# DA- Harassments- TOC -- Nirmal

## Notes

## 1NC

### 1NC- DA- Harassment

#### Status quo harassment cases continue because of a lack of accountability and clear academic policy

**Saha 16** [Madhumita Saha, 8-1-2016, "Academia’s feet of clay: sexual misconduct and gender discrimination in schools," dna, <http://www.dnaindia.com/world/column-academia-s-feet-of-clay-sexual-misconduct-and-gender-discrimination-in-schools-2247826>]

University campuses are particularly vulnerable to sexual harassment of various types. Different sorts of authorities - formal, informal, achieved as well as ascribed- are exercised over students, assistant professors, and administrative assistants. According to the federal campus safety data, nearly 100 US colleges and universities had at least 10 reports of rape on their main campuses in 2014, with Brown University and the University of Connecticut tied for the highest annual total of 43 each.¶ Recently, Association of American Universities (AAU) conducted a Campus Climate Survey on Sexual Assault and Sexual Misconduct among 150,000 students at 27 schools, including most of the Ivy League. Of the female undergraduate student respondents, 23.1 per cent informed the surveyors that they have experienced sexual misconduct due to physical force, threats of physical force, or incapacitation.¶ 2¶ Per cent of college students reporting sexual assault, 2015¶ One of the most disturbing revelations of the survey indicates that overall rates of reporting to campus officials and law enforcement were rather low.¶ Depending on the specific type of sexual harassment, only five per cent to 28 per cent of respondents claim to have reported their experience of sexual harassment to the appropriate authorities. According to the AAU Climate Survey, the most common reason for not reporting incidents of sexual assault and sexual misconduct was that it was not considered serious enough. Among other reasons, students cited they were “embarrassed, ashamed or that it would be too emotionally difficult,” and because they “did not think anything would be done about it.”¶ Taking it from here to a safer future¶ There is nothing peculiar about sexual harassment and misconduct in the US educational institutions. Embedded in the similar kind of power structure, I am sure, such acts of sexual transgression is common enough occurrence in any university under the sun. So, let’s not point a finger and try to make a case of western sexual promiscuity out of it; we are all living in fragile glass houses.¶ On 14 December 2015, Smriti Irani, the former human resource and development minister of India reported, that as per University Grants Commission (UGC), there have been 295 cases of sexual harassment against women during 2014-15 in various institutes of higher learning in India.¶ As various scholars and activists working on sexual misconduct have already pointed out, we have to be aware that even when a sexual assault has not taken place, a person can experience sexual harassment; a hostile, offensive and intimidating atmosphere - created in academic spaces - does count as sex harassment too.¶ Women belonging to minority groups of different race, caste, and religion are more vulnerable. As are people belonging to the third gender.¶ While acknowledging that women are more vulnerable to sexual conduct, we also need to come up with regulations that look into the harassment suffered by other genders too. Recently, the UGC has taken the right step towards this direction when it introduced the first gender neutral regulation on sexual harassment in India. Under this regulation, both male students and students of the third gender in universities can lodge complaints against sexual harassment faced by them.¶ Tyann Sorrell 's case, and similar other cases reported from academic institutions, should be used to create greater awareness. Sexual harassment is indeed ubiquitous; such heinous crime is not solely committed by blacks, poor and the uneducated, as is widely perceived. Power is deeply entrenched in such actions and, thus, the perpetrators often come from the most privileged section of our societies.

#### The aff’s defense of free speech overflows into every instance- it’s especially used in cases of harassment law

Marcus 08 [Kenneth L Marcus [Lillie and Nathan Ackerman Chair in Equality and Justice in America, Baruch College¶ School of Public Affairs]. "Higher Education, Harassment, and First Amendment Opportunism." Wm. & Mary Bill Rts. J. 16 (2007): 1025.]

These incidents highlight a puzzling phenomenon in contemporary constitutional¶ culture. The puzzle has been the relatively recent appearance and eager¶ acceptance, especially in higher education, of First Amendment or academic¶ freedom arguments in areas which had long been beyond their reach. For at least¶ the "first fifteen years of its development," the law of harassment had been wellunderstood¶ to regulate a sphere of constitutionally unprotected, proscribable¶ conduct, even when it incidentally included the use of words.2' Yet in recent years¶ free-speech arguments have become a favorite topic-changing device for defenders¶ of all forms of harassment, 22 especially in post-secondary education where many are¶ especially sensitized to issues of free speech and academic freedom. The tendency¶ to construct harassing conduct as speech has important ramifications since the¶ appearance of the First Amendment, with its powerful array of standards and¶ presumptions, augurs ill for any area of regulation which is brought within its¶ shifting boundaries. As Frederick Schauer put it, "Once the First Amendment shows¶ up, much of the game is over., 23 And indeed, arguably, the game may now be over¶ for harassment law, which is to say, free speech issues may have obtained too much traction in this area to be dismissed out of hand. On the other hand, it remains at¶ best unclear as to whether the First Amendment is even salient as to this area of law.¶ The appearance of the First Amendment in this area was likely hastened by¶ overreaching on the part of civil rights advocates who, during the 1980s and 1990s,¶ introduced campus speech codes which could not help but raise First Amendment¶ attention.24 For many years, this conflict played itself out in a series of arguments¶ about campus speech codes, which were devised to protect various groups from¶ expressions which might be considered offensive or "hateful."' While these codes¶ drew some support from academic commentators, 26 the courts generally found them¶ to violate the First Amendment and other commentators agreed.27 Interestingly, few institutions have withdrawn speech or harassment codes unless threatened with the¶ risk of litigation or faced with adverse judicial decisions, and many apparently¶ remain on the books.28¶ At the same time, however, most universities have also promulgated antidiscrimination¶ and harassment policies pursuant to the requirements of various¶ federal civil rights statutes (especially Title VI of the Civil Rights Act of 196429 and¶ Title IX3¶ " of the Education Amendments Act).3¶ ' Unlike hate speech codes,¶ harassment regulations (such as the federal regulations or public universities'¶ implementing policies) are not directly aimed at speech, although the harassing¶ conduct they regulate may include words.32 Given the prominence of speech¶ interests to the academic setting, however, free speech claims are now regularly¶ raised in response to various allegations of harassment; this is nowhere more true¶ than with respect to allegations of anti-Semitic harassment. Indeed, Justice Kennedy¶ once remarked in dissent that federal education harassment law is "circumscribed by the First Amendment,"33 and federal regulatory policy has assumed this to be so¶ for over a decade. 34 Nevertheless, there is reason to question the validity of this¶ assumption and the salience of free speech to the regulation of education harassment.¶ To the extent that harassment regulation encompasses some speech activities by¶ state actors on the basis of content, the most difficult constitutional question may be¶ whether First Amendment doctrine even applies to such questions or whether they¶ lay outside of the boundaries of First Amendment coverage. 35 This Article will¶ argue that the salience of the First Amendment to questions of academic harassment¶ is at best unsettled; that efforts to apply First Amendment doctrine to harassment¶ law may be seen as a form of what Frederick Schauer has described as "First¶ Amendment opportunism; ' 36 and that such efforts to extend the boundaries of the¶ First Amendment are ultimately unresolvable on the basis of constitutional doctrine¶ alone. Special attention is given to the recently resurgent problem of campus antiSemitism¶ because harassment allegations under this rubric have been subjected to¶ frequent, intense challenge as of late.37z

#### The DA turns and outweighs the case- Harassment, especially on college campuses- invades the academy. Sexual harassment represents an oppressive use of power by professors- which kills participation

**Benson 82** [Benson, Donna J., and Gregg E. Thomson. "Sexual harassment on a university campus: The confluence of authority relations, sexual interest and gender stratification." Social problems 29.3 (1982): 236-251]

It is precisely this widespread confluence of authority relations, sexual interest and gender¶ stratification which defines the problem of sexual harassment. There is, in other words, a nexus¶ of power and sexualprerogative often enjoyed by men with formal authority over women. Men¶ in such positions can engage in (or "get away with") overt sexual behaviors that would be rebuffed¶ or avoided were the relationship not one of superior and subordinate. They can also discharge selectively the power and rewards of their positions as a means to obligate women sexualy (Blau,¶ 1964).¶ As well as reward and punish women directly, men can manipulate and obscure their sexual in-¶ tentions toward female subordinates. Women learn that the "official" attention of a male¶ superior is often but a vehicle through which he can "press his pursuits" (Goffman, 1977). In¶ turn, what is often mistakenly perceived by men as an unfounded distrust or suspicion of motives¶ has its basis in previous experience with male "helpfulness." Therefore, as Thorne5 suggests, there¶ is an intrinsic ambiguity between the formal definition of the male superior/female subordinate¶ relationship and a sexual one, in which the gender of the woman can be made salient at the in-¶ itiative of the man.¶ Male Authority and Sexual Interest on the University Campus¶ At major universities, student access to individual instructors can be a scarce resource. Faculty¶ members serve as gatekeepers to the professions, yet an institutional priority on research severely¶ constrains the time and energy that they devote to instruction and interaction with under-¶ graduates (Blau, 1973). Moreover, though students are supposedly evaluated according to merit,¶ the teacher's role permits a wide latitude in the degree of interaction and helpfulness granted to¶ individual students. An instructor enjoys considerable discretionary power to provide or¶ withhold academic rewards (grades, recommendations) and related resources (help, psychological¶ support).6¶ As in the workplace, it is usually men who exercise this discretionary power over female univer-¶ sity students. While women now comprise more than half of all college students,¶ faculty-especially within higher ranks and at major universities-are overwhelmingly male.¶ About 95 percent of university full professors are men (Patterson and Engelberg, 1978). Nor-¶ mative requirements for career advancement at competitive universities are based on traditional,¶ male life-cycle patterns and work schedules that are not convenient to many women (Hochschild,¶ 1975).¶ In the past, it has been difficult for women to successfully enter any prestigious and male-¶ dominated - hence, "non-traditional" - field (Epstein, 1970). Social psychological analyses (Med-¶ nick et. al., 1975) have identified some of the barriers still faced by college women seeking such¶ careers. Yet a recent compendium of student responses to a University of California ad-¶ ministrative query about sex discrimination on campus is replete with testimony from male¶ students that female students' sexuality now gives them an unfair advantage in this competition¶ (University of California, Berkeley, 1977). While women allude to numerous sexist remarks and¶ behaviors by faculty which derogate the abilities of women as a group, the male respondents¶ claim that individual women profit from their sexual attributes because male instructors go out of¶ their way to be "extra friendly" and helpful to them. According to the male perception, then, the¶ latitude permitted in the faculty-student relationship works - at the initiative of either instructor¶ or student - to the advantage of attractive women.¶ Some sociologists of higher education view faculty-student sexual exchanges only as women at-¶ tempting to use their sexuality to compensate for a lack of academic accomplishment:¶ Innumerable girls have found that a pretty face and a tight sweater were an adequate substitute for diligence and cleverness when dealing with a male teacher. Some, having been frustrated in efforts to get¶ by on this basis, have pushed matters further and ended up in bed-though not necessarily with an A¶ (Jencks and Riesman, 1968:427n).¶ Similarly, Singer's (1964:148) empirical study of the relationship between personal attrac-¶ tiveness and university grades relies on unsupported conjecture about female manipulativeness to¶ conclude that ". . . the poor college professor is . . . enticed by the female students ... as he goes¶ about his academic and personal responsibilities." In both studies we find the unquestioned¶ assumption that women (unfairly) capitalize on their sexuality in an otherwise meritocratic and¶ asexual relationship.7¶ Our analysis of sexual harassment as the nexus of power and sexual prerogative implies that,¶ from the woman's perspective, the situation is more complex and decidedly less sanguine. Rather¶ than having a unilateral "sex advantage," female students face the possibility that male instruc-¶ tors may manipulate sexual interest and authority in ways which ultimately undermine the posi-¶ tion of women in academia. Because women can no longer be openly denied access to educational¶ and professional training legally, sexual harassment may remain an especially critical factor of¶ more covert discrimination.

#### Turns case- diversity is critical to a productive classroom- multiple studies prove

**WISELI 10** [WISELI (Women in Science & Engineering Leadership Institute University of Wisconsin- Madison) Preapred by Eve Fine and Jo Handelsman. “Benefits And Challenges of Diversity In Academic Settings.” 2010] NB

The diversity of a university’s faculty, staff, and students influences its strength, productivity, and intellectual personality. Diversity of experience, age, physical ability, religion, race, ethnicity, gender, and many other attributes contributes to the richness of the environment for teaching and research. We also need diversity in discipline, intellectual outlook, cognitive style, and personality to offer students the breadth of ideas that constitute a dynamic intellectual community. A vast and growing body of research provides evidence that a diverse student body, faculty, and staff benefits our joint missions of teaching and research by increasing creativity, innovation, and problem-solving. Yet diversity of faculty, staff, and students also brings challenges. Increas- ing diversity can lead to less cohesiveness, less effective communica- tion, increased anxiety, and greater discomfort for many members of a community.1 Learning to respect and appreciate each other’s cultural and stylistic differences and becoming aware of unconscious assumptions and behaviors that may influence our interactions will enable us to minimize the challenges and derive maximum benefits from diversity. This booklet summarizes research on the benefits and challenges of diver- sity and provides suggestions for realizing the benefits. Its goal is to help create a climate in which all individuals feel “personally safe, listened to, valued, and treated fairly and with respect.” 2 Research shows that diverse working groups are more productive, creative, and innovative than homogeneous groups, and suggests that developing a diverse faculty will enhance teaching and research.3 Some findings are: A controlled experimental study of performance during a brainstorming session compared ideas generated by ethnically diverse groups composed of Asians, Blacks, Whites, and Latinos to those generated by ethnically homog- enous groups composed of Whites only. Evaluators who were unaware of the source of the ideas found no significant difference in the number of ideas generated by the two types of groups. However, when applying measures of feasibility and effectiveness, they rated the ideas generated by diverse groups as being of higher quality.4   The level of critical analysis of decisions and alternatives was higher in groups exposed to minority viewpoints than in groups that were not. Minority view- points stimulated discussion of multiple perspectives and previously unconsid- ered alternatives, whether or not the minority opinion was correct or ultimately prevailed.5   A study of corporate innovation found that the most innovative companies deliberately established diverse work teams.6   Data from the 1995 Faculty Survey conducted by UCLA’s Higher Education Research Institute (HERI) demonstrated that scholars from minority groups have expanded and enriched scholarship and teaching in many academic dis- ciplines by offering new perspectives and by raising new questions, challenges, and concerns.7   Several investigators found that women and faculty of color more frequently employed active learning in the classroom, encouraged student input, and included perspectives of women and minorities in their coursework.8 Benefits for Students Numerous research studies have examined the impact of diversity on students and educational outcomes. Cumulatively, these studies provide extensive evidence that diversity has a positive impact on all students, minority and majority.9 Some examples are: A national longitudinal study of 25,000 undergraduates at 217 four-year colleges and universities showed that institutional policies fostering diversity of the campus community had positive effects on students’ cognitive develop- ment, satisfaction with the college experience, and leadership abilities. These policies encouraged faculty to include themes relating to diversity in their research and teaching, and provided students with opportunities to confront racial and multicultural issues in the classroom and in extracurricular settings.10   Two longitudinal studies—one conducted by HERI in 1985 and 1989 with over 11,000 students from 184 institutions, and another in 1990 and 1994 on approximately 1500 students at the University of Michigan—showed that students who interacted with racially and ethnically diverse peers both infor- mally and within the classroom showed the greatest “engagement in active thinking, growth in intellectual engagement and motivation, and growth in intellectual and academic skills.”11 A more recent study of 9,000 students at ten selective colleges reported that meaningful engagement rather than casual and superficial interactions led to greater benefit from interaction with racially diverse peers.12   Data from the National Study of Student Learning indicated that both in-class and out-of-class interactions and involvement with diverse peers fostered criti- cal thinking. This study also found a strong correlation between “the extent to which an institution’s environment is perceived as racially nondiscriminatory” and students’ willingness to accept both diversity and intellectual challenge.13   A survey of 1,215 faculty members in departments granting doctoral degrees in computer science, chemistry, electrical engineering, microbiology, and physics showed that women faculty played important roles in fostering the education and success of women graduate students.14