model characterized as tied to the state’s desire to “develop strategies to increase accountability.” Accountability includes responsiveness not to students’ nor educators’ interests but to the whims of ever changing business interests.


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Campus as Community: A Better Approach to Sexual Harassment Policy
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Introduction
While spearheading an initiative to transform student attitudes about sex and sexuality at State University (SU),1 I became aware that my efforts were focused too narrowly. Transforming students’ attitudes would require also transforming their surrounds. How the university conceives of and treats students has reverberating effects on how students understand and treat themselves, their peers, and the university’s faculty, staff, and administration. As I examined the difference between the way I approach the management of my students and their needs and the way the university does—the way SU approaches the management of all its role-players—it became clear that particularly in the case of sexual harassment the difference warrants exploration.

My worry is that State University’s approach to sexual harassment contributes to (rather than combats) a campus climate that facilitates sexual harassment, assault, and violence. Careful consideration of SU’s sexual harassment policy reveals a flaw in the way it conceptualizes students that stymies both efforts to transform student attitudes about sex and sexuality and more general goals to make the campus a safer place for students. My thesis is that while the model by which I conceive of my students may not be ideal for the institutional management of sexual harassment, it spotlights the flaws in the way universities understand and manage their relationships to students.

I’ll proceed by providing an overview of the nature, breadth, and depth of the sexual harassment problem at SU by looking at some recent incidents. I will then discuss SU’s worrisome approach to managing sexual harassment, namely, one that conforms to its general approach to students as clients and the university as service provider. Next, I will review SU’s policies in closer detail and discuss some prima facie weaknesses of those policies. I will then discuss the difference in my own management of students, colleagues, and sexual harassment, and my commitment to understanding them as vulnerable members of my community. Next, I will demonstrate the central weaknesses of SU’s approach by discussing how it manages its incidents of sexual harassment. Finally, I will discuss general strategies for policies that might better “split the necessary difference” between my response and what is actually possible for a large bureaucracy.

My concerns that university sexual harassment policies fall well short of feminist goals of “cultural” transformation parallel those of Margaret Crouch’s essay in this volume.2 My examination also dovetails with that of Janet Trapp Slatger’s and Kathryn Forbes’ essays in this volume in its concerns that audit culture shapes policy so that it is highly functional at protecting universities from liability but much less successful at actually protecting students, staff, faculty, and administrators from sexual harassment.3 Where my analysis diverges in my focus is on the relationship the university assumes to the students and how a re-conception of that relationship will lend itself to the development of policy that better serves the university community as well as the university as an institution.

State University has the usual problems with sexual violence amplified by the fact that in its particular state women 20-24 were statistically most likely to be victims of intimate partner violence and that women in college were the largest number of intimate partner violence victims in that group.4 State University has also been plagued by its fair share of sexual harassment including a particularly unsettling incident involving the alleged drugging and sexual assault of a student by her advisor and his wife who was also on the faculty.5 Though legally this counts as a sexual harassment, at SU it overshadows other more common incidents of sexual harassment. Here are just a few examples:

2. A black female faculty member overhears a conversation between two male students—one Asian, one black. The Asian student is chastising the black student for failing to introduce the Asian student to a black female student for dating purposes. The Asian
knows the black student knows black women because he is a football player.

3. In an informal setting that includes a mix of students and faculty, a female student listens to one of her current professors, a male faculty member, discuss his sexual attraction to another female student in her class.

4. A student goes to her professor to request more detailed feedback on an essay that was returned to her with just a grade and no comments. The professor begins their meeting by remarking about video he has seen: While intoxicated at a party, she was followed around by a male peer who aimed a camera at her chest and provided running commentary about the size of her bosom. This male student then emailed the video to a variety of people which included the professor.

5. A female student opens the local newspaper and finds that her professor is in the police blotter. It turns out that a disagreement that he was having with his girlfriend, who it turns out is also a student, required police intervention when it became violent.

It is likely that neither students nor faculty at SU would recognize these cases as sexual harassment; furthermore, even if they did correctly identify them, they would be ill-equipped to pursue remedy for themselves or on behalf of another party. I want to explore the possibility that the “client” conception of students and the “audit” culture reinforce a conception of—and a relationship to—students, faculty, and administrators that allows SU’s to take a self-protective, minimalist approach to the management of sexual harassment.

**Clients, Policies, and Power**

Much has been made of the administrative shift toward understanding the university as a provider serving students-clients—call this the “client model.” Clients are entitled to audit the university and demand evidence, especially quantitative evidence, of the value of the resource purchased—call this the “audit culture.” Though I am not undertaking a full-scale critique of the client model and its attending audit culture, I do want to point to some worrisome consequences attending this way of conceiving the relationships that comprise the university. Three aspects of the client model and audit culture interest me: (a) by focusing on the economic exchange between students and the university, students are for the university’s purposes reduced to the identity of “consumer” and university and its employees are “service providers”; (b) it posits students, professors, and administrators as equals (because they are equal participants in the exchange); (c) and a more “holistic” conception of the duties to or concerns about faculty, staff, administration, and students (of their identities) is ruled out by these models.

The client model of education positions the student as a purchaser and professors and administrators as service providers. The equal exchange—money for services—makes them equals. The audit culture with its focus on quantitative proof has the consequence of placing the burden to maintain equal standing with the service provider. Students are, thus, empowered in this relationship. With this as background, students and professors are equals. If anyone has more power, it is the consumer. In the context of the audit culture, faculty and administrators are competing for the consumer’s commitment and struggling to demonstrate that their product fulfills the contract and is better than that of competitors. My contention here is that this model creates a set of structural interactions in which students are primarily related to as empowered consumers. The focus on their economic relationship disguises other more primary elements of their social identities (and the social identities of faculty, staff, and administrators as well) and licenses universities to presume that meeting their legal obligations is more than sufficient. State University’s sexual harassment policy reflects exactly and only these commitments.

The official sexual harassment policies each begin with this statement:

[SU is] committed to creating and maintaining a university community that is free from all forms of sexual harassment.

[We] shall not tolerate harassment in relation to the evaluation of employee or student performance, nor shall the university tolerate such behavior on the context of collegial and/or co-worker interaction. Such conduct is an abuse of authority and position. [We] maintain as our official policy that sexual harassment of either employees or students will not be tolerated. The university shall act promptly to investigate all allegations of sexual harassment and to effect appropriate remedy when an allegation is determined to be valid.

The actual policy consists in an almost word by word echoing of the 1980 EEOC guidelines for defining sexual harassment.

Sexual harassment is defined as unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to, or toleration of such conduct on or off campus is made a term or condition of instruction, employment or participation in other university activities.

2. Submission to, or rejection of such conduct by an individual is used as a basis for evaluation in making employment or academic decisions affecting the individual; or [the quid pro quo prohibition]

3. Such conduct has the purpose or effect of unreasonably interfering with an individual’s academic or employment performance or creating an intimidating, hostile or offensive university environment. [the hostile environment prohibition]

It closes with what might appear to be special attention to the power dynamics of supervisory and professor/student relationships:

Supervisors and faculty members must recognize that their positions necessarily embody unequal power relationships with their subordinates and students, respectively. Because of the inherent power difference in these relationships, the potential exists for the less powerful to perceive a coercive element in suggestions relative to activities outside those appropriate to the professional relationship. It is the responsibility of supervisors and faculty members to behave in such a manner that their words or actions cannot reasonably be perceived as coercive.

Despite the universities’ expressed commitment to a harassment-free environment and their intolerance for all types of harassment, the de facto policy suggests otherwise. First, there is no central location for sexual harassment policy (it is buried in Student and Faculty Handbooks and there are two separate listings in the student handbook); there is also no consistent set of policies. (There are possibly distinct policies depending on the standing of both of the accused and the
standing of the accuser. One policy listing explains both how to handle accusations against students and faculty—which are handled by two different offices—the other makes no explicit distinction.12

The three locations in which you can find rules and regulations about the sexual harassment policy each include a complex (but not identical) system of bureaucratic hoops that involve petitioning of a particular office at the university (in one instance the Director of Human Resources, in another the Associate Vice Chancellor of Human Resources, and the other the Assistant Dean of Student Affairs). Two of the levels of problem solving involve attempted resolution of the complaint by the same university representative (Informal mediation, for thirty days, and formal grievance, for sixty days, both involve an attempt at resolution by the Associate Vice Chancellor of Human Resources.) In another stated policy the Associate Dean of Student Affairs has free rein to reject the complaint (based upon whether there is sufficient information).13

Students do not receive any sort of training as to which treatment by and of their faculty, administration, and peers is inappropriate. They receive no training about how to help their peers or others who seem to be suffering from inappropriate treatment. As part of a one-time orientation, faculty receive training that focuses on indicating quid pro quo harassment. There is very little by way of efforts to educate about subtler forms of sexual harassment that might contribute to hostile environment. They also receive no training about how to handle students, staff, or faculty making sexual harassment complaints. This sexual harassment policy reflects the lack of training and ill-conceived reporting procedures identified by Forbes and Slagter14 in their analysis of the sexual harassment policies at Cal State Fresno.

Finally, there are no explicit policies forbidding relationships between supervisors and their subordinates between professor and their students. There is no policy that prohibits relationships with people under one’s direct supervision or people who are one’s current students or advisees.

Conceived primarily as consumers—empowered by their purchasing power and the audit culture that identifies them as having fulfilled their responsibilities simply by having their tuition and fees paid—the obligation of the university is just to make sure that there are structures in place for independent citizen-consumers to remedy injuries they identify. The client conception of students—which posits them as as equals, as empowered—together with the client/provider conception of their relationship to the university makes some sense of the current strategy.

Confidants, Vulnerability, and the Harms of Harassment

As one of many tasked with the actual provision of the main service that the university provides students, the way I conceptualize my duties and obligations to students, by necessity, strays from conceiving them simply as equal citizen-consumers and reveals some of the flaws of that approach.

In considering the cases above, two plausible scenarios for how a student in these positions would handle it did come to mind: troubled students come speak to me about their experiences. I am relatively “outsoken” as a feminist and teach primarily courses on critical race, gender, and feminist theory, and am also widely known in virtue of my role in teaching general education courses that most of the students have to take. This confirms Forbes and Slagter’s analysis of centralized reporting systems, they are both dysfunctional and unrealistic. The injured confide. What is revealed in this practice is the profound sense of vulnerability born out of recognizing that they have been trespassed against. When staff, students, faculty confide in me, I have frank conversations with them that make clear that I believe they have been wronged, but also that the procedures for trying to report and curb the bad behavior forces them into the open and puts them at risk of retaliation from the accused, their friends, their family, and their peers. I encourage them to carefully weigh the risks and benefits and promise to be of support no matter what their decision.

In analyzing their situations and how to manage them my focus pointedly re-conceives these folks in terms of their vulnerabilities (as opposed to what makes them equals). I relate to them not in terms of equal exchange, but in terms of how I can meet their needs. The question I ask is this: What if our approach to students, faculty, staff, and administrators took them first as vulnerable persons with whom we share community whose aim is to best fulfill the needs of all from the most vulnerable to the least? This is the approach that shapes my engagements both with those who confide in me and with the members of my shared community more generally.

The university has a variety of resources in terms of personnel, materials, and capital, but it is vulnerable, nonetheless.15 It risks losses of control and resources necessary for the accomplishment of its aims. It relies on various parties to help it fulfill those needs. (The university’s tendency to conceive of its students as empowered consumers reflects its self-identified vulnerability as an institution.) Administrators, to a greater degree, faculty, and, to an even greater degree, students and staff, are relatively weak. They have limited personal resources and are reliant on institutional structures for the effectiveness of many of those. (They are embedded in practical relationships where they are dependent upon other role-players in order to accomplish their aims even when their own skills and resources are the major factor in achieving those aims.) Faculty, staff, students, and administrators are also relatively vulnerable (more vulnerable than universities). They have even less control over the various resources necessary for the fulfillment of their aims. They are part-time employees, adjunct instructors, junior faculty, interim deans, and scholarship students. Suggested in both of these statements is the recognition of and commitment to students as persons with needs and vulnerabilities. The primary one in this case being their need for intellectual growth and preparation for life as citizens of a complex world full of persons of varied sorts.

My position as a confidante also forces/allows me to see the members of a university in light of more than just their relationship to the university. They are women; persons of color; disabled; gay, lesbian, transgender, bisexual, veterans, parents, employees. These identities come with a host of additional vulnerabilities and weaknesses. Moreover, they are persons in the world, so also isolated, insecure, anxious, physically ill, and a host of other things at different times that also create certain vulnerabilities.

To clarify my concerns, I want to return to the cases of sexual harassment I discussed earlier. The first and final cases focus on a particular type-instance of sexual harassment — cases that suggest predatory faculty taking advantage of relatively helpless students. While Crouch is rightly critical of the focus on these types of cases, they serve to highlight the importance of conceiving parties as relatively vulnerable members of a shared community. These cases might have been circumvented by a strict prohibition on student-faculty relationships. It is argued, however, that forbidding sexual relationships between students and faculty is problematic in practice—at large institutions and even small ones, for example, one cannot always tell that a person you meet at a bookstore or bar is a student at your university. Some have argued that it is problematic in principle as well. It is patronizing and that it
interferes with basic entitlements to satisfaction and fulfillment through personal relationships.16

I want to consider the difference it makes to view principled concern through a lens that begins with conceiving of members of the university as members of a community aimed at meeting each other’s needs despite varied vulnerabilities, strengths, and weaknesses. Viewed as relatively empowered citizen-consumers and service-providers—largely stripped as far as the university is concerned of other relevant identity characteristics—it makes sense for the university to ignore romantic relationships until requiring a problem arises. If a problem does arise, that last caveat—recall SU’s concluding statement “it is the responsibility of supervisors and faculty members to behave in such a manner that their words or actions cannot reasonably be perceived as coercive”—makes the responsibility for appropriate relationships the special burden of individuals and (as a matter of good fortune) immunizes the university against claims made against them when individuals fail. What might have seemed to reflect a concern about the power dynamics of supervisory and professor/student relationships is clearly revealed as a method of creating or exploiting a vulnerability for faculty, staff, administrators who find themselves in supervisory roles. The caveat places the burden upon them.

Viewed through the lens of community and vulnerability, it becomes easier to directly articulate why faculty/student (and supervisor/subordinate) relationships are so often problematic, and not just for the individuals directly involved. The second, third, and fourth cases I discuss are very different from the first and last and pose a challenges to both traditional legal standards for sexual harassment and subsequently for bureaucracies like universities trying to enforce the hostile environment prohibition. Furthermore, the university, as an element in a complex community, its obligations to its members extend beyond merely satisfying the letter of the law.

In case three—where a female student is subjected to her professor’s expression of his feelings of attraction for another student, X, in her class—whether or not he pursues or begins a relationship with X, our female student has been reminded that she is potentially fodder for the sexual imaginations of this professor. Because we live in a sexist society, where she is regularly confronted by the fact that her body leads in the recognition of her identity, she might suddenly be reminded that she could be fodder for the sexual imaginations of other professors. Because she is aware of the realities of the world, she can wonder if other students are having affairs with professors, if those students are treated differently than she is, if she are treated better or worse. She can wonder if her successes are ever attributed to special treatment because of her sex or her relationships. The crisis of confidence will hinder progress, prevent her from meeting her aims, and the aims the community has for her. Similar challenges will face the student in case three: in addition to accepting that any of her professors may have seen a lewd video of her, withdrawal from that particular professor’s class jeopardizes her financial aid and delays her progress toward her degree.

Recall case two: a female faculty member listens to two male students sexualize female students in ways that reflect problematic intersections of racism and sexism. Despite her relative privilege (regarding age, education, standing, and power at the university she is less vulnerable than the male students), she is vulnerable with regards to race and gender. She is reminded that she will be less respected because of her race and gender by these students and others like them, she will receive lower evaluations, be regarded as less competent. She will be forced to strike a Faustian bargain between dressing in ways that are perceived as professional (which includes markers of stereotypical femininity) or fight constant battles to be as respected as her peers who are free to wear jeans and short-sleeves if they so choose. The stress will make her less able to do her job, cause it to take more of her time, and again she will be hindered from achieving her goals, goals that serve the interest of the university.

These vulnerabilities are not individual and they are not imagined. Importantly, the quid pro pro scenarios captured in the first and final case serve to buttress these subtler vulnerabilities. Simply banning these student/faculty relationships is not a sufficient response, just in the same way that a policy that serves only to redress harms of sexual harassment is not sufficient. It fails because it does not adequately address the vulnerabilities that contribute to and that are exploited, engaged, or exacerbated by sexual harassment.

Conclusion: Campus as Community

My contention is that it makes more sense for universities to understand themselves as communities of individuals with varying degrees of strength, weakness, and vulnerability who work together toward goals, some of which are common and some of which belong to the individuals or the bureaucracy alone. Doing this creates a set of moral concerns that requires that the university’s preparation for and response to sexual harassment extend beyond the merely legal.

This contention suffers a gaping flaw. It asks a bureaucracy to behave more like a person than it is clearly capable of doing. It is challenging enough for human persons to be sensitive to the vulnerabilities of other persons in ways that allow them to respond adequately. The human strategy of employing increasing layers of intimacy to develop know-how about the vulnerabilities of specific others is not readily available to universities because of the number of relevant persons and of the structure of universities. Even with knowledge about the vulnerabilities that impede the success of members of a university community, the university’s main tool for response—policy—might be too coarse to successfully shield its members.

One of the strengths that the university has, however, is that it can appeal to a variety of resources for the accomplishment of this challenge. It can depend on various parts of its structure to do the work of identifying especially important vulnerabilities.

Conceiving of sexual harassment as a problem that plagues a mixed community of persons blighted by various vulnerabilities—including gender, race, and sexuality discrimination more generally, but also immaturity, challenging work, long work hours, loneliness, insecurity, and isolation—universities can employ their various resources to develop long-term programs designed not only to educate people about the nature and harms of sexual harassment, but to also address the vulnerabilities that contribute to and exacerbate it. Thereby, the student-consumer becomes a person and the service provider becomes a refuge.

Endnotes

1. While I am using a particular institution—Arkansas State University, where I was a tenured professor and director of the Women and Gender Studies minor—in my examples, I will refer to it throughout this essay as State University or SU in order to highlight my contention that the problem that I am discussing in this essay is one that is plaguing many universities around the United States.

2. See Margaret Crouch’s essay in this volume titled “Benevolent Sexism, Implicit Bias, and Sexual Harassment in the Academy.”

3. See Forbes’ essay in this volume titled “Growing Their Profession, Interpreting the Law: Human Resources and the Management of Sexual Harassment Complaints in the


6. My contention is that this is not just a reflection of some sort of willful ignorance with the epistemic purpose of preserving privilege [even the sexual assault case might be recognized as wrong but be conceived as wrong in a way that is different and separate from the impact it will have on the student as student].

7. To be clear it is not my contention that this set of relations I want to critique originates with the client model/audit culture, but rather that this set of relations is codified by it.


11. Ibid., 35.


13. Ibid.

14. Kathryn Forbes and Janet Trapp Slager, Sexual Harassment Policy.


Creepers, Flirts, Heroes, and Allies: Four Theses on Men and Sexual Harassment
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What does “creepy” mean?

“Wow! What a creeper!” My sixteen-year-old daughter often says, breezing in the door, referring to some encounter she’s just had taking the city bus home from school, or walking through the park down the street. Her three teenage sisters say it too. When they have occasion to remind each other of the unpleasant experiences they’ve already started to collect walking down the streets, standing at the bus-stop, in the cars of boys they have dated, and with one or two of their male teachers, the reminder starts, as often as not, with “Remember that creeper who….” When I ask, “What do you mean by that?” they just say, “You know, a creeper…as in creepy,” and roll their eyes at their philosopher-mother’s efforts to get them to think more about something so self-evident. And the truth is, I do know what they mean. In fact, I’ve taken to calling out to them in their very own vernacular, “Watch out for creepers!” as they head out of the house on some teenage errand.

But perhaps they resist my efforts to get them to talk about what they mean in part because it isn’t so easy to say what “creeper” means, when you really sit down to do it. Even for me, after years working in organizations for battered women, managing the crisis hotline, training hundreds of volunteers and staff members to work the crisis hotline, advocating for women and training others to advocate for women in the counseling room and in courts of law—I really need my philosophical training in order to say what “creeper” means. After all, a creeper doesn’t necessarily engage in the blatant and (for the most part) more easily defined behavior that we have in mind when we say “battery” or “rape” or “sexual assault,” and the words change if he does. He’s no longer just a “creeper” but something even worse. Whatever he is doing that makes him a creeper seems to carry the threat or possibility of these other forms of abuse,1 but he needn’t ever cross those lines to earn the name “creeper.” Feminists had to fight long and hard to get the more overt forms of abuse recognized by the police and the courts (and even more importantly to recognize them ourselves), and that battle still isn’t over. But “creepy” is something that doesn’t necessarily rise to the level of more overt abuse.

The behavior of a “creeper” seems to fall, or sometimes only almost fall, under what we categorize as “sexual harassment.” But even here, the “classic” form of sexual harassment in which: 1) it happens in an institutional context in which the harasser and the harassee have some professional relationship with one another, usually with the harasser in a position of greater power, and 2) the harasser avails himself of that power, as when he uses grades or job security, promotion or demotion, his control over someone’s professional reputation, etc., to back up his sexual approach to the victim—already goes beyond the