Sexual Harassment at Oakland University:

Guidelines for Improving Policies, Procedures, and Training Types

Oakland University

Executive Summary

Sexual harassment continues to be a relevant and common occurrence due to a lack of understanding and to changes in society. This white paper evaluates Oakland University's policies on sexual harassment and its online training course for strengths and weaknesses. It then, with scholarly research, poses suggestions for improvement.

The online training course is a very effective tool for educating campus members on sexual harassment. To remain up-to-date, the course should discuss new and emerging types of harassment. The current course must include more examples of visual harassment and discuss harassment through technology (cyber harassment) and students harassing teachers (contrapower harassment). Policy 711 should prepare complainants for every stage of the complaint and investigation process by discussing the procedures in detail and including related sections from the Student Handbook. Policy 711 must also contain strict deadlines that detail how quickly Oakland must handle sexual harassment complaints. To protect the victim as quickly as possible, the Office of Inclusion and the Dean of Students Office should respond to the complainant within two business days, begin their investigation within seven business days, and complete their investigation within thirty business days.

Teachers and faculty are required to take the sexual harassment course, but students have neither mandate nor motivation to do so. Students could be required to take the online course, have the sexual harassment resources distributed to them by email, or be given more options for training. The online training course is accessible, easy to use, and helpful for learning about sexual harassment. Though effective, the online training still has disadvantages that affect its ability to educate every member of the campus community. Oakland should also offer instructor-led training courses or workshops to encourage discussion and benefit those who have difficulty using computers. These solutions will allow Oakland University to protect its reputation, protect its liability, and protect the rights of its campus members.

**Sexual Harassment**

Sexual harassment remains a common yet unreported issue that produces consequences in higher education and the workplace (Bartels, Nordstrom, & Preusser, 2011). Instead of filing a complaint and risking embarrassment, victims underreport and avoid the harassment by transferring to another school or obtaining a new job (Walker, 2010), resulting in the loss of hard-working students and employees. Sexual harassment can also reflect negatively on an organization and damage its image (Bartels, Nordstrom, & Preusser, 2011).

Large organizations, such as universities, are under increased risk for sexual harassment as there are a large number of potential perpetrators who could be unknown to their victims (Ratliff, Roscigno, & Stainback, 2011). Many employees and students remain unaware of the behaviors and actions that fall under sexual harassment (Bartels, Nordstrom, & Preusser, 2011). In addition, new types of harassment are emerging as society is changing. Cyber harassment, or harassment through technology, has increased with the invention of new devices and programs (Keats Citron, 2009). Contrapower harassment, or students harassing teachers, is becoming more common as nontraditional students may be the same age as or older than their professors (DeSouza, 2011). Sexual harassment policies must be monitored and updated to reflect societal changes and address predictable complications.

**Strengths and Weaknesses**

Oakland University provides its campus members with a sexual harassment policy (Policy 710); guidelines for handling harassment complaints (Policy 711); and an online sexual harassment training course. This white paper examines these three resources for strengths and weaknesses and offers solutions to remedy problem areas.

One of Oakland's strengths is publishing Policies 710 and 711 as PDFs, which allows campus members to download and save the policies to their computers. They can then access this information more readily, even without an internet connection. Oakland also gives its complainants a reasonable amount of time (60 days) to report harassment after it occurs. Many victims will not report right away, and a university's policy should not pressure or rush a victim of sexual harassment (M. B. Snyder,

personal communication, April 3, 2012). Students at Eastern Michigan University must submit their claims no more than 10 days after the incident took place (http://www.emich.edu/). Oakland's 60-day timeframe is more reasonable for a victim to consider his or her situation, seek advice from friends and family, and decide to file a complaint.

Oakland's online training course is accessible and increases one's understanding of sexual harassment. Bartels, Nordstrom, and Preusser (2011) state that "policies complemented by sexual harassment training are cited as a more effective approach to decreasing sexual harassment and the organization's legal liability." Requiring all faculty members to complete the course and submit their test scores brings more awareness of sexual harassment to Oakland's work environment. The training module is successful in giving multiple definitions of sexual harassment, defining terms, discussing the law, providing answers to common questions, and offering interactive quizzes and tests. Michigan State and the University of Michigan do not currently offer their campus members such a valuable online resource.

Though the training course contains relevant and important information, it is not updated regularly to reflect changes in society and does not discuss the latest types of sexual harassment. In addition, Policy 711 does not prepare campus members for the investigation process or set definitive deadlines for handling sexual harassment claims. Even with these updates, Oakland's resources cannot prevent sexual harassment if students don't use them. A lack of requirement has produced a lack of knowledge about Oakland's resources, especially the online training course. Furthermore, without motivation, students have no reason to complete the entire course, take the quizzes, or properly learn the material (Bartels, Nordstrom, & Preusser, 2011). In many cases, Oakland's resources are used only after sexual harassment has already taken place.

For sexual harassment training to educate the campus community, the type of training must benefit all members of the community. While online training benefits visual learners and allows users to learn at their own pace, poor marketing and noncompletion rates are major disadvantages (Bartels, Nordstrom, & Preusser, 2011). Computer-based training also excludes those who have disabilities or are

not comfortable with computers. Eliminating these weaknesses in the sexual harassment resources will help Oakland University protect its students, staff, and legal liability.

<div align="center">**Solutions**</div>

**Discussion of Harassment**

Preventing sexual harassment begins with discussing the many different types of sexual harassment. The training module must be updated periodically to discuss new types of harassment that emerge as society and communication change. In 2012, the training course must further define visual harassment and introduce cyber and contrapower harassment.

While the training course discusses verbal, non-verbal, and physical harassment, it lists very few examples of visual risky behaviors. The course needs to acknowledge harassment through the written word, drawings, and personal photographs. Not acknowledging known instances of sexual harassment can create loopholes for them to occur. The list of visual behaviors should include distributing nude or provocative pictures of oneself or another person, altering others' photographs to become provocative, and writing sexual comments about others in notes, in homework assignments, or in the form of vandalism. Behaviors that can disturb others, make them uncomfortable, or cause them extreme humiliation need to be clearly defined as forms of sexual harassment. Even still, no list of such behavior will be exhaustive, and the training must further increase empathy for victims to cover any potential loopholes.

With the high use of technology in today's society, the training course should also define and discuss cyber harassment: "Cyber harassment represents a change in the way sexual harassment can occur, and policies need to keep up with changes in society" (M. B. Snyder, personal communication, April 3, 2012). Campus members can be sexually harassed through phone calls, text messages, email, video and online chat, social network sites, blogs (Keats Citron, 2009), and even Moodle posts. Cyber harassment has specific negative impacts that are separate from other types of sexual harassment. Cyber harassment can drive victims to develop pseudonyms or cease interactive online activities, both of which prevent them from working online or creating profiles to find jobs or connect with friends and family

(Keats Citron, 2009). The training module should discuss these impacts as well to warn campus members of this growing problem.

Everyone associated with Oakland has some risk of encountering harassment, regardless of his or her title. The training course does not define *contrapower harassment* by name and limits its meaning to subordinates harassing supervisors. Universities are unique environments that are not simply places of employment: students are not subordinates, and they do not have supervisors. For clarity purposes, the training course should use the term *contrapower harassment* and define it as both a subordinate harassing a supervisor and a student harassing a teacher or faculty member. Though students harassing teachers is not common, it is still possible and still a topic of relevance to a campus community. It is also relevant to discuss inappropriate ways to interact with or talk about teachers as well as sexual harassment through academic work. Furthermore, the training course and Policies 710 and 711 must be careful not to refer to sexual harassment victims as "students" or "co-workers," since this excludes other potential victims.

**Complaint and Investigation Procedures**

Since sexual harassment is an underreported crime, Oakland must make its campus members confident enough in its system to report harassment. The biggest problems students have with universities are their procedures for filing and dealing with complaints (Walker, 2010). Oakland's policies and procedures must correlate to protect both the complainant and Oakland's legal liability.

Some victims of sexual harassment have not been informed about their types of hearings, the procedures of their hearings, or the ways they should prepare. Not only should the department prepare the victim in person, but Policy 711 should prepare victims *before* they file a complaint. It should also tell victims whom the investigator must contact, what information may be asked of them, who will or could be interviewed, what Oakland's burden of proof and rules of evidence standards are, and how someone is found guilty of sexual harassment.

Much of this information could be added to Policy 711 by including the following sections from the Student Handbook: "Hearing Types" with its discussion of the hearing committees and hearing types for nonacademic violations; "Hearing Procedures"; "University Sanctions" that discusses disciplinary

findings, the notification of findings, and the different types of punishment for nonacademic misconduct; "Judicial Procedures" for addressing nonacademic misconduct; and "Appeal Procedures." Providing this information will prepare victims for the process and ensure they have logical expectations for the outcome. In addition, Policy 711 should include a definitive timeline for completing an investigation.

The time it takes to investigate is crucial to a victim's decision to report a claim. Victims offer fear a lengthy trial that will lead to embarrassment, public knowledge of the case, and no punishment for the accused (Walker, 2010). Policy 711 clearly states that its guidelines are not strict rules. It does not currently state the timeframes in which the Office of Inclusion or the Dean of Students Office must respond to the complainant, begin the investigation, or end the case. Oakland's "Grievances and Complaints" policy states departments must *respond* to a complainant within 30 days. Since the victim could be further subjected to sexual harassment during these 30 days, much stricter procedures must be implemented.

Central Michigan University's protocol, for example, allows only 21 days "to evaluate the complaint, contact the respondent and attempt to resolve the complaint" (http://www.cmich.edu/). Recent sexual harassment cases at Oakland, however, have extended for months and across more than one semester. Sexual harassment cases should be treated as seriously and as quickly as cases involving academic dishonesty.

Responding to the complainant is the first and easiest step of the process. Therefore, acknowledgement of the complaint must be immediate, within two business days. The investigation should begin shortly thereafter, within seven business days. Responding and investigating in such a short time does not mean that the case will be expected to resolve immediately. Solving a sexual harassment case is a fact-finding process: some witnesses may be difficult to contact, and sometimes there are justifiable reasons for taking extra time (M. B. Snyder, personal communication, April 3, 2012). The process should still be prompt, however, and the departments should complete their investigations within 30 business days.

These deadlines would guide the departments in completing their investigations as quickly as possible without compromising effort. It also reiterates Oakland's commitment to giving everyone an equal opportunity to learn without harassment. Long investigations can affect a complainant's ability to work or complete class work to the best of his or her ability.

**Distribution of Resources**

The majority of campus members are students, who have no incentive to take the online training course or read the policies. This leaves a large portion of the campus community uninformed about sexual harassment, which poses risks for students and staff alike. Requirement, motivation, and distribution must be addressed.

Requiring all students to take the online training course and submit their test scores would be the most effective strategy, but also the most difficult to implement and the most costly. There have been many requests to update the student requirements, such as creating a mandatory alcohol education course (M. B. Snyder, personal communication, April 3, 2012). Sexual harassment is a much different circumstance that is worthy of extra attention. While alcohol is often abused, it is harmful only in certain circumstances, such as when it is used regularly or in large amounts. Sexual harassment, on the other hand, is *always* harmful, even on only one occasion.

Monitoring a new requirement can be expensive (M. B. Snyder, personal communication, April 3, 2012), but so can sexual harassment lawsuits: "the average payout per case is around $38,500" (Bartels, Nordstrom, & Preusser, 2011). Though many cases are not reported and most are resolved without issue, one case can result in a Title IX lawsuit against a university for ineffective prevention protocols (Walker, 2010). Simply having a training course is not enough to legally protect universities from liability (Bartels, Nordstrom, & Preusser, 2011). Losing a sexual harassment case can not only cost a university a large amount of money but also attract negative attention and publicity, which can deter future students and their tuition.

Another option is to increase awareness of sexual harassment by directly distributing the resources to the campus community. Many students would not know where to find Oakland's sexual

harassment policies and are not aware Oakland has a sexual harassment course. University email is a simple and effective way to communicate with all campus members and distribute such important information. Oakland could email all students a brief introduction to sexual harassment and encourage them to educate themselves on the issue. Students could be given a link to the training module and Policies 710 and 711 attached as PDFs. This procedure would place Oakland's sexual harassment resources right at the students' finger tips. However, even with encouragement, the students have no motivation. Between working, attending class, and completing homework, most students would not have the time to read the resources. A third option involves integrating other types of training.

**Types of Sexual Harassment Training**

While computer-based training has many advantages, its disadvantages prevent many campus members from using and benefiting from the resource. Analyses have proven that instructor-led training is also very effective, and it continues to be the preference of most employees and students (Bartels, Nordstrom, & Preusser, 2011). Instructor-led training is more beneficial for auditory learners, disabled students, nontraditional students, and students with special learning needs. It also provides discussion and immediate feedback for questions and concerns. Bartels, Nordstrom, and Preusser (2011) suggest using both computer-based and instructor-led training to harbor the most benefits and eliminate the most disadvantages.

Other universities, such as Eastern Michigan University, offer one-hour sexual harassment training sessions or workshops each semester (http://www.emich.edu/). Oakland has hosted workshops in the past (M. B. Snyder, personal communication, April 3, 2012), but with an ever-changing student population, sessions must be offered every semester by the Office of Inclusion, the Dean of Students Office, or even the Women's Studies Department. In addition, Central Michigan University offers a sexual harassment training video (http://www.cmich.edu/), which benefits visual and auditory learners. Videos also help those who have disabilities that prevent them from reading easily or interacting with the online course. Providing multiple options and allowing campus members to choose the best training method for their own needs will help the system to effectively reach more members of campus.

**Conclusion**

Schools without a tough stance against sexual harassment "ha[ve] effectively subjected one or more of its students to sexual harassment . . ." (Walker, 2010, p. 104). Oakland is responsible for protecting all campus members and in doing so must be proactive in preventing sexual harassment before it takes place. Consistently updating the training course to discuss even the most recent types of harassment keeps students and employees up-to-date and protects Oakland's liability: harassers cannot claim ignorance, and victims know their rights. For everyone to know which behaviors constitute sexual harassment, Oakland's resources should be distributed by email, and students must at least be encouraged, if not required, to use them. Online training is effective for the majority of students and staff, who are familiar and comfortable with technology. But Oakland must also provide an instructor-led training course or workshop to accompany those who have difficulty using computers or cannot due to disabilities. These campus members must be given equal opportunity to learn about sexual harassment and their rights.

Oakland would further protect its campus and its reputation by settling sexual harassment cases as quickly as possible. Setting strict rules and deadlines by which the Office of Inclusion and the Dean of Students Office must follow invokes that sexual harassment will not be tolerated. Rules and deadlines are followed more rigidly than guidelines. It is the victim's safety that is the main concern, not the time management of those handling the cases. Both the departments and Policy 711 should prepare victims for the process, the investigation, and the hearing. These remedies will make Oakland University a safer university and help it to follow its promise that everyone has the right to learn and work in an environment free of harassment.

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