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Harassment report flawed from get-go

BY GREG LUKIANOFF FOUNDATION FOR INDIVIDUAL RIGHTS IN EDUCATION

The American Association of University Women's educational foundation released a report last week claiming that 62 percent of students surveyed have been sexually harassed at college. The report's definition of sexual harassment, however, includes large amounts of constitutionally protected expression, such as any unwanted "sexual comments, jokes, gestures or looks." This definition is so broad that the report's conclusions are highly misleading and dangerous to free expression on campus.

For all of the existence of the Foundation for Individual Rights in Education, "harassment" has been the most common accusation students and faculty members have abused to punish speech they simply dislike. Real harassment is a real problem, but the AAUW conflates harassment with any expression deemed sexually "offensive" and thus endangers free expression while trivializing actual harassment.

By defining harassment to include speech protected by the First Amendment, the report elevates personal feelings over fundamental freedoms. As its authors freely admit, "What may be a laughing matter for one student may be offensive to another." Students living with such a definition of harassment would be at the mercy of every other students' sensitivities.

If this report proves anything, it is that students are being grossly misinformed about what sexual harassment is. With millions of students allegedly believing they were "harassed" by merely rude or bawdy speech, it is no wonder that colleges and universities are inundated with frivolous harassment claims and lawsuits. This report is actually evidence that harassment law and policies must be reformed to more clearly protect free speech.

The report says that "the top reason that students gave for not reporting sexual harassment is that their experience was not serious or 'not a big deal.' "

If the recipient of a sexual joke or comment feels that the incident was insignificant, then there has been no harassment, period. That is part of the very definition of harassment.

—Greg Lukianoff is the interim president of the Foundation for Individual Rights in Education.

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