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Sexual Harassment Policies and Procedures in South Florida Community Colleges: Perceived Affects on Teaching Learning

Lyn J. Pont
Lynn University

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Sexual Harassment Policies and Procedures in South Florida Community Colleges: Perceived Affects on Teaching and Learning

Lyn J. Pont
Lynn University

Graduate School of Education
Abstract

The purposes of this research were to determine: 1.) if sexual harassment policies, content, communication and subsequent related training, or lack thereof, subject South Florida community colleges to legal risk; and 2.) the perceptions of how sexual harassment policies and procedures affect students and faculty, their interactions, and how students learn and how faculty teaches, being mindful of a possible cultural component.

In determining if the sexual harassment policies and training subjected the colleges to legal risk, a sexual harassment policy and procedural grid was used to analyze the policies in place at all four South Florida community colleges. The grid was created based on relevant case law, employment litigator position papers, the Equal Employment Opportunity (EEOC) Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, and the written conclusion of legal counsel of the United States Equal Employment Opportunity Commission (see Appendix G).

Determining the perceptions of how the subject matter affects students and faculty was accomplished by interviewing a non-random, purposeful sample of twelve individual subjects and two focus groups of ten participants each, from two of the four community colleges in South Florida.

Within-case and across case analysis were performed on seven different constructs: policy content, communication, training, teachers/teaching, students/learning, risk and
culture.

It was determined that the community colleges of South Florida are at legal risk, due to the lack of, and at best, insufficient training in the subject matter; the content of their sexual harassment policies; and the manner in which the policies themselves are administered and communicated.

While educators saw little affect on teaching itself, there were numerous comments about the loss of personal interaction between teacher and student due to a heightened awareness of new physical boundaries.

Students overwhelmingly reported a negative effect in the classroom and in interactions with instructors. Additionally, culture and age were found to be highly influential factors in the reporting of claims.

The subject of training was the underlying theme throughout the research. Lack of training contributes to legal risk for the colleges and allows young students, and students and employees who are either from authoritarian countries or who do not have an adequate understanding of the English language, to remain uneducated regarding where they can turn for assistance. Additionally, the lack of training can subvert education by allowing ill-equipped students to face important issues, thinking that they have no recourse.

The research indicates that the administration of sexual harassment policies and procedures is not seen as a priority issue on South Florida community college campuses.
SEXUAL HARASSMENT POLICIES AND PROCEDURES IN SOUTH FLORIDA COMMUNITY COLLEGES: PERCEIVED AFFECTS ON TEACHING AND LEARNING

Pont Lyn J., Ph.D.
Lynn University, 2001

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I also extend my deepest appreciation to my husband, Bernard Dane Stein, Esq., and to my brother, Edwin S. Pont, M.D., for their flawless support. Each knew when to cajole and when to just be there.

Finally, a special tribute, in memory of my parents, Helen and Harold Pont. They provided me with love and laughter, and always encouraged me to excel.
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Chapter I: Statement of the Problem

In May of 1999, the United States Supreme Court, in a 5 to 4 decision, held that "recipients of federal funds may be liable if students are victims of severe, pervasive, and objectively offensive harassment that interferes substantially with their education and that officials knew about, had the authority to stop, but did not" (Hebel, 1999) (Davis v. Monroe County Board of Education, 1999). This decision makes it very clear that college officials must be prepared to pay close attention to allegations of sexual harassment.

The lead counsel for the plaintiff in that landmark case, which involved one student sexual harassing another, advises colleges to look closely at their sexual harassment policies and procedures and to make sure that they are well publicized. Furthermore, he states that institutions of higher education must take their responses to sexual harassment complaints more seriously (Anonymous, 1999).

The United States Equal Employment Opportunity (EEOC) Commission Guidelines on Discrimination Because of Gender ("the Guidelines", 1980) defines sexual harassment as:

"...unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature...when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an
individual's employment, (2) submissions to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or affect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, or offensive work environment."

The courts have further defined two types of sexual harassment. Quid Pro Quo sexual harassment is an unwelcome sexual advance or request for sexual favors for which the employee would receive some personal gain such as a pay raise, promotion, transfer, or merely keeping his or her job. This definition involves both coercion of the employee and verbal or physical conduct of a sexual nature. Hostile work environment is defined as unwelcome sexual advances or requests for favors as well. The difference is that the verbal or physical conduct has the purpose, or has the affect, of "unreasonably interfering with an individual's work performance, or creating an intimidating, hostile, or offensive working environment (Hendrickson, 1999)".

Borofsky, in 1999, published his findings of a qualitative comparative study of the sexual harassment policies and procedures of the fifteen community colleges in the State of Pennsylvania. His research found that each community college participating in the study had both a sexual harassment policy and a complimentary administrative procedure in place. However, the extent to which these policies met various criteria
established by legislation and governmental regulations varied. Borofsky’s research concluded that many of the community colleges in his population conducted sexual harassment education and training programs. Still, each administrator interviewed reported that not enough was being done in terms of educating students in the subject matter. Borofsky reported that almost no research has been completed on this particular topic on community college campuses.

The bulk of the research has been directed to four-year institutions. Based on Borofsky’s findings, his recommendations for future study suggest that given faculty’s heightened awareness surrounding the issue of sexual harassment, inquiry should be made into how the subject matter effects how faculty teaches. Additionally, “Comparative studies should be completed in other state community college systems to determine whether the results found in Pennsylvania community colleges are the same in community colleges in other states.” He suggested that questions to look at in future research might entail how staffs, faculty and students are educated in the subject matter, and whether that training is effective, whether the colleges have sexual harassment policies that are clear and complete regarding both State and Federal guidelines, and whether there is a regional culture that may affect the general understanding of the issue (Borofsky, 1999).

**Statement of the Purpose**

The purpose of the research is twofold. First, to examine the perceived affect(s) that sexual harassment policies and
procedures have on teaching and learning on South Florida community college campuses and, secondly, to evaluate the policies themselves, their content, communication and subsequent related training, or lack thereof, to determine if the policies subject South Florida community colleges to risk. Nationwide, there are 10.4 million Community College students. These students make up 44% of all United States undergraduates. Fifty-eight percent are female and 42% are male (National Association of Community Colleges, 1999).

Out of the fifty nationwide systems, Florida can boast being the fourth largest community college system in the nation, with 753,255 students enrolled in 1999. The Florida system is also the third highest producer of associate degrees in the United States. Florida community colleges are the most prolific in the country, having nine of the top twenty national producers of associate degrees. Over 50% of all upper division courses in Florida four-year colleges have former Florida community college graduates filling the seats (Florida Community College System, 2000).

The Florida Community College System’s mission, as found in Florida Statutes 240.301 is as follows:

“The community college’s mission reflects a commitment to be responsive to local educational needs and challenges. In achieving this mission, the colleges strive to maintain sufficient local authority and flexibility while preserving appropriate legal accountability to the state (Florida Association of Community Colleges, 2000).
The Florida Civil Rights Act, which governs all Florida employers and subjects them to legal liability if, among other things, discrimination on the basis of sex is found, is one of the "legal accountabilities" that would precisely fit the definition of the Florida Community Colleges System's mission (Florida Association of Community Colleges, 2000).

The National Association of Scholars, in its statement on the subject, states: "Sexual harassment is always contemptible. Because it also subverts education, it is particularly damaging in an academic setting" (National Association of Scholars, 2000).

Given the above landmark court decisions, little research in the area of the affect of sexual harassment policies and procedures on both teaching and learning, and the huge numbers of community college students in Florida, the problem becomes important.

Research Questions

Almost all research in this area has been conducted at four-year institutions. Borofsky's research concluded that the extent to which the colleges he studied had policies that meet criteria established by legislation and other legal regulations varied, as did the amount of and scope of training received by faculty, administrators and students (Borofsky, 1999). Based on Borofsky's recommendations for further research and on the National Association of Scholars statement that sexual harassment "subverts education" (National Association of Scholars, 2000) the following questions will be examined in this
1. Do the policies, their content, communication and subsequent related training, or lack thereof, subject South Florida community colleges to risk? Risk is defined as legal risk.

2. What is the perception of how sexual harassment policies and procedures affect students and faculty, their interactions, and how students learn and how faculty teaches; is there a cultural component to this?

The study examined the sexual harassment policies and procedures of four community colleges in South Florida and how students, administrators and faculty of two community colleges in South Florida perceived the affects of the policies and procedures on teaching and learning. In-depth case studies were conducted to determine how the sexual harassment policies and procedures are administered. Further, the researcher evaluated whether the schools are at legal risk and how they view this risk. The study examined whether there were any cultural considerations specific to the campuses that shed light on how students and teachers reacted to the policies and procedures.

General recommendations were made at the conclusion of the research on how to affirmatively protect Florida community colleges against possible employment litigation in the area of
sexual harassment. General recommendations were also made when detrimental affects regarding teaching and/or learning and/or any affect that was related to the sexual harassment policies and related administrative processes themselves were found.

Qualitative methods were utilized as both the affect and intentions of the case study participants were studied, and the particular context, within which they act, was examined. Additionally, while the study was concerned with outcomes, it also examined the process by which the events being examined took place (Maxwell, 1996). The literature review uncovered very limited research that related to this researcher's proposed topic in the community college arena.
Chapter II: Review Of The Literature

Recent Court Cases And Related Information

During 1999, sexual harassment settlements by public companies were widely reported in the media. In September of that year, the Ford Motor Company negotiated a $17.5 million dollar resolution with the federal government for sexual harassment allegations at two of its Chicago factories. Seven million, five hundred thousand dollars went to the victims of the harassment as compensation, and $10 million more was set aside to train managers and male employees. The object of the training was to stop alleged years of parties with strippers and prostitutes, name-calling and groping (Muller, 1999).

A jury recently awarded $21 million dollars to a woman who claimed workplace sexual harassment at a Daimler-Chrysler factory. She filed the suit, contending that for years, she had been subjected to photographs and cartoons which were obscene. According to the plaintiff, the last straw was when someone urinated on her chair (New York Times, July 20, 1999).

Another broadly reported jury award involved a corrections officer against the State of New Jersey. The New Jersey Superior Court agreed with his claim that the State did nothing about the harassment he received from his female co-worker. He was awarded $3.75 million dollars (Anonymous, 1999).

Public companies are not alone in their payment of large settlements. College campuses are far from exempt from being ordered to settle sexual harassment claims. Recently, Imperial
Valley College in California paid $75,000 to settle a sexual harassment claim made against the College president by an employee. The offer was made by the Board of Trustees. A privacy agreement was made so that no details are available other than, according to the plaintiff’s attorney, the president’s conduct conformed to both the state and federal definitions of sexual harassment (Anonymous, 1999).

The University of Texas-Houston Health Science Center has been directed by a federal jury to award $448,000 to a former dental professor. He claimed that his division chairman joined him in bed at an academic conference in Mexico. The allegation was that the division chairman preyed on the professor’s fears about possible job loss. The professor was working under a foreign visa (Leatherman, 1999).

The University of Minnesota currently has a shadow hanging over its football team and men’s basketball players. It has been widely reported that these men had sexually harassed tutors and other campus women. It has also been alleged that the campus police intervened at the request of the athletic department officials so that these claims were never prosecuted. Over 24 reports of sexual misconduct are now being examined by University investigators (Welch, 1999).

Recently, the State of Florida has had two headline-making cases. Florida State University removed a professor from teaching while a claim of sexual harassment was being investigated. A female student alleged that her male professor exposed himself to her. The professor claimed that the exposure
of his genitals was accidental and that he was actually showing research assistants a hernia scar. The instructor was placed on paid leave during the inquiry (Banerji, 1998).

A teaching assistant at the University of South Florida has been charged with sexual harassment after following his professor's advice. The student is Black. He was advised to show a black and white photograph of himself having sex with a woman who is White. His professor suggested that the photograph be shown to an introductory art class to illustrate how artists use their own bodies in their own artwork. The Vice-Provost for Academic Affairs said that while students certainly had the right to file sexual harassment complaints, the instructors also have the right to make decisions regarding what information they will show in class. Currently, the photograph in question has not only been posted on the World-Wide Web, but is also regularly seen on campus, on the front of T-shirts (Anonymous, 1999).

**Historical Review of Pertinent Case Law**

The present environment of extensive liability and large awards can best be viewed through the perspective of history.

With the concept of sexual harassment being relatively new to higher education, one can look to its beginnings in fairly recent legal history. These beginnings are found in Title VII of the Civil Rights Act of 1964. This Act prohibits employers from discriminating against persons with respect to their "compensation, terms, conditions or privileges of employment, because of such individual's race, color, religion, sex, or
national origin." This Act also prohibits discrimination in regard to gender (Title VII of the Civil Rights Act of 1964).

Prior to 1976, the courts had not ruled regarding whether workplace harassment was a violation of Title VII; Title VII was viewed as related to conditions of employment only. When a Federal District Court did hold that sexual harassment of a female employee by a superior was indeed a violation of Title VII, the idea of sexual harassment soon became an add-on to the Equal Employment Opportunities (EEOC) Commission Guidelines on Discrimination because of gender (Williams v. Saxbe, 413 F. Supp. 654 (D.D.C. 1976) at 657). The EEOC Guidelines on Discrimination are not binding on the courts. Still, the nation's courts do give the Guidelines great deference when interpreting and applying Title VII (Title VII of the Civil Rights Act of 1964).

Other law defining cases followed. One of the most prominent was Meritor Savings Bank v. Vinson which occurred over twenty years after the Civil Rights Act of 1964. In Meritor, the Supreme Court articulated exactly how hostile work environment might be evaluated (Meritor Savings Bank v. Vinson, 1986). In Oncale v. Sundowner Offshore Services, Inc. (1998), the Supreme Court, in a sparse, but milestone decision, found that Title VII did not exclude same-sex harassment claims. In addition to the decisions described above, higher education is governed by the Campus Sexual Assault Victims' Bill of Rights. This statute requires all institutions of higher education, which participate in any federally funded program, to develop
policies which are meant to prevent sexual offenses (The Campus Sexual Assault Victims' Bill of Rights, 1992).

Most recently, two new landmark decisions have transformed the landscape of sexual harassment. In Burlington Industries, Inc. v. Ellerth, the Court ruled that it was not necessary for an employee to suffer a tangible job detriment when resisting a superior's sexual advances. Additionally, it was reasoned that employers had vicarious liability for supervisor harassment as the employers aid in the inappropriate behavior by delegating authority to the supervisor (Burlington Industries, Inc. v Ellerth, 1998). The second highly significant decision was Farager v. City of Boca Raton. The Court held that an employer may be liable for sexual harassment by a supervisor, even if the employer was not aware of the supervisor's misconduct (Farager v. City of Boca Raton, 1998). These two decisions establish a new standard of vicarious liability for employers. The above decisions apply to all employers, both public and private.

Additionally, all Florida employers are subject to the Florida Civil Rights Act of 1992 which prohibits discrimination on the basis of race, color, religion, sex, national origin, age, disability, or marital status. Actual and punitive damages are allowed an aggrieved party. Additionally, various cities and counties throughout Florida have their own Human Relations Acts (Florida Civil Rights Act of 1992).

All institutions of education that receive federal financing are subject to Title IX of the Education Amendments of
1972, which prohibits discrimination against students. It also requires the creation and publication of grievance procedures for any sexual harassment claims, and the appointment of a specific individual to oversee any and all claims of sexual harassment. Educational institutions, who do not follow the requirements of the Act, may risk the loss of federal funding if found at fault, in a sexual harassment court case (Title IX, 1972).

**Opposing Points Of View And Court Opinions**

Not all opinions agree with the force of these courts. McIntyre states that, "Informal communicative remedies work best where the desire to bring the harassment to an end, and not necessarily punish or excuse harassment...". She looks to procedural fairness for all parties and writes that consideration must be made for alternatives to formal and legal remedies (McIntyre, J., 1993).

In 1997, over 45 students, faulty and alumni staged a 1960’s-style sit-in as a protest against Flathead Valley Community College where an instructor had been suspended for alleged sexual harassment. At least one of the women, who made the informal claims to the College, pursued the accusation further through a complaint in the U.S. District Court. The professor claimed that he had not been afforded due process and there was vocal and public support for his position (Haworth, 1997).

At Corning Community College, in Corning, New York, a Teachers’ Committee was formed to look at the issue. It found
that sexual harassment was not a major issue (Buckley, 1991).

University of New Hampshire Professor Donald Silva, a tenured faculty member, was suspended without pay for a number of sexually explicit remarks made during his freshmen technical writing class. Dr. Silva explained that he was merely using metaphors to assist the students in focusing on the subject. He brought an action against the University of New Hampshire and was reinstated and paid damages and fees to settle the case. This case is seen as the first to address the conflict between free speech and sexual harassment in higher education. This opinion provides a defense of academic freedom against sexual harassment regulations (Silva v. The University of New Hampshire, 1994).

In sharp contrast to Burlington Industries, Inc. v. Ellerth (Ibid, 1998), the United States District Court for the District of New Hampshire ruled that a school district was not liable for sexual harassment of which it was unaware, and which was never reported (Gebser v. Lago Vista Independent School District, 1994).

Leitich (1999) claims that the “battle lines are being drawn on college campuses.” On one hand, some students feel that there are too few safeguards against sexual harassment. Others feel that all of the media attention, brought on by recent and somewhat sensational court cases, has caused women to report minor incidents that are sporadic and inappropriate. This view believes that the whole issue of sexual harassment on
campus ends in a disservice to the women who are actually being harmed by sexual harassment, and that careers and reputations may be damaged.

**Student and Faculty Roles**

Unlike the traditional college students, community college students do not always fall into the traditional 18 - 25 year age range. Therefore, there are those who think that older students are on an equal footing with their professors, and that sexual harassment is not a topic to be considered. Still, older students, as well as younger adults, are often vulnerable and stressed when facing college, and they may not have the same family and other support systems generally available to younger students (Schlosber, Lynch, & Chickering, 1989).

Stamler and Stone (1998) state that the "autonomy of faculty, in combination with the evaluative role of parent-like position, interacts with student vulnerabilities related to their admiration and trust of faculty...with a significant power differential between the student and the faculty member. Sometimes, however, faculty deny, ignore, or abuse the power they have."

Banks and Kern (1996) advise us that faculty-student relationships are best looked at within the context of the vulnerability that students, particularly women and minority students, feel, due to their non-dominant status within this particular community. The instructors are admired and trusted and, in addition, have power over grades and classes. They see this scenario as rife with the potential for harassment to
Those opposing this opinion see faculty as the victims to “undergraduate Lolitas.” These same critics advise us that the faculty members, themselves, are quite open to opportunistic students because they are often isolated within the campus environment (Ibid).

Still, in one study of college campuses, over 26% of male faculty reported having “sexual encounters” with their female students (Fitzgerald, Weitzman, et al., 1988). Other research has been conducted that shows that one important stressor, and a barrier to female faculty attaining academic success, is sexual harassment, from not only male colleagues and supervisors, but from male students as well (Keim and Erickson, 1998).

The Equal Employment Opportunity Commission reports that sexual harassment not only continues to be a most important workplace problem, but also that the number of cases filed continues to increase at significant rates (Zachary, 1999). Yet, research that has been conducted at community colleges on this issue has only looked at numbers of people harassed and has failed to focus on the issue of the organization itself, how it either proactively attempted to prevent harassment, or not, or how, and if, it responded when sexual harassment occurred (Borosky, 1999).

Title IX of the Education Amendments of 1972 protects students from sexual harassment. Title IX of the Education Amendments of 1972, among other things, states that it is against the law to discriminate on the basis of sex. Title VII
of the Civil Rights Act of 1964 protects employees from discrimination and sexual harassment. From the review of the literature, it is shown that both of these laws can be used to litigate against community colleges.

The review also shows that the roles played by both teacher and student must be examined in relation to the vulnerability of each and to the affect sexual harassment policies procedures and administration may have on the optimal environment for teaching and learning.
Chapter III: Methodology

Qualitative Methodology

The qualitative approach was chosen for two reasons. First, because the area of sexual harassment policies and procedures and their perceived affects on teaching and learning on community college campuses has only been narrowly studied, and next, to allow not only the actual experiences of the subjects to be studied, but for the feelings and emotions of the participants to be heard and understood (Lewis, 1997).

Berg (2001) states that there is a "preoccupation of so many quantitative social scientists with methods, often at the expense of both theory and substance." Conversely, qualitative methods are irrevocably bound to the subject matter of the investigation (Berg, 2001).

Additionally, the research employed the qualitative method as events, process and programs, as well as individuals, were studied. The research is phenomenological in nature because experiences, meaning and essence are described (Creswell, 1998).

Qualitative researchers have been described as emphasizing "the value-laden nature of inquiry. They seek answers to questions that stress how social experience is created and given meaning (Denzin & Lincoln, 1994)." This description is an accurate reflection of the aspiration of this study.
Data Collection

The population for the policy analysis was inclusive of all four community college campuses in the South Florida region. When the researcher reached the case study section, the population for in-depth interviews was six individuals from each of two of the four community college campuses in South Florida, two each, student, faculty and staff. Additionally, a student focus group was conducted at each setting, as by far, students make up the preponderance of the population on all campuses, and would not be otherwise adequately represented in the study. Focus groups enable researchers to gather qualitative data that might otherwise not be accessible; they are advantageous, as information that might be missed in a one-on-one interview is discussed in a format that encourages participant feedback (Quible, 1998). The student focus groups were each made up of ten participants as “smaller groups allow for more thoughtfulness and more substantial contributions from each of the participants (Shea, 1995).”

An administrative representative from each college (i.e., Institutional Research Director, Human Resources Director, other appropriate administrator) was contacted by telephone. Next, an in-person meeting was held so that the study could be explained, questions answered, a professional rapport established and permission to conduct the study granted. The college representative was advised that an initial in-person and confidential interview of faculty, administrators and students would occur, followed by a second data conformation interview,
at some time in the future. The second contact was made by telephone.

At the first college visited, "College A", the researcher, in collaboration with the Human Resources Director, selected the following faculty positions to be interviewed: the Director of Human Resources, the Director of Student Activities and the faculty member who also represented the college's faculty union. It was reasoned that these three positions represent individuals who work directly with either students and faculty, or both, and have direct contact with the campus' sexual harassment policies and procedures. In some cases, they have classroom and student contact as well. Further, each of these individuals was asked to name a faculty member whom they believed was popular with the students. If that faculty member was named at least three times, then that individual became the final faculty interviewee. The student body president and an editor of that college's student newspaper were also selected with the assumption that these two individuals would be active in the college and aware of events and policies. The student body president recruited the focus group participants. This selection method was duplicated at "College B".

The data was collected through the use of open-ended questions (see Appendices A, B C, and D). Bruce L. Berg (2001) notes that in analyzing data, the most serious difficulty for the researcher is found in looking for inconspicuous messages which may be oral, written or videotaped. When analyzing content, if researchers use open-ended questions, this weakness
should become nonexistent.

**Settings**

There are four community colleges in South Florida. Each college is located in a different county. The statistical information that follows was obtained both from each college’s web site and from discussions with college administrators.

"College A"

College "A" has the distinction of being the first public higher education institution in its county. The college has three main campuses and several centers and off-campus facilities. College "A" has over 120,000 students enrolled; 294 full-time and over 450 part-time faculty instruct these students. The student body ethnic makeup is as follows: 47% White, 25% Black, 3.8% Asian and 0.7% American Indian. Thirty-nine point two percent of all students are male and 60.8% are female. The average age of students is thirty.

Prior to beginning research related to College "A", the researcher first met with the Director of Institutional Effectiveness. There were numerous departmental forms to fill out, and a narrative had to be prepared which explained the purpose of the proposed research. Additionally, the researcher was given an in-house white paper which described the college’s expectations for the conduct of visiting researchers while on this campus.

The researcher advised the Director that she would be presenting the participants with informed consent forms (see Appendices E and F). The college requested copies of the forms.
The researcher did forward these copies to the Director of Institutional Research both as samples, prior to the research being conducted, and also as completed, signed and dated forms, after the research had been conducted. The researcher, per her request, was given the telephone number and campus location of the student counseling services, should one of the interviewees require such assistance during or after the interview session.

The researcher conducted research on two of this college's campuses.

**College "B"**

College "B" has four campuses. The last reported student headcount (1999) was over 27,000 for credit courses and almost 17,000 for noncredit courses. The ethnic breakdown of students finds 0.3% Native Americans, 3% Asian, 10.8% Hispanic, 14.4% Black, and 69.2% White. Sixty and one half percent of the students are female with 39.5% male. There are 234 full-time faculty and 615 part-time instructors.

Nearly 4 out of 10 students are age 24 or less, while more than a quarter of all students are 40 years of age or older. This college was able to provide information that indicated that student age varied greatly by program type. Those in professional programs averaged 26 years of age while students in vocational programs averaged 31 years of age.

Prior to beginning research related to College "B", the researcher first discussed the project with the Executive Dean of the college. There were no departmental forms to fill out,
nor was a narrative description of the purpose of the proposed research requested. The researcher advised the Executive Dean that she would be presenting the participants with forms of informed consent. Copies of the forms were not requested by this college. The project was approved on the same day that the researcher made her request of the college. The researcher asked for, and was given, the telephone number and campus location of the student counseling services, should one of the interviewees require such assistance during or after the interview session.

The researcher conducted research on all four of this college’s campuses.

**College “C”**

College “C” was founded in 1965 and is unique in that it is the smallest college in the Florida community college system. The college has one larger, central campus and two smaller, satellite campuses located directed north and south of the main campus. As of the fall of 2000, overall student enrollment was 16,005. Full-time student enrollment is 40% with part-time enrollment at 60%. Sixty-two percent of the students are female and 38% are male. The average student age is 35. Eighty-four point nine percent of all students are White, 9.6% are Hispanic, 4.2% are Black, and 1.3% are described as other. The college has 32 full time faculty and approximately 100 adjunct instructors.

The researcher was asked to forward a one-page summary of the purpose and structure of the proposed research to the
Executive Dean. The college responded within three days. College "C's" Executive Dean declined this college's participation in the interview portion of the research. No reason was given to the researcher as to why the college chose not to participate. The college's Human Resources Director was professional and very apologetic when delivering this news to the researcher.

The college did, however, forward a copy of the campus' sexual harassment policies and procedures to the researcher. Additionally, the Director of Human Resources, Equity Coordinator and Office for Students with Disabilities, did discuss the college's training activities, with the researcher, by telephone. The policies and procedures are included in the policy analysis portion of this paper. Thus, the training and policy distribution activities are discussed in the policy analysis portion of this paper.

College "D"

College "D" is recognized as one of the largest community colleges in North America. It boasts six campuses and numerous outreach centers. This college serves more than 126,300 students each year. Thirty-one percent of its students are between 21-25 years of age, with the average age being 27. Seventy percent of all students attend on a part-time basis. Fourteen percent of all students are White with 21% begin Black, 63% Hispanic and 2% other. Sixty percent of students are female, and 40% male. There are 682 full-time and 1,427 part-time faculty.
The researcher filled out lengthy, in-house research request forms and presented College "D's Institutional Review Board with a proposal regarding the research. The college's Institutional Review Board, which received the research request in the last week of February 2001, and after many telephone conversations, and e-mail discussions, finally declined this college's participation in the interview portion of the research in mid-May of 2001. The reason given to the researcher as to why the college chose not to participate was that the committee "failed to see the value to the college."

The college did, however, forward a copy of the campus' sexual harassment policies and procedures to the researcher. Additionally, the Acting Head of the Department of Equal Employment did discuss the college's training and policy distribution activities, with the researcher, by telephone. The policies and procedures are included in the policy analysis portion of this paper. Thus, the training and policy distribution activities are discussed in the policy analysis portion of this paper.

**Interview Method**

Confidentiality of both the colleges and the interviewees were preserved both during the qualitative interview process and throughout the research and final document compilation, itself. The colleges are identified as colleges A, B, and C. In all cases, the faculty members interviewed have both direct experience with their college's sexual harassment policies and procedures and work directly with students.
The interviews at each college were conducted in quiet and private rooms. There were no interruptions either by persons or by telephone. Each interview was tape-recorded. The president of the student body was asked for assistance in choosing students to be interviewed for the focus group. Each person interviewed was asked to sign an informed consent and an informed consent to audio record (see Appendices E and F).

The interview questions asked were formulated using the guiding research questions. The results of the recorded interviews were transcribed and the in-depth interviews were compared among the South Florida community colleges.

The structured sets of interview questions were formulated to curtail errors. However, there is no one set of questions or interview style that will fit all study participants, nor all interview situations. The researcher was thus aware that she had to remain not only flexible and able to make changes as unforeseen events and responses occurred throughout the process, but she had to also be cognizant of the emotional dimension that occurs in the one-on-one interview process (Denzin & Lincoln, 1994).

The interviews themselves were analyzed using both within and across-case analysis.

Policy Analysis

Analysis of the sexual harassment policies of the community colleges was accomplished by using points of reference selected from a variety of sources including pertinent case law, employment litigator position papers, the Equal Employment

Additionally, all of the points are found within the text of the Enforcement Guidelines (Ibid). The analysis was created with the concept of the employer’s ability to provide an affirmative defense if confronted with charges of sexual harassment. With the issuance of the new EEOC Enforcement Guidelines, an affirmative defense is accomplished as long as the employer has taken “reasonable care to prevent and correct promptly,” incidents of sexual harassment (Ibid).

1. Does the policy state the college’s lack of tolerance for sexual harassment?

2. Does the policy provide a clear definition of exactly what the prohibited conduct is?

3. Does the policy assure protection against retaliation to those either complaining about, or providing information related to, complains?

4. Is the complaint process for reporting harassment easily accessible to the entire campus community?
5. Are supervisors specifically required to report
complaints of incidents of sexual harassment?

6. Is confidentiality assured to the extent possible?

7. Is the complaint process prompt and thorough?

8. Does the policy contain language assuring that, if it
is determined that harassment has occurred, both
immediate and appropriate corrective action will take
place?

9. Does the policy provide that the employer monitors
and/or follows-up on the situation to ensure that the
complaint has been resolved effectively?

10. Has the policy been effectively communicated and
distributed?

11. Does the college provide sexual harassment
prevention training to its entire campus community?
Support Documentation To Grid Points

Point One

"Does the policy state the college’s lack of tolerance for sexual harassment?" The researcher looked to "The Enforcement Guidelines" themselves. "An employer's policy should make clear that it will not tolerate harassment based on sex...One way to do that is for the mandate to come from the top...("the Enforcement Guidelines", 1999)."

Additionally, in the Labor Departments' Guidelines On Discrimination Because Of Sex, section "f" states, "Prevention is the best tool for the elimination of sexual harassment. An employer should take all steps necessary to prevent sexual harassment from occurring, such as affirmatively raising the subject, expressing strong disapproval...(Title 29, 2000)."

According to Saperstein, 1999, "Specifically state the company’s condemnation of sexual harassment."

Point Two

Does the policy provide a clear definition of exactly what the prohibited conduct is? Sexual Harassment must be "fully and clearly defined. Examples should be provided of behavior that may constitute sexual harassment (Sapirstein, 1999)." "The Enforcement Guidelines" themselves state that, at a minimum, an anti-harassment policy and complaint procedure should include, "a clear explanation of prohibited conduct ("the Enforcement Guidelines", 1999)."

In a web-based discussion regarding minimizing the risk of
harassing conduct of employees, employment litigator, Michael Palmer notes, "Adopt a strong sexual harassment policy with a plain definition of sexual harassment, including same-sex harassment in this definition, and examples of harassing conduct which will not be tolerated (Palmer, 2001)."

**Point Three**

"Does the policy assure protection against retaliation to those either complaining or providing information related to complaints?" This point is supported by both "the Enforcement Guidelines" which state, “An anti-harassment policy and complaint procedure will not be effective without such an assurance” (IBID) and by the fact that the most common reason for failure to report sexual harassment is fear of retaliation.

In surveys, it was found that a significant number of sexual harassment complainants were worse off, due to various forms of retaliation, after registering their complaint (Fitzgerald and Swan, 1995).

One outrageous example is Reed v Shephard (1991) where a female police officer kept silent about being handcuffed to the toilet, the drunk tank, and inside the elevator; made the subject of lewd jokes, had her head shoved in male police officers' laps and threatened with rape with a cattle prod. "One thing you don't do as a police officer, you don't snitch out another police officer. You could get hurt (Reed v Shephard, 1991).” Officer Reed was actually unable to establish a prima facie case of sexual harassment. The court held the plaintiff responsible for not responding appropriately, in that
she did not report these incidents promptly. This particular case was heard several years before other precedent setting cases would have rendered the outcome very differently.

**Point Four**

"Is the complaint process easily accessible?" This point is first supported by "the Enforcement Guidelines," which state that the policy, "should clearly explain the process and ensure that there are no unreasonable obstacles to complaints...provide accessible points of contact for the initial complaint...not effective if employees are required to complain first to their supervisor...the supervisor may be a harasser ("the Enforcement Guidelines" 1999)

"The Guidelines" further advise that reasonable care requires the employer to advise all supervisory personnel that complaints of sexual harassment must be reported to the appropriate official (Ibid). This advice would offer another point of access to victims. Point Four is also supported by Wilson v. Tulsa Junior College. In this case, the plaintiff was an evening custodian. Her supervisor propositioned her and then exposed himself. The plaintiff called the police, as the personnel director’s office was not accessible during her working hours. The college argued that the claimant did not follow the “formal” procedure, which meant waiting for the personnel director’s office to open the next morning, when it would be accessible. The court found that “the jury could have concluded that the grievance procedure was not reasonably effective because it did not extend to information acquired
informally (Wilson v. Tulsa Junior College, 1998)."
The complaint process was not easily accessible. The case pointed to the fact that employers who have employees working throughout the night and through the early morning, are possibly not allowing for open access to the complaint procedure. This line of reasoning also applies to employers with multiple or isolated locations.

**Point Five**

"Are supervisors specifically required to report complaints of incidents of sexual harassment?" In Ellerth, for the first time, the Supreme Court stated that it is possible for an employer to have vicarious liability for the behavior of its supervisors even if it was not aware of the sexual harassment. The plaintiff, Kimberly Ellerth, a salesperson for Burlington Industries, was harassed by her immediate supervisor’s manager; she complained to her immediate supervisor who took no action. Ms. Ellerth resigned. The Supreme Court determined that Burlington Industries had vicarious liability for the harassment (Burlington Industries, Inc. v Ellerth, 1998). Thus, as "The Guidelines" advise, reasonable care requires the employer to advise all supervisory personnel that complaints of sexual harassment must be reported to the appropriate official ("the Enforcement Guidelines" 1999).

This vicarious liability standard was also extended in the Faragher case and further supports Point Five. Beth Ann Faragher, a lifeguard for the City of Boca Raton sued her two immediate supervisors and the City for allowing a sexually
hostile atmosphere to exist as evidenced by uninvited touching and lewd comments about women. The two men who committed the harassment were supervisors, therefore, they were acting as the City’s agents and thus the City had “knowledge, or constructive knowledge” of the harassment (Farager v. City of Boca Raton, 1998).

**Point Six**

“Is confidentiality assured to the extent possible?” The Equal Employment Opportunity (EEOC) Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors states that an anti-harassment policy and complaint procedure should contain, “Assurance that the employer will protect the confidentiality of harassment complaints to the extent possible (“the Enforcement Guidelines”, 1999).”

Additionally, in the Second Circuit, the Court noted that when the harassment is severe, even if complete confidentiality was assured, the employer cannot just stand by, even if requested to do so. Jenice Torres’s supervisor at the New York University Dental Center was verbally abusive to her for over two years. When she did share her fears about both the abuse and job security with another supervisor, she asked him to “keep it confidential.” He did just this from December of 1993 until August of 1994, even when he became the supervisor of the employees’ tormentor. Torres successfully sued both supervisors and New York University (Torres v. Pisano, 1997).

**Point Seven**

“Is the complaint process prompt and thorough?” This point
is supported by the Equal Employment Opportunity (EEOC) Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, in its discussion of what, at a minimum, must be found in an anti-harassment policy and complaint procedure ("the Enforcement Guidelines" 1999).

In *Harris v. L & L Wings, Inc.*, the Fourth Circuit affirmed punitive damages to two female employees who had been sexually harassed by different supervisors. Wings, a South Carolina beachwear retailer, refused to act on the employee’s repeated harassment complaints, thus, the investigation was not prompt. (*Harris v. L & L Wings, Inc.*, 1997). Employment litigator, Tani Sapirstein notes, “Merely issuing a written anti-harassment policy may not be sufficient...The courts expect employers to follow through on their anti-harassment policies.” She advises that assurances must be in place that all complaints and inquires will be promptly investigated (Sapirstein, 1999).

In *Savino v. C.P. Hall Company*, it was the defendant who was successful in establishing an affirmative defense. This was in great part because the company immediately investigated Savino’s complaint and sought to resolve the problem. Karen Savino, a clerk, had only been employed by C.P. Hall for a short time when her supervisor, William Popper, began to read a pornographic magazine to her, rub her neck and allegedly held his hand so that she could not exit the room. Rebuffed by her, the supervisor purportedly tried to discredit her work.

Ms. Savino reported these allegations to the harasser’s supervisor who took the complaint immediately to the human
resources department. Popper was reprimanded, warned against retaliation, and seated far from Ms. Savino. Several months later, Ms. Savino brought suit claiming sexual harassment and retaliation. The district court denied these motions, finding for C. P. Hall Company (Savino v. C.P. Hall Company, 1999).

**Point Eight**

"Does the policy contain language assuring that, if it is determined that harassment has occurred, both immediate and appropriate corrective action will take place?" In Hollis v. City of Buffalo (1998), the court noted that the City of Buffalo failed to take "reasonable care to prevent and promptly correct sexual harassment of the employee." Alberta Hollis had complained to three different levels of management, about lewd acts, language, and inappropriate touching. She registered these complaints from 1990 until January of 1992 when she took the matter to a union officer.

The City's resolution of the matter allowed the supervisor named in the litigation to still approve the plaintiff's work orders and, he was placed back into Hollis' working area within one year of the initial complaint and continued to harass her. Hollis filed suit. The Court noted that it was "offended" by the City's decisions in this matter.

Hollis was awarded pay for not only lost wages and costs associated with medical and psychological treatment, but was awarded payment for emotional distress, as well (Hollis v. City of Buffalo, 1998).
Also supporting Point Eight is the Equal Employment Opportunity (EEOC) Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors (Ibid, 1999) which states, that the following should be contained in an anti-harassment policy and complaint procedure, "Assurance that the employer will take immediate and appropriate corrective action when it determines that harassment has occurred." Finally, both the Ellerth and Faragher decisions, where employees complained, but prompt action was not taken, emphasize the duty of the employer to act promptly to correct any unlawful behavior (Burlington Industries, Inc. v Ellerth, 1998), (Farager v. City of Boca Raton, 1998).

Point Nine

"Does the policy provide that the employer monitors and/or follows-up on the situation to ensure that the complaint has been resolved effectively?" Well known employment law litigator, Paula Champagne, recommends that the prudent employer will periodically monitor that the resolution was effective by checking-back, from time to time, with the complaining employee after resolution of the situation (Champagne, 1999). Additionally, in Hollis (1998) the court found that the defendant did not follow through on promises to reprimand the alleged harasser, "...unreasonable care in taking corrective measures..."(Hollis v. City of Buffalo, 1998). And, "The Guidelines" note, "An employer should keep track of its supervisors' and managers' conduct to make sure that they carry out their responsibilities under the organization's anti-
harassment program ("the Enforcement Guidelines" 1999).

**Point Ten**

"Has the policy been effectively communicated and distributed." "The Guidelines" state, "An employer should provide every employee with a copy of the policy and complaint procedure and redistribute it periodically ("the Enforcement Guidelines" 1999)."

In *Nuri v PRC, Inc*, three female employees failed to receive the company's sexual harassment policy. The company had no proof that it had given its employees the policy or had included the plaintiffs in any harassment training. Therefore, when one of the employees said she did not complain about her supervisor's suggestive remarks because she "feared retaliation" by the company, her fears were deemed reasonable. This case stresses the importance of communicating and distributing the policy (*Nuri v. PRC, Inc, 1998*).

In *Harrison v. Eddy Potash, Inc.* (1998), while the employer had an official anti-sexual harassment policy, the employee was able to present evidence that she had not been made aware of the policy before the alleged harassment took place (*Harrison v. Eddy Potash, 1998*).

**Point Eleven**

"Does the college provide sexual harassment prevention training to its entire campus community? In *Wal-Mart Stores, Inc. v. Davis* (1998), the employer had a firm policy against sexual harassment but was not able to provide convincing evidence that it had "educated its managers in these policies."
The court awarded the plaintiff $712,230 in damages and attorney’s fees. This is the same situation that occurred in Farager v. the City of Boca Raton (Ibid, 1998). This was the case where the city’s liability included not only the intimidating authority of its supervisors, but also the fact that Boca Raton had failed to train these same supervisors.

Employment litigator, Paula Champagne, notes, "The Supreme Court thus sent a clear message in these two linked decisions: the failure to adequately train supervisors regarding all aspects of sexual harassment creates Title VII liability and may deprive the employer of its best defense (Champagne, 1999).

"The Guidelines" say, "An employer should ensure that its supervisors and managers understand their responsibilities under the organization’s anti-harassment policy...Periodic training of those individuals can help achieve that result ("the Enforcement Guidelines" 1999)."

Reliability and Validity

Internal validity was addressed through the credibility and accuracy of the research, policy and procedure analysis, and interview analysis.

Guba’s model identifies credibility as a key criterion for establishing the trustworthiness of qualitative research. Other critical factors identified by Guba for establishing the trustworthiness of qualitative research are transferability, dependability and confirmability (Guba, 1981). Transferability of the findings was assured as the four groups which were studied, closely relate to one another and are not situationally
unique. Therefore, the conclusions may be transferable (Krefting, 1991).

Interpretive validity was achieved through personal, in-depth, interviews where the researcher received the feedback of students, administrators and faculty (Lincoln & Guba, 1985).

Triangulation of data methods was achieved through member checks and by "cross-checking information and conclusions through the use of multiple procedures of sources" (Johnson, 1997). Data collected through interviews and policy and procedure review were crosschecked with one another. Any information or statement given to the interviewer regarding the policies themselves was verified with the Human Resources Director of each college studied. The achieved triangulation also supported dependability and confirmability. Low inference descriptors were used in the form of direct quotations. Extended fieldwork was employed, as data was collected over a period of time (Ibid). Administrators, students and faculty were re-visited by telephone to ensure accuracy of the reported results of policy administration and interviews.

When a question arose regarding whether a statement was meant in a positive or in a negative way, the researcher telephoned the interview subject for clarification. There were times when the subject(s) explained that the statement could be either positive or negative, depending on the circumstances. This process of third party verification supports triangulation of the study, thus supporting both dependability and confirmability.
Chapter IV: Findings

The purpose of the research was twofold. First, to examine the perceived affect(s) that sexual harassment policies and procedures have on teaching and teachers, and learning and students on South Florida community college campuses, and also to evaluate the policies themselves, their content, communication and subsequent related training, or lack thereof to determine if the policies subject South Florida community colleges to legal risk.

The findings are divided into two sections. The first section, Sexual Harassment Policy/Procedure Evaluation provides an in-depth look at, and assessment of, the written sexual harassment policies and written procedures of the colleges examined. Additionally, analysis of policy training, and how the policies are communicated to the campus community are also analyzed based on conversations with the policy administrator, regarding the subject matter. The policies are evaluated using a "grid" of evaluative points.


The second section documents both the twelve individual interviews and the two student focus groups, comprised of ten
students each, with descriptive analyses of the conversations.

Within-case analyses of each construct, by college, are presented. Cross-case analyses, of the two colleges, are also presented. These analyses compare and contrast the findings of the research done at the colleges. These same analyses were conducted separately, for each college, for the student focus groups, by construct. This was done, as students comprise the largest population of individuals on each campus community. Finally, the two student focus groups are compared and contrasted through a cross-case analyses.

Discussion of Policy and Procedure Findings

College “A”

The Sexual Harassment Policy and Procedures Grid (the “Grid”) clearly identifies both the similarities and differences among the formal, written policies and distribution and training procedures of the four community colleges. College “A”'s policies are closely aligned with both the “Grid” and with the Equal Employment Opportunity (EEOC) Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors (“the Enforcement Guidelines,” 1999).

College “A”'s, six page policy does not use the words, “lack of tolerance,” as recommended by “the Enforcement Guidelines.” However, it does provide a clear definition of exactly what is the prohibited conduct. This policy includes an entire page which gives examples of prohibited conduct. College “A”, in it’s formal, written policy, assures, both the alleged victim
and harasser, and anyone reporting information relevant to the charges, protection against retaliation of any kind.

The review finds that the complaint process is only accessible during the hours that the Human Resources Department is open. This excludes weekends and contact after five o’clock in the evening. This college has evening and weekend instructors and students. And, there are various operations department employees who work after five o’clock in the evening, and throughout the entire weekend. Too, the policy is found published only in the English language. This college does employ individuals who are not proficient in the English language.

Pursuant to both “the Enforcement Guidelines” (1999) and “the Grid”, supervisors are emphatically required to report any complaint or incident that they have either observed, or that in any way was brought to their attention. College “A” successfully included this requirement in its policy.

Per both “the Enforcement Guidelines” (1999) and “the Grid”, College “A” assures confidentiality to the extent possible, for all parties, and the complaint process of College “A” is exceedingly prompt, as it calls for immediate action and it lists a step by step process that operates on a very strict time schedule and does not allow for variation. It is a process that is both thorough and well documented.

The college policy does contain language providing for immediate corrective action. However, the policy also calls for, “a summary of the findings, a recommendation as to whether
disciplinary action should or should not be pursued against the accused individual; a proposed disciplinary penalty and the basis for the recommended action.” This “immediate” process takes up to thirty-five days to complete and does not address the appropriateness of the corrective action.

College “A’s” policy does not provide for monitoring and follow-up to ensure that the problem has been effectively resolved. Regarding the effective communication and distribution of the policy, itself, it is not regularly distributed to the students and staff, nor does it appear on the Human Resources Department bulletin board.

The policy is not periodically distributed to the campus community via the variety of methods available to the college such as, in employee paychecks, in regular e-mail communication, in staff and student mailings, in the campus newsletter, or as a regular announcement made at staff, departmental, and other training meetings. Further, it is not effectively communicated to those members of the campus community who speak a language other than English. The policy is, however, found in the faculty handbook and on the college website. There is a one-paragraph version of the policy found in the student handbook and the colleges’ commitment to a harassment free campus is briefly mentioned at new student orientation.

Regarding training, College “A” outshines the other colleges as it does see that each and every employee of the school receives either Internet or classroom style training in the subject matter. This training is required even of adjunct
instructors who only teach for one semester. However, the training is conducted only in English and the student population is ignored entirely. There are, at this time, no plans to repeat this mandatory exercise, beyond this initial training.

College "A’s" policy was this school’s first sexual harassment policy and was adopted on May 9th, 2000.

College "B"

College "B’s" policy is three pages in length. While the policy does not use the recommended language regarding not tolerating sexual harassment, it does clearly state its intention to “protect all employees and students from sexual harassment.” And it does list conduct that is defined as sexual harassment.

This policy appears both in the faculty handbook and on the college website. The on-line policy duplicates the policy published in the faculty handbook.

In both versions, protection against retaliation to either the complainants or the information providers, is stated. Both versions prohibit retaliation and describe the complaint procedure. Neither version contains language that requires supervisors to report complaints and/or incidents of harassment. Neither is confidentiality assured to the extent possible in either version.

Determining whether the complaint process is either prompt or thorough is problematic. There is no such language in either policy. Both versions place the burden of time constraints regarding reporting of incidents, on the complainant. He or she
is given ninety days from the date of the alleged act to file an informal compliant and thirty more days to file a formal complaint should the informal complaint not reach resolution. There is no discussion of the investigation having to be thorough.

Interestingly, this policy lists complaints as being either formal or informal. The informal complaint calls for the supervisor or other appropriate representative to try to resolve the problem by suggesting how the complainant might talk directly to the alleged offender or may themselves speak with the alleged offender.

The researcher, in questioning the wisdom of the idea of having both an informal and a formal complaint, spoke by telephone about this issue with prominent and well-published South Florida Employment Law litigator, Andrew L. Rodman. Mr. Rodman is a magna cum laude graduate from the Boston University School of Law and a partner in the leading South Florida law firm of Stearns, Weaver, Miller, Weissler, Alhadeff and Sitterson, P.A. Mr. Rodman advised,

"Once an employee lodges a complaint, the employer has a legal obligation to conduct a full and thorough investigation, regardless of whether the employee has characterized his/her complaint as formal or informal. It would be imprudent for an employer to treat an "informal" complaint with any less respect than a "formal" complaint. A complaint is a complaint is a complaint, and I think an employer may be hard-pressed to convince a judge or jury
otherwise."

Additionally, College "B" requires the employee to put the complaint in writing. In discussing this requirement with Andrew Rodman, he commented,

"The employee’s willingness or unwillingness to put his/her complaint in writing should not, in my estimation, impact the employer’s response to the complaint. In other words, the investigation should be conducted the same whether the complaint is in writing or verbal, and in terms of potential liability, it would be an imprudent policy for the employer to make such a distinction in the way it conducts investigations."

There is no mention of an assurance of immediate and appropriate corrective action should sexual harassment be determined in either version. There is no language providing for the monitoring and follow-up to ensure that the problem has been satisfactorily resolved, in either version.

Regarding the effective communication and distribution of the policy itself, it is not distributed to the students, nor does it appear on the Human Resources Department bulletin board.

The policy is not periodically distributed to the campus community via the variety of methods available to the college such as, in employee paychecks, in regular e-mail communication, in staff and student mailings, in the campus newsletter, or as a regular announcement made at staff, departmental, and other training meetings. Further, it is not effectively communicated to those members of the campus community who speak a language
other than English.

There is an exact duplicate of the policy found in the student handbook and the colleges' commitment to a harassment free campus is briefly mentioned at new student orientation.

Regarding training, College "B" does ensure that most employees of the school receive Internet training in the subject matter. The researcher was told by the Dean of Student Affairs that this training is required of all personnel; however, adjunct instructors who only teach for one semester do not participate in this training. And, the training is conducted only in English and the student population is ignored entirely. Additionally, each employee is entirely responsible for his/her own training and is required to turn in a receipt to Human Resources to prove that he/she has taken the on-line training. Per the Director of Human Resources, there are, at this time, no plans to repeat this mandatory exercise, beyond this initial training. The Dean of Student Affairs noted that classroom style training is not offered.

College "B's" policy was this school’s first sexual harassment policy; it was originally adopted on September 21st, 1982 and revised three times since. The most recent revision was on May 21st, 1997 and is found in the faculty handbook.

The review finds that the complaint process is only accessible during the hours that the Human Resources Department is open. This excludes weekends and contact after five o'clock in the evening. This college has evening and weekend instructors and students. And, there are various operations
department employees who work after five o’clock in the evening, and throughout the entire weekend. Too, the policy is found published only in the English language. This college does employ individuals who are not proficient in the English language.

**College “C”**

College “C’s” policies are closely aligned with both the “Grid” and with the Equal Employment Opportunity (EEOC) Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors ("the Enforcement Guidelines," 1999).

College “C’s”, two and one half page policy is the only policy in the analysis grid which actually uses the words, “lack of tolerance,” as recommended by “the Enforcement Guidelines.” Additionally, the college does provide a clear definition of exactly what the prohibited conduct is. College “C”, in its formal written policy, assures both the alleged victim and harasser, and anyone reporting information relevant to the charges, protection against retaliation of any kind.

The review finds that the complaint process is only accessible during the hours that the Human Resources Department is open. This excludes weekends and contact after five o’clock in the evening. This college has evening and weekend instructors and students. And, there are various operations department employees who work after five o’clock in the evening, and throughout the entire weekend. Too, the policy is found published only in the English language. This college does employ individuals who are not proficient in the English
This policy does not contain language that requires supervisors to report complaints and/or incidents of harassment, as recommended in both “the Enforcement Guidelines” (1999) and the grid.

Per both “the Enforcement Guidelines” (1999) and “the Grid”, College “C” assures confidentiality to the extent possible, for all parties. However, the complaint process cannot be called prompt as this college also lists complaints as being either formal or informal. The informal complaint calls for the supervisor or other appropriate representative to try to resolve the problem through “mutual agreement” between the complainant and the person accused of harassment.

As discussed regarding College “B”, College “C”, has both an informal and a formal complaint procedure for resolving sexual harassment claims. Florida Employment Law litigator, Andrew L. Rodman’s advice is again applied, in that it would be “imprudent” for an employer to view a claim of sexual harassment as anything less than, “A complaint is a complaint is a complaint....”

Additionally, College “C” requires the employee to put the formal complaint in writing. As discussed regarding College “B”, Andrew Rodman noted that the employer is obliged to respond without making a distinction as to whether the complaint is in writing, or not.

The college policy also does not contain language providing for immediate and appropriate corrective action. And, there is
no language providing for the monitoring and follow-up to ensure that the problem has been satisfactorily resolved.

Regarding the effective communication and distribution of the policy itself, a version of the policy is found in the student handbook.

It is not periodically distributed to the campus community via the variety of methods available to the college such as, in employee paychecks, in regular e-mail communication, in staff and student mailings, in the campus newsletter, or as a regular announcement made at staff, departmental, and other training meetings. Further, it is not effectively communicated to those members of the campus community who speak a language other than English. The policy is however, found in the faculty handbook. It is not found on the college website. The policy is found in the student handbook and the colleges’ commitment to a harassment free campus is mentioned at new student orientation.

Regarding training, College “C” trains college employees, seminar style in the subject matter. This training is not required of adjunct instructors who only teach for one semester. However, the employee training is conducted only in English and the student population is ignored entirely. College “C’s” policy was this school’s first sexual harassment policy and was adopted October 24\textsuperscript{th}, 1994 and undated on April 25\textsuperscript{th}, 2000. The policy is not posted on the college’s web site.

\textbf{College “D”}

College D’s sexual harassment policy is found in the campus Manual of Procedures. This is not a faculty handbook. The
sexual harassment policy does not appear in the faculty handbook. Additionally, there is another manual called the Manual of Policy. This handbook contains the college's general grievance procedure, which is used to resolve any and all manner of legally protected complaints related to race, gender, marital status, religion, national origin, ethnic background, age, or disability. This Manual of Policy does not actually contain the words, "sexual harassment." This coverage is implied as the policy notes that it relates to any complaint covered under Title VII (which covers discrimination based on gender) and a number of other federal, and state statues.

Regarding College "D's, two page policy, as found in the Manual of Procedures, it states the college's commitment to providing a work environment that is free of sexual harassment but does not used the "the Guidelines" recommended language regarding lack of tolerance for sexual harassment. This policy also provides a clear definition of exactly what the prohibited conduct is, by using the Equal Employment Opportunity Commission's definition of sexual harassment, verbatim.

College "D", in its formal, written policy, "prohibits retaliation against an individual who reports incidents of sexual harassment." The manual of policy version, being a general grievance policy, has absolutely no language regarding sexual harassment, nor any of the evaluation criteria mentioned. Only in the manual version of the policy is there mention of protection against retaliation to either the complainants or the information providers.
The manual version does not explain the complaint procedure. It does, however, refer the reader to the other manual, citing the policy number. Neither version contains language that requires supervisors to report complaints and/or incidents of harassment. In neither version is confidentiality assured to the extent possible.

This policy also defines complaints as being either formal or informal. The informal complaint calls for "informal discussion" and calls for the parties to the alleged discrimination to be brought together for discussion. Should this Level One action fail, Level Two calls for the Division Directors' decision as final unless still another grievance is filed by either the grievant or the person against whom the grievance was filed.

There are another two levels beyond this that involve the campus President, Vice Provost and three ad hoc compliance committee members. Given the many layers involved in this resolution process, the complaint process does not comply with point seven of the Grid, regarding the promptness of the process, nor with point six, regarding confidentiality.

As discussed regarding Colleges "B" and "C", Florida Employment Law litigator, Andrew L. Rodman's advice is again applied, in that it would be "imprudent" for an employer to view a claim of sexual harassment as anything less than, "A complaint is a complaint is a complaint,..." whether it is labeled as formal or informal.

There is no mention of an assurance of immediate and
appropriate corrective action should sexual harassment be determined in either version. There is no language providing for the monitoring and follow-up to ensure that the problem has been satisfactorily resolved, in either version.

Regarding the effective communication and distribution of the policy itself, the researcher was advised by the Acting Head of the Department of Equal Employment that a version of the policy is found in the student handbook.

Information on the subject matter is periodically distributed to the employees via e-mail and a campus newsletter. Student Services offers information on and guidance to training on the subject should it be requested and would be strictly voluntary for students. The policy is not published, as a statement, on the college website.

College “D” does ensure that many of its employees receive training in the subject matter. The researcher was told that this training is conducted “seminar style.” Faculty and staff are trained, by department or when a department requests training. Additionally, training is offered in a taped format, for ease of access and by request. Training is conducted department by department, with employees signing a receipt confirming that they have received training. The Acting Director acknowledged that using this approach meant that not all employees receive training. She did feel that in time, the entire campus would receive training with the department-by-department approach and by departments requesting training.

The training and written policies are not effectively
communicated to those members of the campus community who speak a language other than English.

The seminar training has been in effect since 1996. There are, at this time, no plans to change the current training approach. The policy found in the Manual of Policy was approved by the college President in 1992; again, well before current precedent-setting court cases influenced how policies and procedures might effectively be structured. The second policy, found in the Manual of Procedures, was approved by the Board on March 26th of 1986.

The review finds that the complaint process is only accessible during the hours that the Human Resources Department is open. This excludes weekends and contact after five o’clock in the evening. This college has evening and weekend instructors and students. And, there are various operations department employees who work after five o’clock in the evening, and throughout the entire weekend. Too, the policy is found published only in the English language. This college does employ individuals who are not proficient in the English language.

Many employees may not have access to the policy manuals, which are, in general, only available to employees through the colleges’ web site. Employees must know the exact titles of these manuals, and also have minimal computer and website search skills to access these policy manuals. The researcher was told by the Acting Director that the hard copies of the manuals are, “just too large to be made generally available,” but can be
found in the offices of campus Department Heads during the regular business day.

Policy and Procedure Summary Statement

The pattern is clear, regarding the evaluation of the colleges' sexual harassment policies and procedures. Unmistakably, all of the community colleges generally fail to meet the recommendations of the Equal Employment Opportunity Commission as stated in the Equal Employment Opportunity (EEOC) Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors ("the Enforcement Guidelines," 1999), and the written conclusion of legal counsel of the United States Equal Employment Opportunity Commission (see Appendix G), and as evaluated by the Sexual Harassment Policy and Procedure Evaluation Grid itself.

Only Colleges "A" and "C" were, in many cases, true to both the "Grid" and "the Enforcement Guidelines" (1999). Nevertheless, none of the colleges had policies and practices which adhered to all, or even most of the recommendations. Additionally, not one of the colleges trains its student populations regarding the sexual harassment claims process in any consistent manner. Communication and distribution of the policies are generally incomplete; and all ignore the needs of those in their employee populations who are not proficient in the English language or who work other than during the regular business day. Only one of the colleges explains its sexual harassment policies and procedures to adjuncts, who teach for short periods.
The Sexual Harassment Policy/Procedure Evaluation Grid for South Florida Community Colleges follows as Table 4.1.

### SEXUAL HARASSMENT POLICY/PROCEDURE EVALUATION GRID

**SOUTH FLORIDA COMMUNITY COLLEGES**

**Table 4.1**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy affirmatively states lack of tolerance.</td>
<td>No/No</td>
<td>No/No</td>
<td>Yes</td>
<td>No/No</td>
</tr>
<tr>
<td>Provides a clear definition of prohibited conduct?</td>
<td>Yes/Yes</td>
<td>Yes/Yes</td>
<td>Yes</td>
<td>Yes/No</td>
</tr>
<tr>
<td>Assure protection against retaliation to both complainants &amp; information providers?</td>
<td>Yes/Yes</td>
<td>Yes/Yes</td>
<td>Yes</td>
<td>Yes/No</td>
</tr>
<tr>
<td>Complaint process easily accessible to entire campus community?</td>
<td>No/No</td>
<td>No/No</td>
<td>No</td>
<td>No/No</td>
</tr>
<tr>
<td>Supervisors required to report complaints/incidents?</td>
<td>Yes/Yes</td>
<td>No/No</td>
<td>No</td>
<td>No/No</td>
</tr>
<tr>
<td>Confidentiality assured to extent possible?</td>
<td>Yes/Yes</td>
<td>No/No</td>
<td>Yes</td>
<td>No/No</td>
</tr>
<tr>
<td>Complaint process prompt and thorough?</td>
<td>Yes/Yes</td>
<td>No/No</td>
<td>No</td>
<td>No/No</td>
</tr>
<tr>
<td>Language assuring immediate/appropriate corrective action?</td>
<td>Yes/Yes</td>
<td>No/No</td>
<td>Yes</td>
<td>No/No</td>
</tr>
<tr>
<td>Provide for monitoring/follow-up to ensure resolution?</td>
<td>No/No</td>
<td>No/No</td>
<td>No</td>
<td>No/No</td>
</tr>
<tr>
<td>Effectively communicated and distributed?</td>
<td>No/No</td>
<td>No/No</td>
<td>No</td>
<td>No/No</td>
</tr>
<tr>
<td>Prevention training to entire campus community?</td>
<td>No/No</td>
<td>No/No</td>
<td>No/No</td>
<td>No/No</td>
</tr>
</tbody>
</table>
Individual Case Interviews
College "A"

Director of Human Resources

This first interview was with the person who wrote and administered the sexual harassment policies at college "A". She is a White female, in her early fifties and had been in the position of Director of Human Resources, at the college, for about six years. She had an extensive corporate human resources background. She was very open and presented the researcher with the college’s faculty handbook which contained the sexual harassment policy. The interview lasted for one hour. Her office had a feeling of warmth, with couches, comfortable chairs and pictures of her children on the walls, desk and conference table. She had a cold drink waiting for me.

We met in her private office, where we experienced no interruptions. We were able to quickly establish a rapport, as both she and the researcher have similar corporate human resources experience. She explained that she wrote and administers the policy. There was no policy before 2000 and it was in this same year that the school contracted with a web-based training company. This company provides an interactive training program that is offered to all college employees, at all levels. She explained that there is a test which the employee takes on-line to prove that he/she has taken the on-line course. The Internet company sends her a roster of all employees who take this course. This includes regular part-time personnel and full-time employees who are only employed for one
The feedback which she obtained regarding the training has been positive. She, herself, feels better knowing that this mandatory training is in place, “A good written policy helps me sleep.” She acknowledged that “a good policy helps to establish a sound legal defense.” She offers traditional classroom training for those who are not comfortable with the Internet. This includes many of the operations staff (cafeteria workers, maintenance and lawn care personnel). There are no plans for follow-up or for additional training in the future.

She made it clear that the policy is communicated in the campus newsletter, the faculty handbook and the student handbook. “The student handbook doesn’t go into as much.” She was proud that the policy content was very clear about confidentiality and disciplinary action. She assured me that the campus had a labor attorney review the policy.

The Human Resources Director felt that the policies were a “double-edged sword”, as now the faculty know that if a complaint comes in, “they are being monitored.” She felt that the researcher needed to speak directly with faculty to understand their point of view related to teaching and student interaction.

As she rarely deals with students, she did not feel that she could comment on what affect, if any, the diversity of cultures that exist on the campuses had regarding the policies, the claims process, or actually on reporting a claim of harassment.
She did, however, advise the researcher that she had spoken to one student officially involved in the claims process. This claim involved "student on student" harassment. This Departmental Director had to refer the student to the Dean of Student Activities to file the complaint. The Dean of Student Activities handles "student on student" harassment investigations. The female student continued her class, despite the harassment claim. However, the student began to avoid student parties as she, "was uncomfortable at social functions with other students. She felt they were laughing at her."

She brought up the fact that this college has a policy against a consensual relationship between professors or department heads and subordinates who are in their class or department. Professors may not date students in their classes. "You know, it's a power thing; it has always been that way with students and teachers."

She told me that student training had not been a consideration prior to her conversation with the researcher. She acknowledged that this lack of training presents a risk problem to the school. She thanked me and said that she is going to investigate the possibility of conducting student training.

College "A"

Dean of Student Activities

This second interview was with the Dean of Student Activities. He is an African American male in his mid fifties. He has been with the college for just over six years. We met in
his private office, for about thirty minutes. We had been scheduled for one hour, but he had an unplanned meeting come up. We experienced no interruptions and completed all interview questions. We were each seated in uncomfortable, straight-backed, metal chairs at a square conference table. There were at least three strategically placed clocks in the office.

He verified that there are both Internet and classroom-style training which is mandatory for the entire campus. Regarding student training, he said, “I don’t think we would be in a position to actually do it for students due to the enormity of it and we certainly couldn’t make it a requirement.” We discussed the fact that he believed there was no policy in the student handbook. Actually, there is a one paragraph policy in the student handbook. The Dean told this interviewer that he did not believe that there was any risk to the college because, “we are in the process of it all; we just developed the faculty and staff Internet program. The policy could be made available to students at the student services area, but no one has asked for it.”

He did acknowledge that student training would be a good idea and, “If we had to address that, obviously it would be through our student clubs and organizations.” He also said he would, “at least make it a part of our orientation that we have for any new or transfer students.” I asked if he did that now and he said, No.” In fact, it is very briefly mentioned in the student orientation.

This Dean appeared very uncomfortable during the entire
interview and seemed relieved when it ended, and I thanked him for his time.

**College “A”**

**Faculty Member**

My first faculty interview was with an English professor who has been with the college for about twelve years. Three college employees had recommended him as someone with whom the students felt very comfortable, and to whom the students were likely to confide. He forgot about our first interview and did not show up, so we had to reschedule. He is a White male in his early fifties. His office was filled with an array of pop culture artwork and other memorabilia from the nineteen sixties and seventies. He told me that he is, “a leftover hippie.” I sat in a rocking chair that was covered in an afghan.

He did not know anything about student training or student policies, but he was very aware of the required faculty training. However, he admitted that he had not completed the training until he realized that he was meeting with me and might be asked related questions.

His concern was that something personal is now being lost in the student-faculty relationship. “I’m hyperconscious; I won’t give a student’s hand a warm squeeze anymore. I want to err on the side of caution. But, it’s kind of ridiculous because the relationship of trust with students is being ruined.” He explained that sometimes, touch is used as positive reinforcement and encouragement by instructors.

He felt that on this campus the real concerns were with
supervisors and their subordinates and the effect an affair can have on morale in the entire department, and, with students being too forward with their instructors. "I have a rule, I don't get closer than an arm's length to my students, generally." He said he had experienced this situation more than once. He's learned not to, "put my hand on a student's shoulder and tell them they did a great job." Now he just tells them they, "did a great job."

He was comfortable with the new policy as he had a "place to steer students." In the past, these matters were handled, "informally."

He felt that the students needed to know what their rights and privileges are, and that student training was lacking. He, also, said that some of them just honestly did not know what was proper behavior. He suggested that "maybe the drama class could put on skits showing what harassment is."

He noted too, that culture does not just mean students from other countries. He said, "some students have been traumatized and have had a very bad time with their parents. They transfer some of these feelings and I become the parent figure. I am especially sensitive to how students react to closeness. I have to be really careful on many levels."

College "A"

Faculty Member - Head of Faculty Union

My second faculty interview was with the head of the faculty union. She is a White female woman in her late fifties and has been at the college for twelve years. She teaches
Physiology and Biology. She met me on time and advised me that she was leaving the windows and doors to her office open as it was, "such a lovely day." Her office and its several bulletin boards were cluttered with notes from, and pictures of, students. She had perhaps a dozen ceramic knickknacks on her desk. The interview lasted about one hour. There were three, very brief, in-person interruptions by students just sticking their heads in to say, "hello." She did a lot of thinking and spoke slowly, and she had to be drawn out.

She spoke about academic freedom and the importance of due process for faculty. When we were discussing the faculty union, I told her that the sexual harassment policy investigative procedure requires quick resolution of claims. I asked her how this coincides with the union contract requirements for faculty. She thought about this and said, "Then the campus policy is in conflict with the union contract."

Their union contract does not follow the same grievance steps, as does the sexual harassment policy. The law requires quick and appropriate resolution. The union process is very drawn out if you are investigating a professor or considering termination of faculty. "The union investigation can take two or three months. During this time, per the contract, the teacher would still be teaching." She said that she will speak with the state union president for advise in this conflicting matter.

She was pleased with the web-based training, but was not aware that students did not receive training. "We need to have
student training.” She was especially concerned about the very young students on campus being at the greatest risk. She also acknowledged that, “The campus has a diversity of cultures and our Asian students wouldn’t report it.” She also said that students had been given their money back in situations of alleged sexual harassment, but that “meant that they were a semester behind.”

This professor said, “Third World students just accept abuse.” She spoke about the power issue involved with students from other countries being conditioned to “give in to authority.”

She felt that the new policy affected teaching, “I think twice before I make a joke. But, I still pat my students on the back because if you take that away, you take away the human element out of our interactions and if they want to fire me, then they can fire me for that.”

College "A"

Student Body President

The student body president is a Black female who was born in Antigua and came to the United States when she was four years old; she is now nineteen years old and very proud that she maintains a four point zero grade point average while heading the student body and participating in a work-study program on campus. She was cheerful and inquisitive. She told me she wanted to become an attorney and that the Dean of Student Activities had encouraged her to run for office as this would “be helpful on my college and scholarship applications.” We met
in a private conference room in the Student Activities office. There were no interruptions. We spoke for about an hour. She was especially inquisitive about the interviewers’ career choice.

She advised me that she knew that a policy “of some sort” exists, but she has never seen it. She remembered, “something was mentioned at orientation” for new students. Additionally, when she became the President of the Student Body, the Dean of Student Services advised her that she, “had to be very careful because sexual harassment isn’t only defined as something physical or obscene, but that it’s broader than that. Also, about eighteen of us went to a whole leadership training program recently and sexual harassment was kind of one of the issues.” She acknowledged that only eighteen students on her campus may have had meaningful training in this area. These were the students that attended the leadership-training program.

She told me that it was her observation that the policies affect teachers in that they “never want to be too, too personal, this is very different from high school.” We spoke about how someone she knew reacted during the investigative process, at the college. “It affected her concentration in class and in her homework. Mostly, she was sorry that people thought she was a troublemaker.” The subject then said that her friend, nevertheless, felt that the staff “handled everything very professionally in these circumstances.”

She felt that the “really big risk is to the young ones.” This is because they are so inexperienced. She also made clear
that she had heard of very little sexual harassment in the three semesters that she has been on the campus. However, she thought that training for students was lacking and that, "It would give then the confidence to come forward if they were having a problem."

The college has offered various voluntary student forums in the past, with topics such as drugs, alcohol and safe sex. This subject thought that sexual harassment would be a good topic for the next forum and now has plans to introduce the idea to her Dean of Students. She felt that if all students were made to attend, students might say, "Why should this be mandatory?" She indicated that getting everyone to be trained in the community college environment may well be difficult, as there are day students, night students, and students who work full time and only take one course per semester.

College "A"

Student Newspaper Editor

This subject is a twenty seven year old White male who returned to college after having dropped out to serve in the armed forces. He is married and the father of two small children. He has an evening job and attends school full-time during the day. He plans to become a physician. He had a very serious demeanor. We spoke in a private office which was located inside of the student activities office, without interruption, for less than one-half hour. His answers to open-ended questions were generally in the form of one word, such as "correct," "affirmative" or "negative."
He also said that other than the “standard disclaimer” in his handbook, he was not aware of any other policy. However, he was firm in his belief that no matter what the policies may say, they have no affect on either teachers or students in the classroom. He therefore didn’t see the value of discussing the concept of risk and he didn’t know if the faculty was trained and he didn’t see the need for student training. “I don’t think we are at any risk.”

He had not heard of any sexual harassment on the campus but admitted that it may be due to the fact that if he doesn’t have to be in class, or working on the school paper, he goes directly to work or to his family.

When we spoke about culture, he went on to say that the “younger people have a hard time controlling themselves, they don’t have very good manners sometimes so they may be committing sexual harassment or they may just be really young; younger people can’t control themselves.”

Since this subject had no knowledge of any aspect of sexual harassment on the campus, and no opinions (other than training was not needed) on the subject, this turned out to be the shortest interview.

College “A”

Student Focus Group

The student focus group was recruited by the president of the student body, with assistance from the editor of the student newspaper. There were ten participants; they ranged in age from seventeen through twenty-one. There was one Black male, from
Jamaica, one African American female, three Hispanics (two female, one male), three Whites (two males, one female), and one Asian student and one Indian student, both female. We met in the student newspaper officer for one hour. There was one short interruption as the student activities fax machine was in our meeting area.

Of the ten students, two were aware that a policy existed; one saw it in the student catalogue. The other knew that it existed because her professor had gone over it when reviewing the course syllabus. Other than these two students, no participant was able to address the content or communication of the policy except for the Hispanic male who said, “Doesn’t everyone know, [sic] ‘cause it’s in the media?” One brave young woman asked, “Could you please explain what sexual harassment is?” Another said, “What is the definition of it?”

They did however, have opinions on the effect of the policies and investigation process on students and on learning. When discussing one recent investigation, one female student said, “The whole class knew about it; it was bad.” Another student, male, referring to the same incident said, “We need to protect students better...originally, she was afraid to report it.” “They hear rumors and look at him and wonder.” This last quote in reference to a teacher that the students felt was sexually harassing a fellow student. “No one ever discussed this with us.” This in reference to the topic of sexual harassment. Regarding the effect of the subject matter on the teachers, the comments were directed toward how important it is
for a student to be able to respect a teacher. The general idea was that the teacher would know it if the class did not respect him or her and, therefore, fewer students would want to take that class. Only one student was concerned that the policy was, "probably influencing whether they can touch us; they don't seem to touch like in the past."

An interesting discussion developed as the group discussed one classmate who tried to blackmail a teacher after he stopped seeing her. She demanded an "A" in the course. The group was not sure, but they believed that he gave her the grade just to avoid a problem with her.

When discussing culture, the group was evenly split in terms of how to handle harassment. "My culture would just ignore it." "You're supposed to respect your elders." And, "You don't talk about that on my island." The Hispanic female said, "Hispanic women are tired of macho stuff." She received cheers from the group. One comment, "We need to protect the students better" lead to a discussion about risk. The students felt that the college was at risk since the students, themselves, were essentially ignorant about the subject related to their own campus. They had all read about sexual harassment in the newspapers. And, it turned out that half of them wanted to become attorneys. So, almost to a person, they volunteered that the college is at risk for not providing student training. "We don't have any protection, do we?"

Two other developments of interest came up. First, one female brought up date rape and asked if that is sexual
harassment. Others chimed in and said that this happened to friends and acquaintances of theirs from this school and that there is no training for this either. There was a loud and energetic discussion about this. After the session, the same young woman who brought this subject up, followed me and asked if we could discuss this further. I spoke with her for a while and then walked her over to the college counseling office.

The second development was one student saying that his professor, “harasses homosexuals.” Another student in that same class confirmed this and asked if this, too, was sexual harassment. Her final words on the matter were, “Gays have no place to complain.”

Within-Case Analysis and Discussion

A written discussion of the within-case analyses is presented prior to the charted analyses. Within-case charted analyses follow after each construct discussed. These are presented as Tables 4.2 through 4.8. They assess the perceptions of the six individuals interviewed at college “A”, regarding policy content, communication and training, and how they perceive the policies and their administration and their affect on teachers and teaching, and students and learning. Additionally, risk and culture are evaluated. The student focus group (ten students) discussion and charted analyses are treated separately from the one-on-one interviews. The student focus group is treated separately, as students comprise the largest population of individuals within each campus community. The analyses are presented as Tables 4.9 through 4.15.
When a question arose regarding whether a statement was meant in a positive or in a negative way, the researcher either asked the subject, on the spot, or later telephoned the interview subject(s) for clarification. There were times when the subject explained that the statement could be either positive or negative, depending on the circumstances.

The within-case analyses which follow, were accomplished through the qualitative coding of data, using the concepts of policy content, communication, and training, along with the concepts of perceived affects on both teaching and teachers, and students and learning. The information derived from the data, involving the concepts of risk and culture were also qualitatively coded. The data evaluated included recorded interviews, field notes, and other documents related to the subject matter.

**Individual Case Interviews - College "A"**

**Coded Concept - Content**

Of the six individual interviews conducted, there were only five comments pertaining to knowledge regarding policy content. All of the statements were very positive. In fact, this was the only evaluated heading that had all positive comments. However, each statement regarding knowledge of policy content was made by either an administrator or a faculty member who had in some way been either involved with either administration of the policy, or an actual claim of harassment itself. No comments regarding policy content were made by individually interviewed students.
Table 4.2 - Within-Case Analysis - Individual Case Interviews
College "A"

Construct: Content

<table>
<thead>
<tr>
<th>Construct Comment</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;It's a formal written process.&quot;</td>
<td>+</td>
</tr>
<tr>
<td>&quot;Very clear on disciplinary action.&quot;</td>
<td>+</td>
</tr>
<tr>
<td>&quot;Confidentiality is maintained.&quot;</td>
<td>+</td>
</tr>
<tr>
<td>&quot;Supervisors must look into complaints.&quot;</td>
<td>+</td>
</tr>
<tr>
<td>&quot;It is detailed; responsibilities are clear.&quot;</td>
<td>+</td>
</tr>
</tbody>
</table>

User Assessment:  
+ = Positive perception  
- = Negative perception  
* = Both positive and negative

Coded Concept - Communication

The second coded concept was "Communication." Out of the seven statements related to communication, six were very positive. In fact, in one case, a professor had reviewed the sexual harassment policy for his class, while reviewing the course syllabus. Most of these positive statements discussed either the policy itself, or training in the subject matter, could be found. The interviewees expressed pride regarding their state-of-the-art web-based training and the option of taking the course in a traditional classroom.

One of the students interviewed, said that she knew that a policy "of some sort" existed, but she has never seen it. She remembered, "something was mentioned at orientation" for new students. Additionally, when she became the President of the Student Body, the Dean of Student Services advised her that she, "had to be very careful because sexual harassment isn’t only defined as something physical or obscene, but that it’s broader than that."

The second student interviewee said that other than the
"standard disclaimer" in his handbook, he was not aware of any other policy or training that took place on the campus.

The other negative statement was, "There's only a paragraph for the students." Interestingly, it is at this juncture of the within-case analysis, where, for the first time in all of the upcoming analyses, we begin to see a pattern that is actually voiced by the students, themselves, involving a lack of student knowledge in this subject matter.

Table 4.3 - Within-Case Analysis - Individual Case Interviews College "A"

<table>
<thead>
<tr>
<th>Construct</th>
<th>Comment</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Communication</td>
<td>&quot;The newsletter &amp; faculty handbook.&quot;</td>
<td>+</td>
</tr>
<tr>
<td></td>
<td>&quot;Web-based training is far reaching.&quot;</td>
<td>+</td>
</tr>
<tr>
<td></td>
<td>&quot;Classroom training is offered also.&quot;</td>
<td>+</td>
</tr>
<tr>
<td></td>
<td>&quot;...disclaimer in the student handbook.&quot;</td>
<td>+</td>
</tr>
<tr>
<td></td>
<td>&quot;...mentioned at student orientation.&quot;</td>
<td>+</td>
</tr>
<tr>
<td></td>
<td>&quot;...only a paragraph for the students.&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;...her professor had gone over it.&quot;</td>
<td>+</td>
</tr>
</tbody>
</table>

User Assessment:  
+ = Positive perception  
- = Negative perception  
* = Both positive and negative

Coded Concept - Training

During the one-on-one interviews, there were twelve comments made which were relevant to training. Four were very positive. Three of these were proud statements regarding how the training reaches all of the employees.

The fourth was, "Maybe we could do it through their clubs." This statement was made by the Dean of Student Activities during the one-on-one interview. Through the interview process, he realized that the students received no training and began to brainstorm ways in which training might be offered. The Dean
acknowledged that there is a lack of student knowledge in the subject matter.

Of the remaining eight quotes, only two actively suggested that they would like or need student training. These two comments came from students. The final six comments basically discussed what a daunting task it would be to train the students and that indeed, "no future training is planned." These comments were not made by students.

Table 4.4 - Within-Case Analysis - Individual Case Interviews
College "A"
Construct: Training

<table>
<thead>
<tr>
<th>Construct</th>
<th>Comment</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Training</td>
<td>&quot;Mandatory web-based training for everyone.&quot; +</td>
<td>+</td>
</tr>
<tr>
<td></td>
<td>&quot;We offer training classroom style, as well.&quot;+</td>
<td>+</td>
</tr>
<tr>
<td></td>
<td>&quot;Even the maintenance crew is trained.&quot; +</td>
<td>+</td>
</tr>
<tr>
<td></td>
<td>&quot;No future training is planned.&quot; -</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;It’s one shot with no follow-up.&quot; -</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;We need to have student training.&quot; -</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;We’d like some student seminars.&quot; -</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;Couldn’t make it a requirement.&quot; -</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;Too big a task, student training.&quot; -</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;Maybe we could do it through their clubs.&quot; +</td>
<td>+</td>
</tr>
<tr>
<td></td>
<td>&quot;Why should it be mandatory?&quot; -</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;Getting everyone trained..........difficult.&quot; -</td>
<td>-</td>
</tr>
</tbody>
</table>

User Assessment:  
+ = Positive perception  
- = Negative perception  
* = Both positive and negative

Coded Concept - Teachers/Teaching

There were fifteen quotes made throughout the one-on-one interviews, relevant to how the policies, their administration and/or the claims process itself affected teachers and teaching, on the campus. Three of these quotes are positive and three were both positive and negative. The interviewer reviewed the quotes which were both positive and negative, with the interviewees, to confirm their meaning. The remaining nine
items were all negative. Of interest is the fact that this coded area received a greater number of related comments than any of the other areas being examined.

Some of the comments made by faculty could be interpreted either as being tinged with paranoia, or simply as statements of good common sense. "I keep the door open with female students." "One teacher was blackmailed by a student." "I’m more careful about what I say." "I am aware that I could lose my job."

On the other hand, some of the statements showed that a real change in how faculty interacts with students has occurred. "I used to hug students; I’m afraid now." "...trust with students is being ruined." "Touch sometimes is positive reinforcement." "You take away the human element."

An interesting comment was made by one professor of literature. He said, "There’s academic freedom to consider." This comment was made during a discussion of the types of literature that he actually presents, or might wish to present, to his students. His concern was that any sexually explicit materials might be interpreted as being pornographic or tantamount to the perpetration of sexual harassment. He ended that particular conversation by saying that, while the academic freedom issue concerns him, in practice, he simply tries to look at his classroom presentations as an issue of "good taste".

This was the only area of this particular within-case analysis where there were comments that were meant as both positive and negative. "They know their behavior is monitored," "I’m more careful about what I say," and "I’m aware that I could
lose my job," were the comments that the interviewer asked the speakers to explain. Each one of the individuals who made these comments, believed that while the concepts gave one a negative feeling, in reality, these perceptions, caused by fear, were actually necessary safeguards.

Table 4.5 - Within-Case Analysis - Individual Case Interviews
College "A"

<table>
<thead>
<tr>
<th>Construct</th>
<th>Comment</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Teachers/Teaching</td>
<td>They know their behavior is monitored.&quot; +</td>
<td>+</td>
</tr>
<tr>
<td></td>
<td>Teachers are more distant and don't touch.&quot; *</td>
<td>*</td>
</tr>
<tr>
<td></td>
<td>&quot;...have to watch for forward students too.&quot; -</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;I am aware that I could lose my job.&quot;</td>
<td>*</td>
</tr>
<tr>
<td></td>
<td>&quot;I'm more careful about what I say.&quot;</td>
<td>*</td>
</tr>
<tr>
<td></td>
<td>&quot;I keep the door open with female students.&quot;-</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;There's academic freedom to consider.&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;He has a reprimand in his file.&quot; +</td>
<td>+</td>
</tr>
<tr>
<td></td>
<td>&quot;I used to hug students; I'm afraid now.&quot; *</td>
<td>*</td>
</tr>
<tr>
<td></td>
<td>&quot;One teacher was blackmailed by a student.&quot; -</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;...trust with students is being ruined.&quot;-</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;...won't give......a warm squeeze anymore.&quot;-</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;Touch sometimes is positive reinforcement.&quot;-</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;You take away the human element.&quot; -</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;Never want to be too, too personal.&quot;</td>
<td>-</td>
</tr>
</tbody>
</table>

User Assessment: 
+ = Positive perception
- = Negative perception
* = Both positive and negative

Coded Concept - Students/Learning

There were nine comments related to the coded concept of students and learning. Each and every one of these was negative. It is important to note at this point, that not all of these negative comments were made by the students themselves.

The majority of the concepts related to students and learning were about the affects that the claims process itself had on the physical and emotional well being of the students involved. "She felt sick when she went to his class," "It affected her concentration," "She couldn't maintain her grades;
so nervous," and "She felt they were laughing at her" are examples of these.

Two comments were coded that involved the claims process itself, causing the student to either drop out permanently, or only drop that professor's class. This meant that the student had to repeat the class, thereby placing the student one semester behind.

The concept of "learning" can only be addressed as being an implied problem that is an outgrowth of the lack of physical and/or emotional well being experienced during the claims process itself.

Table 4.6 - Within-Case Analysis - Individual Case Interviews
College "A"

| Construct: Students/Learning |
|-------------------------------|----------------|
| Students/Learning             |
| "...just stay in class for the grade." - |
| "She dropped out. Gave...money back." - |
| "Couldn't maintain...grades...nervous." - |
| "Couldn't stay in his classroom..." - |
| "...felt sick when she went to...class." - |
| "...felt they were laughing at her." - |
| "This put them a semester behind." - |
| "...thought she was a troublemaker." - |
| "It affected her concentration." - |

User Assessment: + = Positive perception
- = Negative perception
* = Both positive and negative

Coded Concept - Risk

Risk is defined earlier in this paper as legal risk to the college(s). There were a total of nine coded concepts related to this area. Four were positive and five were negative. The positive concepts were those involving the professionalism of the claims process itself, and the fact that the speakers were
certain that the policies were well written and had been reviewed by legal counsel.

The negative concepts included, "...is in conflict with the union contract." This conflict puts this college at risk from both the alleged victim and the alleged harasser as "the Guidelines," 1999, call for the complaint process to be both prompt and thorough.

This college's sexual harassment policies and procedures had a set number of review levels. The union contract had an entirely different procedure for investigating a grievance against a faculty member. There is the easily foreseeable possibility of conflict in terms of both venue disputes and a drawn out and redundant investigative process.

Other negative concepts involved the fact that the students are not trained. However, perhaps the most risky statement of all was, "I don't think we are at any risk." This statement was made by the Editor of the student newspaper. He also was unaware of the sexual harassment policy itself.

<table>
<thead>
<tr>
<th>Construct</th>
<th>Comment</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Risk</td>
<td>&quot;Were secure that the lawyers reviewed it.&quot;</td>
<td>+</td>
</tr>
<tr>
<td></td>
<td>&quot;A good written policy helps me sleep.&quot;</td>
<td>+</td>
</tr>
<tr>
<td></td>
<td>&quot;Training is always a good defense.&quot;</td>
<td>+</td>
</tr>
<tr>
<td></td>
<td>&quot;Students aren’t aware; this is risky.&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;Isn’t it a legal problem, no training?&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;Student policy doesn’t go into detail.&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;I don’t think we are at any risk.&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;...is in conflict with the union contract.&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;...staff handled everything professionally.&quot;</td>
<td>+</td>
</tr>
</tbody>
</table>

User Assessment:  
+ = Positive perception  
- = Negative perception  
* = Both positive and negative
Coded Concept – Culture

The within-case analysis of the coded concept of “culture” was interesting in that all eight responses were negative. The responses were related to the diversity of the student body, not only in terms of nationality, but also in terms of gender and age. It was the consensus that students from either Third World countries or the Caribbean Basin, inclusive of South American countries, were at the greatest disadvantage.

Comments such as, “Our Asian students wouldn’t report it,” “They give in to authority,” and “Third World students just accept abuse,” are examples of what one Dean describes as, “expectations of being polite in their cultures are very different.” Of interest to the researcher is that the students themselves were very aware of the cultural boundaries faced by their fellow students.

Regarding age, it was agreed upon by all who had an opinion on the subject, that the younger the student, the more likely they are to be affected by either sexual harassment, or the claims process itself. Regarding gender, sadly, one student reported, “Some think that’s how men treat you.”
Table 4.8 – Within-Case Analysis – Individual Case Interviews
College “A”

Construct: Culture

<table>
<thead>
<tr>
<th>Construct</th>
<th>Comment</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Culture</td>
<td>“Our Asian students wouldn’t report it.” –</td>
<td>–</td>
</tr>
<tr>
<td></td>
<td>“Third World students just accept abuse.” –</td>
<td>–</td>
</tr>
<tr>
<td></td>
<td>“Some think that’s how men treat you.” –</td>
<td>–</td>
</tr>
<tr>
<td></td>
<td>“Caribbean people don’t talk about that.” –</td>
<td>–</td>
</tr>
<tr>
<td></td>
<td>“They are from repressed cultures.” –</td>
<td>–</td>
</tr>
<tr>
<td></td>
<td>“They give in to authority.” –</td>
<td>–</td>
</tr>
<tr>
<td></td>
<td>“Younger people can’t control themselves.” –</td>
<td>–</td>
</tr>
<tr>
<td></td>
<td>“The really big risk is to the young ones.” –</td>
<td>–</td>
</tr>
</tbody>
</table>

User Assessment: + = Positive perception
- = Negative perception
* = Both positive and negative

Within-Case Analysis Student Focus Group - College “A”

Coded Concept – Content

This diverse group of students gave five statements representing the construct of “content.” All five of these statements were negative. Comments such as, “No, I don’t know what’s in it,” I had no idea that we had one,” and “Please explain what sexual harassment is?” did not draw out any deeply held beliefs or insights. Simply put, out of the ten participating students, 50% admitted to having no knowledge of the subject matter.

Table 4.9 – Within-Case Analysis – Student Focus Group
College “A”

Construct: Content

<table>
<thead>
<tr>
<th>Construct</th>
<th>Comment</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Content</td>
<td>“No, I don’t know what’s in it.” –</td>
<td>–</td>
</tr>
<tr>
<td></td>
<td>“I read it just before this meeting.” –</td>
<td>–</td>
</tr>
<tr>
<td></td>
<td>“Who do you report it to?” –</td>
<td>–</td>
</tr>
<tr>
<td></td>
<td>“I had no idea that we had one.” –</td>
<td>–</td>
</tr>
<tr>
<td></td>
<td>“Please explain what sexual harassment is.” –</td>
<td>–</td>
</tr>
</tbody>
</table>

User Assessment: + = Positive perception
- = Negative perception
* = Both positive and negative
Coded Concept - Communication

Regarding the construct of "Communication," out of the nine insights offered, all but one were negative. The one positive contribution was, "I think it’s mentioned at orientation." The student interpreted this as a positive statement to the interviewer who would, most certainly, have miscoded it had she not questioned the student as to its' meaning.

A common theme emerged in the area of student communication. Ninety percent of the students in this group had no awareness that a policy existed, nor that there was a reporting mechanism in place for their benefit.

Table 4.10 - Within-Case Analysis - Student Focus Group
College "A"

<table>
<thead>
<tr>
<th>Construct</th>
<th>Comment</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Communication</td>
<td>&quot;No one ever discussed this with us.&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;I think it’s mentioned at orientation.&quot;</td>
<td>+</td>
</tr>
<tr>
<td></td>
<td>&quot;Never saw it in the newsletter.&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;It would be too hard to reach everyone.&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;Doesn’t every know......it’s in the media?&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;What is the definition of it?&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;I’m not aware that there is a policy.&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;Didn’t know we had a policy.&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;I never read it before we spoke.&quot;</td>
<td>-</td>
</tr>
</tbody>
</table>

User Assessment: + = Positive perception
- = Negative perception
* = Both positive and negative

Coded Concept - Training

One hundred percent of the six statements that related to the construct of "Training," were negative. Five out of six of these were statements that lead to very productive discussions of the need for student training and the fact that, "People need to know where to turn."
Perhaps the most interesting comment came from a very quiet, female student who, in commenting on the need for sexual harassment training for students, said, “I am not from this country. It would foster confidence to come forward.”

Table 4.11 - Within-Case Analysis - Student Focus Group College “A”

Construct: Training

<table>
<thead>
<tr>
<th>Construct</th>
<th>Comment</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Training</td>
<td>“I want to recommend student training.”</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>“People need to know where to turn.”</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>“Too bad it’s not required for students.”</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>“How could training affect me at all?”</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>“Not getting us ready for the real world.”</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>“It would foster confidence to come forward.”</td>
<td>-</td>
</tr>
</tbody>
</table>

User Assessment: + = Positive perception  
- = Negative perception  
* = Both positive and negative

Coded Concept - Teachers/Teaching

This area of the analysis was of particular interest, as it pertained strictly to the students’ perception of the affect of the policies and procedures on the faculty. Often the discussion wandered towards sexual harassment itself.

All five of the comments were negative. Only one was wistful, “They don’t seem to touch like in the past.” This student explained that grade school and middle school students have a more personal relationship with their teachers that often involves “hugging” as positive reinforcement.

The other comments were troublesome. “One teacher was being blackmailed,” “No one respects him anymore,” “They hear rumors and look at him and wonder,” and “No one wants to take his class,” are comments that show that while these students may not
have known the precise definition of sexual harassment, they certainly understood what it was.

Table 4.12 - Within-Case Analysis - Student Focus Group
College "A"
Construct: Teachers/Teaching

<table>
<thead>
<tr>
<th>Construct</th>
<th>Comment</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Teachers/Teaching</td>
<td>&quot;...don't seem to touch like...past.&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;One teacher is being blackmailed.&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;No one respects him anymore.&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;No one wants to take his class.&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;...hear rumors... look at him &amp; wonder.&quot;</td>
<td>-</td>
</tr>
</tbody>
</table>

User Assessment:
+ = Positive perception
- = Negative perception
* = Both positive and negative

Coded Concept - Students/Learning

The student focus group had less to say about the affect of the policy, its' administration, or the claims process as it related to students and learning. One hundred percent of the comments were negative and several seemed related in one way or another to fear and/or embarrassment. In one case, "She was afraid to report it." In another, "The whole class knew about it; it was bad.

For the most part, this construct, not unlike the results found in the analysis of the one-on-one interviews of this same college, was focused on the mental and physical well being of the alleged victim.
Table 4.13 - Within-Case Analysis - Student Focus Group
College "A"
Construct: Students/Learning

<table>
<thead>
<tr>
<th>Construct</th>
<th>Comment</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Students/Learning</td>
<td>“She was afraid to report it.”</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>“The investigation upset her a lot.”</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>“I couldn’t concentrate on my...work.”</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>“The whole class knew...it was bad.”</td>
<td>-</td>
</tr>
</tbody>
</table>

User Assessment:

+ = Positive perception  
- = Negative perception  
* = Both positive and negative

Coded Concept - Risk

The concept of "Risk," as related to the subject matter, was entirely new to this group. There were only four relevant comments, and all were negative. Three basically dealt with the fact that, “We don’t have any protection, do we?”

The comment that was possibly the most insightful, came from a young Indian woman who said, “One teacher harasses homosexuals.” This lead to a group discussion of the fact that perhaps other types of needed training could be offered as well.

While there were questions raised about date rape, mostly in terms of it’s definition, not generally in terms of actual risk to the college, it is noteworthy to remark about it. In fact, it could be a happenstance that would put a student at risk, either on or off of the campus. Both this concept and harassment of gays, will be discussed in Chapter V.
Table 4.14 - Within-Case Analysis - Student Focus Group
College "A"
Construct: Risk

<table>
<thead>
<tr>
<th>Construct</th>
<th>Comment</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Risk</td>
<td>&quot;We need to protect the students better.&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;We don’t have any protection, do we?&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;From the newspapers I know we have a risk.&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;One teacher harasses homosexuals.&quot;</td>
<td>-</td>
</tr>
</tbody>
</table>

User Assessment:  
+ = Positive perception  
- = Negative perception  
* = Both positive and negative

Coded Concept - Culture

The group offered seven insights into the area of "Culture" and it’s affect on the subject matter. Six were negative and one could be interpreted as either negative or positive depending on the circumstance. This comment was, "Hispanic women are tired of macho stuff."

Perhaps the statement which summed up the other culturally oriented insights was, "You don’t talk about that on my island." There was a vigorous nodding of heads as almost all ten of the students began to speak at the same time about either their foreign homelands, or the area of the United States from which they came. The basic consensus was somewhere between, "You’re supposed to respect your elders," and "My culture would just ignore it."

Regarding age, the responses absolutely fell onto two opposite ends of the spectrum. Some felt that, "The older students take care of themselves," and others are best represented by the student who said, "The sixteen year olds have no idea about this."

Strikingly, another comment that had been made earlier, both
in this colleges' one-on-one analysis regarding "Culture", and, in the "Risk" construct section of this analysis, resurfaced, "Gays have no place to complain."

Table 4.15 - Within-Case Analysis - Student Focus Group
College "A"
Construct: Culture

<table>
<thead>
<tr>
<th>Construct</th>
<th>Comment</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Culture</td>
<td>&quot;My culture would just ignore it.&quot; -</td>
<td></td>
</tr>
<tr>
<td></td>
<td>&quot;You’re supposed to respect your elders.&quot; -</td>
<td></td>
</tr>
<tr>
<td></td>
<td>&quot;You don’t talk about that on my island.&quot; -</td>
<td></td>
</tr>
<tr>
<td></td>
<td>&quot;Hispanic women are tired of macho stuff.&quot; *</td>
<td></td>
</tr>
<tr>
<td></td>
<td>&quot;The older students take care of themselves.&quot; -</td>
<td></td>
</tr>
<tr>
<td></td>
<td>&quot;The 16 year olds have no idea about this.&quot; -</td>
<td></td>
</tr>
<tr>
<td></td>
<td>&quot;Gays have no place to complain.&quot; -</td>
<td></td>
</tr>
<tr>
<td></td>
<td>&quot;The big risk is to the really young ones.&quot; -</td>
<td></td>
</tr>
</tbody>
</table>

User Assessment: + = Positive perception
- = Negative perception
* = Both positive and negative

Individual Case Interviews

College "B"

Director of Employee Relations & Affirmative Action

This interview was conducted at the college’s central campus. The Director of Employee Relations and Affirmative Action was very gracious. She is an African American female, in her mid-thirties. She had just completed her Master’s Degree in Human Resources and was very interested in the interviewers' educational background. Thus, the interviewer often had to guide the conversation back to the subject matter.

She met me with the appropriate policy already placed in a manila folder, for my convenience. We spoke for about an hour in her private office. This office was filled with four or five bookcases, all packed with books about Human Resources and employment law. We shared a diet, decaffeinated, Coke. There
were no interruptions.

We first discussed her professional knowledge of the subject matter, which was, for the most part, gained through her eight years of Human Resources experience on community college campuses. Six years were with this particular college. She told me that she often went to seminars that were not those that her Human Resources peers, in education, might attend. She felt that she, and the college, profited from her being, "more exposed to corporate Human Resources."

We reviewed the policy in detail and at length. She explained that she had been, "in charge of drafting it." We spoke about the fact that all faculty take an on-line course. However, she admitted that, "We miss the adjunct faculty." She had no knowledge of possible student training as this is not her area. She directed the interviewer to the Dean of Student Activities for this answer. However, she did say that there was a "policy in the student handbook." And, "Anything brought to my attention is investigated immediately."

She also had no firsthand knowledge about the affects of the policy administration or the claims process on teachers or on students. Again, because occurrences in the classroom and anything involving students, are the responsibility of the Dean of Student Activities.

She was very proud that continuity of training is now possible as, "The training is offered as professional development credit." She felt that this courtesy encourages faculty to re-take the on-line course, each year.
The discussion about culture was unique in that this official did not see culture in terms of students and faculty all coming from different experiences and locations, nor as an outgrowth of age or gender. Rather, she said that they all were coming to the community college culture and wanted to fit in. She saw the problem as "Everyone getting acclimated and learning new dynamics, together." She saw this situation as equal for all students and faculty.

We ended the conversation with the interviewer asking what kinds of risk this general topic had to the college. This administrator openly discussed two types of risk to the college. The first, while acknowledging that she had no actual knowledge of whether the students were offered training, she said, "if we do not, there is always liability involved." Additionally, she acknowledged that, "The independent campuses sometimes investigate by themselves." This situation worried her because it meant that the policy itself was being ignored.

College "B"

Dean of Student Affairs

This Dean forgot about our first interview and simply went home. Her secretary called her at home and an interview for the following day was agreed upon.

She is an African American female in her late thirties who has been with the college for almost four years. If a student has a sexual harassment complaint, they see her. The Dean's doctorate is in Education. Upon seeing the interviewer, she hugged me and asked for forgiveness. Her office was cheerfully
cluttered with pictures of student activities; there were awards, and small, desk item-type gifts, given to her by the students. From her private office, we could hear student after student asking her secretary whether the Dean was in or not. This was a happy atmosphere. We spoke for one hour.

She told the interviewer that the training just began in late 2000. We talked about training and who and who is not trained. She said that, “Part-timers, here under a year, are not trained.” The Dean was proud of the campus’ record for training all staff and explained, “there is accountability” in that if a staff member does not turn in their training receipt, “The Presidents’ Office follows up personally.” She told me that in the new student acceptance letter, she writes that orientation is mandatory; but, “we only get 40% of the new students to attend.” When asked about the importance of training students she actually thanked the interviewer and said, “Student training; you’ve given me a very good idea.” She said that she would look into this right away.

In terms of risk, she saw this as related to those employees who speak languages other than English. “We discussed doing something for these folks; it hasn’t happened yet for our Creole and Spanish speakers.”

We spoke about the perceived effects of this process on teachers and students. She felt that during an investigation, the instructor will be nervous in class.” She saw this as a negative outcome of the process. Regarding the perceived affect on students, “I transfer them if they’re uncomfortable.”
discussed the fact that sometimes this put them behind a semester and that this was not the most positive ending possible. Without the interviewer asking, she noted that, “I praise [sic] the staff about confidentiality.”

We spoke about the diversity on her campus and she noted that, “The Asian population would consider it impolite to report sexual harassment.” She explained that this culture, “sees things very differently and they just don’t make waves.” She also noted that the, “older students are more apt to speak up” and the, “students from the South and Mid-West would be quiet” about sexual harassment.

We were still speaking about students when she said, “For us, being at risk and liable is possible, even if every student gets a handbook and it’s in our college catalogue and basically considered public information. It’s out there; it’s published. Still, if we’ve done 100%, we need to do 110% to inform the students.” And we discussed other training needs such as seminars on gay harassment, stalking, and violence in the home. We ended our conversation with her saying, “Students need to know what will not be tolerated.”

**College “B”**

**Faculty Member**

This faculty member failed to show up at our first scheduled appointment. We made another appointment for the next day and met at a quiet, neighborhood coffee shop, which was very near the campus. She was one hour late for this second appointment. We sat on an exceptionally comfortable leather
couch that had many soft throw pillows. Very quite classical music was playing. We both ordered coffee. There were no other customers in this shop for most of the interview. Her way of speaking was rapid. We were together for about forty-five minutes before her pager buzzed and she apologetically took her leave.

She is a White female in her early fifties and was chosen as a subject, as indicated in the methodology section of this document, because she was named at least three times, by her peers, as an individual who they believed was popular with the students, and to whom the students were likely to confide. She heads the Mass Communications Department of the college. She is very dedicated to both the college and to her students, for this reason, after questions were directly answered, they were generally followed with lengthy and very positive embellishment.

She advised me that this is the first year for the new online sexual harassment program and that all faculty and staff are required to have completed it by April 30th, 2001. She also noted that for at least the last few years, the faculty senate and dean’s council have been “shaping it.” Therefore, she was quite sure that the policy is well-known to faculty. The faculty can go to sexual harassment training to earn hours towards professional development. Additionally, the fact that the behavior is not acceptable is widely stressed at any training on campus. Should a college employee be found to have committed sexual harassment, “you will be terminated.” However, first, “There’s a formal investigation process that starts with
We discussed one “brave student” who came forward to inform her about a teacher who was harassing female students after hours, by telephone. She was told that this faculty member behaved inappropriately in the classroom, as well. She therefore observed his behavior in the classroom and, since his behavior did not change after she spoke with him, “He wasn’t teaching after that semester.”

She advised me, “We have faculty/student dating policies.” While these are not sexual harassment policies, she felt that they were “good safeguards to avoid legal risk.”

This professor did share her concern that she had heard that gay students were sometimes harassed by certain professors and that there are no seminars or workshops to assist gays on campus. “We need gay student harassment workshops.” Additionally, she felt strongly that the culture from which a student came would determine whether they would report sexual harassment, or remain quiet and simply finish the semester. “Our Asian students wouldn’t speak up.” She explained that this is due to the fact that their culture demands that they are always respectful. She also said, “The Haitian students and those from the Caribbean basin, in general, would not be likely to come forward.”

We ended the interview with the Professor saying she planned to make a recommendation, “We need to definitely explore student training.”
College "B"

Faculty Member - Head of Faculty Union

This faculty member had been teaching at the college for over seven years. He is an African American male in his mid-fifties who heads both the Department of Health Sciences and the faculty’s union. Three college employees had recommended him as someone with whom the students felt very comfortable. We met for an hour in his sun drenched office. This office has all kinds of medical charts on the walls depicting bones, muscles and bodily organs. The office also had a number of very healthy, green plants. He had many mementos, from former students, on his desk. We spoke for one hour; there were no interruptions.

He was well-aware of the on-line program that College “B” offers. He explained that the main difference between this on-line program and that of College “A” is that in this one the employee is responsible for printing out a completion certificate and sending a copy to staff development to let them know that the training is complete. He conceded that assuming that all employees will send in the completion sheet, can be seen as a negative. He noted that the program is mandatory for everyone. The policy is in the faculty manual and on the website. He also said that the repercussions are spelled out clearly. And the process of claims investigation is confidential, including only those with a need to know or direct involvement with the situation.

The interviewee noted that the program is in it’s first
year and they have no plans for follow-up with more programming next year. He advised me that the college “strongly wants everyone to be aware of the policy.”

As a male faculty member, he was concerned that he does not offend anyone. This is especially true as he discusses male and female body parts in his classes. “I discuss genitalia and unintentionally, I would not want to degrade females. The policy makes me consider what I say, more carefully.”

He agreed that the policy has influenced him in that he is “careful not to hug or touch students.” However, he said that this lack of closeness and physical attention to students has “no effect at this educational level.” The only effect is that, “they won’t be exposed to harassment.”

In discussing the students, he felt that “the students from authoritarian countries are a problem and would be less likely to report sexual harassment.”

He advised me that “there is a statement in the student handbook, but it needs to be better emphasized.” He felt that student training would be a good thing, but his concern is that the “evening students wouldn’t be exposed to it.” He acknowledged that there may be some legal risk in that the students are not trained. However, he felt that the schools’ policy on faculty not dating students in their classes was helpful in lowering the risk. He also noted that, “we generally take care of these things here at the local level.” Regarding his own attempts to resolve complaints, he said that he was not required to alert the central Human Resources Department.
In discussing the investigation process, he assured the researcher that the union represents the faculty member and accompanies him or her throughout the investigation. “The claims and union processes are in concert.”

**College “B” Student Body President**

The student body president is a White female who was born in Jamaica and came to the United States when she was an infant; she is now nineteen years old and was appointed to the position of Student Body President, in mid-year, by the Dean of Student Affairs, when the then President transferred to another school. She maintains an almost 4.0 grade point average, while heading the student body and participating in a work-study program on campus. She listened attentively to questions and was very serious minded. She told me she wanted to become an attorney.

We met in a quiet classroom that was next door to the Student Activities office. There were no interruptions. We sat in beige, plastic, student-style desks. We spoke for about thirty-five minutes. The length of this interview was in large part due to the subject’s general lack of knowledge of the subject matter.

The subject advised me that she was aware of the policies because, “Everyone who works here takes the series.” She had taken the Internet course because she is in a work-study program. The interviewer asked if other students were aware of the policy and she replied, “In society, it is now a well-known fact.” She spoke about seeing references to sexual harassment
on television and assumed that this is how the students would know about it as well. She could not recall it being communicated in any other way, on campus. "I've never heard or read about it."

Her experience with the subject matter was limited to a situation where a friend of hers was harassed by another student. "She reported it, and it was investigated promptly."

She did say that she believed that culture played a large part in how students view what is and is not sexual harassment. "In Jamaica, we're more loving." She told me that she and her friends kissed when they saw each other and that this would be inappropriate for other campus cultures. She also volunteered that a "younger person is at risk; they are less experienced." She felt that the "younger students can't handle themselves confidently."

She had no opinions regarding how the claims process or policies might affect students, or if it affected teaching. But, "it does affect how they relate to the student."

**College "B"**

**Student Newspaper Editor**

The Editor of the Student Newspaper is a nineteen year old, White female, who was born in Florida. She is in her final year and hopes to become a newspaper reporter for a well-respected newspaper. She was vivacious, smiling, and her hands moved constantly. We met in a quiet and private conference room that the Student Activities Office had set up for the students who worked on the campus paper. We sat at the table that was
normally used for pasting up, and laying out the campus paper. There were no interruptions.

We met for under thirty minutes. Again, this was due to the subject’s general lack of knowledge regarding the subject matter. A lot of the time was spent by the interviewer listening to her career aspirations, in hopes of eventually jogging her memory on the subject of the interview.

The subject advised me that, “I have no idea” if the college has a sexual harassment policy or not. “I’ve never seen it anywhere on campus.” She acknowledged that “most students don’t hang around on campus”, due to the flexible class nature of the community college experience. This, she felt, might be why she had not heard of sexual harassment training or any other related information on this campus.

The only experience she could relate to sexual harassment on campus was the experience of a, “very handsome male friend” of hers. “A male professor constantly flirted with him in class.” “He was uncomfortable and dropped the class.” I asked her why she did not speak with her friend, or report this and she said that he was bothering the student, he was not bothering her. “Let him report it.”

College “B”

Student Focus Group

The student focus group was recruited by the President of the student body, with assistance from the editor of the student newspaper. There were ten participants; they ranged in age from seventeen through twenty.
There was one African American male, one Black male from Trinidad, one Black female from Jamaica, two White females, two Hispanic females, one Hispanic male, one female Indian student and one Asian female. We met in a classroom located next to the Office of Student Affairs, on that building's second floor. There were no interruptions and the interview ended within about thirty-five minutes, as only one of the ten students knew that a policy existed at all. This was the Hispanic female who worked in the Student Affairs Office.

She said, "As an employee, I took the Internet course that the school requires of employees." None of the students had seen it in the student catalogue; no one remembered it being mentioned during Orientation. "They didn't say anything at Orientation," and "I didn't notice it in the catalogue."

One student, who worked on the school newspaper, said, "We need to do an article on it." And, "You just never see it anywhere." I asked if any of them knew the procedure for reporting complaints. Ten heads shook from left to right. The Indian female said, "No, what is the procedure?"

The interviewer was asked to, "explain sexual harassment." "What is it exactly?" The entire group listened attentively. After the explanation, one student said that she realized now that her on-campus tutor had harassed her. "I just didn't know what to call it." "He kept touching me and I told him not to." She talked to her Department Head who told her to "talk to the employee and tell him to stop." Instead, she said, "I had my boyfriend come and threaten him." Then, the boyfriend reported
this to Security. "Nothing happened; it wasn’t taken very seriously." Additionally, "The other students resented the teacher, after I told them what happened." And, "The teacher sees that we resent him."

There was a brief discussion where three students spoke about date rape. There was some confusion regarding the definition of sexual harassment verses the definition of date rape. The females in the group agreed that sexual harassment training is needed. "We don’t know who to report it to." "We need the education." The females in the group believed that this was closely related to date rape and that they needed education in this area as well. "We need the training; some of us have been sheltered."

They all agreed that the different cultures on campus would handle sexual harassment differently. "If you’re Asian, you would probably just finish the class, quietly." In Jamaica, "we wouldn’t discuss it." And, "In India, it wouldn’t be discussed." One female asked, "Can gays experience this?" She told the group that a gay friend had spoken to her about something he had experienced regarding another student.

But, it was not so much culture for this group, as a feeling of, "I don’t think most of us know enough." And "I didn’t know that there is a body you can complain to."

The most poignant moment came when the students, on their own, told me, "We need student training and that it should be mandatory." I asked why you would make it mandatory. The reply from one young man was, "If someone isn’t strong enough to
report it on their own, I don’t think they would be strong enough to go to a workshop on their own.”

Within-Case Analysis and Discussion

A written discussion of the within-case analyses is presented prior to the charted analyses. Within-case charted analyses follow after each construct discussed. These are presented as Tables 4.16 through 4.22. They assess the perceptions of the six individuals interviewed at college “B”, regarding policy content, communication and training, and how they perceive the policies and their administration affecting teachers and teaching, and students and learning. Additionally, risk and culture are evaluated. The student focus group (ten students) discussion and charted analyses are treated separately from the one-on-one interviews. The student focus group is treated separately, as students comprise the largest population of individuals within each campus community. The analyses are presented as Tables 4.23 through 4.29.

When a question arose regarding whether a statement was meant in a positive or in a negative way, the researcher either asked the subject, on the spot, or later telephoned the interview subject(s) for clarification. There were times when the subject explained that the statement could be either positive or negative, depending on the circumstances.

The with-case analyses which follow, were accomplished through the qualitative coding of data, using the concepts of policy content, communication, and training, along with the concepts of perceived affects on both teaching and teachers, and
students and learning. The information derived from the data, involving the concepts of risk and culture were also qualitatively coded. The data evaluated included recorded interviews, field notes, and other documents related to the subject matter. Finally, a written discuss of the within-case analyses follow.

**Individual Case Interviews - College “B”**

**Coded Concept - Content**

The six individuals interviewed on campus “B” offered nine statements relevant to policy “Content.” The majority, six, were very positive. Of these positive statements, two are in regard to the confidentiality of the investigation, and three statements were related to the repercussions of unacceptable behavior and the speed with which complaints are supposed to be investigated.

Of the three negative statements, one showed that the subject either did not understand, or misinterpreted, the school’s requirements, “...not required to alert...Human Resources Department.” The second, similarly, showed confusion regarding the policy, “...don’t know if the informal part is policy.” These coded responses were all made by persons other that the individual responsible for writing and administering the policy and indicates a general lack of policy knowledge.

The third negative statement is particularly troublesome, “...employee is responsible for completion.” At this college, each employee is entirely responsible for their own training and is required to turn in a receipt to Human Resources. During
this interview, the interviewer was told that the Presidents' Office "follows up" if employees do not comply.

Table 4.16 - Within-Case Analysis - Individual Case Interviews
College "B"

<table>
<thead>
<tr>
<th>Construct</th>
<th>Comment</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Content</td>
<td>&quot;...employee is responsible for completion.&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;Repercussions are spelled out clearly.&quot;</td>
<td>+</td>
</tr>
<tr>
<td></td>
<td>&quot;Investigation is confidential.&quot;</td>
<td>+</td>
</tr>
<tr>
<td></td>
<td>&quot;......you will be terminated.&quot;</td>
<td>+</td>
</tr>
<tr>
<td></td>
<td>&quot;Not required to alert......HR Department.&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;The behavior is not acceptable.&quot;</td>
<td>+</td>
</tr>
<tr>
<td></td>
<td>&quot;...don't know if the informal part is policy.&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;You immediately look into it.&quot;</td>
<td>+</td>
</tr>
<tr>
<td></td>
<td>&quot;I praise the staff about confidentiality.&quot;</td>
<td>+</td>
</tr>
</tbody>
</table>

User Assessment:  
+ = Positive perception  
- = Negative perception  
* = Both positive and negative

Coded Concept - Communication

This area developed a pattern quickly. All of the negative comments related to the subjects not being aware that a policy existed at all on the campus, or related to the fact that, "No plans for follow-up" were pending.

The positive discussion generally related to where the policy could be found. One very positive interview revealed the fact that this college encouraged course attendance by having the course, "...offered as professional development credit" for instructors.
Table 4.17 - Within-Case Analysis - Individual Case Interviews
College "B"

Construct: Communication

<table>
<thead>
<tr>
<th>Construct</th>
<th>Comment</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Communication</td>
<td>&quot;In the faculty manual and...website.&quot;</td>
<td>+</td>
</tr>
<tr>
<td></td>
<td>&quot;No plans for follow-up.&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;...everyone aware...policy well known.&quot;</td>
<td>+</td>
</tr>
<tr>
<td></td>
<td>&quot;...statement in the student handbook.&quot;</td>
<td>+</td>
</tr>
<tr>
<td></td>
<td>&quot;...a formal investigation process.&quot;</td>
<td>+</td>
</tr>
<tr>
<td></td>
<td>&quot;...policy manual &amp;...faculty handbook.&quot;</td>
<td>+</td>
</tr>
<tr>
<td></td>
<td>&quot;I've never heard or read about it.&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;In society, it is now ...well-know fact.&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;I have no idea...I've never seen it.&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;...offered as professional development...&quot;</td>
<td>+</td>
</tr>
<tr>
<td></td>
<td>&quot;...policy is in the student handbook.&quot;</td>
<td>+</td>
</tr>
</tbody>
</table>

User Assessment:  
+ = Positive perception  
- = Negative perception  
* = Both positive and negative

Coded Concept - Training

This area proved to be one of the most revealing and it generated the most interviewee discussion at College "B". Of thirteen comments, only four were positive. All four comments were in regard to, "Everyone who works here takes the series." Interestingly, the very first negative comment was, "We only get 40% of the new students to attend (orientation)." This was in response to the question regarding student training.

The pattern that is clear in this section is that adjuncts miss the training, as do students. Evening students in particular were pointed out as those most like to miss any type of daytime training that might be provided.

Too, an area that came up in exploring College "A", resurfaced at College "B", "We need gay student harassment workshops."

When discussing gay harassment on campus, one student said
that a, "very handsome male friend" of hers had a problem with a male professor who constantly flirted with him in class. "He was uncomfortable and dropped the class." I asked why she did not speak with her friend or report this and she said that he was bothering the student, he was not bothering her. "Let him report it." This statement alone may lend support as to why this campus needs student training in more than one area.

Table 4.18 - Within-Case Analysis - Individual Case Interviews
College "B"

<table>
<thead>
<tr>
<th>Construct</th>
<th>Comment</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Training</td>
<td>&quot;Training is mandatory for everyone.&quot;</td>
<td>+</td>
</tr>
<tr>
<td></td>
<td>&quot;Evening students wouldn’t be exposed to it.&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;Student training would be a good thing.&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;...hours toward professional development.&quot;</td>
<td>+</td>
</tr>
<tr>
<td></td>
<td>&quot;It’s not mandatory for our adjuncts.&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;We need gay student harassment workshops.&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;Definitely need ... explore student training.&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;Part-timers here under a year ...not trained.&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;...only get 40% of ...new students to attend.&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;Everyone who works here takes the series.&quot;</td>
<td>+</td>
</tr>
<tr>
<td></td>
<td>&quot;Let him report it.&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;All faculty take the on-line course.&quot;</td>
<td>+</td>
</tr>
</tbody>
</table>

User Assessment:  
+ = Positive perception  
- = Negative perception  
* = Both positive and negative

Coded Concept - Teachers/Teaching

The area of the perceived affects of the policies and their administration on teachers and teaching was, for the most part, very positive. The instructors who responded, in one way or another, let the interviewer know that the, "Policy makes me consider what I say."

There were positive comments made by instructors regarding their understanding of the physical and emotional boundaries between they and their students. "I don’t want to degrade females," and ..."careful not to hug or touch students."
Again, the credit towards professional development came up as a very good motivator to complete the on-line course. One instructor said that he did not, “think it affects teaching.” This comment was the only one of its kind, made in any of the one-on-one or group interviews conducted at either college.

One comment was meant to be interpreted as either positive or negative. “Yeah, it bothers them in the classroom.” This, from an administrator who explained that it is not a bad thing, to have a type of watchdog effect that comes from top administration, directly into the classroom.

A final comment, “It does affect how they relate to the student,” was meant in a negative way. Yet, there were no other such insights offered by any of the interviewees at College “B” to support this statement as a strongly held believe on this campus.

Table 4.19 - Within-Case Analysis - Individual Case Interviews

<table>
<thead>
<tr>
<th>Construct</th>
<th>Comment</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Teachers/Teaching</td>
<td>“......makes me consider what I say.”</td>
<td>+</td>
</tr>
<tr>
<td></td>
<td>“I don’t want to degrade females.”</td>
<td>+</td>
</tr>
<tr>
<td></td>
<td>“......careful not to hug or touch.”</td>
<td>+</td>
</tr>
<tr>
<td></td>
<td>“I don’t think it affects teaching.”</td>
<td>+</td>
</tr>
<tr>
<td></td>
<td>“...didn’t change, ...he wasn’t teaching”</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>“He wasn’t teaching after that....”</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>“......it bothers them in the classroom.”</td>
<td>*</td>
</tr>
<tr>
<td></td>
<td>“......instructor ...nervous in class.”</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>“It does affect how they relate....”</td>
<td>-</td>
</tr>
</tbody>
</table>

User Assessment: 

+ = Positive perception 
- = Negative perception 
* = Both positive and negative
Coded Concept - Students/Learning

Of the ten comments which were coded to the concept of students and learning, only three were positive.

One was interpreted by the interviewee as either positive or negative, "We helped by removing the grade threat." This comment was about a student who was assured that they could repeat a course in another professor's class, and that her presently failing grade would be expunged from the college records. The administrator, while explaining that it was a positive outcome, also acknowledged that it was necessary as the student could not learn in her present class environment.

The negative statements, with great certainty, show a trend. "The student is very uncomfortable," "She dropped the class...,” “I transfer them...,” “Puts them behind a semester,” and “…dropped the class.” The interviewees at College “B” voiced recognition regarding the detrimental affects of both sexual harassment, and the claims process itself.

Finally, the issue of gay harassment, and gay sexual harassment, was again brought up by a student who felt that the topic had not been covered during the interview, certainly making this issue a trend to be looked at more closely. This topic lends itself both to campus training and to further research.
Table 4.20 - Within-Case Analysis - Individual Case Interviews
College “B”
Construct: Students/Learning

<table>
<thead>
<tr>
<th>Construct</th>
<th>Comment</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Students/Learning</td>
<td>“...no effect ...this educational level.”+</td>
<td></td>
</tr>
<tr>
<td></td>
<td>“They won’t be exposed ...harassment.” +</td>
<td></td>
</tr>
<tr>
<td></td>
<td>“One student was brave enough.” +</td>
<td></td>
</tr>
<tr>
<td></td>
<td>“The student is very uncomfortable.” -</td>
<td></td>
</tr>
<tr>
<td></td>
<td>“She dropped the class;...tutor.” -</td>
<td></td>
</tr>
<tr>
<td></td>
<td>“...helped by removing ...grade threat.” *</td>
<td></td>
</tr>
<tr>
<td></td>
<td>“Gay students are harassed by professors” -</td>
<td></td>
</tr>
<tr>
<td></td>
<td>“I transfer them if ...uncomfortable.” -</td>
<td></td>
</tr>
<tr>
<td></td>
<td>“Puts them a semester behind.” -</td>
<td></td>
</tr>
<tr>
<td></td>
<td>“He was uncomfortable ...dropped the class.” -</td>
<td></td>
</tr>
</tbody>
</table>

User Assessment:

+ = Positive perception
- = Negative perception
* = Both positive and negative

Coded Concept - Risk

This concept elicited eleven insights and in each case, lively conversation. Of the eleven comments, five were negative and were, for the most part in regard to the fact that, “...there may be some legal risk.”

However, of the five negative comments, two were disturbing as they indicated that, “The independent campuses sometimes investigate...” claims themselves, without alerting the Human Resources Department about the investigation. And, we“...take care of things......at the local level.” Clearly, diverting from standard policy and procedure would place the college at otherwise avoidable risk and is an area that the college must explore.

The positive statements all were in regard to accountability and the speed of the investigatory process.
Table 4.21 - Within-Case Analysis - Individual Case Interviews

**College "B"**

<table>
<thead>
<tr>
<th>Construct</th>
<th>Comment</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Risk</td>
<td>&quot;...there may be some legal risk.&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;...claims &amp; union process are in concert.&quot;</td>
<td>+</td>
</tr>
<tr>
<td></td>
<td>&quot;...dating policy helpful in lowering risk.&quot;</td>
<td>+</td>
</tr>
<tr>
<td></td>
<td>&quot;...take care of things...at the local level.&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;...apology unsatisfactory, then it's official.&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;...faculty/student dating policies...safeguards.&quot;</td>
<td>+</td>
</tr>
<tr>
<td></td>
<td>&quot;There is accountability...Presidents’ ...follow-up.&quot;</td>
<td>+</td>
</tr>
<tr>
<td></td>
<td>&quot;She reported it &amp; it was investigated promptly.&quot;</td>
<td>+</td>
</tr>
<tr>
<td></td>
<td>&quot;Anything brought to my attention is investigated.&quot;</td>
<td>+</td>
</tr>
<tr>
<td></td>
<td>&quot;The independent campuses sometimes investigate.&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;There is always liability involved.&quot;</td>
<td>-</td>
</tr>
</tbody>
</table>

**User Assessment:**

+ = Positive perception  
- = Negative perception  
* = Both positive and negative

**Coded Concept - Culture**

Of the six coded statements related to "culture", six were negative and one could be seen as either positive or negative. The positive/negative comment was made by a student who felt that it was not the individual’s culture, but the idea of fitting into a new, large campus culture that was challenging.

All six negative comments echoed the culturally-related comments made by College "A". "...from authoritarian countries are a problem," "Our Asian students wouldn’t speak up," "...from the South and Mid-West would be quiet," and "A big difference in the Caribbean students," are some of the negative statements made related to the student not being from this geographical area.

Again, the idea that younger students are both likely victims of sexual harassment, and less likely to speak up, again
reappeared, "A younger person is at risk." Certainly
trends in both geographical and age-related cultural constructs
keep reappearing throughout the research.

Table 4.22 - Within-Case Analysis - Individual Case Interviews
College "B"

<table>
<thead>
<tr>
<th>Construct Comment</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;...from authoritarian countries are a problem.&quot;</td>
<td>+</td>
</tr>
<tr>
<td>&quot;A big difference in the Caribbean students.&quot;</td>
<td>-</td>
</tr>
<tr>
<td>&quot;Our Asian students wouldn’t speak up.&quot;</td>
<td>-</td>
</tr>
<tr>
<td>&quot;In Jamaica, we’re more loving.&quot;</td>
<td>-</td>
</tr>
<tr>
<td>&quot;A younger person is at risk.&quot;</td>
<td>-</td>
</tr>
<tr>
<td>&quot;...from the South &amp; Mid-West would be quiet.&quot;</td>
<td>-</td>
</tr>
<tr>
<td>&quot;...getting acclimated &amp; learning new dynamics.&quot;</td>
<td>-</td>
</tr>
</tbody>
</table>

User Assessment: + = Positive perception
- = Negative perception
* = Both positive and negative

Within-Case Analysis Student Focus Group - College "B"

Coded Concept - Content

This very diverse student focus group had only four
comments about the construct, "content". Each statement
indicated that the students who voiced a comment had no idea
about the contents of the campus sexual harassment policies.
The interviewer also asked, "Does anyone in this room know
anything about what the sexual harassment policy says?" With
one exception each shook his or her head, "No."

The one student, who knew that a policy existed, was made
to take the Internet course, by her Dean, as a part of the
student’s work-study requirements. The lack of knowledge
indicated by the general response to the "Content" analysis
continues in the discussion regarding "Communication."
Table 4.23 - Within-Case Analysis - Student Focus Group
College "B"

Construct: Content

<table>
<thead>
<tr>
<th>Construct</th>
<th>Comment</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Content</td>
<td>&quot;Explain sexual harassment.&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;What is it exactly?&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;No, what is the procedure?&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;I don’t know anything about it.&quot;</td>
<td>-</td>
</tr>
</tbody>
</table>

User Assessment:
+ = Positive perception
- = Negative perception
* = Both positive and negative

Coded Concept - Communication

Each of the responses to the coded concept of "Communication" proved to be negative. Even though this interviewer had been assured, during interviews with administrative personnel, that the topic is well covered at student orientation and in the student catalogue, a not atypical statement was, "They didn’t say anything at Orientation," "I didn’t notice it in the catalogue," and "You just never see it anywhere."

All responses indicated that a communication problem exists in how the school communicates the policy and its procedures to its largest population.

Table 4.24 - Within-Case Analysis - Student Focus Group
College "B"

Construct: Communication

<table>
<thead>
<tr>
<th>Construct</th>
<th>Comment</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Communication</td>
<td>&quot;...didn’t say anything at Orientation.&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;I didn’t notice it in the catalogue.&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;We need to do an article on it.&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;You just never see it anywhere.&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;...didn’t know there was...to complain to.&quot;</td>
<td>-</td>
</tr>
</tbody>
</table>

User Assessment:
+ = Positive perception
- = Negative perception
* = Both positive and negative

123
Coded Concept - Training

The results for the "Communication" construct analysis were very similar to that of the "Training" construct. All but one of the results were negative. The positive statement came from the young women who had been asked to take the Internet course as a requirement for her work-study program. Thus, she was the only student in the focus group who had either received any training or who had any idea at all that the policy exists.

Other comments indicate that a problem exists, in that there is no student training. Specifically, the students said, "We need student training," "It should be mandatory," "We need the education," and "I don't think most of us know enough."

Clearly these student focus group responses, combined with the one-on-one interviews themselves, indicate a need for the college to address the issue of student training.

Table 4.25 - Within-Case Analysis - Student Focus Group
College "B"

<table>
<thead>
<tr>
<th>Construct</th>
<th>Comment</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Training</td>
<td>&quot;I took the Internet course.&quot;</td>
<td>+</td>
</tr>
<tr>
<td></td>
<td>&quot;We need the education.&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;We need the training.&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;I just didn't know what to call it.&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;I don't think most of us know enough.&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;We need student training.&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;It should be mandatory.&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;...not strong enough to go to a workshop.&quot;</td>
<td>-</td>
</tr>
</tbody>
</table>

User Assessment:  

+ = Positive perception  
- = Negative perception  
* = Both positive and negative

Coded Concept - Teachers/Teaching

This construct elicited only one response from the student
focus group of ten students. This particular coded construct was at best, foreboding. "The teacher sees that we resent him." Truly, this is a negative response to what can happen when members of a class are aware of either a real or perceived, unreported act of sexual harassment against a fellow student.

In this particular case, several students knew about the alleged incident. No one either reported it, or spoke with the student and directed her to assistance. Could it be that this occurred because no one knew there was assistance available?

The student’s boyfriend threatened the instructor and this might certainly had an effect on the instructor’s behavior in the classroom.

<table>
<thead>
<tr>
<th>Construct</th>
<th>Comment</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Teachers/Teaching</td>
<td>&quot;The teacher sees that we resent him.&quot;</td>
<td>-</td>
</tr>
</tbody>
</table>

User Assessment:
+ = Positive perception
- = Negative perception
* = Both positive and negative

Coded Concept - Students/Learning

There were only three coded responses to the construct of "Students/Learning." All three were negative. This group was in general, less responsive that the first focus group. Then again, they also had virtually no knowledge regarding the subject matter.

The converse of "The teacher knows they’re resented," which appeared as a coded concept in "Teachers/Teaching", appeared. "The other students resent that teacher." This is the other
side of the negative response to what can happen when members of a class are aware of either a real or perceived, unreported act of sexual harassment against a fellow student.

The remaining coded responses were about "worry" and "emotional" effects on grades. Again, these items are related to the emotional and physical well being of students.

Table 4.27 - Within-Case Analysis - Student Focus Group
College "B"

<table>
<thead>
<tr>
<th>Construct</th>
<th>Comment</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Students/Learning</td>
<td>&quot;...has an emotional effect on the student.&quot;-</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;Students worry about their grades.&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;The other students resent that teacher.&quot;</td>
<td>-</td>
</tr>
</tbody>
</table>

User Assessment:  
+ = Positive perception  
- = Negative perception  
* = Both positive and negative

Coded Concept - Risk

Regarding, "Risk", all five related comments were negative and certainly indicated a possible legal risk to the college. In one case, when a female student had been touched by an instructor, the department head told her to "...talk to the employee and tell him to stop."

This lack of response led to her boyfriend threatening the instructor, physically. These incidents occurred in the year 2000. Per Faragher (1998) and Ellereth (1998) the college would be liable for the department head having ignored the reported act. This same student said, "Nothing happened;...it wasn’t taken seriously." The student reported that had she known there was a reporting mechanism, she would have used it. "I just didn’t know who to call."

Note: While there were questions raised about date rape,
mostly in terms of it’s definition, not generally in terms of actual risk to the college; it is noteworthy to remark about it. In fact, it could be a happenstance that would put a student at risk, either on or off of the campus. The concept will be discussed in Chapter V.

Table 4.28 - Within-Case Analysis - Student Focus Group
College "B"

<table>
<thead>
<tr>
<th>Construct</th>
<th>Comment</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Risk</td>
<td>“I didn’t know who to call.”</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>“He kept touching me &amp; I told him not to.”</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;...talk to the employee &amp; tell him to stop.”</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>“I had my boyfriend come &amp; threaten him.”</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>“Nothing happened;...wasn’t taken seriously.”</td>
<td>-</td>
</tr>
</tbody>
</table>

User Assessment:  
+ = Positive perception  
- = Negative perception  
* = Both positive and negative

Coded Concept - Culture

Much like Focus Group "A", Focus Group "B" responded negatively to the construct of “Culture” and it’s relationship to response to the sexual harassment policies, procedures and claims administration.

Once again the consensus was that different cultures would react to and handle sexual harassment differently. Many student cultures would never consider reporting an incident.

The students believed that their peers from Asia, Jamaica and India would not even discuss such an occurrence. Interestingly, the same question about homosexuals and sexual harassment, that was asked in a prior group, was once again revisited “Can Gays experience this?”
Table 4.29 - Within-Case Analysis - Student Focus Group
College "B"
Construct: Culture

<table>
<thead>
<tr>
<th>Construct</th>
<th>Comment</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Culture</td>
<td>&quot;Some of us have been sheltered.&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;Different cultures...handle SH differently.&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;...Asian,...probably just finish the class.&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;In Jamaica, we wouldn’t discuss it.&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;In India, it wouldn’t be discussed.&quot;</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>&quot;Can Gays experience this?&quot;</td>
<td>-</td>
</tr>
</tbody>
</table>

User Assessment:
+ = Positive perception
- = Negative perception
* = Both positive and negative

Cross-Case Analysis - One-on-One Interviews

The cross-case analyses which follow, identifies, for Colleges "A" and "B", the similarities and differences in perceptions of content, communication and training, in the subject matter, and how the sexual harassment policies and procedures affect teachers and teaching, and students and learning. Risk and culture are compared and contrasted, as well. These analyses are treated as Tables 4.30 through 4.36. An overall, summary cross-case analysis, identifying the similarities and differences in all constructs of colleges "A" and "B" is presented as Table 4.37.

Additionally, the student focus groups, (twenty students) representing Colleges "A" and "B", are compared and contrasted with one another. The analyses are treated as Tables 4.38 through 4.44. An overall, summary cross-case analysis, identifying the similarities and differences in all constructs of the student focus groups, is presented as Table 4.45.

The information derived for these analyses was taken directly from the one-on-one interviews and the two student
focus groups. The analyses of Colleges “A” and “B” and their related student focus groups are directly associated with the data found in Tables 4.2 through 4.29.

Discussion - Colleges “A” and “B”

Coded Concept - Content

The cross-case analysis of colleges “A” and “B” reveals that the majority of all interviewees, from both colleges, are very positive in their belief that the content of their policies are excellent. Not to detract from this positive point of view, the researcher must bring up an interesting anomaly.

At College “A”, these perceptions are voiced almost entirely by individuals who in some way have a hand in either writing or administering the policies. At College “B”, all but one individual who reported their perceptions, had absolutely no hand in either policy development or administration. It would also stand to reason that the administrators who did most of the reporting, at College “A”, would be proud of their own handiwork.

This same perception, held by the interviewees at College “B”, may have occurred because College “B” has had a sexual harassment policy in place since 1982 and updated this same policy in 1997. College “A” put their policy in place in December of 2000. At the same time, they implemented sexual harassment training via the Internet. The Internet training for College “B” was put into place more recently. It could be interpreted that College “A” study participants have been exposed not only to the policy for a longer period, but to the
idea of a policy, as well.

Table 4.30 - Cross-Case Analysis - One-on-One Interviews
Colleges "A" and "B" - Construct: Content

<table>
<thead>
<tr>
<th>Construct</th>
<th>College &quot;A&quot;</th>
<th>College &quot;B&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Content</td>
<td>+</td>
<td>+</td>
</tr>
<tr>
<td>User Assessment</td>
<td>+ = Positive perception</td>
<td>- = Negative perception</td>
</tr>
</tbody>
</table>

Coded Concept - Communication

Again, both colleges are very pleased that their sexual harassment policies and procedures are being communicated very well, on the campus. It may well be, regarding the "9 to 5", full-time, Monday through Friday employee staff, that this perception is very accurate. However, in other coded constructs, both colleges admit to not communicating the policy well, or at all, to adjunct faculty, speakers of languages other than English, and to students.

Table 4.31 - Cross-Case Analysis - One-on-One Interviews
Colleges "A" and "B" - Construct: Communication

<table>
<thead>
<tr>
<th>Construct</th>
<th>College &quot;A&quot;</th>
<th>College &quot;B&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Communication</td>
<td>+</td>
<td>+</td>
</tr>
<tr>
<td>User Assessment</td>
<td>+ = Positive perception</td>
<td>- = Negative perception</td>
</tr>
</tbody>
</table>

Coded Concept - Training

Both Colleges "A" and "B" perceive that changes must be made to their training procedures. Some of these perceptions were negative not because the training need was not acknowledged, but rather because of what a daunting task it would be to accomplish.

Both colleges were alike in perceptions regarding the need
for student training in sexual harassment policies and procedures. Specifically, at both colleges, the need for training regarding the subject of Gay student harassment was pinpointed. Also at both colleges, "date rape" was identified as being a training need subject that may be closely related to sexual harassment.

Table 4.32 - Cross-Case Analysis - One-on-One Interviews
Colleges “A” and “B” - Construct: Training

<table>
<thead>
<tr>
<th>Construct</th>
<th>College “A”</th>
<th>College “B”</th>
</tr>
</thead>
<tbody>
<tr>
<td>Training</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>User Assessment</td>
<td>+ = Positive perception</td>
<td>- = Negative perception</td>
</tr>
</tbody>
</table>

Coded Concept - Teachers/Teaching

Interestingly, in perceiving the affects that the policies, procedures, and claims process itself, have on teachers and teaching, the two schools differ greatly. College “A” participants had a great deal more to say in a positive vein, in this area, than did College “B”.

This response cannot be explained by the fact that the training is any better at College “A”. The two colleges conduct the exact training, via the Internet, as provided by the same training company.

Perhaps this positive outlook can best be explained in another way. College “A” put their policy into place in December of 2000. At the same time, they implemented sexual harassment training via the Internet. The Internet training for College “B” was put into place in the year 2001. Perhaps the more recent training caused the more positive responses.
Table 4.33 - Cross-Case Analysis - One-on-One Interviews
Colleges "A" and "B" - Construct: Teachers/Teaching

<table>
<thead>
<tr>
<th>Construct</th>
<th>College &quot;A&quot;</th>
<th>College &quot;B&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Teachers/Teaching</td>
<td>-</td>
<td>+</td>
</tr>
<tr>
<td>User Assessment</td>
<td>+ = Positive perception</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- = Negative perception</td>
<td></td>
</tr>
<tr>
<td></td>
<td>* = Both positive and negative</td>
<td></td>
</tr>
</tbody>
</table>

Coded Concept - Students/Learning

When examining the construct of Students/Learning, the researcher found that the two colleges were closely aligned. Both "A" and "B" participants had very strong, overall, negative perceptions of the affect that the policies, procedures, claims process and sexual harassment itself has on students and the learning process.

Most of this area was coded as negative as the affect on students and learning was, in fact, caused by either the students’ own lack of training, or the misinterpretation of the policy, by an official advisor.

The bulk of all perceptions in this area evolved around the physical and emotional affects of not only sexual harassment, but of going through the claims and investigative processes. At both colleges, students and officials described physical and mental health-related occurrences.

Table 4.34 - Cross-Case Analysis - One-on-One Interviews
Colleges "A" and "B" - Construct: Students/Learning

<table>
<thead>
<tr>
<th>Construct</th>
<th>College &quot;A&quot;</th>
<th>College &quot;B&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Students/Learning</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>User Assessment</td>
<td>+ = Positive perception</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- = Negative perception</td>
<td></td>
</tr>
<tr>
<td></td>
<td>* = Both positive and negative</td>
<td></td>
</tr>
</tbody>
</table>
Coded Concept - Risk

College "A" sees itself at legal risk. It is not that College "B" does not acknowledge these risks; it is just that the respondents saw less of it than did College "A".

In point of fact, it is only at College "B", that the comments regarding, "independent campuses" investigating their own claims occurred and this type of comment did occur twice at College "B" and not at all at College "A". The researcher again believes that the affect of the newness of the Internet course had a halo-type effect on the College "B" participants. They had a greater number of positive perceptions in this area. However, the perceptions that were negative were truly ominous.

<table>
<thead>
<tr>
<th>Construct</th>
<th>College &quot;A&quot;</th>
<th>College &quot;B&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Risk</td>
<td>-</td>
<td>+</td>
</tr>
</tbody>
</table>

Table 4.35 - Cross-Case Analysis - One-on-One Interviews

Colleges "A" and "B" - Construct: Risk

User Assessment + = Positive perception
                 - = Negative perception
                 * = Both positive and negative

Coded Concept - Culture

Both College "A" and College "B" immediately acknowledged that the various cultures on their two campuses mean that different students will react differently to not only sexual harassment itself, but to availing themselves of offered assistance.

The responses by the two colleges proved to be in complete agreement regarding which cultures in their diverse student bodies would be most negatively affected. These students are
from: Asia, Third World countries, the Caribbean Basin, Jamaica, the South and the Mid-West and any authoritarian country where people, "give in to authority."

There were also almost exact perceptions stated during the interviews, regarding age. The cross-case analysis showed the belief that the younger the student, the more likely they are to risk problems related to the subject matter. Interview statements indicated that younger students would be less likely than older students, to take advantage of the claims process.

| Table 4.36 - Cross-Case Analysis - One-on-One Interviews Colleges “A” and “B” - Construct: Culture |
|-------------------------------------------------|-------------------------------------------------|
| Construct                                      | College “A”                                      | College “B”                                      |
| Culture                                        | -                                               | -                                               |
| User Assessment                                | + = Positive perception                          | - = Negative perception                          |
|                                                | * = Both positive and negative                   |                                                 |

**Summary Table - Cross-Case Analysis**

| Table 4.37 - One-on-One Interviews Colleges “A” and “B” |
|-------------------------------------------------|-------------------------------------------------|
| Construct                                      | College “A”                                      | College “B”                                      |
| Content                                        | +                                               | +                                               |
| Communication                                  | +                                               | +                                               |
| Training                                       | -                                               | -                                               |
| Teachers/Teaching                              | -                                               | +                                               |
| Students/Learning                              | -                                               | -                                               |
| Risk                                           | -                                               | +                                               |
| Culture                                        | -                                               | -                                               |
| User Assessment                                | + = Positive perception                          | - = Negative perception                          |
|                                                | * = Both positive and negative                   |                                                 |
Coded Concept - Content

The construct of policy "Content" produced consistently negative results from both colleges. There was not one positive statement made in either focus group. As noted earlier in the research, out of the twenty students interviewed, only one was aware that a specific policy existed. This awareness was due to a requirement of her work-study program.

Simply put, only one of these students received training in the subject matter and none acknowledged having seen any type of on-campus information on the subject. Therefore, the fact that nineteen out of twenty students interviewed in colleges "A" and "B", had no knowledge about policy content should come as no surprise. The similarity of responses is almost identically aligned between the two focus groups.

Table 4.38 - Cross-Case Analysis - Student Focus Groups
Colleges "A" and "B" - Construct: Content

<table>
<thead>
<tr>
<th>Construct</th>
<th>College &quot;A&quot;</th>
<th>College &quot;B&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Content</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>User Assessment</td>
<td>+ = Positive perception</td>
<td>- = Negative perception</td>
</tr>
<tr>
<td></td>
<td>* = Both positive and negative</td>
<td></td>
</tr>
</tbody>
</table>

Coded Concept - Communication

The construct of "Communication" fared as well as did the construct of "Content", in this cross-case analysis. There was only one positive statement made in either of the groups. This statement was, "I think it's mentioned at Orientation." Per the perceptions of the students in both focus groups, the colleges are not reaching them with this information. The similarity of
responses is almost identically aligned between the two focus groups.

Table 4.39 - Cross-Case Analysis - Student Focus Groups
Colleges "A" and "B" - Construct: Communications

<table>
<thead>
<tr>
<th>Construct</th>
<th>College &quot;A&quot;</th>
<th>College &quot;B&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Communications</td>
<td>+ = Positive perception</td>
<td>- = Negative perception</td>
</tr>
<tr>
<td>User Assessment</td>
<td>+ = Positive perception</td>
<td>- = Negative perception</td>
</tr>
<tr>
<td></td>
<td>* = Both positive and negative</td>
<td></td>
</tr>
</tbody>
</table>

Coded Concept - Training

Again, the comparisons between the two focus groups were almost exact. All responses were negative except for one response, at College "B". This was the same student who had taken the Internet sexual harassment course, as a requirement of her work-study program.

Interestingly, the comments from either college were strikingly similar. College "A": "People need to know where to turn," and "Too bad it's not required for students." College "B": "I don't think most of us know enough," and "We need the education." There are no contrasting perceptions offered.

Clearly the student focus group, cross-case comparison concepts thus far discussed, indicate a need for the colleges to address an important issue, that of effectively offering education to the students in not only sexual harassment, but in the reporting and claims processes themselves.
Table 4.40 - Cross-Case Analysis - Student Focus Groups
Colleges "A" and "B" - Construct: Training

<table>
<thead>
<tr>
<th>Construct</th>
<th>College &quot;A&quot;</th>
<th>College &quot;B&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Training</td>
<td></td>
<td></td>
</tr>
<tr>
<td>User Assessment</td>
<td>+ = Positive perception</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- = Negative perception</td>
<td></td>
</tr>
<tr>
<td></td>
<td>* = Both positive and negative</td>
<td></td>
</tr>
</tbody>
</table>

Coded Concept - Teachers/Teaching

This particular area of the analysis had the least number of perceived issues to evaluate. Both colleges responded with negative perceptions. There are only similarities, no differences in response. All of the focus group students perceived the interactions with their instructors as being very negative when the discussion moved to what happens in the classroom during the claims process.

This same perception is experienced when the sexual harassment in known, but remains unreported, at either college. Comments such as, "The teacher sees that we resent him," and "One teacher is being blackmailed," are representative examples of the extent to which the negative perceptions of this construct go.

Table 4.41 - Cross-Case Analysis - Student Focus Groups
Colleges "A" and "B" - Construct: Teachers/Teaching

<table>
<thead>
<tr>
<th>Construct</th>
<th>College &quot;A&quot;</th>
<th>College &quot;B&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Teacher/Teaching</td>
<td></td>
<td></td>
</tr>
<tr>
<td>User Assessment</td>
<td>+ = Positive perception</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- = Negative perception</td>
<td></td>
</tr>
<tr>
<td></td>
<td>* = Both positive and negative</td>
<td></td>
</tr>
</tbody>
</table>

Coded Concept - Students/Learning

One hundred percent of this construct was perceived as negative by both student focus groups "A" and "B". The constructs as perceived at both colleges were closely aligned in
that they generally were related to fear and embarrassment or, to the physical and/or emotional well being of an alleged victim of sexual harassment. Disturbingly, both groups had similar tales of students dropping courses to avoid emotional or physical discomfort. There are no contrasting perceptions offered.

Table 4.42 - Cross-Case Analysis - Student Focus Groups
Colleges "A" and "B" - Construct: Students/Learning

<table>
<thead>
<tr>
<th>Construct</th>
<th>College &quot;A&quot;</th>
<th>College &quot;B&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Students/Learning</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>User Assessment</td>
<td>+ = Positive perception</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- = Negative perception</td>
<td></td>
</tr>
<tr>
<td></td>
<td>* = Both positive and negative</td>
<td></td>
</tr>
</tbody>
</table>

Coded Concept - Risk

Here, too, the student focus groups were one hundred percent aligned with one another. There are no contrasting perceptions offered. The risk presented in both cases are safety, physical and emotional health. Additionally legal risks present themselves in that on both campuses students either did not know where to report an incident, or were not taken seriously when an incident was reported.

Table 4.43 - Cross-Case Analysis - Student Focus Groups
Colleges "A" and "B" - Construct: Risk

<table>
<thead>
<tr>
<th>Construct</th>
<th>College &quot;A&quot;</th>
<th>College &quot;B&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Risk</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>User Assessment</td>
<td>+ = Positive perception</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- = Negative perception</td>
<td></td>
</tr>
<tr>
<td></td>
<td>* = Both positive and negative</td>
<td></td>
</tr>
</tbody>
</table>

Coded Concept - Culture

This construct elicited the most discussion at both colleges and again, the responses are aligned almost identically. There are no contrasting perceptions offered.
The responses by the two student focus groups proved to be in complete agreement regarding which cultures in their diverse student bodies would be most negatively affected. These students are from: Asia, Third World countries, the Caribbean Basin, Jamaica, the South and the Mid-West and any authoritarian country. The verbal responses to the construct are almost identical to those responses found in the cross-case analysis of the individual interviews of colleges “A” and “B”.

There were also almost exact perceptions regarding age. The cross-case analysis showed the belief that the younger the student, the more likely they are to risk problems related to the subject matter. They would be less likely than an older student to take advantage of the claims process.

The subject of Gay harassment came up in both student focus groups, as did date rape.

Table 4.44 - Cross-Case Analysis - Student Focus Groups
Colleges “A” and “B” - Construct: Culture

<table>
<thead>
<tr>
<th>Construct</th>
<th>College “A”</th>
<th>College “B”</th>
</tr>
</thead>
<tbody>
<tr>
<td>Culture</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

User Assessment
+ = Positive perception
- = Negative perception
* = Both positive and negative
<table>
<thead>
<tr>
<th>Construct</th>
<th>College &quot;A&quot;</th>
<th>College &quot;B&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Content</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Communication</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Training</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Teachers/Teaching</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Students/Learning</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Risk</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Culture</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

**User Assessment**  
+ = Positive perception  
- = Negative perception  
* = Both positive and negative
Chapter V: Discussion

Discussion of the Results and Conclusions

The discussion of the results will address the two research questions as stated in the purpose of the study. The first research question is: Do the policies, their content, communication and subsequent related training, or lack thereof, subject South Florida community colleges to risk? Risk is defined as legal risk.

The second research question is: What is the perception of how sexual harassment policies and procedures affect students and faculty, their interactions, and how students learn and how faculty teach; is there a cultural component to this?

**Research Question One - Legal Risk**

All of the community colleges in South Florida do have formal, written sexual harassment policies and procedures. However, the pattern is very clear regarding the evaluation of the colleges' sexual harassment policies and procedures.

While Colleges "A" and "C" were, in many cases, true to both the "GRID" and "The Enforcement Guidelines" (1999), none of these colleges had policies and practices which adhere to all, or even to most, of the recommendations.

Granted, the precedent setting court cases upon which "the Guidelines" (1999) were based, were both decided in the year 1998. One could argue therefore, that the colleges could not have based their policies and procedures on either Burlington Industries, Inc. v. Ellerth (1998) or Farager v. City of Boca Raton (1998) since these precedents were not yet in place.

Institutions of higher learning are held at a high standard and certainly between 1998 and the year 2001, the colleges might have found this topic of greater importance. This importance, not only to the physical, emotional and educational well being of their campus employees and students, but to the campus’s reputation in the eyes of the public, as well. Too, the institutions might have considered the legal and monetary risk connected with out-of-date policies affecting an entire campus community. Minimally, it would have been prudent to at least update the written sexual harassment policies and procedures so that the colleges would not be exposed to that legal risk.

Not one of these community colleges trains their student populations, regarding the availability of the sexual harassment claims process, in any consistent manner. The student numbers in these colleges range from a low of just over 16,000 to a high
of over 120,000 students educated annually. The needs of the greatest number of members of the campus communities are not being recognized. And, not all of the colleges can be sure that they are training their entire employee populations either. Additionally, none of the colleges has immediate long range plans to present the training as an ongoing process. Legal risk is again incurred as employees and students alike remain unaware of the remedies available to them.

Communication and distribution of the policies are generally incomplete and not one college provides for monitoring or follow-up after a claim has been resolved. Only one of the colleges has language in its policy that assures immediate and appropriate corrective action. Additionally, three out of the four colleges had both formal and informal procedures or multiple layers involved in resolving sexual harassment claims. Given these layers and the numbers of people involved in the resolutions, it is difficult to find that these claims processes could either be entirely confidential or prompt. Again, the possibility of legal risk is invited, as confidentiality and lack of timeliness of resolution is incurred.

All of the colleges ignore the needs of those in their employee populations who are not proficient in the English language. The United States Census bureau, in its year 2000 statistics, notes that the Hispanic population in the four counties comprising South Florida, ranges from a low of 12.4% to a high of 68.0%. Black/African Americans are not separated out in these statistics from the South Florida Haitian
population, and range from a low of 4.8% to a high of 20.5. Since these numbers are not presented separately, this researcher is not able to present numbers of those in the Haitian population, in the counties studied (U.S. Census Bureau, 2001). However, each Human Resources Director with whom this researcher spoke, acknowledged that there was a significant population of both Haitian students and employees. Also acknowledged was the fact that many of the Haitian employees were not proficient in the English language.

Problematic as well, is the fact that in both colleges where on-site interviews were conducted, Department Heads advised the interviewer that they first tried to take care of sexual harassment claims, "at the local level", without seeking the council of the Human Resources Department. Adding to the college's risk is the fact that while they have guidelines, some supervisors choose to ignore them completely.

All of the colleges overlook the needs of those in their employee populations, who work hours other than the general, Monday through Friday, work week. Ease of accessibility to the complaint process is lacking at all four colleges.

Additionally, the offices that hold the manuals describing the process are generally open only during regular workday hours, during the Monday through Friday work week. Each of the items discussed above, leave the colleges wide open to the risk of legal exposure. This legal risk is over and above the risk involved with the physical, emotional and educational well being of the campus population.
Allan H. Weitzman, is a nationally renowned employment litigator who is well known for his defense of the City of Boca Raton in *Faragher v. City of Boca Raton* (1999). Mr. Weitzman, in front of the Supreme Court of the United States of America, presented a brief which the Supreme Court adopted in *Faragher* (1999). His brief argued that an employer’s affirmative defense could be supported if an employee bypasses an employer’s internal complaint procedure. Obviously, if the employee, or student is not made aware of the internal complaint procedure, then the affirmative defense is not valid.

Mr. Weitzman agreed to discuss the concept of legal “risk” and its relationship to the sexual harassment policies and procedures on South Florida community college campuses, with this researcher.

“Given the nature of the second prong of Faragher’s affirmative defense, the employee’s attorney will try everything to provide a reasonable basis for the employee’s failure to utilize the complaint procedure. The first line of attack is the procedure itself. Therefore, if the procedure lacks any of the essential elements, including confidentiality assurances, an anti-retaliatory provision, and an adequate description of the conduct covered, including examples, this failure may result in the defeat of the affirmative defense. Consequently, in terms of an employer’s financial exposure, there is no policy in the handbook that deserves more attention and care in its’ preparation.”

Given the results of the evaluation of the sexual
harassment policies and procedures on South Florida community college campuses, it is safe to conclude that merely having a sexual harassment policy is not enough to ensure protection against legal risk. Therefore, the community colleges of South Florida find themselves at legal risk, based upon the lack of training in the subject matter, the content of their sexual harassment policies and how the policies themselves are administered and communicated.

Research Question Two - Perceptions: Interactions, Teaching, Learning and Culture

Based on both the individual and group interviews, perceptions of how the sexual harassment policies and procedures affect students and faculty, their interactions, and how students learn and how faculty teaches, were discovered. Also discussed, is the relationship of culture to the subject matter.

It was clear from the individual interviews that the colleges remain positive regarding their belief in the degree of excellence of their policies, their content and their communication. The perceptions of the individual interviewees do not match the realities of the inadequate policies themselves, nor of their administration, in terms of lack of communication and training. These failures are demonstrated by both the Evaluation Grid and group discussions.

Regarding how the teachers saw the policies as affecting teaching itself, there were numerous comments about the personal interaction being lost between teacher and student due to a heightened awareness of new physical boundaries. Still, this
loss was in many cases reported, by the instructors themselves, as often being a positive outcome, depending on the situation. There was almost no discussion about the polices and claims processes affecting the act of teaching itself.

The overwhelming sentiment regarding how sexual harassment and the administration of the claims themselves affect students, was 100% negative. There were many comments regarding physical and emotional symptoms incurred during the formal or informal claims process. It was consistently reported that symptoms made learning difficult.

Additionally, the individual interviews revealed uniformly, that culture and age have a great influence on how students react to both sexual harassment itself and to availing themselves of the reporting process. All groups and individuals interviewed, reported without exception, that students from authoritarian, foreign countries and conservative areas of the United States, and younger students, would fail to report harassment. These cultural and age influences, when combined with a lack of information about what sexual harassment is and how to report a claim, were reported as influencing how students perceive the classroom experience. During either an event of sexual harassment or during the claims process itself, it was uniformly reported that culture and age contributed to negative emotional and physical responses and, in some cases lead to dropping the class entirely.

Finally, while it is not a requirement stated by “the Guidelines” (1999), in Oncale v. Sundowner Offshore Services,
Inc. (1998), the Supreme Court found that Title VII did not exclude same-sex harassment claims. Yet, not one of the colleges' sexual harassment policies addressed the on-campus gay culture and how that population could be protected.

Possible Solutions

All of the colleges studied give students the option of either registering on-line, or, in the traditional way, at the Office of the Registrar. It is suggested by the researcher that electronically, the sexual harassment policy be designed to appear on the registration computer program, each time a registration is being completed. The student would sign electronically as having read the policy. A paper policy, or an electronic policy could also be made available during the in-person registration process. Additionally, faculty could be encouraged to incorporate the policy in their lesson plans. Sexual Harassment would be an appropriate subject for discussion or assigned projects in Journalism, Health Sciences, Sociology, Psychology, Education, and Drama classes.

Classroom style training could be made available to employees who are not proficient in the English language. The scheduling of these classes must be flexible to accommodate the employees work schedules. Classes need to be offered on weekends and in the evenings. Additionally, video tapes, produced in the languages of non-English speaking employees, could be made available for individual "check out".

An annual mailing of the policy and procedures, to all
faculty, students, and employees could be accomplished, as could the prominent posting of the policy on campus bulletin boards. Some of the campuses have radio stations; these colleges could broadcast the policy on a regular basis or have a "talk show" or on-the-air discussion about the policy. Additionally, the policy and articles about the policy could be included in the campus newsletter.

It was reported by some of the interviewees that training all of the students would be unwieldy. The colleges could ensure that their sexual harassment policies and procedures take on a more prominent profile at Orientation and quarterly seminars for students could be offered. These seminars could also be offered for additional grade points in appropriate classes. They could be tied in with position papers and research projects. A drama class presentation on sexual harassment would easily be possible.

The colleges could approach the problem much like a marketing campaign. Flyers could be available around the campuses which describe what sexual harassment is and what rights the students have. The flyers need to be printed in the languages that the students and employees speak. The school could set up a campus billboard that states their commitment to a sexual harassment free environment. Other policies and commitments to the students, faculty and community could rotate, on a regular basis.

Most important is the establishment of a twenty-four hour sexual harassment "hot line". This could be either an 800
number or not. The "hot line" phone number could be advertised on the campus billboard. Additionally, an e-mail address could be made available for students, faculty and staff who need guidance, or need to set up an in-person meeting with the Human Resources Administrator. These options would solve the problem found on all of the campuses of students and employees not having access to administrators in the evenings and on weekends.

Regarding the problems found within the policies themselves, training is again invoked. The Human Resources Administrators, or other persons charged with writing the policies and enforcing the procedures, must themselves be educated in their own field.

The process of training an entire campus population, on sexual harassment policies and procedures, involves commitment and insight that acknowledges the need for an ongoing campaign of education.

Suggestions for Future Research

1. Is sexual harassment not well recognized on community college campuses? If so, is this because it is purposely underreported, or because students are not aware of the reporting mechanism(s)?

2. How does the age of the student affect the reporting of incidences of sexual harassment? Does the fact that community college students are, on average, older than students at four-year colleges contribute to the rate of reporting? Are younger
students less like to report sexual harassment?

3. Does the nature of the diversity of the students, in terms of country of origin, contribute to underreporting? Do foreign students need training designed specifically for their needs, in regard to sexual harassment education?

4. There was almost no discussion of student peer-to-peer or employee-to-employee harassment during the research. To what degree do these occur? Who is predominantly perpetrating the harassment, men or women? Faculty, staff or students?

5. Is sexual harassment on community college campuses related to same sex harassment for students, faculty and staff? Are gay students, faculty or staff singled out as targets for harassment? Do gay students, faculty and staff underreport incidents of sexual harassment?

6. The subject of date rape was discussed at both student focus groups and was brought up by the students themselves. To what degree does date rape occur? Research on the occurrence of date rape on community college campuses must be studied. Is training and counseling available? Are there preventative measures that can be undertaken by the institutions?

7. It is suggested that comparative studies be conducted in other community college systems to determine whether the results
of this study are consistent. How do other colleges conduct training? What technology is utilized? Software? Internet? Video? Which are effective? Why? Is the entire campus community trained? Are the policies sound? Are they administered consistently and are they well publicized?

8. It is recommended that an evaluation of sexual harassment educational programs on community college campuses be undertaken to determine if training increases the reporting of sexual harassment. Do sexual harassment training programs decrease the actual number of incidences of sexual harassment on community college campuses?
Limitations of the Study

This study is not without its limitations. The individuals who participated in the study were recruited by either the Human Resources Director, or the President of the Student Body, assisted by the Editor of the school’s student newspaper. Necessarily, selection bias may have occurred due to the purposeful, nonrandom selection of sample subjects. However, it was impossible to avoid singling out certain individuals chosen as representing major areas of the campus, such as the Director of Human Resources or the Dean of Student Affairs.

One can only speculate, as to whether the members of the student focus groups, who were “chosen” by peers, may have been inordinately eager to cooperate with, for example, the President of the Student Body.

The study identified the need for consistency and communication of the policies, and for training of entire campus communities. These findings are transferable to other community college campuses, as the mission of education is a like goal of all community colleges. However, the findings of the evaluation of the policies themselves, cannot be considered transferable. The information gathered, can only be used to discuss the colleges which participated in the interview and focus group portions of the research.

Finally, the central flaw in the study is that, while 100% of all community colleges in South Florida participated in the evaluation of sexual harassment policies and procedures, only
50% permitted the researcher to conduct on-site interviews. These additional interviews would have further served to validate the researcher's findings.

Summary Statement

The subject of training was the underlying theme of all of the constructs evaluated. Lack of training contributes to legal risk for the colleges and allows young students, and students and employees who are either from authoritarian countries, or who do not have an adequate understanding of the English language, to remain uneducated regarding where they can turn for assistance. Additionally, the lack of training can subvert education by allowing ill-equipped students to face important issues, thinking that they have no recourse.

The research indicates that the administration of sexual harassment policies and procedures is not seen as a priority issue on South Florida community college campuses.
References


Florida Civil Rights Act of 1992; Chapter 760 Florida Statutes.


Harrison v. Eddy Potash, Inc., 158 F.3d 1371 (10th Cir.1998).


Reed v. Shephard, 939 F. 2d 484 (7th Cir. 1991).


Savino v. C.P. Hall Company, 199 F.3d 925 (7th Cir. 1999).


Torres v. Pisano, 116 F.3d 625 (2nd Cir. 1997), cert. denied.

United States Equal Employment Opportunity Commission

United States Equal Employment Opportunity Commission

United States Equal Employment Opportunity Commission


Wilson v. Tulsa Junior College, 164 F.3rd 534 (10th Cir. 1998).

Appendix A

Interviews: Guiding Questions For Community College Human Resources Administrators

1. Regarding your campus’s sexual harassment policies, procedures, training and/or claims, what is your role?

2. How does the college provide sexual harassment training and information for members of the campus administration, faculty, staff and student body? Is it mandatory? Is there continuity? Please discuss how you perceive this training. How does this training and dissemination of information affect teacher and student interaction in the classroom? Teaching and learning? If it is not provided, why do you think it is not?

3. How, in either the sexual harassment training sessions (if training is conducted), or in some other way, is it communicated to the attendees by administration that sexual harassment is not acceptable faculty and/or student behavior? If so, in this communication, what were the real or implied repercussions for sexual harassment being committed? How does the communication of the unacceptability of the behavior affect students and teachers in terms of classroom interaction? Does it affect teaching, and
learning?

4. Please discuss the investigation of claims regarding the formality or informality of the process. Discuss confidentiality of claims and with whom the burden of the claim lays, the claimant or alleged harasser? How does the claim process itself affect students and teachers in terms of classroom interaction, teaching and learning?

5. How have this college's sexual harassment policies and procedures assisted or impeded you in terms of resolving claims that are either official or unofficial? How do the policies and procedures assist or impede faculty and students? How do the policies and procedures affect classroom interaction between instructors and students? Does this affect teaching and learning?

6. In what way(s) do the top level administration of this campus support a.) the sexual harassment policies and procedures and b.) your decisions and recommendations in matters related to this subject matter? Please explain. How does this support or lack of support affect classroom interactions between instructors and students? How does this support or lack of support affect teaching and learning?
7. In this campus' culture, what has been or is the reaction of administration, faculty, staff and students to claims of sexual harassment that are either official or unofficial? Please explain. How do these reactions affect classroom interactions between teachers and students? How do these reactions affect teaching and learning?

8. Please discuss whether there is sexual harassment on this campus that is known, but not officially reported. How does this affect classroom interactions between teachers and students? How does this affect teaching and learning on your campus?

9. Typically, how would students and faculty learn about both the official and the unofficial claims? If not an official announcement, why do you think that they have to learn about the claim(s) in an unofficial manner? Does the manner in which the information is learned affect classroom interactions between teachers and students or on teaching and/or learning?

10. What if anything is specific to the environment, culture, or the people on this campus that accounts for the attitudes and reactions of teachers and students to the sexual harassment policies and
procedures? Age? National origin? Region of the country? Other?

11. Based on your observations, does this specific environmental or cultural influence have an affect how teachers teach and/or how students learn on your campus? Or, how they interact in the classroom?

12. Are your sexual harassment policies posted throughout the campus? Are these policies discussed in relation to any other employee or student venue such as in the campus e-mail policy or in "fraternization" policies? Where are they found?
Appendix B

Interviews: Guiding Questions For Community College

Deans or Vice Presidents of Student Activities

1. Regarding your campus' sexual harassment policies, procedures, training and/or claims, what is your role?

2. How does the college provide sexual harassment training and information for members of the campus administration, faculty, staff and student body? Is it mandatory? Is there continuity? Please discuss how you perceive this training. How does this training and dissemination of information affect classroom interaction between instructors and students? Does it have an affect on teaching and learning? If training is not provided, why do you think it is not?

3. How, in either the sexual harassment training sessions (if training is conducted), or in some other way, is it communicated to the attendees by administration that sexual harassment is not acceptable faculty and/or student behavior? If so, in this communication, what were the real or implied repercussions for sexual harassment being committed? How does the communication of the unacceptability of the behavior affect students and teachers in terms of classroom interaction and teaching, and learning?
4. Please discuss the investigation of claims regarding the formality or informality of the process. Discuss confidentiality of the claims process and with whom the burden of the claim lays, the claimant or alleged harasser? How does the claim process itself affect students and teachers in terms of classroom interaction and in terms of teaching and learning?

5. How have this college's sexual harassment policies and procedures assisted or impeded you in terms of resolving claims that are either official or unofficial? How do the policies and procedures assist or impede faculty and students? How do the policies, their administration and the claims process itself affect students and teachers in terms of classroom interaction and in terms of teaching and learning?

6. In what way(s) do the top level administration of this campus support a.) the sexual harassment policies and procedures and b.) your decisions and recommendations in matters related to this subject matter? Please explain.

7. Please discuss whether there is sexual harassment on this campus that is known, but not officially reported. How does this affect classroom interaction between students and teachers? On teaching and/or
learning?

8. Typically, how would students and faculty learn about both the official and the unofficial claims? If not an official announcement, why do you think that they have to learn about the claim(s) in an unofficial manner? Does the manner in which the information is learned affect classroom interaction between teachers and students? On teaching and/or learning?

9. What if anything is specific to the environment, culture, or the people on this campus that accounts for the attitudes and reactions of teachers and students to the sexual harassment policies, procedures, and administration of claims? Age? National origin? Region of the country? Other?

10. Based on your observations, does this specific environmental or cultural influence have an affect on classroom interaction between teachers and students? On teaching and/or learning?

11. Where are your college’s sexual harassment policies and procedures found?

12. What are your college’s sexual harassment procedures? How would you report sexual harassment?
Appendix C

Interviews: Guiding Questions For Community College Faculty

1. Are you aware of the sexual harassment policies and procedures on your campus? If you are, please explain how you know about them.

2. How does the college provide sexual harassment training and information for members of the campus faculty? Is it mandatory? Is there continuity? Please discuss how you perceive this training. How does this training and dissemination of information affect teaching and learning? If it is not provided, why do you think it is not?

3. How, in either the sexual harassment training sessions (if training is conducted), or in some other way, is it communicated to the attendees by administration, that sexual harassment is not acceptable faculty and/or student behavior? If so, in this communication, what were the real or implied repercussions for sexual harassment being committed? How does the communication of the unacceptability of the behavior affect classroom interactions between teachers and students? Does it affect teaching and learning?
4. Do you think that the sexual harassment training about your campus' policies and procedures have positive or negative repercussions on students and how they learn? On teachers and how they teach? Do they affect classroom interactions between faculty and students?

5. If you have knowledge of or experience with the investigation of claims process, please answer this question. Is the burden of proof on the claimant or the alleged harasser? Discuss what you believe regarding the confidentiality of claims, reactions on campus to claims and how the claim process itself affects teaching and learning. Does it have an affect on classroom interactions between students and teachers?

6. Please discuss whether there is sexual harassment on this campus that is known, but not officially reported. How does this affect teaching and learning on your campus? Does it affect classroom interactions between students and teachers?

7. Typically, how would you learn about both the official and the unofficial claims? If not an official announcement, why do you think that you would have to learn about the claim(s) in the manner that you did?
Does the manner in which the information is learned affect teaching and/or learning? Does it have an affect on classroom interaction between teachers and students?

8. In your opinion, how are your peers on the faculty affected or influenced by the sexual harassment policies and procedures and the way that claims of sexual harassment are handled? Has it had an affect on how they teach?

9. How has your own awareness of the sexual harassment policies and procedures and the way that claims of sexual harassment are handled had an affect on you in the classroom, particularly in the way that you teach?

10. In your opinion, have the sexual harassment policies and procedures and the way claims are handled affected how students learn?

11. What if anything is specific to the environment, culture, or the people on this campus that accounts for the attitudes and reactions of teachers and students to the sexual harassment policies and procedures? Age? National origin? Region of the country? Other?
12. Based on your observations, does this specific environmental or cultural influence have an affect on how teachers teach and/or how students learn on your campus? Does this environmental or cultural influence how teachers and student interact in the classroom?

13. Where are your college’s sexual harassment policies and procedures found?

14. What are your college’s sexual harassment procedures? How would you report sexual harassment per the procedure?

15. THIS QUESTION IS FOR THE HEAD OF THE FACULTY UNION ONLY. Do your campus' sexual harassment policies and procedures align with the termination procedure found in your union contract?
Appendix D

Interviews: Guiding Questions For Community College Students

1. Are you aware of the sexual harassment policies and procedures on your campus? If you are, please explain how you know about them.

2. How does the college provide sexual harassment training and information to members of the student body? Is it mandatory. Is there continuity? Please discuss how you perceive this training. How does this training and dissemination of information affect student learning? How does it affect teaching? Does it have an affect on classroom interaction between teachers and students?

3. How, in either the sexual harassment training sessions (if you received training), or in some other way, was it communicated to you by administration that sexual harassment is not acceptable student behavior? If so, in this communication, what were the real or implied repercussions for sexual harassment being committed by a student? How does the communication of the unacceptability of the behavior affect learning? Teaching? Interaction in the classroom between teachers and students?
4. Do you think that the sexual harassment training about your campus’ policies and procedures have positive or negative repercussions on students and how they learn? On teachers and how they teach? On the interaction between teachers and students in the classroom?

5. If you have knowledge of or experience with the investigation of claims process, please answer this question. Is the burden of proof on the claimant or the alleged harasser? Discuss what you believe regarding the confidentiality of claims, reactions on campus to claims and how the claim process itself affects teaching and learning. How does the claim process affect the interaction of teachers and students in the classroom?

6. Please discuss whether there is sexual harassment on this campus that is known, but not officially reported. How does this affect teaching and learning on your campus? Is there an affect on the interaction of teachers and students in the classroom?

7. Typically, how would you learn about both the official and the unofficial claims? If not an official announcement, why do you think that you learned about the claim(s) in the manner that you did? Does the
manner in which the information is learned affect how you learn? Does it affect how the instructor teaches? Does it have an affect on the interaction of teachers and students in the classroom?

8. In your opinion, how are your peers affected or influenced by the sexual harassment policies and procedures and the way that claims of sexual harassment are handled? Has it affected student learning?

9. How has your own awareness of the sexual harassment policies and procedures and the way that claims of sexual harassment are handled had an affect on you in the classroom, particularly in the way that you learn?

10. How have the sexual harassment policies and procedures and the way that claims of sexual harassment are handled affected how teachers teach?

11. What if anything specific to the environment, culture, or about the people on this campus, accounts for the attitudes and reactions of teachers and students to the sexual harassment policies and procedures? Age? National origin? Region of the country? Other?

12. Based on your observations, does this specific
environmental or cultural influence have an affect how teachers teach and/or how students learn on your campus? Or how the two interact in the classroom?

13. What are your colleges' sexual harassment procedures? How would you report sexual harassment, per the procedure?
APPENDIX E

INFORMED CONSENT

You have been asked to participate in a research study conducted by Lyn J. Pont, a doctoral student in the College of Education program at Lynn University, Boca Raton, Florida. The goal of this study is to examine the effects that sexual harassment policies and procedures have on the teaching and learning environments on South Florida community college campuses. This research involves obtaining a description of your feelings and experiences in relation to your campus’s actual sexual harassment policies and procedures, their administration, and possible effects on the teaching and learning environment. The study involves a one-on-one interview and a follow-up interview. The follow-up interview may be conducted either by telephone, or in person. The one-on-one interview will consist of open-ended questions about your personal experiences and observations relevant to the subject matter. The interview will be tape recorded for a later analysis. Once the analysis has been completed, you will be contacted again for the follow-up interview to review the analysis for accuracy. The total time involved in participation will be approximately two hours.

The information you provide will be kept strictly confidential. The transcription of the interview will be coded with a number and an alias to protect your identity. Reports of this research will not include any identifiable data. The overall results of the research will be published in a doctoral dissertation as well as other possible venues (e.g., professional journal).

Given that little research has been conducted in this area, it is hoped that this research will benefit students, faculty and communities colleges to better understand if and how the subject matter affects the teaching and learning environment. The risk to you is considered low on a scale of low, medium, and high. Should you experience some discomfort in discussing your experiences with, or perception of, the subject matter, the researcher will provide a campus-approved list of counseling contacts. Additionally, the researcher is available by phone for contact any time during this research. You may withdraw from this study at any time without negative consequences if participation becomes in any way uncomfortable. Should you withdraw, your data will be eliminated from the study and will be destroyed. If you do participate, your data will be coded to protect your identity and confidentiality, and kept in a locked security box for a period of five years. After five years, the data will be destroyed. There is no financial remuneration for participating in this study.

Should you request it, a copy of the final research analysis will be provided to you at the conclusion of the research. Additionally, if you desire, the researcher can make a copy of the dissertation available to you upon final approval. If you have any questions about any aspect of this study or your involvement, feel free to ask at any time. If you have concerns about this project that you do not want to address with Lyn J. Pont, you may call Dr. Carole Warshaw, Professor, and Dissertation Committee Chair, Lynn University, at [phone number].

Two copies of this informed consent have been provided. Please sign both indicating you have read, understood, and agree to participate in this research. Please return one copy to the researcher and keep the other for your files.

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Lyn J. Pont, Researcher

Date

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APPENDIX F

INFORMED CONSENT TO AUDIO-RECORD

I, ___________________________ give permission to have this Interview recorded by means of an audio recording device. I understand that interview will be taped for data collection purposes specific to this research project only. The recording will be transcribed and coded.

The recording and transcription will be maintained for a period of five years. At that time the recording and transcription will be destroyed. I understand that these tapes, as well as all written materials, are completely confidential.

Name of Participant (please print) ___________________________ Telephone ___________________________

Signature of Participant ___________________________ Date ___________________________

Lyn J. Pont, Researcher ___________________________ Date ___________________________
Ms. Lyn J. Pont

Dear Ms. Pont:

This is in response to your letter of May 24, 2001, to the Miami District Office, regarding a sexual harassment policy checklist. Your request has been forwarded to this office for a response.

As you know, the Equal Employment Opportunity Commission enforces the federal employment discrimination statutes, including Title VII of the Civil Rights Act of 1964, which prohibits, among other things, workplace harassment based on race, color, sex, national origin, or religion. In June 1999, the Commission issued an Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors. The checklist includes 11 points that are derived from the June 1999 guidance for use in evaluating sexual harassment policies.

We believe that the factors included in the checklist may be relevant in determining whether an employer has an effective antiharassment policy. However, as explained in the June 1999 guidance, additional factors will also be relevant in assessing an employer’s liability for unlawful harassment.

Please note that this letter does not constitute an official opinion of the Commission. In addition, our silence on other statements or analyses that may have been presented should not be construed as agreement with those matters.

Sincerely,

Dianna B. Johnston
Assistant Legal Counsel