

HARVARD UNIVERSITY

FACULTY OF ARTS AND SCIENCES

OFFICE OF THE DEAN

5 UNIVERSITY HALL
CAMBRIDGE, MASSACHUSETTS 02138
(617) 495-1566

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Dear Colleague:

During the current academic year, the Faculty Council has been discussing the topic of sexual harassment. This conversation arose because students and faculty members have questioned whether we have fair and effective procedures for responding to complaints, and whether we have a good working definition of the term "sexual harassment."

In the course of discussion, the Faculty Council took up a number of related topics, particularly the complex question of appropriate and inappropriate relationships between students and faculty members, and the question of sex as it may affect the teaching environment. I am writing to you now to report on the substance of these discussions and to review for you the understandings reached by the Faculty Council on these various interrelated topics.

I shall comment first on the environment of the classroom, particularly certain difficulties that can arise between instructors and the students enrolled in their classes, collectively rather than individually. Second, I shall discuss certain difficulties that may arise in the relationships between individual instructors and individual students. Third, I shall describe what kinds of behavior on the part of Faculty members will produce formal disciplinary action. Finally, I shall outline the disciplinary procedures for responding to such behavior.

I. The teaching environment

In the last decade we have made considerable progress toward a genuinely co-educational environment. Overt discrimination against women seems to be quite rare. Most members of the Faculty endeavor to treat all students fairly as individuals, and not as members of a category based on sex.

Nevertheless we have not yet attained a state in which women never feel themselves to be disadvantaged on account of their sex. Students continue to report behavior by members of the teaching staff that is discouraging or offensive to women. Alienating messages may be subtle and even unintentional. It may therefore be useful to offer specific examples illustrating a range of classroom conduct that tends to compromise the learning experience especially, but not only, of women.

Some teaching practices are overtly hostile to women. For example, to show slides of nude women humorously or whimsically during an

otherwise serious lecture is not only in poor taste, but is also demeaning to women.

Other alienating teaching practices may be simply thoughtless, and may even be the result of special efforts to be helpful to women students. It is condescending to make a point of calling upon women in class on topics such as marriage and the family, imposing the assumption that only women have a "natural" interest in this area.

There is no specific term for the classroom practices just described. Their common effect is to focus attention on sex characteristics in a context in which sex would otherwise be irrelevant. For that reason, the general term "sexism" is often used to describe this category of unprofessional behavior.

II. Relationships between individual Faculty members and students

The Council discussed various kinds of personal relationships between Faculty members and students. Members of the Council generally agreed that, in addition to the harassing behavior described below, certain other kinds of relationships are wrong whenever they take place within an instructional context.

Amorous relationships that might be appropriate in other circumstances are always wrong when they occur between any teacher or officer of the University and any student for whom he or she has a professional responsibility. Further, such relationships may have the effect of undermining the atmosphere of trust on which the educational process depends. Implicit in the idea of professionalism is the recognition by those in positions of authority that in their relationships with students there is always an element of power. It is incumbent upon those with authority not to abuse, nor to seem to abuse, the power with which they are entrusted.

Officers and other members of the teaching staff should be aware that any romantic involvement with their students makes them liable for formal action against them if a complaint is initiated by a student. Even when both parties have consented to the development of such a relationship, it is the officer or instructor who, by virtue of his or her special responsibility, will be held accountable for unprofessional behavior. Because graduate student teaching fellows, tutors, and undergraduate course assistants may be less accustomed than Faculty members to thinking of themselves as holding professional responsibilities, they would be wise to exercise special care in their relationships with students whom they instruct or evaluate.

Other amorous relationships between members of the Faculty and students, occurring outside the instructional context, may also lead to difficulties. In a personal relationship between an officer and a student for whom the officer has no current professional responsibility, the officer should be sensitive to the constant possibility that he or she may unexpectedly be placed in a position of responsibility

for the student's instruction or evaluation. Relationships between officers and students are always fundamentally asymmetric in nature.

III. Sexual harassment

The Faculty Council accepts the following definition of sexual harassment:

In the academic context, the term "sexual harassment" may be used to describe a wide range of behavior. The fundamental element is the inappropriate personal attention by an instructor or other officer who is in a position to determine a student's grade or otherwise affect the student's academic performance or professional future. Such behavior is unacceptable in a university because it is a form of unprofessional behavior which seriously undermines the atmosphere of trust essential to the academic enterprise.

The Faculty's procedures for responding to complaints of sexual harassment provide three routes through which complaints can be resolved. In consultation with the Assistant Dean of Harvard College (or, in the case of a graduate student, an appropriate officer as outlined in the GSAS procedures,) the student selects the most suitable process, which will ordinarily depend on the nature of the instructor's behavior and the form of redress sought by the student.

In the least formal approach, the Assistant Dean (or the Director of the Office of Student Affairs of GSAS) provides help in resolving the difficulty. (Examples of informal resolutions include apologies and changes in instructional arrangements. Such re-adjustments of the teacher-student relationship are likely to be adequate responses only in those cases in which miscommunication or lack of communication played a significant part.)

Through the Faculty's formal process, a student may seek disciplinary action by the Dean of the Faculty against the instructor. The formal process is intended to react to conduct that is clearly understood to be unacceptable. The underlying assumption is that all members of the Faculty are aware that it is wrong to expect sexual favors of one's students, and that persistent, unwanted attention by an instructor toward a student is always, therefore, unprofessional.

The Faculty's formal procedure is confidential. Officers of the University do not comment publicly on individual cases. Nevertheless the University cannot ordinarily prevent the parties to a complaint from discussing it publicly.

The third route is considerably more elaborate than the other two. Screening and Hearing Panels are available to consider charges of "grave misconduct," identified in the Third Statute of the University

as grounds for termination of employment, including deprivation of tenure.

In addition, the Administrative Board of Harvard and Radcliffe Colleges and the Administrative Board of the Graduate School are available to provide certain kinds of help to students who have been the victims of sexual harassment. The Administrative Board considers students' petitions for changes of grading status (that is, from letter-graded to pass-fail) and petitions for retroactive withdrawals from courses. Such petitions are granted on account of special circumstances, in which category the Board would ordinarily include clear instances of sexual harassment.

I have given an account of the Faculty Council's thinking on the topic of sexual harassment and related issues. The Council did not reach unanimity on every detail of the views expressed in this letter, but the Council did support this general approach to the problem and reaffirmed its confidence in our current procedures for responding to specific instances of sexual harassment.

I have written this letter so that every member of the Faculty might be aware of these discussions, and of my own views. If members of the Faculty feel that this statement is incomplete, or incorrect in some way, I would be grateful if they would write to me.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Henry Rosovsky". The signature is written in dark ink and is positioned above the printed name.

Henry Rosovsky

HR:rmh