

Sexual Harassment

Sexual harassment is a form of sex discrimination that is illegal in the workplace under Title VII of the Civil Rights Act of 1964 and in the school environment under Title IX of the Education Amendments of 1972. 1,3 Victims can be of any age, sex, or race.

What qualifies as sexual harassment?

Sexual conduct must be unwelcome in nature to qualify as harassment. The conduct is considered unwelcome when it is not requested or invited by the receiver who finds the action to be offensive or undesirable. Even if the victim does not immediately speak out about the problem, the conduct can still be unwanted.

The law protects victims of sexual harassment even if:

- Nobody else saw it happen.
- The harasser is a professor, CSUEB employee or contractor, or another student.
- The victim sometimes submitted to the sexual behavior but clearly didn't want to.
- The harassment occurred only once.
- The person offended by the conduct was not the person harassed.

If a person is sexually harassed, he or she should:

- Clearly say no. Tell the harasser that the conduct is not appreciated, or tell a supervisor or teacher who can take action. Sending a letter to the harasser can be effective, and the victim should keep a copy as well.
- Keep a record. Write down the date, time, place and what happened, including what was said and if there was any physical contact.
- Report the conduct to the Department of Equity and Diversity if harassment occurs at CSUEB. Please see CSUEB procedures ([insert link](#)).
- Students are encouraged to directly seek assistance from the Director of Equity and Diversity, Linda Nolan at 510-885-4918.
- Staff and faculty who receive a student complaint of discrimination, harassment, sexual harassment, etc. are advised to contact the Director of Equity and Diversity right away.

Students and student employees should not have to deal with harassment, and it should be reported when it does occur. School officials are advised to keep a record of all complaints and are responsible for determining whether or not a complaint should be reported to law enforcement. Documentation of when and where an alleged harassment took place can help the Office of Civil Rights conduct a better investigation. The best way to eliminate sexual harassment is to have a procedure in place that encourages prevention. Employers and school officials should communicate to employees and students that harassment will not be tolerated and establish a complaint process that leads to immediate action when a grievance is reported.

References:

1. Office for Civil Rights. *Sexual harassment: It's not academic*. U.S. Department of Education. Retrieved February 24, 2005, from <http://www.ed.gov/about/offices/list/ocr/docs/ocrshpam.html?exp=0>
2. The U.S. Department of Labor, Women's Bureau. *Sexual harassment: Know your rights*. Retrieved February 24, 2005, from <http://www.csulb.edu/depts/oed/resources/pubs4d.htm>
3. The U.S. Equal Employment Opportunity Commission. (2002). *Facts about sexual harassment*. Retrieved February 23, 2005, from <http://www.eeoc.gov/facts/fs-sex.html>

Examples of Harassment

The following are examples of behavior that could be interpreted as harassment. These examples are meant to be illustrative only and are not an inclusive list.

- Written communications, such as sending inappropriate jokes or comments in print or by electronically;
- Verbal communications, such as making graphic or degrading comments about an individual and/or his/her body or personal characteristics, or using epithets, derogatory comments or slurs;
- Physical acts, such as unwanted touching, physical interference, or event assault;
- Visual acts or displays, such as derogatory cartoons, drawings, or posters, or inappropriate gestures;
- Making unwelcome sexual advances or propositions, or offering benefits or giving preferential treatment in exchange for sexual favors;
- Making or threatening reprisals after a negative response to unwelcome conduct.