Dear Alice,

When is contact or verbal communication with people cross over to become sexual harassment?

Answer

Dear Reader,

This is a question that countless individuals, courts, and policy makers have grappled with. The exact definition of sexual harassment varies with the entity defining it. For example, there are legal definitions, institution-specific definitions (e.g. Columbia University has one), and departmental definitions. Still, each person will have a different threshold for what feels like an acceptable sexual advance and what feels like harassment. In addition, these definitions may shift depending on a person’s relationship with the person making the advance. Let’s explore each of these levels of definitions.

Legally, sexual harassment may have slightly different definitions in academic versus workplace settings. In academia, sexual harassment falls under the category of sex discrimination, by way of Title IX, which was passed in 1972. It is considered a form of sex discrimination, though the sex of the accuser and the accused are irrelevant (i.e. a person of any sex can sexually harass another person of their same or of a different sex). Sexual harassment in academia may be student-to-student, or school staff/faculty-to-student. In workplace settings, it may happen between co-workers or between employers and employees. To meet legal definitions of sexual harassment, the following criteria must typically be met:

- Unwelcome (in other words, what is happening is not consensual)
- Verbal, visual, physical conduct of a sexual nature (e.g. written or spoken communication, gestures, photos, posters, or unwanted contact)
- That is severe OR pervasive (generally has to have occurred more than once)
- That affects working, living, or learning conditions (makes the workplace, residential, or educational environment unpleasant, threatening, or intimidating).

If you feel you are experiencing this, it is important to keep a log of:

- What has been occurring (including who, what, where, when, in as many details as you can recall)
- Your response (e.g. communication to the harasser that what occurred was unwelcome,
Because of the power difference, even one advance from an employer towards an employee, or from a professor or TA towards a student, may be considered harassment, as threat of job or promotion loss, or interference with a grade or advancement through an academic program, may be implied. But sexual harassment from another peer can also be quite threatening.

At Columbia University, individual departments may have more strict standards of conduct, but there is also a campus-wide policy. Columbia considers sexual harassment to have occurred when a person subjects another person to ?unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.? Repeated unwelcome sexual comments, suggestions, or pressures also may constitute sexual harrassment if they make a person's learning, living, or working environment ?intimidating, hostile, or offensive.? Columbia prohibits sexual relationships between faculty or staff (including Teaching Assistants) and students. In the event this does occur, the faculty or staff member has to ?remove him/herself from academic or professional decisions concerning the student.? The complete statement can be found in FACETS: Facts About Columbia Essential to Students [2].

At the individual level, what may feel like an acceptable sexual advance and what may feel threatening can vary widely depending on the person and the context. While there may be no standard ?line,? between communication of interest and harassment, a general rule of consent applies well here. As a golden rule, if you?re not getting an enthusiastic ?yes? from a person, consider it a ?no? and cease the advance. This is true regardless of the relationship and regardless of how many previous sexual encounters the two of you have had. Every person has a right to set their own boundaries and to have those boundaries respected by others.

If you are a Columbia University student (including students at Barnard and Teachers College), there are many avenues for reporting sexual harassment and getting support. Upon receiving a report, ?the University will respond promptly, equitably, and thoroughly. In addition, the University will take steps to prevent the recurrence of the discrimination or harassment and correct its effects, if appropriate.? Columbia complies with Title IX which prohibits discrimination on the basis of sex in its educational programs or activities.

- Columbia University Rape Crisis/Anti-Violence Support Center ? (212) 854-HELP
- Public Safety:
  - Barnard ? (212) 854-3362
  - Columbia ? (212) 854-2796
  - CUMC ? (212) 305-8100
  - Teachers College ? (212) 678-3340
- Health Services ? Clinician-on-Call
  - Barnard ? (866) 966-7788
  - Columbia ? (212) 854-9797
  - CUMC ? (212) 305-3400
  - Teachers College ? (212) 854-9797

Reports of alleged gender-based misconduct by a Columbia student should be filed with the Senior Manager at Student Services for Gender-Based and Sexual Misconduct [3], 108C Wien
Hall, (212) 854-1717. This individual is a neutral administrator in the disciplinary process, is responsible for coordinating the disciplinary process, and works with all involved parties. The Senior Manager does not determine whether a policy violation occurred. If you would like to report an incident using an alleged violation, you can submit a report online. [4]

Working through one’s own thoughts and reactions can be difficult when dealing with sexual harassment or when trying to decide whether or not to make an advance. Don’t hesitate to reach out for support. Columbia students can make an appointment with a professional counselor at Counseling and Psychological Services [5] online or by calling x4-2878. Also, check out more info in related Q&As below for more about the issue of the blurry line.

Take care,

Alice!

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