

GOOD PRACTICE: HARASSMENT AND STAFF-STUDENT RELATIONSHIPS¹

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

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

The US defines ‘sexual harassment’ as unwanted sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:²

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

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

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

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

¹ For the passages on sexual harassment we relied heavily on the BPA/SWIP Good Practice Policy General Guidance available at: <https://bpa.ac.uk/wp-content/uploads/2018/11/General-guidance.pdf>

² See the definition of Sexual Harassment by the US Department of the Interior on which the definitions in this section draw: <https://www.doi.gov/pmb/eeo/Sexual-Harassment#:~:text=submission%20to%20such%20conduct%20is,condition%20of%20an%20individual's%20employment%3B&text=such%20conduct%20has%20the%20purpose,or%20sexually%20offensive%20work%20environment.>

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

GENERAL POLICIES ON SEXUAL AND GENDER-BASED HARASSMENT³

1. All members of the department—undergraduates, graduate students, academic and non-academic staff—should be made aware of the regulations that govern sexual harassment in their university including requirements for mandated reporters.
 - a. In particular, they should know the university’s definition of ‘sexual harassment’ and whom to contact in possible cases of sexual harassment.
 - b. They should also know who has standing to file a complaint (in general, and contrary to widespread belief, the complainant need not be the victim).
 - c. They should be made aware of both formal and informal measures available at their university.
 - d. Departments should include this information in induction sessions for both students and staff, and in training for teaching assistants.
2. Where the University or Faculty has a list of Harassment Contacts, all staff and students should be made aware of it and this information should be both online and posted in a public space. If no such list exists, the department should consider suggesting this approach to the university. It is very important for department members to be able to seek advice outside their department.
3. All members of staff should be familiar with how to deal with individuals who approach them to discuss a particular incident.
4. All of the information listed above should be made permanently available to staff and students, e.g. through a stable URL on the department website and/or staff and student handbooks, rather than only in the form of a one-off email communication.
5. The department head and others with managerial responsibilities (e.g., Directors of Graduate and Undergraduate Studies) should ensure that they have full knowledge of university procedures regarding sexual harassment.

³ For the following suggestions (through page 7) see the BPA/SWIP Good Practice Scheme: Sexual Harassment at <https://bpa.ac.uk/wp-content/uploads/2018/11/Sexual-harassment.pdf>

DEPARTMENTAL CULTURE

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

STAFF-STUDENT RELATIONSHIPS⁴

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

Such relationships can also generate perceived, and sometimes real, inequalities that affect other members of the department, whether students or staff. For example, a relationship between a senior and junior member of staff may raise issues concerning promotion, granting of sabbatical leave, allocation of teaching. This may happen even if no preferential treatment actually occurs, and even if the senior staff member in question is not directly responsible for such decisions. In the case of staff-student relationships, questions may arise concerning preferential treatment in seminar discussions, marking, decisions concerning graduate student funding, and so on. Again, these questions may well emerge and be of serious concern to other students even if no preferential treatment

⁴ This section has been taken by the BPA Good Practice scheme on staff-student relationships <https://bpa.ac.uk/diversity/good-practice-scheme/guidance-and-resources/staff-student-relationships-3/>

actually occurs.

At the same time, we recognise that such relationships do indeed occur, that they need not be damaging, and may be both significant and long-lasting.

We suggest that departments adopt the following policy with respect to the behavior of members of staff at all levels, including graduate student instructors.

Please note that the recommendations below are not intended to be read legalistically. Individual institutions may have their own policies, and these will constitute formal requirements on staff and student behavior. The recommendations below are intended merely as departmental norms, and to be adopted only where not in conflict with institutional regulations.

GENERAL POLICIES ON STAFF-STUDENT RELATIONSHIPS

The department's policy on relationships between staff and students (and between staff) should be clearly advertised to all staff and students in a permanent form, e.g. websites or staff/student handbooks. The policy should include clear guidance about whom students or staff might consult if problems (real or perceived) arise.

STAFF-STUDENT RELATIONSHIPS

1. Staff and graduate student teaching assistants should be informed that relationships between teaching staff and undergraduates or between faculty and graduate students are strongly discouraged, for the reasons given above.
2. If such a relationship does occur, the member of staff in question should:
 - a. inform a senior member of the department – where possible, the department head, as soon as possible;
 - b. withdraw from all supervision and small-group teaching involving that student (in the case of teaching assistants, this may involve swapping tutorial groups with another TA), unless practically impossible;
 - c. withdraw from the assessment of that student, even if anonymous marking is used.
 - d. withdraw from writing references and recommendations for the student in question.
 - e. withdraw from making any decisions (e.g. distribution of funding) where preferential treatment of the student could in principle occur
3. It should be made clear to staff and students that if an student has entered into a relationship with a member of staff (including a TA), while the responsibility for taking the above steps lies with the member of staff concerned, the student is equally entitled to report their relationship to another member of staff (e.g. Head of Department, if appropriate), and to request that the above steps be taken.
4. As much as possible, the department should encourage a practice of full

disclosure in the case of such relationships' continuance. This avoids real or perceived conflicts of interest, as well as embarrassment for others.

RELATIONSHIPS AMONG ACADEMIC STAFF

Between members of academic staff where there is a large disparity in seniority (e.g. Associate Professor/Lecturer; Head of Department/Assistant Professor):

1. Disclosure of any such relationship should be strongly encouraged, in order to avoid real or perceived conflicts of interest.
2. Any potential for real or perceived conflicts of interest should be removed by, e.g., removal of the senior member of staff from relevant decision-making (e.g. promotions, appointment to permanent positions).