WORKSHOP ON SEXUAL HARASSMENT

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This workshop addressed the questions of "what is sexual harassment?" and "what can we do to stop sexual harassment?" In the summary of the workshop that follows, I will present a) the legal definition of sexual harassment currently used in the United States and b) the political/cultural context of this discriminatory practice in employment and educational settings. I will suggest some of the problems with this legal definition and with the legal apparatus designed to combat sexual harassment. This points up the significance of the Baltimore Charter as an additional means of organizing to stop sexual harassment in the community of astronomy. In the second part of the summary, I will direct participants to remedial actions and procedures that are already in use in many settings. Note: anyone, regardless of sex or sexual orientation, can be sexually harassed by anyone, regardless of sex or sexual orientation. The practice predominantly has involved men harassing women, and for that reason I use the male pronoun when referring to the perpetrator and the female pronoun when referring to the victim.

1. RECOGNIZING SEXUAL HARASSMENT

1.1. Legal Definition of Sexual Harassment

The following definition of sexual harassment was drawn from regulations promulgated by the U.S. Equal Employment Opportunity Commission (EEOC); I have amended this definition to include the educational setting along with the employment setting, following an early example by Oklahoma State University.

> Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
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> (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic standing,
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> (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions or academic decisions affecting such individual, or
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> (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working/academic environment.

The first two conditions describe a *quid pro quo* version of sexual harassment in which an exchange of sex for advancement is implicitly or explicitly demanded by someone in a more powerful rank from someone in a less powerful rank. The third condition describes an *environmental* form of sexual harassment.

1.2. Political/Cultural Context

Sheila Tobias's presentation (Tobias, this volume) provides a feminist theoretical context, drawn from the early work of Kate Millett in *Sexual Politics* (1970), for understanding the political/cultural dynamics of sexual harassment. The patriarchal sexual objectification of women and sexual privileging of men sets up the conditions for the abuse of power using sexual means that we now call sexual harassment. The two types of sexual harassment can then be understood as either growing out of the sexual objectification of women even within the workplace and within education (the *quid pro quo* form) or attempts to exclude or drive women from the workplace or educational setting, which are understood in the patriarchal context to belong to men (the environmental form).

In contrast to this patriarchal political/cultural context, which considers women and men stereotypically but nonetheless in reality affects our lives materially, can be placed the professional ideal that calls for excellence in performance and evaluation of excellence according to merit. The result of these conflicting sets of expectations is a tension, which victims of sexual harassment in particular experience, between professional ideals and informal "social" expectations. Can you give examples of this tension in your own lives as professionals or students?

1.3. Problems With the Legal Definition of Sexual Harassment

There are at least two major problems with the legal definition as presently used. First, the focus on the sexual nature of the behavior draws attention away from the fact that race and economic class also structure society in ways that produce different meanings for the experience of sexual harassment among women of different races and classes. "Woman" as sexual object may become layered with "virgin," "whore," "exotic animal" and the like, depending on the sex and race and class of the perpetrators and victims of sexual harassment. Sexual harassment thus may be entwined with racial harassment, but with sexual harassment as the main text and racial harassment as the subtext.

Second, the heavy stress put upon the unwelcome nature of the sexual advance places the burden on the victim (in the powerless position) to tell the perpetrator (in the powerful position) to stop. The implication is that the victim has a choice when in fact the implicit asymmetry of the relationship (superior to inferior rank) forestalls any choice on the victim's part. She may be very unwilling to engage in sexual behavior; but she may engage nevertheless because she is very fearful that if she says the advance is unwelcome she will be punished, for example, by being fired or by being given a failing grade. There are any number of forestalling moves made by the perpetrator or his allies that serve to disempower further any victim who dares to challenge him. How often have we heard: she's lying; she's delusional; she's out for revenge; she really asked for it. These kinds of responses call her credibility into question. Or how often have we heard: oh, it was nothing; I didn't mean it that way; can't you take a joke? These kinds of response trivialize his behavior and hence her complaint. Or how often have we heard of the woman being derailed professionally after she makes a complaint: she receives bad evaluations; she is fired or evicted from the program; he makes demeaning remarks about her to his colleagues. These kinds of response are retaliatory and illegal.

1.4. Problems With the Legal Apparatus

By law the EEOC is empowered to file suits on behalf of persons with discrimination grievances if those persons work in a place that employs 15 or more workers. Since 1983, when records began to be kept in a retrievable form, close to 50,000 claims have been filed, but cases have been brought to court in less than 1% of the claims filed in any one year. Many privately hired lawyers skip the EEOC procedures because the agency is understaffed and because its administration is perceived to be lacking in will to address the problem. Despite these perceptions, claims have increased in number over the years, no doubt resulting in many frustrated victims. Studies suggest that between a fourth and a third of women who have filed claims have been fired. This kind of information fuels the belief that nothing can be done to stop sexual harassment.

In the courts, cases have been brought by individuals since the mid-1970s. But only slowly have the courts come to recognize sexual harassment as a form of sex discrimination. Many potential litigants lose standing to sue because they leave their jobs rather than stay to fight what seems to be an impossible uphill battle.

1.5. Significance of the Baltimore Charter

In light of the difficulties women have had using the law and the courts to challenge sexual harassment successfully, and in light of the fear of retaliation that pervades so many workplaces and educational settings, there is need for more than formal policies and procedures to address the problem. There must be leadership and the will to act. There must be political organizing to combat the problem within institutions by those women and men who have come to recognize the embedded nature of sexualized power relations and the need to act collectively. The Baltimore Charter, and this conference which begins the process of drafting such a document and acting by and on it, is a first and important step in stating to the profession that the profession must change and in specified ways.

2. WHAT CAN BE DONE

2.1. Formal Actions

By law each institution is required to establish a) a policy prohibiting sexual harassment, b) procedures for implementing that policy, and c) educational programs for teaching the institutional community about the problem and how to stop the problematic behavior. There are a number of institutional models being developed to address the problem of sexual harassment within the workplace and within educational settings.

2.2. Informal/Political Actions

Policies and procedures on paper are a beginning, but organizational climate is also important. There must be a climate of disapproval for sexual harassment. There must be a climate of confidence that those in powerful positions as well as those in less powerful positions can be trusted to take grievances seriously and without retribution. Here are some steps that institutions and groups of individuals within institutions can take to change the climate and create confidence that something can be accomplished.

1. Constitute a committee on sexual and other forms of harassment. The committee can conduct and publish the results of a survey within the institution to determine the extent of the problem. The survey will serve two purposes at least: gathering baseline information about the occurrence of harassment and the forms it is taking in this particular institution, and raising everyone's level of consciousness about what actually constitutes sexual and other forms of harassment. The results of the survey can be a first step in designing a strategy to address the problem further. The discussions that go into designing the survey and presenting the results, along with developing institutional policies and procedures for addressing the problem, will become part of the educational process for the institutional community as a whole.

2. Studies have shown that most victims of sexual harassment are not interested in making a formal legal complaint or getting retribution from or revenge on the perpetrator (unless the perpetrator is particularly recalcitrant or retaliatory). They simply want the offending behavior to stop. Materials developed by the Association of American Colleges Project on the Status and Education of Women, now available from the Center for Women Policy Studies in Washington, D.C. (2000 P Street NW, Suite 508, 202-872-1770), contain a piece prepared by Bernice R. Sandler (drawing largely from a paper written Mary P. Rowe of the Massachusetts Institute of Technology), "Writing a Letter to the Sexual Harasser: Another Way of Dealing With the Problem." Writing such a letter serves several purposes: it gets something specific down in writing; puts the offender on notice without publicizing the event; educates the offender, if he is open to being educated; and empowers the victim. The letter, sent by registered mail only to the harasser, can later be used to support a formal legal claim if that becomes necessary. The letter should contain the following: a dispassionate forthright description of who did what, where, when; a recounting of how the action made the victim feel; and a statement of what the victim wants in the way of future behavior. Usually this is as simple as wanting the offending behavior to stop.

3. No individual should have to endure sexual harassment in isolation or feel ashamed of what has happened to her. Shame and isolation are tools used by the powerful to keep the less powerful "in their places." Shame and isolation are meant to result in silence. Silence protects the perpetrator. The collective political response is to tell trusted colleagues what is happening, to seek validation of one's experience as being wrongly treated, to seek support for confronting the perpetrator by letter or otherwise. Make a written record of what is happening to you, and seek out allies with whom to strategize on next steps. Call meetings to discuss the problem in general and provide time and safe space in which to share "horror stories." Knowing that sexual harassment happens to others breaks down the isolation and shame and draws together those who want to do something to stop the offenses.

4. This question was posed at the workshop: what should men who believe that sexual harassment is wrong do when they observe or hear of situations in which that kind of offensive behavior is occurring? The response was that men also have trouble speaking out to other men about offensive men's behavior. Men who speak out might harm their careers. Further discussion is called for on this issue of how men can join women in taking responsibility for speaking out against sexual harassment.

5. Three characteristics of the astronomy community call for particular discussion. One concerns mutual affection that grows into marriage for a good number of female and male astronomers. How can astronomers as a community negotiate the thin line between mutual affection and what has come to be considered unprofessional behavior in some institutional policies? Relationships based on mutual affection can be perceived as conferring favoritism that could result in other workers or students believing they get unfair treatment because they do not share the same kind of relationship with someone in a position of authority.

   Another concerns the importance placed on mentorship for professional advancement. The relationship can begin in undergraduate education and continue throughout graduate school and on up the career ladder. The mentoring relationship can become problematic if the mentor steps over the line of professional propriety and intrudes into the student's personal life. More open discussion is needed of the pitfalls of sexual harassment in the mentoring relationship. Students need to gain confidence that letters of recommendation and other informal modes of networking and professional development do not become dependent on their playing a sexual role with the mentor.

   A third concern was expressed by some of the women who work in physical isolation, as in observatories. They have experienced extremely threatening advances from some of their male colleagues. The Baltimore Charter must address the need for all astronomers and other staff to work in an environment that is physically safe as well as consciously respectful so that women in particular do not have to expend valuable energy staying "on guard" physically and emotionally.

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