexuel ne le qualifient pas en ces termes, et partant, ne le signalent pas. L'efficacité d'une définition objective du harcèlement sexuel pour décrire les expériences des étudiantes est donc remise en question. L'approche qualitative est utilisée pour étudier comment les étudiantes définissent le harcèlement sexuel et comment elles classent leurs expériences par rapport à leurs définitions. L'analyse, qui repose sur vingt entrevues d'étudiantes en dernière année de 1^{er} cycle, donne à penser que même si les étudiantes donnent du harcèlement sexuel une définition très semblable à la définition objective, elles ne font pas nécessairement le rapport entre leur expérience et la définition. La disparité entre les formulations abstraites et les expériences concrètes peut expliquer le faible pourcentage de plaintes pour harcèlement sexuel. Des exemples d'expériences courantes de harcèlement sexuel pourraient rendre la définition objective plus compréhensible et accessible. Un exemple de la manière dont la définition objective peut être élaborée est fourni au dernier chapitre.

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Chapter One

Introduction

In the winter of 1993, McGill University administrators formed a work group to revise and update their sexual harassment policy. This decision followed many other Canadian universities who had restructured their sexual harassment policies, originally written in the early eighties. At the time, no one believed that it would be a long process to update a policy with which many in the university community were satisfied. After a year of extensive meetings, where other Canadian policies and legal precedents were studied, the work group presented a detailed report to the McGill Senate containing a widely revised policy and explanations for the changes. The University Senate, led by the association of academics, failed to pass the new policy. Instead, it was sent back to committee for revisions. One of the two reasons the policy failed to be adopted was because of the definition of sexual harassment¹.

The definition, it was argued, must be extremely clear and comprehensive to serve the entire university community as both an educational tool (in campaigns and by providing a description for those who may be unsure of how to label their

¹

The other reason behind the academics' association's resistance to the sexual harassment policy was the lack of judgement by tribunal. The associations of McGill students, nonacademic staff, and sexual harassment officers, all stand against inserting a tribunal. They fear that this extra bureaucratic step can be too stressful to complainants, resulting in the withdrawal of complaints (as is the case at several other Canadian academic institutions). Currently, disagreement over this issue still prevents the revised McGill sexual harassment policy from being adopted by the University.

experiences) and as the core of the sexual harassment policy. The association of academics fear that a definition that is too broad and all-encompassing places professors in a vulnerable position when teaching--where innocent classroom comments could be misclassified as sexual harassment (by falling within an open definition), and thus affecting "normal" classroom dynamics. To appease their concerns, a legal sounding definition was adopted, with all references to personal experience and examples removed from the policy.

Through the experience of creating a definition of sexual harassment for McGill, something important became apparent--it can not be assumed that there is a common understanding of sexual harassment. In fact, personal definitions varied greatly even among the committee members. Depending on the perceiver, interpretations of alleged sexual harassment can substantially differ. Thus, if there is no common agreement as to what constitutes sexual harassment among those familiar with the legal definition, then how useful a tool is such a definition, if simply repeated in the new policy?

As indicated earlier, a good definition of sexual harassment serves certain critical purposes. It informs someone who consults the policy for clarification. A proper understanding of sexual harassment helps prevent the "unintentional sexual harassment" that occurs because of ignorance. If you know what is included under sexual harassment, although you might not personally find some of the acts listed as harassing, you can, at least, recognize that others might. Moreover, a good definition serves as a strong message to the community that the university is

committed to the prevention and elimination of sexual harassment.

What then, is a good definition? The definition created through Law serves as a good guideline, but is dependent on the individual interpretation of key principles such as what is reasonable. Perhaps its interpretation should be confined to experts—people who are familiar with legal principles and understand what actions are “reasonable”. The rest of us could have very different standards of acceptability based on our levels of tolerance, background, or personal beliefs. Therefore, while the legal definition is valuable, it may not be appropriate for university use.

Why is sexual harassment so difficult to define? For the majority of instances of sexual harassment, it is not one sole act that constitutes sexual harassment (although it can), but several repeated or individual acts that constitute sexual harassment, when experienced cumulatively, that constitute sexual harassment. Hence, a definition of sexual harassment must be broad enough to identify and encompass a range of experiences, while still being specific enough so as to distinguish what it seeks to label.

There is a gap between subjective experiences of sexual harassment and the labelling of incidents. Although universities have low rates of reporting (less than one percent of *student, female and male*, populations), surveys show that anywhere between 20–40% of the *female* students experience sexual harassment during their university careers (Bursick, 1992:401; Gervasio & Ruckdeschel, 1982:191; Dziech & Weiner, 1984:15; Marks & Nelson, 1993:208; Paludi et al., 1990:3). The reasons

for this discrepancy will be explored later at length, but it is sufficient to say that poor, imprecise definitions are a factor. The strict use of a legal definition in a university policy does not always work. It is the aim of this study to explore what should be added to create a more effective definition of sexual harassment.

It hoped that the addition of subjective experience to the legal definition will create a more accessible, comprehensive sexual harassment definition, more appropriate for university use. This is called the subjective definition. To learn about what is, or should be contained within a subjective definition, I turn to undergraduate students, the largest population in the university.

Research Questions

There are three main research questions that will be addressed:

1. What are the commonly held perceptions of sexual harassment of undergraduate students?

By asking this question, we should be able to see what language students use to define sexual harassment (as influenced by their experiences), and where they draw the line between appropriate and inappropriate behaviour. Moreover, it should be possible to see what experiences students choose not to label as sexual harassment.

2. What effect does gender have on definitions?

Do women and men differ in their responses? If so, what is needed to address the definitions of both sexes?

3. What does a subjective definition look like? What does the subjective definition add to the objective definition?

What examples, as derived from experience, can be added to create an enriched definition of sexual harassment, that would be more helpful for labelling sexual harassment behaviours?

Purpose of the Research

From a theoretical perspective, this is sociological study of a subject that has mostly been studied from a psychological perspective. As with many landmark studies on sexual harassment (MacKinnon, 1979; Backhouse & Cohen, 1978; Dziech & Weiner, 1984), a feminist perspective is used. As few studies have used in depth interviews to study sexual harassment (for an example of one see Lott et al., 1982), this was the method chosen since interviews provide very detailed (and at times, unexpected) information.

Additionally, while there is a great deal of work that has been written on the subject of sexual harassment, few studies specifically examine definitions. Those that do look at definitions are often written by experts in the area, and not as a result of empirical research (see Crocker, 1983; Fitzgerald, 1990; MacKinnon, 1979). Other studies that research sexual harassment often create their own definitions for the purposes of their work, giving the information found on subjective definitions a limited application.

Exploring the perceptions of McGill university students should have an

applicability to other universities in Canada. The students that attend this institution are similar to the populations of many other Canadian universities. By examining their subjective definitions, we can see what information is understood, misunderstood, or simply not known and needs to be taught.

This research is exploratory. Fundamental to the study and discussion of sexual harassment is the discussion of definitions. We cannot discuss an issue if we do not comprehend what is contained by the issue. We need to use language and examples that everyone commonly understands. This research investigates how students define sexual harassment and their experiences. Their perspective is often overlooked when writing university policy. Those that write policy take it for granted that everyone has a similar understanding of the basic elements of sexual harassment. This work questions this, and asks students directly what they believe to be sexual harassment. Thus, inconsistencies can be noted, which may account for the resistance to labelling experience as sexual harassment. Since the policy audience is largely students, discovering what students think can help us tailor a definition to suit their needs and accommodate their ideas.

The second aim of this research is to identify what examples, as derived from the experiences cited by the students, can be added to the objective definition to make it more accessible and understood by the university community. There is no intention to change the legal definition, but rather to enrich it and make it more accessible and more accessed. Additionally, the information obtained by speaking to students can also be used to aid in the development of educational materials and

campaigns for sexual harassment prevention. Most Canadian university sexual harassment policies and many studies (Barak, 1992:819; Lott et al., 1982:317; Marks & Nelson, 1993:216) outline the need for preventive education. Education can be used to familiarize students with all that is contained within the definition of sexual harassment, and their rights, should they need help. This study can address what education is needed. It provides examples of common perceptions shared by a diverse sample of upper year undergraduate students. By knowing what students believe, we can target specific areas of information for education. We can also work to destroy myths and misconceptions. With proper education to prevent sexual harassment, and with strong definitions, policies and grievance procedures to identify and deal with the problem when it occurs, a university can protect its environment and encourage learning and growth.

Chapter Two

Sexual Harassment Definitions: A Literature Review

Sexual harassment is not a new issue but one that has existed for hundreds of years. Sexual harassment is a broad expression that is used to describe a wide range of behaviours from overt demands for sex, to crude jokes. It identifies an abuse of power, of desire, or both. Until recent years, the practice of sexual harassment was virtually unchallenged (Aggarwal, 1992:2). Behaviour that we now identify as sexually harassing--leering, jokes, propositions and the objectification of women's bodies--was previously accepted as normal, one of the perks of being male. Women were taught to ignore the disturbances or leave the situation. In fact, it was only in the mid 1970's that sexual harassment was legally recognized as sex discrimination as defined by the courts in the United States (*Op. Cit.*, 16). Canada followed suit, legally forbidding sexual harassment in 1980.

To list every act that falls under the category of sexual harassment is not a straightforward task. Actions that are offensive to one person may not be offensive to another. Why is this? There are many variables that contribute to the determination of sexual harassment. For example, in order to understand what people consider offensive, we should examine social conventions and norms. Some academics argue that social norms encourage or create sexual harassment (MacKinnon, 1979:ch.1; Barak, 1992:819; Bursick, 1992:402; Mazer & Percival, 1989:136; Paludi et al., 1990:7; Quina, 1990:94). If one completely accepts

patriarchal values and views women as sexual objects, then it is not at all inappropriate to subject women to sexual demands. Sexual harassment may act as a systemic form of discrimination against women (Mazer & Percival, 1989:136).

The movement to label sexual harassment as sex discrimination came about during the changing social and political climate driven by the second wave Women's Movement (Aggarwal, 1992:2). During this time period, women's groups began to question the accepted discriminatory behaviours that women experience solely because of their sex. As result of the work of the Women's Movement, the courts and many institutions recognize sexual harassment as a form of discrimination and violence against women². However, the legal recognition of sexual harassment is not enough. Understanding what constitutes sexual harassment is often hindered:

Because sexist attitudes and behaviours are highly persistent in our society, it is often difficult to draw the line between what is "acceptable" and what is "unacceptable" behaviour . . . (Aggarwal, 1992:7)

Sexual harassment acts as an agent of control as it "simultaneously arises from and reinforces women's subordinate position in society" (Fitzgerald, 1993:1072). It is similar to other forms of violence against women in several ways.

2

According to much of the literature and statistical findings, women are considerably more likely to be harassed than men (see Aggarwal, 1992:1; Backhouse & Cohen, 1978:39; Garlick, 1994:136; Paludi & Brackman, 1991:14). This is not to deny that men can also be sexually harassed but given traditional sex roles and the fact that men overwhelmingly occupy positions of power, women are more vulnerable to sexual harassment.

As with rape, women are often blamed for provoking sexual harassment (Paludi et al., 1990:2; Fitzgerald, 1993:1072; Quina, 1990:96). A myth about sexual harassment, like other forms of violence against women, is that it only happens in certain segments of society³. Since incidents of sexual harassment differ in the degree of coercion and are difficult to define, women often self-impose silence and ignore or avoid the offending behaviour. Barak (1992) argues that rather than focussing on legislation, it is more important that we "establish the moral standards that are essential if sexual harassment is to be combatted"(Barak, 1992:819).

Since the 1980's, there has been a great volume of work written on sexual harassment⁴. However, the studies tend to have many contradictory findings, thus making it impossible to generalize from them. Although the issue of definition is often discussed, many theorists recognize that there is no complete definition of sexual harassment. To solve this in the short term, many studies construct their own definition--which not only results in inconsistent findings in the literature, but also fails to explain actions which their definition omits, but which are included in

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Which is one reason why it has taken university administrators such a long time to recognize that the problem exists in universities.

4

In a study done by Sev'er (1994), it was noted that most of the articles written on sexual harassment are published in journals that focus on women's and gender issues. There are few studies that have been published in mainstream sociological and psychological journals. The consequence of restricting sexual harassment to journals on women's issues is significant--"relegating problems that are entrenched in power relations between men and women to women's journals alone, is likely to marginalize these issues, and free all others who uphold the status quo through their silence" (emphasis in text)(Sev'er, 1994:12).

other studies.

There is a common belief among many sexual harassment experts (advisors, counsellors, ombudspersons) that sexual harassment is largely underreported. One explanation put forward for this underreporting is that women who experience behaviours that are legally defined as sexual harassment do not identify them as such (Barak et al., 1992:19; Bursick, 1992:410; Garlick, 1992:137; Riger, 1991:502). This may imply that the definitions that are used by the courts, tribunals, and policies do not accurately reflect the experiences of victims of sexual harassment. Or to put it simply, the “objective” definitions are not understood by people who subjectively experience sexual harassment.

Elements included in Sexual Harassment Definitions

Even the most carefully crafted definitions of sexual harassment tend to be highly dependent on self definition. The precedents set out by court tribunals are only mildly helpful because sexual harassment complaints must be dealt with on a case by case basis. Sexual harassment does not easily fit into a precise definition, since a broad range of behaviours must be considered. Determining whether specific acts or an environment is offensive is dependant on many situational factors, such as context and the actors involved (the power dynamic that exists, their relationships, histories) (Bursick, 1992:403; Rossi & Weber-Burdin, 1983:132).

The challenge is to create a definition that is “broad enough to encompass such diversified behaviour, but precise enough to establish clear standards of prohibited

conduct" while "drawing the line between the permissible and the impermissible in the abstract"(Schneider, 1987:533).

It is commonly agreed in legislation that there are two elements that comprise any complete sexual harassment definition. The first of these, and the most easily identified, is *quid pro quo* harassment, which is the explicit or implicit demand (or threat) for sexual acts in exchange for specific rewards, or retribution for lack of compliance--in other words the "sleep with me or else" type of harassment.

The more subtle and more common form of harassment that is usually referred to as "poisoned environment", has a large degree of variance in its definition. A generally accepted definition of poisoned environment is "unwelcome sexual action(s) that create an intimidating, hostile or offensive working (or living) environment"(E.E.O.C., 1980). The elements that contribute to, or create a poisoned environment are loosely defined⁵ and dependant on concepts such as "what is reasonable" and "what is unwelcome or unwanted".

Legally, sexual harassment is based on the conduct in question and its effects on the recipient, rather than the intentions of the harasser. Therefore, it is not necessary to prove that there is malicious intent on the part of the harasser if

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It would be impossible for any sexual harassment definition to provide a comprehensive and exhaustive list of sexually harassing behaviours. Some examples of poisoned environment found in policies include sexist jokes, displays of sexually offensive material (University of Alberta, 1993), leering (Carleton University, 1991), and gender harassment (York University, 1993).

the actions are ones that we would commonly agree are offensive. The qualifier that deals with this area in a definition is "actions which an actor knows or ought to have known are unwelcome" (E.E.O.C., 1980). For example, social convention dictates that it is inappropriate to pinch or grope. Therefore, a case where an alleged harasser had participated in these activities merits consideration, regardless of the intent to harass.

Crane (1992:35) points out that sexual harassment is something that very much lies in the eye of the beholder—the question is, who is the beholder? In most policies, the beholder is what is referred to as the "reasonable person". The reasonable person standard is considered to be the objective measurement from which to judge actions. It asks whether a reasonable person would be offended by the conduct in question. This standard has been subject to some debate. Specifically, we can question who defines reasonable, and from what perspective. A reasonable woman and a reasonable man are likely to differ in their judgements of what is offensive (Riger, 1991:498). Furthermore:

The danger in adopting a reasonable person standard is that in a gender biased world, that standard will inevitable be informed by existing stereotypical ideas about proper sex roles and behaviour (Crane, 1992:35).

To circumvent this dilemma, some argue that the reasonable person standard should be the "reasonable woman standard" (Crane, 1992:35; Riger, 1991:498; Sheffey & Tindale, 1992:1503; Crocker, 1983:706), meaning as defined by women, rather than men, in order to counteract sexist stereotypes and a gendered legal

system (v. Backhouse & Cohen, 1978) .

It may be naive to believe that the majority of people can agree on a standard of reasonableness for sexual harassment. People, depending on their sex, personal philosophies, experience (or a number of other factors) may define what is reasonable or unwelcome differently. For example, many studies have found that women tend to identify more behaviours as sexual harassment than men (Bursick, 1992; Garlick, 1994; Mazer, 1989; Reilly et al., 1982; Rossi & Weber-Burdin; 1983; Weber-Burdin & Rossi, 1982). Additionally, women tend to believe that the offence is of greater severity than do men (Garlick, 1994; Jones & Remland, 1992; Lott et al., 1982). Indeed, studies have found that self-acknowledged victims of sexual harassment are more sensitive to harassing behaviours, in that they considered ambiguous sexual behaviours (or border line cases) to be sexual harassment, where others did not (Marks, 1993; Reilly et al., 1982; Rossi & Weber-Burdin, 1983; Weber-Burdin & Rossi, 1982).

The greatest problem with defining sexual harassment is the variance of individual interpretation. Consequently, there is a lack of universal comprehension as to what constitutes sexual harassment, which is dangerous. When sexual harassment is not clearly defined, people who sexually harass in subtle ways may not be identified as such, and therefore the behaviour continues to the detriment of others. Conversely, the misidentification of non-harassing behaviours can result in undue stress on innocent people, or some may simply refuse to take risks fearing false accusations.

The Creation of the Objective Definition through the Law

Canada's legislation and legal precedents have strongly mirrored the United States. It is useful, therefore, to look at the example of the U.S. because American authorities have dealt with the issue of sexual harassment for longer⁶, and they have tried many more cases of sexual harassment. Many Canadian rulings duplicate those from the United States (Aggarwal, 1992:16). In both Canada and the U.S., early human rights statutes prohibited sex discrimination but made no specific reference to sexual harassment. Courts were, therefore, forced to decide whether there was a distinction between the two. Early cases in the United States failed to successfully prosecute employers for sexual harassment, even though the cases described were overt forms of sexual discrimination where women were subjected to demands for sex. The courts' justification for dismissing the cases were based on a narrow view of sex discrimination. The courts ruled that the discrimination described by the cases (which we today would call *quid pro quo* sexual harassment) did not fall under the legal definition of sex discrimination because an individual was subject to the discrimination rather than the female sex as a whole. For example, in one of the first cases tried (1974), where the plaintiff, Barnes, lost her job for refusing to have sex with her boss, it was reasoned that sex

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The first case of sexual harassment successfully tried in the United States was in 1976. The first case won in Canada was in 1980. Considering how recently the issue has come to courts and human rights boards, the United States' precedents outnumber those in Canada considerably. See Aggarwal (1992) for a complete outline of the courts' rulings and cases tried.

discrimination did not occur because:

...although Barnes was discriminated against, the discrimination was not because she was a woman, but because she refused to engage in sexual behaviour with her supervisor (Aggarwal, 1992:18).

Since there were no laws for sexual harassment, the discrimination against an individual was ignored. Many other cases were dismissed during this time period for the same reason. It was not until 1977, that the United States Court reasoned that "retaliatory actions taken by a male supervisor against a female employee because of her refusal to submit to his sexual advances constituted sex discrimination" (*Op. Cit.*, 21). This ruling set the precedent on which many cases appealed earlier dismissals. Among them was the Barnes case, whose ruling was overturned.

In 1980, the Equal Employment Opportunity Commission (E.E.O.C.) of the United States created this definition for sexual harassment:

Unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature constitute sexual harassment when

- (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
 - (2) submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or
 - (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment
- (E.E.O.C., 1980).

This definition of sexual harassment is the standard most commonly employed in the United States.

Canada's jurisprudence begins in 1980, when it was ruled that "the purpose

of human rights legislation was to establish uniform working conditions for employees and to remove matters such as 'race, creed, colour, age, sex, marital status, nationality, or place or origin' as relevant considerations" (Aggarwal, 1992:32-3). However, this ruling applied to a case of blatant harassment, rather than a more subtle case of poisoned environment. Poisoned environment cases, or cases that fit under the definition of "creating an intimidating hostile or offensive" working atmosphere were only successfully tried in the mid 1980's. Finally, in 1989, the Supreme Court defined sexual harassment more comprehensively as:

...the gamut from overt gender based activity, such as coerced intercourse, to unsolicited physical contact, to persistent propositions, to more subtle conduct such as gender based insults and taunting, which may reasonably be perceived to create a negative psychological and emotional work environment (Canadian Human Rights Annual Report 1991:39, as quoted in Sev'er, 1994:4).

The development of legislation in the last twenty years shows the progression from the belief of sex discrimination as an individual problem to the acknowledgement of it being a social problem. Riger (1991) suggests that the significance of jurisprudence is one in which:

The law now views sexual harassment not as the idiosyncratic actions of a few inconsiderate males but as a pattern of behaviours that reflect the imbalance of power between women and men in society (Riger, 1991:503).

Sexual Harassment in Universities

Recently, universities have begun dealing with the issue of sexual harassment in their schools. Where all of the legal precedent has involved

workplace settings, administrators and lobbyists have realized that the “protected” learning environment that exists to create knowledge is also a haven for potential harassers. In the university we are dealing with the potential for several types of harassment--student to student, staff to student (and vice versa), professor to professor, professor to staff, student to professor, and most commonly, professor to student. Since the university’s largest population is composed of undergraduate students, this work is concerned with sexual harassment experienced by students, particularly professor to student sexual harassment. Although there are no perfect statistics (because of low reporting), the most frequently quoted estimate of women harassed at university is 20-40%⁷. This statistic deals specifically with students harassed by professors. This percentage is incredibly disturbing. Universities are supposed to nurture and promote development (Riger, 1991:499). The misuse of the shelter that the university environment allows can be particularly devastating to students.

What makes sexual harassment in universities different from the workplace?

Firstly, it is often more difficult to identify. The nature of many academic

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This number is quoted in many publications such as Barak et al. (1992:19); Bursick (1992:401); Gervasio & Ruckdeschel (1992:191); Dziech & Weiner (1984:15); Marks & Nelson (1993:208); Paludi et al (1990:3). However, even higher percentages of students who have been sexually harassed at university are reported by the following studies: Malovich & Stake (1990:64) report 30-53%; Riger (1991:497) reports 42% and Fitzgerald (1993:1071) reports 50%. The variability of percentages cited can, no doubt, be attributed to different definitions of sexual harassment.

relationships is one that encourages a closeness, a mentorship. Within this relationship, the professor holds a great deal of power over the student's grades and eventual career. The student, in turn, may be flattered by being singled out and having attention devoted to her or him. Moreover, the average age of a student, 18-22, is a time when women are discovering their independence and adulthood. They may be naive about covert advances, or try to convince themselves that they are imagining them. The common reaction of sexual harassment victims and victims of other abuse is to deny the incident, believe it to be imagined, or blame the self (Dziech & Weiner, 1984:17; Malovich & Stake 1990:64; Paludi, & Brackman, 1991:27; Koss, 1990:78).

From the perspective of the harasser, there are a series of excuses that may be employed to deny the allegation. A professor may claim that he⁸ was "lured" by the stereotypical promiscuous college co-ed, ignoring the complexity of a student-teacher relationship or the power he holds. Or more simply, the lines of the academic relationship may have become blurred and he is, in fact, acting appropriately⁹. In addition, some professors may believe that to formulate

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Since the majority of sexual harassment cases have male perpetrators and female victims, the male pronoun is used to indicate the harasser and the female pronoun is used to refer to the victim. I do, however, acknowledge that sexual harassment can occur with a female aggressor (harassing either a man or another woman) or that a male harasser can harass another man.

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bell hooks (1995), feminist theorist and writer defends the complexity of the student/professor relationship. Having been involved in this relationship from both perspectives, she contends that she, personally, was not damaged by the

regulations that govern appropriateness in teaching infringes on their right to academic freedom (Dziech & Weiner, 1984:44). Often the problem of sexual harassment is easier to deny than to see since "the different definitions announced by colleges and universities...often lack sufficient clarity to achieve uniformity or pragmatic applicability, lending unwarranted ammunition to those who would deny the existence of the problem"(Schneider, 1987:529).

There are also many reasons why universities may be hesitant to pursue cases of sexual harassment. The primary one is, again, definition. What is harassing? Since the question is not so easily answered, often university officials are reluctant to deal with the question at all. There is a great degree of "we-they" mentality amongst academics, where there is a tendency to regard the campus as separate from the outside world. This, in turn, makes it easy for professors to diminish or deny complaints about members of their profession (Dziech & Weiner, 1984:49). As Dziech and Weiner explain, the fear factor concerning their own vulnerability plays a role since:

Professors are likely to be more concerned about due process for the accused than they are about the sexual harassment or the victim (*Op. Cit.*, 50-51).

The responsibilities of the university to provide an environment safe from

experience. She believes that "While there are clearly instances of serious victimization, there are many instances in which desire emerges between individuals with unequal power where both retain degrees of agency and choice" (p.38). However, her defence of the relationship, regardless of her acknowledgement of power, does little to shed light on the reality faced by the majority of female students who are victims of sexual harassment.

harassment have not been challenged legally (Schneider, 1987:525). Students, unlike employees, are transient in nature. Often an effective way of dealing with the complaints is through attrition. Even if a student wishes to pursue a complaint, the processes in place for resolution are arduous; consequently "the process of formal complaint wears the victim down, the issues become confused and time erodes anger. The student transfers or graduates and the lecherous professor feels safe, even sanctioned"(Dziech & Weiner, 1984:48).

Most Canadian universities have policies and procedures to deal with sexual harassment. Although each university seems to employ a different definition, they are all based on a variation of the E.E.O.C. definition that has been adapted to fit a university environment. The definitions all tend to limit the description of sexual harassment to distinguishing the two types of sexual harassment—*quid pro quo* and poisoned environment. There are more similarities among the definitions than differences. However, there is no definition of sexual harassment that clearly distinguishes harassment from flirtation or "welcome" sexual advances (one could argue that none ever could). Most definitions rely on some form of self definition and subjective recognition of sexual harassment. Indeed, actions that are sexually harassing in one situation may not be in another depending on the actors involved, place and circumstance. At times, there is a very fine line that divides what is, and is not, sexual harassment.

The Need for a Subjective Definition

As mentioned, it is suggested that at least 20-40% of all university women students experience sexual harassment. If this percentage is indeed accurate, then we can assume that further evidence of the extent of the problem of sexual harassment will be recorded in the number of complaints reported to sexual harassment officers in universities. However, Riger (1991) notes that "despite high rates found in surveys, few complaints are pursued through official grievance procedures"(Riger, 1991:497). In fact, the number of complaints reported to sexual harassment officers is very limited¹⁰ compared to the size of the university populations. There are several possibilities that could account for the low percentage of reporting. One reason may be problems with individual university policies, procedures, and support systems. If a sexual harassment victim elects not to use the university policy because the procedures are too arduous, and complicated, or is not aware of their existence, then her complaint will never be recorded. This is one possibility, but there are others. Most university sexual harassment offices around the country record only a minute number of cases,

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For example, in the 1992-93 school year, the University of Calgary sexual harassment office reports receiving 62 allegations (0.003% of the student population), Queen's University (1993) reports receiving 39 complaints (0.002% of the student population), York University (1993) reporting 235 complaints (0.006% of the student population) and University of Toronto (1993) reports processing 224 complaints (0.004% of the student population). The 1993-94 school year reflects similar numbers of complaints processed with University of Toronto (1994) receiving 185 complaints (0.003% of the student population), and the University of Regina (1994) receiving 39 complaints (0.003% of the student population).

compared to the size of the university populations. Consequently, we can assume that in addition to internal problems with specific policies, something else may prevent sexually harassed women from reporting their sexual harassment experiences.

Another theory may be that victims choose not to report their experiences fearing retribution (Riger, 1991:503). Most victims want the behaviour to end more than wanting to punish offenders (Riger, 1991:501; Malovich & Stake, 1990:64; Paludi et al., 1990:1-4; Koss, 1990:76). However, in order to accommodate this sentiment, university policies have informal procedures where the victim is not identified. Informal procedures (whose figures are recorded in Annual Reports and are used to a much greater extent than formal procedures) can help alleviate the fears of identification and retribution felt by victims. Yet, to assume that the reason for the disparity between numbers of complaints and survey figures is merely reflective of fear or poor policies ignores the fundamental problem of definition and labelling of sexual harassment.

Several studies have found that women who experience behaviours that are defined as sexual harassment by objective definitions do not label them as such when asked about their own experiences (Barak et al., 1992:19; Bursick, 1992:410; Garlick, 1994:137; Jaschik & Fretz, 1991:22; Riger, 1991:502). Labelling is a critical element in the elimination of sexual harassment. If inappropriate actions are not labelled as sexual harassment, then there is no recourse. Thus, the actions can continue, spread to other victims, while the harasser feels sanctioned.

Socialization may account for why some women's subjective perceptions are different from the intention of the objective definition of sexual harassment. Barak et al. (1992) assert:

Women experience more objective sexual harassment than they perceive and label because women have been socialized to accept many nonconsensual or even offensive sexual interaction as being nonremarkable (Barak et al., 1992:20).

However, we can also conclude that the objective definitions do not properly address the experiences of all women. Subjectively perceived and labelled sexual harassment relies on an individual's interpretation of an event, while objectively defined sexual harassment occurs whenever an event takes place and is noticed by others (*Ibid.*).

Bursick (1992) showed vignettes to 73 female and 51 male undergraduate students requiring them to identify sexual harassment. She found that "although female students are more likely to perceive harassment behaviours as inappropriate, they may not be willing to label these same behaviours as sexual harassment" (Bursick, 1992:410). Moreover, specific instances that would be objectively defined as sexual harassment by researchers were not viewed as examples of sexual harassment by many participants (*Ibid.*). Is this indicative of a lack of awareness of what constitutes sexual harassment among the subjects (which could be aided by an education program), or do the subjects not respond to objectively defined instances because the definitions are removed from their subjective experiences?

In another study conducted by Garlick (1994), using self-administered questionnaires for 193 female and 161 male undergraduate students, subjects were asked to respond to 19 behaviours that ranged in degree of harassment. He found that women are not likely to label sexual harassment spontaneously as harassment, even when prompted by the term (Garlick, 1994:137). Jaschik & Fretz (1991) had similar findings in their study that showed a video of a teaching assistant evaluating a female undergraduate student's paper (containing either no, subtle or explicit sexual harassment) to 90 women. They hypothesized that women will be more likely to label behaviour as sexual harassment if they have been cued with the term. However, they found that "women are not likely to label sexual harassment spontaneously as harassment, even when they confirm upon being directly asked that the behaviour is indeed harassment"(Jaschik & Fretz, 1991:22). Furthermore, Jaschik & Fretz concluded that "much sexual harassment is probably never labelled as harassment by the women who experience it"(*Ibid.*).

Consequently, despite the "objective" definitions that have been created by the courts and the universities to label sexual harassment, in all of its forms, many of the people who experience sexual harassment do not label their experiences as sexual harassment. There is a divergence in subjectively experienced sexual harassment and objectively defined sexual harassment. A definition must endeavour to delineate and encourage further reflection upon relevant experience. As the previous studies suggest, there is a group of people that the objective definition does not reach. An expanded definition, or one with the inclusion of

subjective experiences and examples, could help alleviate this problem since examples serve to clarify ambiguous areas.

The purpose of this research is to identify those elements of sexual harassment experience that the objective definition fails to reach and label. To do this, this study examines how undergraduate students define sexual harassment and how they label their own experiences. Their definitions of sexual harassment with the incorporation of examples derived from experience, are called subjective definitions. Furthermore, this study seeks to identify which components of subjective experience could be added to provide a more comprehensive definition of sexual harassment. It is the hope that the subjective definitions generated through interviews will provide insight into what could be added to objective sexual harassment definitions to encourage the recognition of inappropriate behaviour and the proper labelling of it as sexual harassment.

Chapter Three

Theory and Methodology

The way our society defines and deals with sexual harassment is guided by law. According to the ideal of law, all persons are equal under the law and have the same rights and privileges. Moreover, there is the assumption that all persons governed will receive equal treatment by the legal systems. Thus, laws, such as the one against sexual harassment, exist to ensure that all citizens enjoy the same freedom.

The judgements of legal precedents have aided in the creation of the objective definition of sexual harassment. The manner in which the legal system has dealt with sexual harassment in the past influences how it will be treated in the future. Each judgment in a sexual harassment case serves to interpret the definition's meaning. Therefore, when examining the objective definition it is useful to look at both the written word of the law as well as the legal processes that enforce it.

Feminist scholars like Carol Smart (1989:ch.1&8) contend that the biases that are inherent to the legal system limit the scope of what the law can do to correct inequalities. Because men have been the traditional lawmakers and enforcers, she believes that the legal system is a gendered system. It should not be surprising, feminist legal theorists state, that sexual harassment is not effectively

dealt with by the legal system since it is an offense committed predominantly by men against women. The lack of women's input in the creation of legal definitions that are supposed to label their experiences results in low reporting and low rates of conviction. In order to understand and truly represent offenses against women, women's experiences must be included in legal processes. Or alternatively, victims of offenses that primarily affect women need to look outside of the legal system for true justice.

Feminist Legal Theory

According to feminist legal theory, the problem with law is rooted in its gendered core. It contains, produces and reproduces patriarchy. Patriarchy is defined as the "sexual system of power in which the male possesses superior power and economic privilege"(Eisenstein, 1977:17). Thus, under patriarchy the power to define "who does what to whom and gets away with it" belongs to men (MacKinnon, 1989:138). MacKinnon (1989) maintains that men have shaped and controlled law as an institution, as a practice, and as a source of meaning in the modern state. She notes,

those with power in civil society, not women, design its norms and institutions, which become their status quo. Those with power, usually not women, write constitutions, which become law's highest standards (MacKinnon, 1989:238).

Hence, offenses against women have been defined without the inclusion of their words and their experiences. The gendered biases held by the lawmakers are

perpetuated by the laws they construct. The laws that should serve to label women's experiences fail to properly identify them.

Law's Claim to Truth

Any definition created by law will always carry more authority than one created by the women who experience the offense. This is because law sets itself above other knowledges and therefore assumes a truth of its own (Smart, 1989:11). This is particularly powerful since it claims to establish Truth. The legal system is elevated to a stature above everyday discourse and experience. Thus, women's experience is forced to conform to the legal system's interpretation of events. Not only does law set the terms for defining women's experiences but also has the "ability to disqualify other experience and knowledge" (Smart, 1989:11).

In order to determine Truth, the legal system uses its own language and experts. Its job is to digest a victim's experiences and translate them into a language that the system can understand. This version becomes the only valid one. For example, sexual harassment is defined by gender neutral language. Victims are forced to make their experiences conform to what the law regards as relevant and true, using language that the law accepts. Experiences that are not recognized by the objective definition are not included in law. This is particularly troublesome for women because their words are often outside of legal labelling, and thus, their experiences are ignored.

In order to rectify this problem, feminist legal scholars advocate the:

critical examination of the ways in which law-making, legal interpretation, administrative policies and procedures, and the liberal form of law construct, facilitate, and perpetuate women's subordinate status in society with a view to formulating strategies designed to counter and transform these processes (Currie and Kline, 1991:2).

One of the primary strategies they speak of is the inclusion of female experience. By giving a voice to female-centred interpretation of the social world, the masculine norm of law is challenged. Furthermore, the law's classifications and categorizations of women's experiences are opened up to include their standpoints.

Feminist Standpoint Theory

Feminist standpoint theory advocates the use of experience to forward knowledge. It is interested in looking at all women's perspectives and interpretations. It recognizes that there is no single universal woman or female experience, but rather many female experiences that, when assembled, can be said to comprise a female identity. Thus, the challenge of standpoint theory is to "conceptualize the multiplicity of the female experience while still maintaining some notion of Woman without dissolving into mere individualism"(Grant, 1993:91).

Feminists argue that the truth about women's oppression, mistreatment by the law, or the world in general, can only be learned from their experiences as gendered subjects (*Op. Cit.*, 99). While exposing women's experiences may not provide all of the answers to what needs to be added to objective definitions of sexual harassment, they can furnish better questions.

The addition of women's experiences to the legal definition of sexual

harassment should serve to increase women's labelling of sexual harassment. Because there are a multitude of female experiences from many different standpoints, the inclusion of women's experiences is best achieved with examples. Creating a definition that women can relate to their experiences is the first step in eliminating sexual harassment. Women must be able to define themselves and their experiences in female terms, since they are the ones primarily affected by sexual harassment.

Fortunately, universities can employ measures to avoid reproducing the law's patriarchal bias. They need not confine their definitions of sexual harassment to mere replications of the objective. Universities can easily enrich their definitions with examples that better reflect students' experiences.

Methodology

The purpose of this research is to explore what is included within subjective definitions of sexual harassment. In order to obtain this type of information, qualitative analysis was chosen to elicit detailed information. I used open ended, semi-structured interviews for data collection. Semi-structured, open-ended interviews were considered to be the best method of data collection since they allow a researcher to obtain information that is not affected by preconceived notions (as opposed to questionnaires that anticipate potential answers). Additionally, subjects have the opportunity to label experiences with their own words. As this study was exploratory in nature, I did not wish to attempt to frame responses. Instead,

subjects are allowed to express their thoughts freely. This manner of research is effective in discovering unexpected data.

This is a different approach than the one found in the majority of the literature. Much of the research published does quantitative analysis using large samples of subjects who either read vignettes or are administered structured questionnaires. The problems that many of these studies encounter are low response rates (30-40%). Even more serious, it is impossible to determine whether there are certain groups that opt not to participate. In fact, only one study on sexual harassment in the university, Lott et al. (1982), uses open ended interviews for data collection. The Lott et al. (1982) study used a small sample of twenty seven women and ten men. Their sample was established by asking the respondents of a self administered questionnaire to volunteer to discuss their responses further. Thus, this sample was entirely self selected and the study cannot determine who chose to be interviewed, or if there is a pattern amongst those who refused.

The Sample

My sample consists of twenty people, ten women and ten men. Although a small sample, it is comparable in size to other qualitative studies of this kind. The sample is composed of upper level (year 3 or 4) undergraduate students. Undergraduates were chosen as they are the primary sample population used in most of the studies done. They are also the population thought to be most vulnerable to sexual harassment at university. In addition to this, most educational

initiatives and awareness campaigns are aimed at undergraduate students. Upper level undergraduates were chosen as they have had more experience in a university environment. Both women and men were questioned for two reasons—most empirical research on sexual harassment in university studies both women and men, and by looking at the experiences of both sexes it is possible to highlight the particularities of women's experiences. A general population of students rather than self acknowledged victims were questioned, because I believed that many people who would not initially identify themselves as victims of sexual harassment would, upon reflection and analysis, acknowledge having experienced harassing behaviours.

As the study was exploratory in nature, no effort was made to obtain a representative sample of the entire student population. There was, however, an attempt to find students from a range of disciplines¹¹ to see if exposure to different study environments and study matter would contribute to differences in experiences and judgements of the severity of experiences¹².

Respondents were obtained using two methods. The majority (15 of the 20) were randomly approached at either a study lounge or cafeteria and asked to

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For a full description of the respondents interviewed, consult Appendix A.

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There is an entire field of literature that contends that women in non traditional fields, such as engineering, will have greater exposure to sexual harassment than women studying women's studies, for example. Moreover, several studies (Bursick, 1992; Barr, 1993) test to see if gender role beliefs affect differences in the perceptions of sexual harassment.

volunteer for the study. The remaining five were found through contacts. The majority of students (approximately 90%) who were asked to volunteer agreed to participate. Those that declined cited time restrictions as their reason for not wishing to be interviewed. No prior contact or relationship was present with any of the interview subjects before the interview.

Data Collection

Semi-structured, open-ended interviews were conducted with each of the respondents. Interviews ranged from thirty five minutes to an hour and a half, with the average being approximately fifty five minutes. All interviews, with the exception of one, were conducted in a private office in a university building. In one case, the interview was conducted in my home. All interviews were taped, and later transcribed.

Each interview began with the question "what is your definition of sexual harassment?". This question was asked to determine from the onset the language and expressions used by respondents. The interviews then moved to more detailed accounts and the naming of experiences. Most interviews included the questions in the interview guide (Appendix B), but not all respondents were asked all of the questions. Some questions were not asked in interviews when certain respondents led the discussions in other directions. In these cases, it was deemed more valuable to pursue the emerging themes of the particular interview, than to draw the interview back to the structured questions.

Data Analysis

The data presented in the following chapters are the result of the qualitative analysis of the information obtained in the twenty interviews which were conducted between January and April 1996.

Each interview was transcribed and coded to identify elements and qualifiers of a subjective definition. Following Strauss and Corbin's (1990) description of open coding, "data was broken down into discrete parts [and] closely examined for similarities and differences"(Strauss & Corbin, 1990:62). Once this step was executed, categories were formed by grouping issues together. The broad categories that were created form the chapters on the data. For example, a category of "factors that affect severity, context in sexual harassment" (see chapter six) was created containing items such as frequency and number of incidents, type of incident, intent, and so forth. Once a category was formed, all interviews were coded to note occurrences of the category and properties of the category.

After this coding was completed, a further level of analysis was done to note larger patterns of differences between initial definitions of sexual harassment and the experiences described. This step was necessary as most respondents worked out their thoughts and beliefs during the interview. As a result, after discussing issues of sexual harassment for some time and being forced to explain and justify their opinions, many respondents knowingly contradicted themselves or changed their initial labels of sexual harassment. In other words, after stating an experience was not sexual harassment at the onset, once they had described the details of the

occurrence, they decided that it was indeed sexual harassment.

Generalizing Experiences

This study uses a small, non representative sample. Therefore, its capacity to be generalized to other universities is limited. However, given the fact that subjects were picked randomly and from various areas of study, we can presume that many of the responses could be viewed as typical. The respondents were not self selected. While some volunteered because they felt that they did have something to say, others volunteered because they thought it would be interesting to participate in a graduate student's study, wishing to attend graduate school themselves, or to help out a fellow student. In fact, when approached several respondents initially declined the interview stating that they had never thought about sexual harassment, or had no opinions. Despite these excuses, when interviewed, it was apparent that every respondent did have opinions of what constitutes sexual harassment. Therefore, the various motivations behind volunteering do not necessarily indicate any particular bias in the sample.

There is definite exposure to information on sexual harassment in a university setting. Many students will either encounter information through student handbooks, campaigns, course work, or sensitivity training sessions. In addition, sexual harassment has been a common subject in the media during the last several years. As a consequence, awareness of the issue is the norm for university students.

The following chapters represent the opinions and experiences of upper level undergraduate students. Exploring their ideas, and experiences of sexual harassment may help us understand how to improve objective definitions so that we increase reporting and reduce incidents of sexual harassment. Moreover, only by speaking to them can we learn how closely their experiences correspond to their interpretation of the objective definition and what examples may be added to increase labelling.

Chapter Four

Subjective Definitions of Sexual Harassment

Looking at the subjective and contrasting it with objective definitions is inspired by feminist writing. What we deal with in our everyday experiences is fundamental to understanding what we consider fact and knowledge. The act of understanding involves taking in the "objective" and combining with it our experiences and ideas to create our form of accepted knowledge. Every time a person talks about what they believe to be sexual harassment, it is through their individual perspective that is coloured by the information they have been exposed to, their personal beliefs, and experiences.

Sexual harassment definitions generally form guidelines of behaviours and acts. Objective definitions cannot possibly provide an exhaustive list of what constitutes sexual harassment because there are too many variables for which to account. Therefore, it is valuable to ascertain common beliefs and experiences in order to note how groups view sexual harassment. Does a subjective definition differ from an objective, legal definition? How do our experiences affect how we interpret sexual harassment?

Sexual harassment does not, it appears, lend itself to a straightforward list of acts. A number of things can be viewed as sexually harassing. Similar to the findings in the literature, subjects struggled to construct a complete definition of sexual harassment. Often a definition was produced by listing acts that are and are

not sexual harassment.

This chapter looks at what is included in a subjective definition of sexual harassment. In every interview, subjects were first asked how they define sexual harassment. From their descriptions, certain patterns could be noted. This chapter details the elements that are contained in a definition and notes where discrepancies lie.

Physical Elements of Sexual Harassment

Sexual harassment behaviours can be either physical, verbal or both. Every respondent identifies some physical behaviour as sexual harassment. Most commonly, they refer to actions such as touching, pinching or grabbing.

In many cases, respondents begin interviews uncertain of their opinions and use the interview to develop their ideas. This causes some definitions to sound confused and unclear. Another problem arises from the fact that many subjects tend to compartmentalize behaviours into mutually exclusive definitions, thus eliminating overlap. The best example of this is sexual assault. Since rape fits into another definition, that of sexual assault, only two women include it in a definition of sexual harassment. Many objective definitions include sexual assault as a form of sexual harassment (Brandenberg, 1982:322; Fitzgerald, 1990:22; MacKinnon, 1979:2). The interviews more commonly express the view that sexual harassment is:

...not touching--physical--because I'd call that sexual assault. Just

like someone staring at you could be sexual harassment but I think as soon as it comes into physical contact it turns into sexual assault...I guess you could say [the distinction between sexual harassment and sexual assault] is degrees but I don't think its degrees, just different definitions (20, Female)¹³.

Thus, for some respondents, sexual assault is different and should not be subsumed under a sexual harassment definition, but other evidence in the data contradicts this idea. This evidence is in the repeated use of examples of sexual assault. Several respondents describe experiences of sexual assault in their discussions of sexual harassment. Clearly, there is overlap between the two definitions, especially with the more subtle actions such as touching or grabbing. Indeed, it appears to be most helpful to view sexual assault as part of the spectrum of sexual harassment, or as one subject commented, sexual harassment often sets the stage for sexual assault.

While sexual assault is not often mentioned as a common form of sexual harassment, touching is overwhelmingly indicated as a form of sexual harassment. All respondents agree that touching need not be confined to sexual body parts but can be on any part of the body. How then can one distinguish a touch that is sexually harassing from a harmless touch? Some subjects reply that a touch is sexually harassing if it makes you feel uncomfortable (3 Females; 1 Male). This can be very subtle as in the example given where

...he would be the type of person that would come up to you and

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To maintain anonymity, respondents are identified by interview number and sex only. When more than one respondent is cited, the number of each sex is identified

touch your arm or [put his] hand on your back, whatever. Once wasn't a problem but when it started happening whenever you were there, whenever he saw you he would touch you, then you know to dread this person, you know that they're going to come to me and they're going to do this and the harassment, as you know it, is going to happen (14, Female).

Other factors that cause a touch to be considered sexually harassing are constant touching (7, Female), unexpected touching (17, Female), intimate touching such as "running fingers through hair" (4, Female), reaching for someone's waist (3, Female), or simply being overly friendly (18, Male). One woman describes a situation where,

...while I was sitting there he would always put his hand on my knee. And either, if I was wearing a skirt, work his hand up my leg or he'd put his hand on my bare [arm], if I was wearing a t-shirt or whatever--a tank top--he'd work his way up and down my arm (19, Female).

Touching is more obviously identified as sexual harassment when it involves sexual body parts such as the breast (5 Females; 1 Male), buttocks (5 Females; 4 Males) or crotch (1 Female; 2 Males). While men are most commonly viewed as the harassers of women, women can harass men too, such as in the example:

...one of my friends was just sitting there talking to a girl and...[she] just took her hand and put it right on his crotch--and he freaked (18, Male).

In discussing appropriate and inappropriate touches, who does the touching is also a factor. Two respondents argue outright that there are rarely appropriate touches between professors and students (2 Females).

Verbal Elements of Sexual Harassment

All subjects agree that sexual harassment can be verbal. Verbal elements of sexual harassment can include just about anything, depending on the circumstances involved. This section is divided into three categories--derogatory language, jokes, and invitations/propositions. Each will be dealt with separately.

Derogatory Language

For the most part, derogatory language refers to verbal insults or catcalls. Specifically, respondents identify insults to women as sexual harassment. Interestingly, no respondents use an insult to a man as an example of sexual harassment. The derogatory language category contains language with direct sexual overtones but also can include language without such overtones.

The word "bitch" is most often identified as a verbal form of sexual harassment (2 Females; 3 Males). It is gender specific but not sexual¹⁴. Similarly, endearments such as honey, dear, or baby are deemed harassing if used by someone for whom such familiarity is not appropriate (4 Females). Inappropriate uses of such endearments have the result of belittling or disqualifying the speaker.

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By categorising a comment as derogatory to women but not sexual, as with "bitch", I mean that it does not insinuate or make direct reference to a woman's sexuality or sexual habits as do words such as whore or slut. I classify these words differently because their primary target is to demean women's sexual habits or infer promiscuity.

Seven respondents identify catcalls as sexual harassment or discuss being annoyed by them. Catcalls include comments and whistling by strangers on the street. For the respondents that do not consider them to be sexual harassment, a number of reasons are given as to why they do not label them as sexual harassment. Some categorize catcalls as mere harassment¹⁵ or annoyance (2 Females; 1 Male), but not severe enough to be considered sexual harassment. One respondent describes sexual harassment as something that is perpetrated by people you know, not strangers, thus excluding catcalls (17, Female). Another factor that could exclude labelling catcalls as sexual harassment, according to one respondent, is malicious intent. He believes that catcalls are not sexual harassment since,

...guys will tell you it's done as a compliment...You don't have guys whistling at girls they're not attracted to, what's the point? I wouldn't call that sexual harassment, [it] is more like joking, jesting, having a good time...(12, Male).

Sexual labels or insults also fall under the category of sexual harassment. Specifically, words such as slut or whore are mentioned (2 Males). Also discussed are sexual experiences or sexual innuendoes (3 Females; 1 Male), calling someone "sexy" (2 Females), commenting on the size of a woman's breasts (3 Females; 2 Males), or the casual use of sexual language in everyday speech. Several

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As with sexual assault, the use of "harassment" as a category exclusive of sexual harassment causes certain behaviours to be left out of a definition of sexual harassment. Accordingly, a behaviour is either sexual harassment or plain harassment.

respondents say they feel offended when others make assumptions about their sexuality or sexual preference. One respondent mentions being called a lesbian because she is a feminist (20, Female).

Efforts are made to distinguish the appropriate use of language versus the inappropriate use of sexual terminology. In making this distinction, examples of what do not qualify as sexual harassment are used. One such example is where the word intercourse referring to something non-sexual is used¹⁶ (1 Male), or using labels for body parts for medical purposes (1 Female).

Jokes

Jokes form a category that generates a lot of debate. Clearly, by the number of subjects that discuss them, certain jokes are considered to be a form of sexual harassment. However, few believe that all sexual jokes are sexual harassment. Indeed, there is the need to qualify when a joke is appropriate and when it is not. Jokes discussed are both jokes of a sexual nature (dirty jokes) and gendered or sexist jokes.

Usually when discussing what jokes may be considered sexual harassment,

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The example given is where a professor "quite innocently" used the word intercourse in conversation and the woman that he was talking to "decided...to interpret it sexually" (2, Male). The subject's point is that there are several definitions provided in the dictionary for intercourse, only one of which is sexual. However, it is my belief that words such as these are extremely loaded with sexual overtones and thus, it is rare when there is no sexual implication in such a term. The apparent coincidental choice of a sexually loaded term injected into casual conversation could be a good example of sexual harassment.

who is telling the joke is important. There is a difference between a professor telling a sexist joke in a classroom and a group of peers joking together. Given these distinctions—such as the authority of the raconteur and the formality of the environment—an identical joke can be either sexual harassment or not. Some respondents specify what causes a joke to “cross the line” to sexual harassment. For one, a joke is not sexual harassment if it does not insult someone in the room; thus, men making anti-women jokes without women present is not sexual harassment because no one is around to be offended (18, Male). Also, “jokes that don’t follow a feminist line”¹⁷ (2, Male) are not sexual harassment, neither is a single joke (3, Female).

Both sexist and sexual¹⁸ jokes can be considered sexual harassment. The most commonly experienced form of sexual harassment among the sample deals with sexist jokes made by a professor in the classroom. However, although the subjects identify the jokes as wrong, certain respondents also defend the professor

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This comment is made in response to a question of whether sexist jokes in the classroom could constitute sexual harassment. The respondent differentiates a sexist joke from ones that “don’t follow a feminist line” implying that feminists are more sensitive than the rest of the student body to jokes that exclude women or slot women in certain roles. Unfortunately, he is unable to provide an example to illustrate his point.

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For the purposes of my analysis, a sexist joke is one that demeans women because of their sex. For example, a joke that mocks women’s abilities to study in a male dominated discipline would fall into this category. In contrast, a sexual joke is one that either contains sexual innuendo or refers to women’s sexual body parts or sexual habits.

concerned stating that he is unaware that anyone is being offended. In one example, a management student talks about her accounting professor:

And the prof is a very funny guy, but he's like fifty and just does not know what he should or should not be saying. So often, he just says the most sexist remarks...only to the girls. He'll say "oh, what are you a nurse or something?" because we're in the nursing building. But he doesn't say it to the guys obviously...and he thinks he's just being funny (7, Female).

On the other hand, another student speaks of the effects repeated jokes have on a classroom atmosphere:

...I had a teacher like that, off colour jokes all of the time...about women, remarks to students, had no clue he was doing it. He's like the most helpful person, always offering his help...[but] nobody could stand him because, well, no girl could stand him...(9, Male).

Many of the subjects identify the effect that jokes can have on a classroom environment or on an individual. They express concern that the jokes are a result of a sexist society (3 Females; 1 Male) and, therefore, cannot easily be eliminated. Moreover, as a student in a class, it is difficult to voice discomfort over an offensive joke (16, Female).

One way to counteract the sexism in the classroom is to invoke political correctness, however, several students complain about this strategy. They talk about things going too far in the other direction where people are afraid to speak for fear of offending anyone. In particular, all four respondents in the Management faculty mention political correctness and their dislike of forced correctness (1 Female, 3 Males). They also consider their peers too judgmental. One student recounts a story where

...the professor was giving an example of how money came into existence...[he said] they used to trade pieces of rock...by using women as currency...and right in the middle of what he said a girl stood up in class and said "I think what you said right now is really sexist and you shouldn't be giving this example in class"...I thought it was really stupid of her. It wasn't at all sexist (6, Male).

In general, subjects are very uncomfortable with categorically labelling sexual jokes as sexual harassment. Far more than physical manifestations, these jokes seemed to require the greatest number of qualifiers.

Invitations/Propositions

More than half of the respondents identify propositions or invitations as a form of sexual harassment. The propositions they discuss are very extreme, such as explicitly asking a woman to perform sexual acts (3 Females; 1 Male). Propositions can be made by strangers, but they tend to be viewed as more severe when made by an acquaintance:

...we were just friends but then it got to the point when he asked me why I didn't want to sleep with him...how come I don't want to put out for this guy when I put out for this other guy...that was basically what he was telling me. This guy really hassled me...You have to be desexualized for men to treat you as an equal sometimes I think (16, Female).

Persistent invitations are also identified as inappropriate (3 Females, 4 Males). One invitation is generally not enough to constitute sexual harassment, even though one sexual proposition is sufficient. Several invitations have to occur before something changes from being annoying to becoming threatening.

Subtle Elements of Sexual Harassment

Sexual harassment can be very subtle. It is not limited to words or touches, it can also be other things such as body language, invading someone's personal space, or staring. Subtle expressions can be just as threatening as verbal or physical expressions. In most cases, non verbal occurrences are difficult to identify and are subsumed under other classifications of simple harassment.

Intimidating body language can create an environment of sexual harassment. While body language is never fully defined, it is mentioned by five subjects (3 Females; 2 Males). The best example describes body language as:

...placing yourself between...if it's a man, between [her] and the door when he was talking to a woman...to me, even though its not like saying you can't go out the door, that's intimidating body language (19, Female).

Also, invading someone's personal body space can cause discomfort. In essence, invading personal space is "creating a distance between your bodies that makes you uncomfortable" (3, Female). Although cultural background may affect one's perceptions of appropriate personal space, being too close to someone can be threatening. Someone leaning over your shoulder, sitting too close or always hanging around are examples given of invasions of space.

The third form of non verbal sexual harassment subjects discuss is staring. Staring can mean just that—looking at someone for an extended period of time, or making too much eye contact or just giving someone a "certain look" (11, Male). One man describes the act of "undressing you with their eyes" as an obvious form

of sexual harassment (12, Male). Some women complain of men repeatedly glancing down at their breasts as inappropriate behaviour that makes them uncomfortable (2 Females).

Poisoned Environment

All interview subjects are asked if they are familiar with the expression "poisoned environment"¹⁹. The majority have some sense of the expression. Those without an idea of poisoned environment, are asked to discuss the more subtle forms of sexual harassment.

The first examples that are usually cited involve pornographic pin-ups in a work or school environment. Some of the subjects have dealt with this problem in their summer jobs, but only one talks about that problem in the residence setting (3, Female). Yet, in the residences there is some disagreement as to what constitutes a private space versus a public space. In private spaces, it is believed to be unreasonable to impose restrictions on what can be displayed.

Several women respondents talk about classes or curriculum being very male-centred and feeling frustrated by the lack of inclusion of readings by women authors (5 Females). One subject describes such a subtle exclusion:

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As stated in chapter two, sexual harassment definitions are divided into two sections, *quid pro quo* and poisoned environment. While the term "poisoned environment" has, in recent years, been used in educational material, it has not had the same amount of exposure and use as sexual harassment. Despite this, most members of the sample were familiar with the expression or could infer its meaning (7 Females, 7 Males).

...in terms of curriculum being very, very male centred, just like all of the examples a professor uses...[are] always referring to male activities all of the time...“or say you’re on a date, it’s like this, combustion, the woman, like...”, just using examples like that, that I find very inappropriate (10, Female).

To further illustrate that point, another subject speaks of her professor, who,

...any time he’d mention a woman in the Renaissance he’d...refer to her sexual conduct and the promiscuity. But he never said that about...the behaviours of any kinds of musicians, male musicians in the Renaissance...he had to put a sexual label “yeah, she was really promiscuous” or you know, “well, she was really easy, she was such a sleaze”. So what’s that saying about women? (16, Female).

Indeed, a man in engineering discusses how “funny” it is when his professor always uses examples that place women in a domestic role and men in working roles (5, Male). Perhaps this explains why many women students in engineering refuse to hand in assignments with their first name, preferring to use only their initial (4, Female).

Situations that poison an environment and thus make it unfriendly for women are also discussed with reference to extra-curricular activities and university traditions. But talking about traditions is a tricky thing, for people often believe that because it has happened for years, it must be appropriate. One such activity is the “Buns and Bellies” contest during the Management faculty’s winter carnival. This is a series of skits put on in the cafeteria by students in the faculty:

...we’d all go up on stage and fake like having an orgasm or a whole orgy and all of these things, and guys would...be up there in your thong and uh, girls would show up in their lingerie or just bras and panties...(11, Male).

In this respondent’s opinion, this is a shared, though admittedly tasteless, joke that

is not sexual harassment in any way since "everybody's there watching it". But the same winter carnival contest is described by a female student in Management and her interpretation of it is that "[in an] indirect sense it can be sexual harassment because it sets, it sets a basis for what's ok, and its not for the majority of women"(7, Female).

Gender and Definitions

In the broadest terms, many of the definitions provided by women and men appear to be quite similar. They vary in more subtle ways. Similar to what is found in the literature, women are more likely than men to label more subtle behaviours as sexual harassment (Bursick, 1992:408; Garlick, 1994:142; Jones & Remland, 1992:136; Mazer & Percival, 1989:141; Reilly et al., 1982:106; Rossi & Weber-Burdin, 1983:154; Sheffey & Scott, 1992:1510). This distinction is best illustrated by looking at how sexual harassment is defined through physical elements. On the surface, there appears to be no difference in how women and men define physical sexual harassment. All respondents agree that touching can be sexual harassment and the definition need not limit touching to sexual body parts. However, in general, the female respondents define touching more loosely, allowing just about any touch to be deemed as harassment should the receiver feel sexually harassed. In most cases, the women include touches that are intimate or overly affectionate rather than restricting their definitions to assaults on sexual body parts. Men, in contrast, overwhelmingly use examples that confine touches to sexual body parts

and only after direct questioning, expand their definitions to include just about any touches that make someone uncomfortable. Perhaps this can be explained by looking at the differences in respondents' experiences. Many of the female respondents in the sample have encountered situations where they have felt uncomfortable or sexually harassed by subtle touches, such as having their hand or back touched. Few male respondents have experienced uncomfortable situations, so their understanding of what may feel uncomfortable or threatening is second hand.

There is no difference, by gender, in identifying extreme behaviours. This is consistent with the findings in the literature (Barr, 1993:466; Jones & Remland, 1992:136; Marks & Nelson, 1993:214; Rossi & Weber-Burdin, 1983:146-147). Only three women in the sample have experienced what they label as extreme forms of sexual harassment. If we examine the literature's hypothesis that victims of sexual harassment are more likely to rate behaviours as less appropriate (Marks & Nelson, 1993:215; Reilly et al., 1982:108; Rossi & Weber-Burdin, 1983:154), it can be observed that most respondents, women and men, discuss extreme behaviours similarly, without being able to draw upon their own experiences. Indeed, extreme behaviours are the most easily discussed and identified in any definition.

Both genders use the female pronoun when referring to victims and the male pronoun when referring to harassers, although they all state that sexual harassment could happen with women harassing men or same sex individuals being harassed.

Despite the fact that few men have personally encountered sexual harassment or inappropriate behaviour, most know of a friend who has, or have observed it; thus they are sensitive to the issue. Women's sensitivity to sexual harassment commonly comes from their own experiences.

Summary

The subjects' definitions given are quite broad. Respondents are more likely to call acts inappropriate than to label them as sexual harassment. Often, there is a hesitation to label actions as sexual harassment because of the consequences of sexual harassment for the harasser. There is the "he should not get fired for staring" idea; therefore it is more acceptable to label his actions as inappropriate than sexual harassment. However, when drawing the distinction between what is sexual harassment and what is simply inappropriate behaviour, few can elaborate or justify their form of categorization. In most cases, sexual harassment is perceived "when you feel uncomfortable", and depends on contextual factors, such as frequency of acts, or power of the harasser.

Based on a brief analysis, little of what was said in the descriptions of sexual harassment is different from the objective definition. This may be because most respondents use the objective definition--whether it has been recently consulted or internalized over time--as their starting point from which to discuss sexual harassment. The first words or descriptions tend to be the ones that have been taught. Moreover, in interviews, subjects wish to be viewed as intelligent or helpful

to the interviewer so their true perceptions may be masked by the attempt to give the "right" answer, or the response they believe the interviewer wants to hear. It is only when their initial responses are challenged that the respondents' beliefs can be observed.

This chapter only attempts to see what words and ideas are used to form a definition. Issues dealing with the relationship and authority of the harasser will be dealt with in chapter five. Factors that affect the context will be explored in chapter six. Only through the examination of how respondents qualify their opinions can experience be judged as to its effect on sexual harassment.

Chapter Five

Who Can Harass? Authority and Power in Sexual Harassment

What constitutes sexual harassment is, in some instances, so subtle that it can only be left to experts or to the interpretation of the actors involved. However, with that said, there are certain factors that will greatly influence our judgement. The most influential factor is power. Most people agree that sexual harassment is an expression of, or an attempt to increase power (Aggarwal, 1992:1; Dziech & Weiner, 1984:21; Malovitch & Stake, 1990:64; Paludi et al., 1990:2; Quina, 1990:94; Riger, 1991:497). The effect that power relations have on the judgement or determination of what constitutes sexual harassment is significant. As Fitzgerald (1990) notes, "behaviours initiated by supervisors or others with substantial power are more likely to be judged as harassment" (Fitzgerald:1990, 26). This sentiment is echoed by many in the literature (Benson, 1984:516; Bursick, 1992:408; Paludi & Brackman, 1991:7). Thus, the ambiguous category of behaviours, or the grey areas, become less ambiguous when the harasser possesses power.

According to Max Weber (1954), power is defined as "the possibility of imposing one's will upon the behavior of other persons" (as quoted in Bendix, 1964:290). He argues that power is an aspect of most social relationships. The ability to impose one's will on another is derived two ways. The first is through

“established authority that allocates the right to command and the duty to obey”(*Ibid.*). In the university, professors have authority by virtue of the position assigned by the university. This authority exists regardless of whether or not the student is in the professor’s class.

Outside of authority, power can exist through a “constellation of interests that develops on a formally free market”(*Ibid.*). In this case, although there is no authority, there is the ability to impose one’s will on another. Such power is generally pertinent in situations where sexual harassment has occurred, yet the harasser does not have any authority over the victim. An example of this would be in the case of two students, or two professors.

This chapter examines authority and power in sexual harassment. Every respondent, without prompting, mentions both authority and power as primary elements in sexual harassment. After discussing authority and power issues in the abstract, the example of invitations for dates is explored to best illustrate how respondents apply their ideas in concrete situations. As in the literature, the respondents agree that the greater the authority of the harasser, the more likely it is that a situation will be construed as sexual harassment.

Authority

In most cases, subjects discuss authority with regards to professors. The actions of a professor are judged to be more severe than identical actions performed by any other member of the university. One of the reasons for this is

because the position of professor is one that implicitly demands respect and compliance (14, Female). Should a professor ask a student to do something, the student's first reaction is to attempt to obey (9, Male). Therefore, the abuse of such authority is judged "on a different moral plane" (2, Male) as it threatens more than the integrity of the actors in the situation, but also the integrity of the university community. Quite simply, a professor has the responsibility to "know better" than to behave inappropriately (5 Females; 4 Males). Moreover, the university community has the responsibility to ensure that professors espouse appropriate behaviour.

Considering the absolute nature of the authority that professors have (9, Male), they should be extremely careful with their actions. Professors should not do anything remotely sexual (3 Females; 1 Male), should not touch students in any way (15, Male) and should refrain from making sexist comments in class (2 Males).

Their authority influences the weight that students give to their comments:

He's in a position where people are listening to him and people think he has better opinions...He's supposed to be there to guide us...he's responsible for all of us there (7, Female).

Sexual comments are further condemned as they compromise the standards of the learning environment. One subject recalls an example where her professor asked a student if his girlfriend "put daisies in your pubic hair" (referring to an activity in a book they were discussing). This comment made her feel "violated" and question "what right do you have to make such a sexual comment in my class?" (14, Female).

Several subjects discuss authority from their situation of powerlessness. Some people talk about the subtle suggestions made by professors as a cause to feel extremely vulnerable. The feeling of vulnerability is created because students cannot voice resistance (16, Female), cannot readily leave a situation (5, Male), and because it is hard to say no when an authority relationship exists (1 Female, 1 Male).

Ability to Control Grades

A lot of the influence that exists in a professor-student relationship can be attributed to the professor's ability to control grades. Students identify the consequence of a poor grade or a failed course as their greatest concerns. Consequently, in addition to professors, teaching assistants and graders also have authority.

Most respondents believe that any sexual relationship between a student and a professor or a teaching assistant biases the grading process (4 Females; 7 Males). Moreover, even a single invitation by a person with authority compromises the integrity of the teacher-student relationship since students may feel compelled to agree to a date, fearing negative repercussions on their grades (2 Females, 3 Males). Two respondents discuss their experiences with professors that caused them concerned over their grades. One woman who received an invitation to go out with her professor ponders,

I was the only woman in the course to get an A...I'll never know if that

A is what I earned of if we're talking [of] something else (19, Female).

The other subject asserts that she was sexually assaulted by her professor outside of class but cannot risk reporting it:

Because it's a performance degree and so much rests on this subjective opinion, his evaluation of me, and I can't say anything because he's got too much power in Montreal, or even Canada...[as a result] I dropped out this semester and I'm going back full time next year because he's on sabbatical (16, Female).

Some respondents use the manipulation of grades as the measurement of impropriety. If a comment, action, or invitation incurred a negative response, but the grades are not subsequently affected, sexual harassment did not take place (1 Female; 2 Males). However, to most, the mere threat, overt or covert, of grades being affected is enough to constitute sexual harassment.

Ability to Control Physical Comfort or Self Esteem

The ability to control physical comfort or self esteem is a more subtle category than the ability to control grades. This comprises classroom situations where the actions of a professor can create situations where a student is made to feel physically uncomfortable. In other cases, the authority of a professor is discussed in terms of the influence over the way students are made to feel about themselves.

Physical comfort is affected when inappropriate situations occur (4 Females; 4, Males). If a physical advance has taken place, regardless of its end result, the student may become physically uncomfortable around the aggressor. Thus, the

student faces a situation of physical discomfort. This may manifest itself in students refusing to sit in the front of the class (16, Female), avoiding office appointments where they are alone with the professor (5, Male), or being very quiet in class to avoid attracting attention (19, Female). One woman describes her classroom as a place where:

I felt completely uncomfortable being in class with him because he'd make eye contact with me and no one else...people started noticing...so it really made me nervous (20, Female).

In addition to being instructors and graders, professors can also be mentors. In this relationship, they carry a great deal of influence over the way students may value themselves and their abilities. Several subjects classify this type of influence as being unique to the professor-student relationship (3 Females; 2 Males). Since the professor is respected, or even revered, any sexual attention could cause students to blame themselves for provoking the behaviour (18, Female). Furthermore, a student is more likely to become involved with a professor because of the trust developed in the mentor relationship. Such an experience is described where a professor abused his position:

...he teaches poetry and [his student] is a poet so they had that sort of connection where she would go over to his house and they would talk poetry...she had a major crush on him...he toyed with her emotions quite a bit and it took her a long, long time to get over it (1, Female).

The abuse of authority can have physical, psychological and emotional effects.

Power

As previously mentioned, sexual harassment is an expression of, or an attempt to gain increased power. Most respondents agree that power can exist without authority²⁰. Power is divided into three sections—gender, age and physical size. All of these factors may affect the influence one person has over another, regardless of their formal position.

Gender

Gender, by far, is the most examined type of power. Some of the studies on sexual harassment discuss the problem of the inherent power in gender since sexual harassment "occurs in a social context in which women have yet to attain equal status and power"(Koss, 1990:74). Furthermore, "because of traditional sex roles, few women harass men"(Backhouse & Cohen, 1978:164). Other academics accord gender more weight than authority. For example, Benson (1984) studies male students who harass female professors. She argues that gender carries greater influence, in some cases, than the authority attributed to professors. Benson concludes that the significance of gender in sexual harassment is so

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Only three of the respondents believe that sexual harassment can occur outside of any power dynamic(2 Females; 1 Male). When asked to cite an example of such an incident, the only example used is a stranger making catcalls at a woman. Because the aggressor is a stranger, and the person being aggressed can easily leave the situation, the respondent does not believe power is a factor (17, Female). However, other respondents who use this example discuss it in the context of the exertion of male power. A man who catcalls a woman is asserting his power, and supposed rights as a man (3 Females).

pervasive because,

...the power relation that is essential to sexual harassment is the relation that exists between men and women in the wider society (Benson, 1984:518).

One subject confirms her agreement with this analysis when she explains that an invitation for a date from a teaching assistant is sexual harassment because:

There's a problem in the fact that we're talking about a man in my case and then that could be sexual harassment, but because its a man, not because its a TA. Just because I think men have more power in society than women do in general (20, Female).

While all respondents believe that women could harass men, men could harass other men and women could harass other women, they all agree that sexual harassment is predominantly perpetuated by men towards women. While some respondents are unable to articulate why they believed this to be so (3 Males), others assert that men as aggressors are a reflection of socialized gender roles (2 Females; 2 Males). One woman explains that since men are taught to pursue women, it should not be surprising that situations occur where men cross the line to inappropriate behaviour (14, Female). For some respondents, gender is viewed as the inherent power given to men in our society (4 Females). The inherent power of gender is described as

...a systematic thing going on when most men do not understand that the consequences of their actions make other people feel uncomfortable, make them [women] feel oppressed and feel afraid (10, Female).

I talk to a lot of men and they don't know that they are harassing women...that's just no excuse...[they should be aware that] men systematically treat women as inferior and it comes out in different

ways...sexual harassment is just one of the many ways it comes out (19, Female).

Age

Half of the respondents mention age as a type of informal power that underlies sexual harassment. Age contributes to the perceived severity of sexual harassment. The best illustration of this is with professors and students. The professor's age contributes to her or his authority. Some respondents discuss age in relation to students—upper year students, or older students, have greater power over younger students by virtue of the implied authority of their age (1 Female; 1 Male).

Age is also a good tool for judging sexual harassment. If the two parties are "close in age then you're less likely to call it sexual harassment"(12, Male). In fact, two subjects contend that authority of teaching assistants is lessened because they are close in age to students (2 Females).

Physical Size and Other Factors

The physical size of the actors involved in sexual harassment can affect how it is perceived. A situation is considered more threatening if the aggressor is much larger than the person aggressed (3 Females 2 Males). Similarly, a physically smaller man is viewed as less powerful:

This person can overpower you, unless he's smaller than you. In my case, [because I am petite]...most people can overpower me...(16, Female).

One respondent contends that her friend, a petite woman, gets sexually harassed more frequently than she, a tall woman, does:

...[it] all plays into the subordinate role...I've seen small girls, with my friends...catch a lot more shit...touches, grabs, knocks on the shoulders when they're walking by...I think they get a lot more of it than I would (7, Female).

The other type of informal power that is hinted at by some subjects is the influence people with dominant personalities carry. Someone who is viewed as an informal leader of a social clique carries power (6, Male). Or simply, people who have more controlling personalities have more power (1, Female).

Two respondents also mention race as a contributing factor to sexual harassment. Race influences the power dynamic in a similar fashion to gender. A white person who harasses a person of colour implicitly exerts power, as a member of the dominant race in North American society (2 Females). For a more complete discussion on sexual harassment and race see Bell (1994) and Defour (1990).

Authority and Power with Date Invitations

In order to fully understand how subjects view authority and power as factors in sexual harassment, each subject was asked the following questions: If a professor [teaching assistant, student] asks you out on one date is that sexual harassment? If a professor [teaching assistant, student] asks you out on three dates is that sexual harassment? The purpose of asking these questions was to see where people draw the line in defining sexual harassment. The questions also

helped highlight what weight authority has in sexual harassment. The discussion that ensued, in some cases, pointed to inconsistencies and contradictions in the respondents' reasoning²¹. However, in most cases, using a concrete example reinforced initial opinions by providing the illustration of what is believed to be true.

In response to whether a professor's request for one date is sexual harassment, seven respondents unqualifyingly answered yes (5 Females; 2 Males). In contrast, nine subjects rejected the idea that one invitation for a date, in any circumstance, could be construed as sexual harassment (2 Females, 7 Males). For those who did not view a single date request by a professor as sexual harassment, they explained that although it may be considered "simply wrong"(1 Female; 2 Males), placing the student in an awkward position, a professor has the right to make the invitation. One student stated that the invitation is appropriate as long as it is made outside of class (9, Male). However, should a negative response to the invitation affect the student's grades, then it becomes sexual harassment (1 Female, 2, Males).

Ten subjects considered three invitations made by a professor as

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By using an example that placed respondents in the position of the recipients of the invitation, subjects were sometimes forced to change their initial opinions. In one instance, someone who made the blanket statement that any invitations made by people with authority is sexual harassment, had to reconcile the fact that in her own experiences, she had not viewed a professor's request for a date as sexual harassment (20, Female). In contrast, the opposite situation occurred where a subject who initially dismissed authority as significantly important in her definition of sexual harassment, changed her mind when she imagined herself asked out by her professor (17, Female).

constituting sexual harassment (6 Females, 4 Males). For those that regarded one invitation sexual harassment, they cited a similar explanation for three dates—namely because the authority position of a professor is abused. On the other hand, the subjects who did not classify one request, but labelled three invitations as sexual harassment, the persistence, the sense of badgering or ignoring the wishes of the student, were seen to be the important elements that affected their judgement (2 Males).

The respondents who did not categorize a professor asking a student out on three dates as sexual harassment generally preferred to use other labels such as “not professional”(11, Male) or “plain harassment” (12, Male). Others felt that it only becomes sexual harassment when an overt threat is attached to the date request (2 Males).

“If a teaching assistant asks a student out on one date is that sexual harassment?” was asked to explore how much authority is attributed to teaching assistants. Similar to the example with professors, six respondents regarded one date invitation made by a teaching assistant as sexual harassment (4 Females; 2 Males). Teaching assistants, according to these respondents, hold equal authority to a professor since they have control over students’ grades.

More interesting reasoning comes from those who did not view a date request from a teaching assistant as sexual harassment. Some respondents believed it is acceptable to date teaching assistants and in some instances have done so (3 Females 4 Males). For these respondents, teaching assistants were

believed to have significantly less authority than professors since they are closer in age (1, Female), are "just another student" (7, Female), and are accountable to the professor (2 Females, 2 Males).

When questioned whether a teaching assistant asking a student out on three dates constitutes sexual harassment, only three respondents changed their responses to the affirmative (3 Females). These women reasoned that "asking anyone something multiple times" becomes harassment (7, Female).

No subjects believed that a student asking another student out on one date ever constitutes sexual harassment. Moreover, only two subjects considered three invitations by a student to constitute sexual harassment (2 Females). The rest of the sample believed that other factors must be present in order for the actions to qualify as sexual harassment. One respondent compared his view of the relationship between a student's invitations versus a professor's invitation in this way:

[Three invitations from another student is] still harassing but you don't have as much to lose from it. The professor can get very bitter or twisted-"...I'll mark this test personally and be very hard on her", whereas ...[if] another student...keeps asking you out, yeah it's annoying but there's not much power there....I'd be insulted if a professor kept doing it, if the student kept doing it, I would interpret it as more funny—"what, he doesn't get the hint!?!"(5, Male).

The absence of authority is significant to delineating sexual harassment. Additionally, it appears that there is a requirement that several other power elements must be combined in order to consider it sexual harassment. Rather than believing that an incident could be sexual harassment without the presence of

authority, subjects feel the need to be convinced. Many respondents state that “it depends on the circumstances” whether not a student’s actions against another student could constitute sexual harassment. Unfortunately, no one could provide examples of what circumstances would influence their judgement.

Analysis of Gender

The information provided in this chapter points to interesting patterns with regards to gender. When authority is present, the women and men in the sample tend to have similar opinions. Authority is one of the most influential factors in judging sexual harassment. They agree that greater the authority of the aggressor, the more grievously the act will be considered. This corresponds to the findings in the literature (Bursick, 1992:408; Pryor, 1985:281; Rossi & Weber-Burdin, 1983:146).

When considering power, however, there is a split between the opinions of the women and the opinions of the men. The women in the sample tend to view a wider range of factors, such as gender, as contributing to power. In contrast, the men in the sample regard fewer behaviours as sexual harassment, and rarely consider power to be sufficiently influential to confirm sexual harassment. Additionally, the men in the sample are more inclined to use other labels for the abuse of power, such as someone acting unprofessionally, inappropriately, or wrongly, rather than labelling the abuse as sexual harassment.

Conclusion

Authority is often as an integral element in sexual harassment. In fact, some definitions will not acknowledge that sexual harassment has occurred unless the harasser is in a position of authority (Benson, 1984:516-517). Only one respondent agrees with this. He believes that the only thing we should label as sexual harassment is instances that involve authority. Other instances, involving power, should be labelled something else (2, Male).

Respondents are more likely to label an incident sexual harassment if the aggressor has authority. Authority is easy to recognize because it is legitimate. Power is not as easily described. Consequently, there is disagreement over what factors constitute power. Since power does play a key role in a lot of sexual harassment, it should be clarified. The aid of examples can be used to demonstrate that power can exist without authority.

Some objective definitions of sexual harassment, such as the one created by the E.E.O.C. (see chapter two) fail to mention both authority and power in their descriptions. If it is commonly agreed that they are some of the primary factors affecting the determination of sexual harassment, then it is helpful to include them in the definition.

Chapter Six

Examining the Context: What Factors Affect Judgement?

A male professor tells a female student that she looks sexy in her jeans while putting his arm around her shoulder²². Has sexual harassment taken place? Depending on who is asked, responses could vary greatly. A conservative male professor may not view the act as sexually harassing, reasoning that since no direct threat was made, it would be unreasonable to view such a minor act as inappropriate. In contrast, a progressively minded female student may view a sexually charged comment made by a person in authority as a blatant case of sexual harassment. How do we account for this difference in views? Some of the potential answers are obvious—the respondents have different political/social outlooks, different levels of authority, and are of different sexes. Consequently, can we assume that two people with the same background, authority and gender will view an ambiguous situation similarly? Not necessarily. When asked to describe what constitutes sexual harassment, often subjects defer passing judgement until they have learned all of the peripheral details, or placed the incident “in context”. The context refers to the elements that surround and affect how the incident may be perceived. These can be obvious such as authority, or subtle, such as where

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Incidents similar to this one are tested by Jaschik & Fretz (1991), Pryor (1985), and Sheffey & Tindale (1992).

the incident occurred (did the professor make the comment in the classroom or over coffee?). This chapter examines two things--the factors that influence how a situation is viewed (the context) and the personal characteristics that affect how someone will perceive an incident.

Factors that Affect the Context

Many factors may affect how we differentiate inappropriate from appropriate behaviour. In most cases sexual harassment is subtle. In such cases, there could be a combination of factors that cause the act to be defined as sexual harassment. Moreover, the absence of such factors that are peripheral to the actual act could drastically alter how we judge the incident. Therefore, it is possible to have two identical physical or verbal acts which are defined very differently, as a result of the context of the situation.

Context can include practically any peripheral factor that influences the act. In this study, elements that affect context are divided into three categories: "the participants", "the incident", and "the environment". "The participants" deals with the actors involved in the situation. Who is the alleged harasser? Who is the victim? What is their relationship to each other? "The incident" looks at the type of incident, the frequency and the directness of the actions, while "The environment" refers to the environment where the act(s) occurred.

The Participants

When examining who the actors are in the incident, generally the most influential factor is authority. Without repeating the former chapter on power and authority, it is important to note that authority is one of the most commonly discussed elements affecting context. If the harasser is in a position of authority and the victim is her or his subordinate, the actions are more likely to be considered inappropriate than if both individuals have similar authority positions. Additionally, how greatly the actions diverge from the expected role behaviour can affect how severely an incident may be regarded. For example, a sexual gesture or comment is a far greater deviation from the role of a professor than if that same comment or gesture was made by a fellow student. One simply does not expect such behaviour from a professor, whereas it may be more common or easily accepted from peers.

The relationship of the parties is also a good determinant of appropriateness. Some subjects contend that an advance from a professor could be appropriate if there is a prior relationship between him and the student (4 Females; 2 Males). In fact, one student recounts that dating her professor was acceptable because of a prior relationship,

I did date a professor though...and that was done totally [appropriately]...I'd known him for years...I respected his opinion...It was totally above board (16, Female).

There are others that express the need for a prior relationship to exist in order for an advance from a professor to be considered permissible. It is their belief that if the individuals have had prior social contact (though it need not be sexual) then it

is less likely that the actions will be considered completely out of character. The professor may have been a friend, for example, of the family. Moreover, several subjects cite the need for prior social interaction as a basic requirement if a sexual advance or invitation is to be considered reasonable from a professor. One respondent articulated the distinction this way:

...[a professor's request for a date from a student] would probably not be considered [sexual harassment] in the circumstance that...the professor has interacted in a very friendly way with the student before and there's kind of something there, you know what I mean? But if it's just a request out of the blue or a request that's obviously unwanted, then that would be sexual harassment...there's a very narrow place where it wouldn't be sexual harassment and I would see it as there is some kind of prior relationship (8, Male).

There is also a consensus among several respondents that there are different levels of intimacy in relationships (6 Females, 5 Males). Thus, it follows, they argue, that consensual relationships between professors and students could occur if the proper steps are taken to separate the social relationship from the authority relationship²³ (3, Female).

In addition to looking at the aggressor's role, it is also important to look at how they think and feel. In judging the harasser, respondents generally want to discuss intent (4 Females, 5 Males). Did the harasser know that his actions were unwanted? According to law, greater importance is accorded to the adverse effects of the actions rather than the intent of the discrimination (Aggarwal, 1992:86). Yet,

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This could include the student changing classes so that professor is no longer her instructor.

many subjects believe that an intention to harm or intimidate is fundamental to sexual harassment. As one respondent comments, "it's the intent that defines what is sexual harassment"(12, Male). Although a strict definition of intention implies someone perpetrating a deliberate act, it is also possible to intentionally ignore signals or signs of displeasure from the victim (2 Males).

In judging the severity of sexual harassment (or whether something may even be considered sexual harassment), we can also look at the recipient's ability to neutralize the situation or escape from it altogether. This affects how those receiving the unwanted attention feel and define it for themselves. Fitzgerald (1990) links the severity of incidents to the "degree of connection to a work situation"(Fitzgerald, 1990:26). Some female respondents choose not to classify catcalls or unwanted physical advances from strangers as sexual harassment because they can leave the situation and further avoid it without repercussion (3 Females). One woman acknowledges that she has received unwanted sexual attention, but did not label it as sexual harassment because of her ability to escape:

It just kind of floats over, it was unfortunate, it was uncomfortable, I would never go there again, and that was the end of it. It wasn't resolved...but you don't have to deal with [it again] (4, Female).

Similarly, another subject discussed her strategies by mentioning how,

...[it] would be really nice to be able to go 'umm, I feel really uncomfortable with you saying that and would you please not say that'...I would love to say that. [But] I'm a real avoider of conflict, an avoider of all things uncomfortable so I'd just take myself out of the situation (7, Female).

Using the recipient's ability to escape a situation as a way of measuring the

severity of sexual harassment involves the danger of facilitating a situation where the victim is blamed for contributing to her abuse²⁴. Many times people ask 'why didn't she just leave?'. This factor invites such speculation, and risks ignoring the larger issues such as power dynamics. One male subject demonstrates this danger when he comments,

If she doesn't say anything...there's nothing there. She can just tell him to screw off and nothing will happen...I probably wouldn't classify it as sexual harassment (8, Male).

The contextual factors that affect the participants are, in most cases (with the exception of authority), the most difficult to see and judge. What motivates a person to respond to actions in a particular way is rarely obvious to an outside observer (or even the other party involved).

The Incident

This category looks at the elements that are specific to the actual instance(s) where sexual harassment is alleged to have occurred. In such, it examines the type of incident (physical versus verbal), the number of incidents and their frequency, and the directness of the actions (was one person singled out or was it a group?).

To some, the actions that make up sexual harassment are secondary to how

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The only way many people judge the actions of others is by considering what they would have done in the situation. Leaving a situation is often an obvious decision for an outsider to make, but it ignores the other factors that may come influence the victim, such as, for instance, their fear of aggravating the situation by attempting to escape.

the victim is made to feel as a result of the incident (6 Females, 4 Males). Thus, it matters little whether the sexual harassment is a physical assault or a verbal proposition--what is important is that the victim has suffered adverse consequences. This sentiment is advocated by Dziech and Weiner (1984) who write,

Students need to understand that harassment does not have to be of a particular type or intensity; sexual innuendoes in class are as inappropriate as invitations to bed (Dziech & Weiner, 1984:21).

Additionally, Crocker (1983:704) cautions that there is a danger in rating one form of sexual harassment as more serious than another.

However, among the respondents that do distinguish the severity of one incident from another, there is a consensus that a physical incident is worse than a verbal attack (2 Females, 3 Males). Besides physical incidents being regarded as more serious, they are also believed to be more clear cut.

From all the contextual factors, the one most often examined by respondents and in the literature alike is repetition or frequency. Repetition, as one respondent notes, "makes it clear" (4, Female). According to the Canadian Human Rights Commission, a single act may be considered sexual harassment (Aggarwal, 1992:82). Yet, in the judgements of the Commission two things are apparent--depending on the harassment involved, there may be a requirement for the action to be persistent and repeated, and repetition over time magnifies the impact of the behaviour (*Op. Cit.*, 80 & 83). For example, in order for jokes to be considered sexual harassment, repetition is generally required. Likewise, the more severe the

case, the less need to demonstrate a pattern of behaviour.

Every single respondent discusses repetition. For many, corresponding with the Canadian Human Rights Commission's approach, one incident could be enough to constitute an inappropriate act. But this act would have to be extreme, such as quid pro quo sexual harassment. In the more subtle cases, such as poisoned environment, "repetition defines the grey areas"(7, Female), and "turns innocence into guilt"(11, Male). Or simply, repetition makes the act worse (9 Females, 8 Males). More interesting than the common perception that repetition aggravates sexual harassment is the opinion that many minor single incidents can add together to form sexual harassment (6 Females, 3 Males). This way, patterns of behaviour are created. For example,

...in subtle situations it's something that builds up and occurs to you after a while, like 'what the hell?' Like if your professor keeps telling you that you look sexy, suggesting that you wear sexier clothing or something like that...first time, I'd be like 'whatever', and after a while it'd be harassing (17, Female).

...[repetition is necessary] for minor things...because of probably just touching someone on the hand, you give them that look, first you'll question yourself but it would have to be repeated for you to really notice...[once] you might be able to push it off, push it to the side, but if it's repeated then it gets annoying and that's enough (11, Male).

The patterns that minor incidents create combined can be more than simply "annoying" as the above subject calls them, they can be threatening as noted where:

If a guy asked a girl out...three times in two weeks and kept hanging around her, someone might not consider that sexual harassment, but if you look at it in the context that the girl might become scared about

[it], if she continues to say no, is he, is he going to increase his persistence? Is he going to get violent about his persistence? (1, Female).

Thus, the concept of repetition can be viewed from two perspectives—a single act repeated persistently over time, such as jokes, or several minor acts combined to create a pattern of behaviour. Either of the two ways can effectively cause a poisoned environment for the victim.

The third contextual factor examined with respect to incidents is the directness of actions. For example, in the case of a joke, was it sexist or sexual so that all women are offended? Or was an individual singled out as the focus of the joke? Generally, there is the feeling that the former is less severe than the latter (4 Females, 4 Males). In fact, some respondents contend that sexual harassment only occurs when it is a direct, active act made with respect to an individual (3 Females, 2 Males). Accordingly, pornographic material in a classroom is inappropriate but does not constitute sexual harassment unless a comparison is made between the material and an individual. This view neglects to examine the effect that such material could have in creating a hostile learning environment for women.

The Environment

There are few overt references to environment in the literature. Garlick (1994:155) writes about differences felt if the behaviour occurs in a social context or an official one, such as a classroom. Incidents that happen in an official

environment are deemed less acceptable and more severe. In much of the literature, the environment where the incident occurs is considered to be simply one among many factors to consider. This is interesting considering that the concept of poisoned environment is dependent on the idea of appropriate behaviour for a specific place. Perhaps this idea is implicit in the literature when authors discuss appropriate behaviour and roles for professors and people with authority. Being in an official environment, such as a classroom or office, reinforces the authority of the individual.

From the subjects' perspectives, environment is quite important. It is mentioned by thirteen of them (6 Females, 7 Males). Subjects note that acceptable behaviours in an informal atmosphere can be regarded as inappropriate in a formal one. Also, the physical environment is connected to the ability to escape, discussed earlier. If someone acts inappropriately in a social environment, the recipient of the action can leave. However, if the same inappropriate acts are perpetrated in a classroom or office, the receiver of the actions cannot escape them so easily.

Generally, the factors that affect the context, be it looking at the actors involved, the actual incident, or the physical environment, are examined from the perspective of a third party judging an incident. References to context are used when someone tries to determine whether sexual harassment transpired. Contextual factors help create a more complete picture of the incident and aid in understanding how the victim responded or felt.

Factors that Affect Personal Tolerance

This section is different from the last in that it looks at what factors may affect how individuals may judge an experience for themselves. This is crucial since, it is the contention of this thesis that subjective experience is a necessary addition to objective definitions. Moreover, it helps to determine why two people who experience similar situations will regard them differently.

In objective definitions of sexual harassment, the standard of reasonableness is used to distinguish appropriate from inappropriate behaviours. Thus, actions that fall outside of what a reasonable person would consider appropriate are sexual harassment. Without reiterating some of the inherent problems with the reasonable person standard²⁵ and the gendered legal system, it is useful to take note of two things--firstly, that the law relies on commonly accepted standards of morality, and secondly, that there is the contention among many feminist scholars that women define actions differently from men. I would be extremely reluctant to debate the point that women and men perceive things differently (because generally, I believe it to be true); however, the responses given by the respondents suggest something slightly different. Rather than the sex of the respondent acting as a predictor of how subjects will perceive situations and experiences for themselves, their political or social outlooks carry greater weight.

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For a more complete discussion of the reasonable person standard refer to the literature review in chapter two. Also see chapter three's section on gender and the law.

Studies that have attempted to correlate the sex of the respondent with how they perceive situations have turned up mixed findings²⁶. To contend with this inconsistency, some studies have then hypothesized that traditional "gender role beliefs"²⁷ will act as a predictor of respondents' reactions. The findings of this thesis imply that this is a good start.

Many subjects have a similar response to how they would perceive an incident should it happen to them. There are only slight variations for sex. When explaining their answers, many subjects make direct reference to considering themselves to be liberal minded, or laid back²⁸. Yet, they recognize that a more conservative or "uptight" student may view the incident to be sexual harassment (even if they personally did not)(4 Females, 6 Males). This agreement could also imply that students share a common understanding of morality and appropriateness

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The hypothesis "women would be more likely than men to perceive a particular behaviour as sexual harassment" was supported by Garlick (1994), Jones & Remland (1992), Mazer & Percival (1989), Reilly et al. (1982), Rossi & Weber-Burdin (1983), and Sheffey & Tindale (1992). The hypothesis was not supported in the following studies: Barr (1993), Bursick (1992), Malovich & Stake (1990), and Marks & Nelson (1993).

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Cf. Barr (1993), Bursick (1992), Malovich & Stake (1990), and Sheffey & Tindale (1992)

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It is interesting that many of the subjects are similarly progressively minded. While this could indicate a bias in the sample, I attempted to control for as many possible potential biases as possible: the sample comes from all faculties, they are all within the same age range and university level, were found in common areas of the campus and were not self selected. Perhaps then, it is possible to conclude that they represent a good estimate of the population on campus.

on campus²⁹.

Students' personal history can also influence how they perceive the actions experienced. Most studies that hypothesize that victims of sexual harassment are likely to rate behaviours as less appropriate than others, have been supported (Marks & Nelson, 1993:215; Reilly et al., 1982:108; Rossi & Weber-Burdin, 1983:154). Two respondents confirm this idea, one by discussing her own experiences with sexual harassment and how they have changed the way she thinks: "so that [the sexual harassment incident] happened and now I have the consciousness" (19, Female), and the other who critiques surveys that rely on self selected respondents (2, Male)³⁰. The only other respondent that addresses the idea of past experience with sexual harassment affecting the way someone judges it has the opposite perspective. She describes her friend who,

...[has] had a bunch of bad stuff happen to her...[and as a result] her tolerance level for what is sexual harassment is so much higher, whereas I put up with a lot less. It goes up to a pretty high level before she says, 'okay, I can't handle it any more, that's too much'(7, Female).

The final factor that can affect personal tolerance mentioned is cultural

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With this said, I would not contend that the general understanding to which I refer is necessarily accurate or complete. I simply mean that there are commonly held beliefs, which could be a result of current university campaigns or exposure to media.

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This respondent believes that those who answer surveys are the interested parties because they have experienced sexual harassment and thus "have an axe to grind". He further argues that since this is true, the surveys offer biased results.

background. Half of the respondents regard cultural background as relevant when judging someone's intention to harass and how they feel about what they have experienced. Simply put, different cultures have different levels of acceptable behaviour. In some cultures, being extremely physically demonstrative is common, or there may be a different standard for personal body space. Therefore, a respondent may attempt to judge the intention of the action from the perspective of the alleged harasser (5 Females, 5 Males). Are his actions appropriate to his cultural background? In fact, several subjects state that they are willing to accept more actions that are beyond their levels of tolerance because they recognize that the actions are culturally acceptable for the aggressor (3 Females, 3 Males). One subject discusses giving her professor greater leeway because,

...in some cultures the treatment of women, whether it's wrong or it's right...they have different levels of expectations of women than people in Canada, even if they've grown up here. If that's what they've grown up in their home...they haven't learned what is offensive (3, Female).

Another respondent also finds fewer comments offensive from her professor than from others because she regards them as coming "from a different generation and old fashioned"(17, Female). However, there is the danger of excusing a wide range of offensive behaviours through the lens of "cultural relativism", though subjects do not comment on this.

Gender

Surprisingly, the findings indicate that the sex of the respondent does not play a key role in predicting their responses. It appears that social or political outlooks may serve as a better indicator as to how someone will react and label sexual harassment. However, since the respondents are rather similar in their outlooks, it is impossible to test this theory.

To a very slight degree, males concern themselves more with the intent of the aggressor than females. In all likelihood, this can be attributed to the fact that sexual harassment is predominantly perpetrated by men. Correspondingly, female subjects tend to answer from the vantage point of the aggressed, and thus, are less concerned about intent than they are concerned about the other circumstances that surround the incident.

Conclusion

The understanding of both the contextual factors and the factors that affect personal tolerance is important to defining sexual harassment. The elements that may appear peripheral to the actual incident are often the driving force behind its interpretation. It is not only important to recognize contextual factors but also to be able to distinguish their relevance to the situation.

By taking into account what factors affect how we interpret incidents for ourselves, we can begin to understand why there is such a great divergence between the labelling and experiencing of sexual harassment. By recognizing the

context and characteristics of the participants, we can begin to see why it is that some people label their experiences sexual harassment and others do not. Does that mean that it may be possible to have two or more separate interpretations of the same incident? Yes, if the contextual factors are different, or the aggressed define the incidents differently.

While the recognition of contextual factors may make defining sexual harassment appear impossible, I would argue the opposite with a subjectively enriched definition. An objective definition cannot begin to cover peripheral, critical factors affecting the labelling of the incident. However, the addition of the subjective examples is valuable in providing a better range of the variation of experiences and their interpretations. For instance, the use of examples is a great way to illustrate how small acts can accumulate to form sexual harassment.

To find the most helpful examples, it is useful to ask the people who use the policy what they think and how they feel. Consequently, we can substantially enhance the objective definition and make it more accessible. Indeed, although someone's experiences may not be described through an example, the recognition of similar incidents labelled as sexual harassment could be instrumental to encouraging their labelling. By adding subjective experience to the objective definition, we can broaden and clarify sexual harassment definitions. People who do have those experiences can label them appropriately. Once the experience is appropriately labelled, the chances improve that the offensive behaviour will be reported and actions can be taken to ensure that it is eliminated.

Chapter Seven

Who is to Blame? A Look at Responsibility and False Accusation

It is impossible to study sexual harassment without noticing fear. There is the fear that someone will be sexually harassed. There is the fear that one's innocent actions will be misinterpreted as sexual harassment. There is the fear that a person could be falsely accused and have their reputation ruined by a malicious accuser while they remain powerless to counter the lies with the truth. There is the fear that normal social interaction between women and men can no longer exist or that teaching will be inhibited and academic freedom will be revoked.

Somehow, it seems that the more we address the problem of sexual harassment, the more the mere words are seen to be responsible for its existence. It is a self fulfilling prophecy—if we do not have mechanisms to deal with sexual harassment, we do not see it, and therefore it must not exist. Similarly, by drawing attention to sexual harassment, we suddenly see that it exists, thus, the policy or sexual harassment office must be inflating the rate at which people lodge complaints. To apparently prove this point, universities with strong policies and well organized complaint mechanisms, such as University of Toronto have higher rates of reported sexual harassment than do universities that lack solid grievance procedures. However, I would argue that universities with good awareness campaigns and accessible procedures for complaints serve to eliminate sexual

harassment by encouraging victims to deal with the problem, thereby stopping harassers from victimizing others. There is no data to suggest that an educational campaign inspires people to harass. Theoretically, it does the opposite. Education protects people by providing the necessary knowledge to prevent them from unknowingly or accidentally harassing someone.

Accompanying the fear is the automatic allocation of responsibility and blame. The law states that sexual harassment occurs when actions are perpetrated that are beyond what a reasonable person would judge as appropriate. Citizens carry the responsibility to know better. Victims of sexual harassment often fail to report sexual harassment because they blame themselves or fear others will blame them for instigating or participating in the harassment.

Generally, two people are involved in a sexual harassment incident--the aggressor and the aggrieved. Who carries the greater onus for its occurrence? What actions should they have carried out differently in order to have prevented sexual harassment? What happens when someone has malicious intentions? This chapter attempts to address all of these questions. First it looks at the responsibilities of the two main parties in preventing sexual harassment from occurring. Then, it looks at the fear of false accusation and how it is possible to contend with this threat.

The Responsibility of the Victim

Women are commonly blamed for provoking sexual harassment (Fitzgerald,

1993:1072). They can be viewed as precipitating the sexual harassment (Koss, 1990:74) or contributing to their own situation by not appropriately handling the "normal sexual attention" from males (Jones & Remland, 1992:125). Victims are often vulnerable before the action occurred (which may explain why they are chosen by the harasser) or subsequently made powerless by the incident. Despite this powerlessness, there seems to be a great deal of onus placed on the victim.

She should be able to voice her objections, handle the situation, or avoid it altogether. As with many other sexually related crimes, she is somehow held accountable for her victimization.

This view is strongly endorsed by many of the subjects in the sample. Respondents have the most to say, by far, about the responsibility of the recipient. Overwhelmingly, subjects believe that the recipient has the responsibility to communicate her displeasure at the first sign of sexual harassment (6 Females, 8 Males). Many believe that the primary onus should be on the aggressed to say something because it may be the only way for the perpetrator to know that he is indulging in sexual harassment. One subject even contends that the aggressor "has a *right* to be told"(11, Male).

There are several reasons why respondents feel so strongly about the responsibility of the recipient. One reason, given by mostly men, is the fear that they may be unknowingly committing inappropriate actions. How, they seem to wonder, can they know that what they are doing is wrong unless they are told so, outright? In contrast, some of the female respondents explain their judgements by

imagining what they would do if they found themselves in a harassing situation (6 Females)³¹. One woman said that were she to fail to immediately voice her objection, "I would look upon myself as having co-created that environment of harassment"(10, Female).

Two respondents express contrary opinions from the rest of the sample and believe that no onus should be placed on the victim to prevent sexual harassment³². Both of these respondents identify themselves as recent victims of sexual harassment. What is interesting is despite their assertions that the victim should not be held accountable for her abuse, they both accept blame when recounting experiences of their own sexual harassment:

I went through a really difficult break up and so I was, I wasn't as aware as I usually am...I never thought of it. My feelers weren't right because I didn't detect it. So here I am blaming myself again. It's my fault, right? (16, Female).

We always blame ourselves. It doesn't matter how feminist you are, no matter how much you know it isn't your fault. I totally blamed myself, [do so] even now. I wore a really short skirt, I wore this tank top, I had my hair done. I don't know why I was looking so done up (19, Female).

The majority of the subjects who discuss the responsibility of the victim

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The dilemma encountered with perspective is that the respondents are judging the incident from a position of strength. While they see themselves as strong capable women, victims are not. Most times, sexual harassment is perpetrated on women who are vulnerable and in a powerless situation. Therefore, the assumption that victims can speak out forcefully against their aggressors is unrealistic.

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For example, one respondent asserts, "I don't think its necessarily their [the victim's] responsibility to educate the harasser"(16, Female).

completely ignore the power dynamics inherent to sexual harassment. Only a minority of the sample acknowledge that it may be difficult for recipients to voice their objections if they are in a subordinate position (2 Female, 2 Males). One respondent expresses her difficulty in reconciling the need for a victim's action while admitting she is powerless, when she says:

I know it contradicts what I just said about the recipient having to say something...but I think in some situations, in situations of power, some people just, you're afraid. You don't want to say something to this person and you don't want to get on their bad side (4, Female).

Moreover, one respondent points out the potential risk faced by a recipient who voices her displeasure:

If a woman comes up to them [men] and says "hey listen buddy, back off", some people would totally get sorry, apologetic, because they didn't mean it; however, there is a small proportion that wouldn't like it...regardless of...their [initial] intentions...their intentions have changed because of [the] comment...Too many males I know take it very offensively to their ego. And if their intentions were bad, the confrontation...might just [make it] worse (6, Male).

Not only do the majority of the subjects require the victim to communicate her objections, she must do so verbally (5 Females, 8 Males) and forcefully³³. However, the law does not require the recipient to have verbally protested or said "no". It is sufficient to establish her disapproval by "her conduct or body movement or body language" (Aggarwal, 1992:69). Only three women and one man concede that someone can express disapproval through means other than a verbal warning. For

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For example, one respondent specifies, "the answer must be strong, not wishy washy" (3, Female).

the rest of the sample, if a victim does not verbally communicate her displeasure, then she is contributing to her abuse.

In most sexual harassment cases, victims respond to the abuse through nonconfrontational methods. Fitzgerald (1993:1071) describes women dropping courses, changing majors, changing graduate programs or leaving higher education altogether as common ways of dealing with sexual harassment. Additionally, Dziech & Weiner (1984:85) cite victims using avoidance techniques such as "dressing down" to appear asexual and unattractive to evade notice.

The victim's decision to report an incident is a difficult one to make. There are a lot of factors that may affect her decision. Victims may choose not to report their experiences because "they don't want others to know, fearing that they will be ridiculed or made to feel guilty" (Backhouse & Cohen, 1978:42). Moreover, sexual harassment can cause someone to feel embarrassed at having received such sexual attention. Many times, victims do not report an incident because they fear retaliation from the aggressor (Gruber, 1989:4; Koss, 1990:76; Paludi et al., 1990:2; Riger, 1991:503; Robertson et al., 1988:800). Additionally, a victim may lack faith in the effectiveness of the grievance procedure. Lodging a complaint is no guarantee that the aggressor will be held accountable for his actions. Furthermore, the grievance process may wear the victim down to the point that she is forced to withdraw the complaint.

Subjects agree that the decision to report sexual harassment depends on many factors:

...some people may say it was sexual harassment but it isn't worth the effort [to report it] because, for whatever reason I don't have the time, I don't really care to go through the stupid system...and other people might be sort of scared, what if...they don't find him guilty, what's he going to do to me?(1, Female).

None of the respondents that discuss reporting believe that a complaint must be officially reported for it to be considered a legitimate case of sexual harassment (6 Females, 4 Males). However, only by lodging a complaint can the victim demand recourse for what has occurred (1 Female, 2 Males). One respondent takes that idea one step further when she asserts: "if you don't report it, you're revictimizing yourself"(14, Female).

None of the subjects that had experienced sexual harassment had reported it (3 Females). Their reasons involved shame (2 Females), the fear they would not be believed (2 Females), and fear of retaliation (16, Female).

The Responsibility of the Aggressor

Fourteen of the twenty respondents discuss the responsibility of the aggressor. In these discussions, a wide range of opinions are expressed. Many believe that there is an onus on the aggressor to follow rules of propriety and to respect the feelings of others (7 Females, 5 Males). However, there is some debate as to how much responsibility the aggressor carries. Only two women believe that aggressors bear the entire onus for the prevention of sexual harassment. They believe that aggressors should educate themselves and be held accountable for their behaviour.

The remainder of the subjects contend that the responsibility is shared between the aggressor and the aggressed. Each party has a role to play in preventing and avoiding inappropriate behaviour. Only one man held a contrary view—that there should be no onus placed on the aggressor to do things that can be interpreted as harassment, since he believes:

It's kind of ridiculous because then we start really being careful and paying attention to what we can do and what we can't do and not being ourselves and being scared that they might do something wrong. So there shouldn't be that type of pressure (12, Male).

If social standards should not place an onus on the aggressor to understand and inform himself of what is appropriate (because that stifles normal interaction), then perhaps it is reasonable to expect the aggressor to be sensitive to how his comments or actions are being received. There is a greater agreement among respondents on the need for the aggressor to be aware of, and responsive to the way the recipient reacts to him (7 Females, 5 Males). This is a basic requirement in all social interaction. All those who initiate contact with someone should be conscious of whether their attentions are being welcomed. The aggressor must be alert to all signals from the recipient, which may be as subtle as,

...maybe a little bit [of] shrugging of the shoulders, maybe taking the hand away; there are lots of nonverbal messages you can give, like taking the hands off or kind of give them the inside message saying "listen please, I get uncomfortable when you do this to me" (6, Male).

When someone deliberately ignores signals or is oblivious to them, sexual harassment can easily occur.

False Accusation

The mere words sexual harassment, as one subject put it, are "very loaded and very morally condemning"(10, Female). A false accusation, regardless of whether it is heeded, has the potential for damage. The damage to a reputation in an academic environment where professors' livelihoods are dependent on their being respected, can be great. One respondent observes,

...the unfortunate problem is that even to bring him before a sexual harassment board, whether...it's decided that sexual harassment is excellent [sic] in that case or not, simply bringing him before the board is really a slight on his or her, umm, reputation as a professor...Give me three months in jail before a ruined reputation any day (2, Male).

Considering the consequences of false accusation, some respondents emphasize the need to protect the accused, even if it is at the expense of not prosecuting all offenders (2 Females, 3 Males). In their view, given the subjective nature of sexual harassment, and the differences in tolerance levels and interpretations, there exists a strong potential for false accusation.

Robertson et al. (1988) express their frustration over the emphasis placed on false accusation. They point out,

Given that very few complaints result in either strong sanctions or litigation, this obsession with false complaints by students seems extraordinary, but fear of false accusations is a major source of resistance to the implementation of sexual harassment policies and procedures (Robertson et al, 1988:800).

False complaints make up less than one percent of annual complaints (*Ibid.*). It is also worth noting that contrary to the myth of the vengeful woman looking to ruin a

man's career, in reality most victims want the behaviour to end more than wanting to punish the offenders (Riger, 1991:501).

Approximately half of the sample express their concern over the fear of false accusations felt by their professors (5 Females, 3 Males). They observe their professors' behaviour becoming more and more cautious. One example cited to illustrate this fear is professors leaving their office doors open (4 Females, 3 Males). Open office doors, one subject explains, provide the security of possible witnesses should a student threaten or maliciously accuse a professor of wrong doing (14, Female). While the respondents seem to support the strategy of keeping office doors open, as a way to protect professors from false accusations, it is interesting that none of them mention the open door requirement as a way of protecting themselves from sexual harassment. For example, one respondent explains:

There's a big fear for him and a lot of other male professors that if a female comes into the office it's just risky to close the door because you never know what story could come out afterwards. And its not that he hates women or anything like that, he feels that he has something to lose. You know, all it takes is one really pissed off student who...fails the course...and makes an accusation and its one word against the other (5, Male).

In fact, one student expresses regret that her professors feel compelled to keep their office doors open. She says, "I have no problem with that, but I feel bad [sic] for them"(7, Female).

Furthermore, there is the recognition that the fear of false accusation affects the quality of education that students receive (2 Females, 2 Males):

...there's just such a threat that something might happen that you just don't want to take the chance anymore. And maybe the student that's in there is losing out on what the professor has to offer because he doesn't want to spend too much time, doesn't want to close the door, doesn't want to take the time to sit down, "let's understand this together". Probably the student is losing out (8, Male).

One subject wonders, if professors are acting more cautiously around their female students, is the quality of their education being adversely affected by the absence of individual attention (10, Female)?

Gender

I expected greater variance for gender in this chapter. I had anticipated that women would be more sympathetic to victims than men. However, this hypothesis was not upheld. Obviously, this is a complicated area with several possible explanations.

As I had anticipated, the male subjects tend to judge the victims' actions strongly, placing a great onus on them to prevent sexual harassment³⁴. It is logical that men would be more judgemental of the actions of recipients of sexual harassment, because when they visualize a situation, they place themselves in the position of the aggressor. Many men fear that their behaviour may be misinterpreted, and want to ensure that they will get some warning before an accusation.

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Research on sexual harassment has turned up mixed results on the hypothesis that men are more likely to blame victims. The hypothesis was supported by Lott et al. (1982), but not supported by Malovich & Stake (1990).

The women in the sample discuss the responsibility of the victim from a different vantage point than the men. As mentioned earlier, when women envision an inappropriate situation, they place themselves in the role of the victim. They then try to anticipate their reactions to experiencing it. The majority of the women in the sample contend that women should be aggressive in protesting their abuse. But, without being in the situation, no one can fully imagine the feelings of powerlessness and vulnerability experienced by victims. In fact, they seem to forget that in authority situations, it is more difficult to denounce violations. Consequently, in some cases, they judge the actions (or lack of action) by a victim even more harshly than the men in sample.

Both sexes are concerned about the danger of false accusation. They use the same examples to discuss the problem. When talking about false accusations, both women and men take an outsider's point of view, and do not personalise it. Additionally, both sexes express sympathy for the fear held by professors.

Conclusion

Examining responsibility in sexual harassment generates a lot of discussion. There are a range of judgements regarding who should have done what, and how much onus is placed on each party. There is little help from objective definitions, as they simply set a standard of reasonableness that the aggressor must respect. Moreover, even the investigation of subjective experiences fails to provide a good aid, because people may react very differently to situations, depending on their

circumstances. Generally, it seems there is a tendency to expect more from the recipient of an action than from the person perpetrating the action.

It is very easy to say, after the fact, that a victim should have reacted in a certain way to the actions. This view ignores the intricacies of relationships. The victim might be too intimidated to walk away, or simply have difficulty expressing herself. Should she be held accountable for her victimization? Unfortunately, a lot of people seem to think so.

While the addition of experiences to the objective definition cannot solve the blaming of the victim, they can help awareness. By producing a series of examples of sexual harassment where victims react in different ways, perhaps we can begin to shift the focus away from the aggressed's reactions and onto the incident itself. Moreover, a victim can see that there are many ways to react to sexual harassment, and they are all acceptable.

The information provided by the sample on responsibility in sexual harassment is best used for educational campaigns. Several things could be clarified for students such as: deliberately ignoring someone's body language or nonverbal signals is tantamount to intent; there are many ways people communicate their displeasure in addition to verbal protests, such as avoidance or nonparticipation; there are a range of penalties for a sexual harassment offense (so victims need not believe that they will be responsible for someone losing his job); and, victims of sexual harassment are not responsible for their abuse.

The misunderstanding, or lack of awareness of these points can affect the

labelling and reporting of sexual harassment. For example, a victim may believe that since she can not verbally say no to her harasser, she does not have the right to complain. Gaining a proper public awareness of sexual harassment through a comprehensive definition and educational campaigns are the most affective ways of combatting sexual harassment.

Chapter Eight

Conclusion: Subjective Definitions Explored

Many feminist legal scholars contend that the law and its processes must be completely dismantled. Although this is a strong conclusion following on some valid critiques, it is not a practical or easily obtained solution. There are problems with the law. It is gendered. Thus, there are problems with the way the law defines offenses primarily experienced by women. Regardless of whether we look at university sexual harassment definitions or the one used by the law, all definitions are derived from the same place—lawmakers and legal precedent. They are supposed to be objective. The bias that inherently colours the objective definition affects women's use of it. The evidence for this, among other things, lies in low rates of reporting.

The aim of this thesis is not to propose that the objective definition be dismissed. It is important to have a socially recognized definition of sexual harassment. Moreover, the fact that the definition comes from the law gives it legitimacy. Instead, this work aims to determine how the definition should be adapted to make it more appropriate for university use. When applied to a university environment, a definition can be altered or added to, to increase its effectiveness. The goal of this study is to determine how the objective definition can be enriched so that victims will label their experiences appropriately and use the resources available to them.

Commonly held Perceptions of Undergraduate Students

When asked to define sexual harassment, many of the respondents provide definitions that are similar to elements in the objective definition. Most definitions given are very broad—unwanted sexual actions perpetrated by someone with authority. This was quite surprising. I had expected the subjective definition provided by the subjects to be considerably different from the objective definition. The fact that students use objective sounding definitions can be explained in two different ways. Firstly, it may indicate that the objective definition is a good one because it accurately describes what people believe to be sexual harassment. Or secondly, respondents' use of an objective definition may indicate that they are familiar with the official definition at McGill (some subjects admitted to consulting it prior to the interview) and are simply reiterating it. For example, when one respondent was asked how she defines sexual harassment, she replied:

I have all of these textbook ideas in my mind like any unwanted sexual behaviour or comments directed towards another person. It's just so ingrained that I don't know if it's my definition or if it's something I heard (10, Female).

Thus, the language that students use can be misleading when trying to determine how they define and what they label as sexual harassment.

There is the most agreement when subjects discuss extreme examples. All accept that the receipt or denial of rewards in exchange for sexual conduct, or the "sleep with me or else" situation, is sexual harassment. Only one sample member limits his definition of sexual harassment to *quid pro quo*.

When actions are physical, such as touches, pinches, or hugs, they are more likely to be considered sexual harassment by the majority of the sample. Debate occurs with more moderate examples such as verbal advances or jokes. Few subjects include verbal harassment in their initial definition of sexual harassment, but label it so when discussing examples. Examples were an extremely useful tool in discovering respondents' reasoning³⁵. However, there are significant differences with labelling, when discussing a definition in the abstract and relating experiences. For instance, when asked, many subjects labelled sexual/sexist jokes in the classroom as sexual harassment. Furthermore, several subjects recounted experiences where their professors had told sexually charged/sexist jokes in the classroom (7 Females, 3 Males). However, not one of them labelled their experiences as sexual harassment. Instead, they described it as offensive or inappropriate.

When subjects discuss the experiences of friends, they are more apt to label them as sexual harassment than when discussing their own experiences. Only three respondents identify themselves as having experienced sexual harassment. In contrast, every subject admits to knowing someone who has been sexually harassed. The experiences of the friends they discuss are, in several cases,

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The interviews were very active—respondents expressed and justified their ideas during the course of the interview. These acts of reasoning and explaining their responses forced them to confront inconsistencies in their arguments. Frequently, subjects admitted to contradicting themselves. Examples were the devices that initiated this type of reflection.

identical or very similar to their own experiences. When challenged, some subjects justify the use of different labels to a difference in tolerance levels, or different contextual factors. Others cannot explain the difference, but insist that it exists. Perhaps one of the reasons people are more likely to label the experiences of others as sexual harassment while refusing the label for their own experiences is that they do not wish to categorize themselves as victims. Some found that their coping mechanisms, such as switching classes or ignoring the offensive behaviour, enabled them to deal with the incidents which, therefore, did not qualify as sexual harassment. Regardless of why several subjects refuse to use the label, it is clear that respondents have many more experiences of sexual harassment than they will label. Consequently, the subjects in this sample confirm that a good deal of inappropriate behaviour occurs without it being reported, stopped, or punished.

Despite the fact that most of the respondents do not admit to experiencing sexual harassment at university, they all believe that it occurs and is a problem. They cite the experiences of friends, or the information in university campaigns as the basis for this belief.

Effects of Gender

On the whole, gender has less of an impact on responses than initially anticipated. There is agreement by both women and men that sexual harassment exists, that it is a problem, and that (in most cases) sexual touches and propositions by someone with authority deserves the label of sexual harassment. When asked

to describe extreme examples of sexual harassment, women and men use many of the same ones. There is a greater divergence with borderline cases, where similar to the literature's findings, women are more likely than men to judge subtle behaviours as inappropriate (Bursick, 1992:410; Garlick, 1994:142; Jones & Remland, 1992:137; Mazer & Percival, 1989:141; Reilly et al., 1982:106; Rossi & Weber-Burdin, 1983:154; Sheffey & Tindale, 1992:1510). Additionally, there is greater agreement among the women in the sample as to what constitutes sexual harassment, than among the men. This may be attributed to the fact that the female respondents have had more experiences of sexual harassment than the men.

When discussing issues surrounding authority and power, and context, women more readily apply a label of sexual harassment, whereas men tend to use other terms such as someone acting unprofessionally or inappropriately. However, there is general agreement by the two sexes over which circumstances qualify as inappropriate.

As discussed in chapter six, political or social outlooks appear to act as a greater predictor of responses. Most of the sample members categorize themselves as progressively minded. Thus, the traditional roles of women and men tend to be rejected by this group. Furthermore, the female and male respondents seem to be equally supportive of women's rights. Had the sample members carried a stronger identification with traditional roles, it is possible that a greater disparity in the views of women and men would have been evident, as with Barr's (1993:463) findings. Or merely, that a more conservative group would have had drastically

different opinions. Unfortunately, given the limited range of this sample, it is impossible to test this hypothesis.

Subjective Examples

When the study of sexual harassment definitions was initially researched, I hypothesized that students would use different language than what is used in the objective definition. Hence, the benefit of in-depth open-ended interviews--they provide detailed information. I wished to see how students define sexual harassment, in their own words. Feminist legal theory argues that women's words and experiences are omitted from the law. Therefore, I wanted to test whether students' words and experiences were overlooked by the university definition. However, this is not readily answered by the interviews. As stated above, respondents tend to use objective sounding definitions of sexual harassment, apparently proving that we have an appropriate definition with the objective. However, the evidence provided in the literature indicates that there is a problem with the labelling of sexual harassment by victims. Moreover, as noted, respondents continually refused to label their experiences as sexual harassment, even when the experiences fell within their definitions. Rather than attempting to reconcile whether the language used by the respondents was an accurate representation of their own experiences, or whether they were contaminated by too much exposure to the objective, I decided to pursue the value of adding examples to the objective definition. This tactic was taken because it is the goal of this work

to do more than identify a problem; I wish to provide practical recommendations that can be used to encourage the labelling of sexual harassment in university.

In the course of the interviews, examples provided the best method of illustrating subtle cases of sexual harassment. In many cases, respondents changed their opinions after considering an example. Therefore, the purpose of adding examples to an objective definition is to gain clarity. Examples or scenarios can illustrate some of the common experiences that the definition seeks to identify. The addition of examples is a practical way to incorporate experiences into the objective definition.

There are a few areas identified by the respondents that require clarification. The differences between appropriate and inappropriate behaviour in the classroom should be explored with examples. There is a lot of confusion, for respondents, as to what constitutes a normal classroom environment. Although, no one would explicitly use the term sexual harassment, a few did complain of classrooms being affected by professors making sexist or sexual jokes, using examples that are derogatory to women³⁶, and trivialising or maligning female scholars in the field. The entire university community benefits from a proper understanding of what behaviour creates a poisoned environment in the classroom. Professors, who do not realize that their comments are causing distress to their students, would be

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As previously mentioned in chapter four, experiences of derogatory comments cited include professors using examples that only place women in subservient roles (1 Female, 2 Males) and recounting the sexual history of the women being studied, but not the men (16, Female).

informed. Students would understand their rights, and not be forced to endure behaviours that impede their learning. Moreover, by providing examples and ensuring an understanding of appropriate and inappropriate classroom behaviour, academic freedom is protected.

Another area that could use elaboration concerns issues involving power. Subjects tend to agree about the influence of authority, yet have conflicting beliefs about power. Most female respondents discuss power as an important factor in producing sexual harassment. The men, in contrast, either do not believe power exists, or cannot imagine it being a significant factor in sexual harassment.

The third area that requires further explanation is victim's and harasser's responsibilities. Confusion and misinformation about this topic can substantially inhibit labelling and reporting. A victim may blame herself for provoking an incident or not handling it correctly, hence contributing to the feeling that she does not have the right to complain. Or, a harasser may believe that if his behaviour is unwanted, the victim must express her distress outright. Thus, he abdicates the responsibility for being attuned to her body language and nonverbal messages. Examples that demonstrate that there are a variety of ways of reacting to sexual harassment should address both these scenarios. Potential harassers can note that they have to be responsible for how their behaviour is received and victims can see that they are not the only ones who are too afraid to voice their objection.

There are many misconceptions about sexual harassment on campus. They can be addressed by enriching the objective definition with examples and carrying

those examples over to a comprehensive educational campaign. In cases where concise examples cannot adequately describe an incident or behaviour, such as with issues of responsibility and blame, educational campaigns can use more detailed scenarios.

An Enriched Definition

There follows an objective definition of sexual harassment that has been enhanced with examples. The definition below is the one that is proposed in the revised *Regulations concerning Complaints of Sexual Harassment* (McGill, 1995), awaiting adoption by McGill Senate. The text in italics represents examples that I propose should be **added** to improve comprehension and accessibility. The examples reflect the experiences of the sample.

DEFINITION (Revised Draft Version, McGill University, November 27, 1995)

1.1 Sexual harassment means:

- 1) any conduct of a sexual nature directed towards another person where
 - a) sexual activity is made an explicit or implicit term or condition of an individual's employment status in a course, program, or activity; or,
 - b) sexual activity is used as a basis for an employment or educational decision affecting an individual;
- 2) any conduct of a sexual nature directed towards another person the effect of which is to impair that person's work or educational performance where it is known or ought to be known that the conduct is unwelcome, and
- 3) any conduct
 - a) that is discriminatory or hostile to those persons because of their sex in a manner that the person knows or ought reasonably to know creates an intimidating, hostile or offensive working, learning, or, in the residences, living environment, and

- b) that exceeds the bounds of freedom of expression or academic freedom

1.2 For the purposes of 1.1, conduct of a sexual nature means any conduct whose intent, in whole or in part, is to seek the sexual attention or favour of the person to whom it is directed or whose intent, in whole or in part, is to treat the other person as an object of sexual desire.

1.3 For the purposes of 1.1, academic freedom is understood to be a reciprocal freedom between parties in any academic relationship, and the exercise of one person's rights may not infringe upon another's. The right of academic freedom is conferred equally upon all members of the McGill community, including faculty, students, administrative and support staff.

1.4 The definition of 1.1 shall be interpreted in a manner that is consistent with the Quebec Charter of Human Rights.

1.5 For the purposes of 1.1(1) the fact that the individual affected by the sexual harassment appeared to comply with the behaviour complained of is not relevant to establishing that the offence of sexual harassment has been committed.

Examples of sexual harassment can include, but are not limited to:

- *use of derogatory comments, such as sexist/sexually charged jokes, sexual labels, insults, innuendos, teasing, or the inappropriate use of endearments in the classroom and outside of it;*
- *suggestive or demeaning remarks or other verbal abuse, including unnecessary questioning about, or informing others of a person's sexuality or sexual orientation;*
- *compromising invitations, including persistent and unwelcome requests for dates;*
- *unnecessary and unwelcome touching, pinching, grabbing, holding or hugging;*
- *leering, excessive staring, or other sexually related gestures;*
- *the display of pornographic, or other sexually offensive pictures, material, or graffiti;*
- *gender discrimination: the treatment women, or female scholarship, as inferior or less capable than men*
- *sexual assault.*

As apparent, the definition, without examples, is very legal sounding. It facilitates labelling for the experts, but not necessarily for the people being harassed. The

addition of examples provides a valuable addition. Examples translate the abstract into the concrete, which is not always easily accomplished by students. Most importantly, it provides a label for commonly experienced sexual harassment.

Discussion

Sociological research is an important addition to the body of literature on sexual harassment. Interestingly, the majority of the studies of sexual harassment are conducted by psychologists. However, sexual harassment is not a problem between two individuals; it is a social problem. Sociological analysis can make interesting links to the social frameworks that create and perpetuate sexual harassment, as demonstrated by this thesis. Such links are not relevant to most psychological studies. Sev'er (1996) questions the predominance of published psychological research of sexual harassment when she asks:

Why are so many more psychologists publishing on the topic than sociologists? Does the disciplinary dominance mirror the lingering tendency to see sexual harassment as interactional, intrapersonal, and sexual rather than a social problem firmly rooted in power discrepancies? (Sev'er, 1996:199).

The purpose of conducting a research project such as this is to gain a basic understanding of the views of undergraduate students. They are the primary users of university sexual harassment policies; therefore, it is important to examine their perceptions and note their experiences. University sexual harassment policies are written without a genuine investigation into the opinions of students. There is student representation on the policy committee, but it is generally limited to one

person, who has informed her or himself on the issues, and must speak for thousands. For the universities that do conduct surveys to determine student perceptions of sexual harassment, their findings are hampered by limited information, low response rates, and the uncertain way in which students chose to answer the questionnaire and the fact certain students do not respond. Feminist standpoint theory asserts that experience is directly linked to knowledge. Thus, an investigation into the variety of experiences and beliefs held by different students will aid with the creation and application of sexual harassment definitions and policies.

In general, sexual harassment research fails to ask students outright, in an open-ended interview format, what they think and how they feel. Consequently, although studies may discover that a majority of students refuse to label their experiences as sexual harassment, they miss the fact that this refusal is not on account of their being ignorant of the objective definition. Students are aware of the objective definition of sexual harassment, yet still avoid using the label for their experiences. Furthermore, no other research on sexual harassment adequately highlights the importance of examples.

There would be value in examining students' opinions on sexual harassment even if there was not a problem with labelling and reporting of the problem--but there is one. As mentioned, despite 20-40% estimates of women who experience sexual harassment at university, university grievance offices report that less than one percent, female or male, of the university population complain. Feminist legal

theorists are critical of inherent bias that frames the law, and excludes the experiences of women, thereby silencing them. The fact that university sexual harassment definitions come from the legal definitions invites the speculation that university sexual harassment definitions may be excluding the experiences of particularly the female students. Their experiences should be explored. Moreover, if an investigation into the way they label their experiences leads to the conclusion that many students experience sexual harassment but do not label it as such, as this research shows, techniques to address this problem should be proposed. I recommend enriching the objective definition with examples, and conducting awareness campaigns.

A university is a unique environment. Professors are more than just authority figures, they are experts, advisors, and in some cases, mentors. Students are vulnerable because they are young, powerless, and are supposed to trust and respect their professors. Additionally, students are also transient, so that sexual harassment can be escaped through attrition, allowing a harasser to continue his sexual harassment with others. The university must be a safe place in order to challenge students to learn. Once a university allows sexual harassment to occur or continue, its integrity is damaged. Since the university is different from the workplace, it makes sense that its definition should accommodate the differences and be tailored to the university community. Current university sexual harassment definitions do not adapt to the needs and experiences of students.

Adding examples to the objective definition, thus adding subjective elements,

extends the scope of the sexual harassment definition. It encourages the labelling of one's own experiences as sexual harassment, as appropriate. It is not the goal to invite more people to categorize themselves as victims, but rather to properly identify and label their experiences so that they can seek recourse.

Several important points are highlighted by this research. The objective definition of sexual harassment is not effective in labelling students' experiences of sexual harassment. But, the reason why the objective definition fails to identify students' sexual harassment experiences is not because students are unaware of the definition. Students know the objective definition and can, in many cases, recite it or its variations. However, they do not relate the abstract definition to their own experiences. Even when the respondents are prompted with the term sexual harassment, they do not apply it to their experiences. Only when subjects use examples, do they relate their experiences to the definition of sexual harassment. Subjects are more responsive to a concrete illustration than an abstract definition. Therefore, examples are determined to be an important element in promoting the proper labelling of sexual harassment. Furthermore, this study illuminates what examples are most appropriate by revealing frequent student experiences.

An enriched objective definition, such as the one suggested above, is a critical tool in labelling sexual harassment. It can help to provide a more complete understanding of what constitutes sexual harassment. A more complete understanding of sexual harassment should lead to higher rates of reporting, fewer false complaints, more freedom to teach and learn, and in the end, less sexual

harassment. Only when a university limits, and eventually eliminates sexual harassment, can it provide students with the education they deserve.

Appendix A

The Sample

N=20

Females: 10

Males: 10

Age:

21 years old	11
22 years old	6
23 years old	1
24 years old	2

Major area of study:

Engineering	2
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Humanities

--Education	1
--Latin American Studies	1
--Linguistics	1
--Religious studies/Drama	1

Management	4
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Music	1
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Science

--Anatomy	1
--Computer Science	1
--Geography/Environmental Science	1
--Physics	1

Social Science

--Economics	1
--History	1
--History/Political Science	1
--Sociology	2

Year at school:

3rd year	14
4th year	6

Appendix B

Interview Questions and Probes

What is your definition of sexual harassment?

What are the most extreme examples of sexual harassment, ones that we all would agree constitute sexual harassment?

What are examples that you consider sexual harassment, but other people would not?

If a professor (or TA or student) asks a student out on one date, is that sexual harassment?

If a professor (or TA or student) asks a student out on three dates, is that sexual harassment?

Do you know anyone who has been sexually harassed?

Have you ever been sexually harassed?

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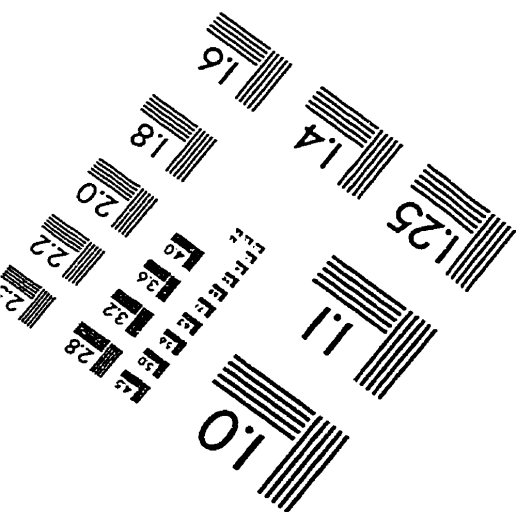
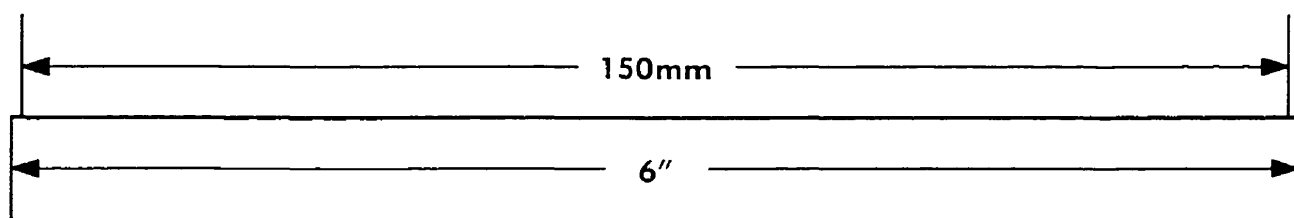
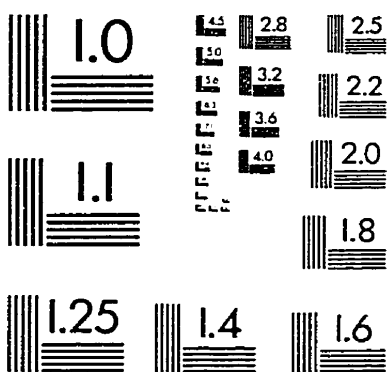
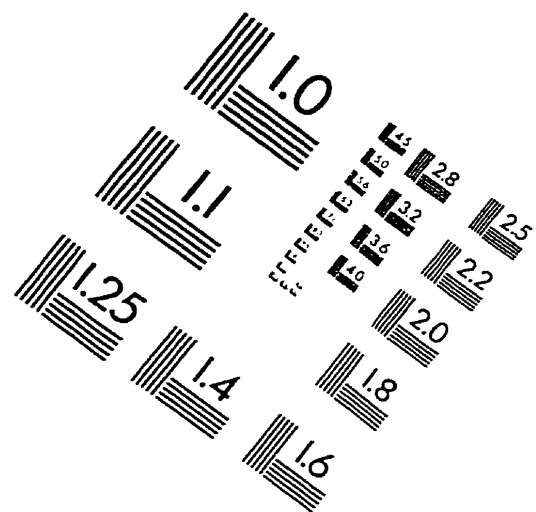
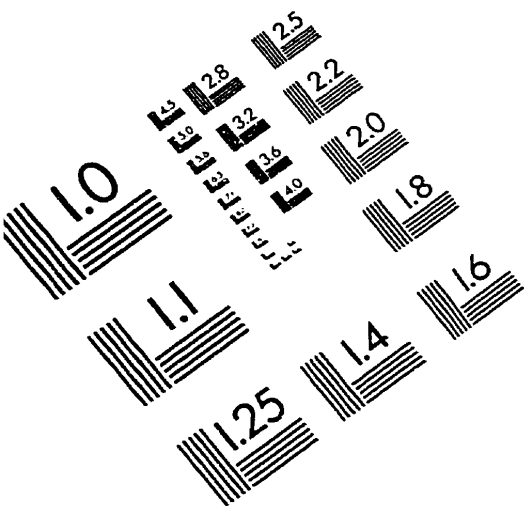
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