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JACKSON

Campus conduct reviewed

Univ. harassment policies evaluated

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Examples listed in the University's harassment policy do not meet a legally-defined standard, a top official in a national individual rights defense organization said.

The policy "contains potential examples of harassment that will rarely, if ever, rise to the level of actual harassment," said Samantha Harris, director of legal and public advocacy for the Philadelphia-based Foundation for Individual Rights in Education.

The group aims to defend individuals' rights at colleges and universities, according to its mission statement.

Legitimate sexual harassment must be hostile or abusive speech that is "severe and persistent" against the same person, rather than a one-time act, she said.

"Sexually suggestive" or "degrading" jokes, which are prohibited in the University's policy, often do not rise to the level of severity or pervasiveness, she said.

"A single e-mail from a professor, intended as humor, certainly does not constitute a 'systemic denial of equal access to education,'" Harris wrote in an e-mail to The Red & Black.

"If the conduct were to persist, and be severe enough that a reasonable person - not just the particular student in question - would seriously consider dropping the class as a result, then you might be talking about conduct that rose to the level of harassment," she said.

The University's Office of Legal Affairs, which handles sexual harassment claims, forwarded all questions about enforcement of the policy to Tom Jackson, vice president for public affairs.

Jackson said he spoke with Legal Affairs to determine if the University has specifically drawn criteria to easily differentiate between inappropriate speech and speech that legally constitutes sexual harassment.

"The language of the [sexual harassment] policy is the guidance, coupled with the judgment of the investigator," he said.

The Red & Black has reported on professors found in violation of the harassment policy.

In those cases, the University required multiple acts of speech before pursuing sexual harassment claims.

In one instance, a professor was not punished for what one of his female students considered inappropriate sexual comments, because they were made in the course of a class discussion.

Academic freedom protections make it difficult to punish faculty members who speak in the context of their classroom teaching or academic writings, Harris said.

"Academic freedom is fairly broad, but [protected speech] has to be related to the course material," Jackson said. "The definition of what's related to the course material could be relatively broad."

Harris said the Foundation for Individual Rights in Education gives the University a "red light" rating, its worst possible rating for the level of free speech on campus.

"UGA's sexual harassment policy is not the policy to which FIRE objects the most," she said. "The policy that earns UGA its 'red light' rating is the residence halls' overly vague prohibition on 'acts of intolerance.'"

The prohibition, according to the Department of University Housing's "Visiting Scholar and Guest Guide," can include jokes, posters and comments

that are "motivated by prejudice toward a person or group because of

their race, religion, ethnicity, abilities, national origin, gender, body size, socioeconomic status or sexual orientation."

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