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Abstract

The purpose of this article is to investigate and examines the legal and institutional protections provided to university teachers who sometimes face harassment from their own students and this article also investigates the problem of defining harassment what in fact constitutes harassment. However, litigation, and legal consideration have focused on harassment of students by teachers and the harassment among the students, teachers are also victim of harassment in form of misconduct sometimes defined as "contra-power" harassment. University teachers have an expressive but insecurity which lies basically on employment discrimination law instead of education law. The efficiency of these protections depends on organizational notice as well as remedial response. This article suggests that a clear definitional for university teachers during their performance of duty, balanced and practical protections, and reliable organizational implementations are mandatory to settle the challenging standards of respect, dignity, protection, professional freedom, peace and due process.

Key Words: Harassment, Academic Freedom, Hostile Work Environment, Contra-power Harassment

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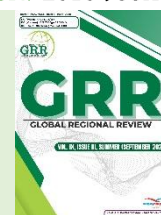
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Abstract

The purpose of this article is to investigate and examines the legal and institutional protections provided to university teachers who sometimes face harassment from their own students and this article also investigates the problem of defining harassment what in fact constitutes harassment. However, litigation, and legal consideration have focused on harassment of students by teachers and the harassment among the students, teachers are also victim of harassment in form of misconduct sometimes defined as "contra-power" harassment. University teachers have an expressive but insecurity which lies basically on employment discrimination law instead of education law. The efficiency of these protections depends on organizational notice as well as remedial response. This article suggests that a clear definitional for university teachers during their performance of duty, balanced and practical protections, and reliable organizational implementations are mandatory to settle the challenging standards of respect, dignity, protection, professional freedom, peace and due process.

Keywords: [Harassment](#), [Academic Freedom](#), [Hostile Work Environment](#), [Contra-power Harassment](#)

Introduction

There is always a relationship among university teachers and students being mature and this is conventionally understood that an authority flows downward. The teacher prepares the curriculum, evaluates papers and performance of students, gives grades, and has an institutional authority which a student does not has. This traditional practice has

formed both scholarly literature and legal apparatus which governs the harassment in higher education. It has been concentrated to protect students from harassment of teacher, the practice is not so much surprising because the irregularity of power in the classroom sometimes creates real risks of abuse. The main focus on student victims has covered a less



evident but nevertheless actual context, the harassment of teachers by their own students.

The university teachers report a number of harassment cases and abusive behavior of students, showing their sexual intention and sexually provoking messages, intimidations, defamatory campaigns, and their efforts harmful to reputation or pressurize organizational punishment. This act is defined as “contra-power” harassment, which means a harassment where the harasser is in a position of less power than the victim (Lampman, as discussed in Flaherty, [2018](#)).

The defensive style provided for teachers is expressive but imperfect, which is depending on reaction of the University, its practical implementation is undermined by uncertainty and not clarity of definition, blackmails and threatens under-protection of the victims and its enforcement against innocent defendants. The study is based on United States federal law and the values of professional organizations and the procedural and practical questions raised from definition are transferable across jurisdictions, including Pakistan, which have framed laws at workplace-harassment legislation relevant to educational institutions.

Harassment by students against teachers distresses the excellence of work, the instruction confidence of a teacher, the willingness of talented teachers to join this profession, and the honor and respect of the evaluative process on which higher education be contingent. Equally, the harassment which is extensive and procedurally not balanced, can be weaponized against teachers for their protected teaching options threatens the same initiative from the opposite direction, by chilling the free exchange of ideas that academic freedom exists to protect.

Conceptualizing Harassment of Teachers by Students:

The Asymmetry Assumption and Its Limits

The concept of harassment mostly assumed from strong and powerful to weak. There are different views and but it can be divided it in two main concepts. One is employment where the superior or boss for sexual desires and benefits can commit such an action or uses abusive language to control the employee in alternate of financial benefits to employee. Second is educational context where the teachers uses his/her powers over the student but

the definition of harassment in such situation is different and depends on the circumstances and situation of the action committed during such performance whether it was done during duty or not. Both paradigms locate the harm in the abuse of hierarchical power. Contra-power harassment inverts this assumption. It recognizes that formal institutional authority is not the only source of social power, and that individuals lower in an organizational hierarchy can nonetheless wield gender-based, race-based, or numerical power, or can exploit an institution's reputational vulnerability, to intimidate and control those nominally above them.

For university teachers, several features of contemporary higher education intensify this dynamic. The proliferation of contingent and non-tenure-track appointments means that a large share of the teaching workforce lacks the job security that would allow them to weather a hostile complaint or a campaign of intimidation. Student evaluations of teaching, increasingly tied to reappointment and promotion, give students a lever over faculty careers. Social media enables rapid, anonymous, and wide-reaching reputational attacks. And institutional anxiety about litigation and adverse publicity can incline administrators toward protecting the student-complainant reflexively, sometimes before the facts are established, such organizational structures mean that the harassment of teachers by students is not only an academic transposition of a typical pattern but also an occurrence with distinct contrivances and an individual problems.

The concept of power which motivates the person for harassment is multicultural. The organizational authority is only one currency of power within a university, and it is frequently outweighed by other currencies in particular interactions. A faculty member who belongs to a numerical minority, who is early in her career, who teaches on a temporary contract, or who is visibly marked by a stigmatized identity may find that her nominal authority over grading provides little protection against a student who deploys gender based hostility, racialized contempt, coordinated group pressure, or the threat of a reputation-destroying complaint.

Empirical work on contra-power harassment has found that women faculty, faculty of color, and

younger or lower-ranking faculty report such harassment at higher rates, suggesting that the phenomenon tracks pre-existing social hierarchies rather than the formal institutional hierarchy of the classroom (Flaherty, [2018](#)). The lesson is that the direction of harassment cannot be read off the organizational chart; power in the relevant sense is multidimensional, and the classroom is a site where several dimensions intersect.

Categories of Harassing Conduct

The conduct can be defined in various categories such as sexual harassment, unwelcome sexual messages, requests for sexual favors, and such other conduct of a sexual nature expressed by a student at a teacher. Furthermore, the gender based or identity based harassment which is not openly sexual but can targets the teacher because of sex, race, religion, national origin, disability, or another protected characteristic. Intimidation and threats of violence, aggravation, and forced attempts to effect scoring or other academic decisions. Reputational harassment, defamatory statements, orchestrated campaigns. These types of harassment are not exclusive; a single conduct can associate with several at one time.

The complication is that harassment of teachers by students discloses in digital rather than physical space. Unwanted messages, social-media posts, anonymous rating sites, and coordinated online campaigns can inflict serious and durable harm while occurring entirely outside the physical campus and outside conventional working hours. The migration of harassment into digital environments strains the doctrinal frameworks discussed below, several of which were developed with in-person, workplace-bound conduct in mind and which ask whether the institution exercised “substantial control” over the harasser and the context. When the harassing conduct occurs on a private social-media account at midnight, the institution’s control over the context is attenuated, and the teacher’s claim to institutional protection correspondingly harder to establish, even though the harm to the teacher may be as severe as, or more severe than, harm inflicted in the classroom.

Prevalence, Visibility, and the Problem of Recognition

Estimating the prevalence of student-on-teacher

harassment is inherently difficult, and the difficulty is itself part of the phenomenon. Harassment of teachers by students is under-reported for several mutually reinforcing reasons. Teachers may not recognize what they are experiencing as harassment, precisely because the dominant cultural script does not cast them as potential victims. They may fear that reporting will be construed as an admission of weakness or an inability to manage a classroom, with implications for their professional standing. They may fear retaliation through student evaluations or complaints. And they may doubt, often with justification, that the institution will treat their complaint seriously. The consequence is that official statistics almost certainly understate the true incidence of the problem, and the gap between incidence and reporting is likely to be largest for the faculty most vulnerable to contra-power harassment.

Researchers who have studied the singularity directly conclude that, while it is not the most common form of campus harassment, it is genuine, measurable, and consequential, and that it has not received institutional attention proportionate to its incidence or its effects (Flaherty, [2018](#)). The mismatch between the reality of the problem and its institutional visibility has a self-perpetuating quality: because the problem is under-reported, institutions perceive it as rare; because they perceive it as rare, they invest little in mechanisms to address it; because they invest little, teachers doubt that reporting is worthwhile and decline to report. Breaking this cycle requires deliberate institutional acknowledgment that the problem exists, which is a precondition for the definitional and procedural reforms this article recommends.

Employment Discrimination Law and the Hostile Work Environment

The most robust doctrinal home for a harassed teacher’s claim is employment-discrimination law. In the United States, Title VII of the Civil Rights Act of 1964 prohibits employment discrimination on the basis of sex, race, color, religion, and national origin, and it generally applies to employers with fifteen or more employees, including public institutions (Hogue & Belong, [2023](#)). Sexual harassment sufficiently severe or pervasive to alter the conditions of employment constitutes a form of sex discrimination actionable under Title VII, a

theory commonly described as the “hostile work environment” (Holland & Knight, [2005](#)).

The doctrinal significance for teachers is that it frames the classroom and campus as a workplace. The teacher is an employee, and conduct that a co-worker or a customer might inflict is analogized to conduct inflicted by a student. Courts have recognized that just as an employer may be liable for a hostile environment created by a customer or third party, an educational employer may be liable for a hostile environment created by a student, provided the employer had notice and the ability to control the harasser or to take remedial measures (Holland & Knight, [2005](#)).

An illustrative application of this framework appears in litigation involving a public-school teacher who alleged continuous sexual harassment by a male student, reported the situation to administrators, received no corrective action, and ultimately resigned, claiming constructive discharge because the environment had become intolerable (Holland & Knight, [2005](#)). The reviewing court reasoned that harassment severe or pervasive enough to alter the conditions of employment may constitute sex discrimination

Education Discrimination Law and Its Limits for Teachers

The sex discrimination, including sex-based harassment is prohibited under the law of Title IX of the Education Amendments of 1972, especially those educational programs or activity who gets federal financial support. The Title IX is mostly appealed by students, its defenses range from students to teachers and all those who receive the federally funded educational programs (Hogue & Belong, [2023](#)). The Title IX provides special procedural advantages for harassed teachers, including the lack of an administrative requirement which compels other claims too. The deliberate-indifference standard that governs institutional liability under Title IX was articulated in the context of student-victims, and it embeds the requirements that fit the teacher-victim poorly.

The research proposal that public universities be held answerable for hostile-environment harassment of teachers under the law of Title VII report directly to this shortage and gap, looking for protection to give teachers equal with the protection long afforded to employees harassed by supervisors, co-workers, or customers (Shane, [2009](#)).

Criminal Law and Protective Remedies

The criminal codes prohibit the threats, harassment, cyberstalking, hate crimes, unauthorized recording, and threats engaged at public -university employees. Criminal remedies address the conduct that the civil codes may access only implicitly, and defensive orders can provide instant relief that a slow administrative process in university cannot.

Institutional Policy and Codes of Conduct

The universities have their own internal policies which discourage the harassment act by students against the teachers. Anti-harassment rules and regulations, and the conduct of students define the prohibited act, and establish investigative and disciplinary procedures.

In fact, these internal policies of universities are for the protection of teachers and students, these procedures are speedy as compare to courts, impose punishments and address conduct that falls lack of the legal process including civil or criminal responsibility. Some university policies openly allow complaints by the members of the university who believes they are subjected to a hostile or inappropriate environment, even where the conduct does not meet the statutory definition of harassment (Syracuse University, [n.d.](#)).

The researchers have noticed that such complaints of student against teacher, do not always get the same organizational attention as complaints successively in the more accustomed way, and that teachers harassed by students experience as recognized as harassment at all (Flaherty, [2018](#)). This space between formal policy and legal implementation is, in this sense, one of the most important hurdles for protection.

The Problem of Definitional Clarity

There is great problem in the clarity of definition of this harassment law which needs attention of the legislature to remove the ambiguity and make it more clear for proper enforcement in different departments during different situations because during duty different conditions apply and during personal capacity the situation varies.

Why Harassment Resists Precise Definition

It is difficult to define harassment properly as it may be contingent on situation, observation, and the growth of behavior which may be separately

inoffensive. The legal policies join the investigative language. The “severe or pervasive” trial inquires the judges to make distinction between two continuous extents i.e., the intensity and frequency. The condition that conduct be “unwelcome” presents a particular component which may be difficult to establish or contest behind the fact, irrespective of that the harassment is severe or pervasive is sufficient to be unlawful is generally decided situation to situation (Glenville State University, [n.d.](#)).

The whole process is supported by evidence and the recognized procedures of proof rather than reliance on subjective statement (MacKay, [2019](#)). The clarity in definition, is not only a matter of framing the rules but to define the evidentiary procedures.

The “severe or pervasive” preparation justifies the special examination as it does the conclusive work in harassment settlements. These factors are weighed rather than counted, two adjudicators of good faith can reach opposite conclusions on identical facts, and neither can be shown to have misapplied the standard.

The Risk of Under-Protection

The ambiguity in definitional get the teachers feel insecure in different ways. The University personals are not clear about this concept that what in fact student against teacher harassment falls, they fail to investigate the actual harassment, reported to them. The complaints undefined and addressed not properly, and the governing law means that an institution’s failure to recognize harassment as such can defeat the very remedy the law provides.

The Risk of Over-Enforcement and Threats to Academic Freedom

The institutions which do not observe the described conduct of harassment will not observe itself as having a duty to report. The ambiguity of definitional not only leave the teachers uncertain but it can analytically defense the institutional delay because the legal framework assumes that the university recognizes the conduct as harassment at the first instance. The teacher who cannot get the experience classified as harassment cannot get the institution’s failure to respond classified as actionable.

When the definition of harassment is described in vague terms, it is again a risk to the dignity and respect of a teacher, the definition may be turned into an document of ideological or personal harassment.

This risk affects the academic freedom and the targeted harassment of faculty such as joint campaigns arising from what teachers are reported what they have said and talked in the classroom has appeared as an important threat to academic peace and liberty (American Association of University Professors, [n.d.-b](#)).

Distinguishing False Allegations from Unsubstantiated Ones

There is a misunderstanding in this perspective is that the allegations which are false and cannot simply be proven. The confusion about wrong allegations is forceful because the risks for the accused are high, surrounding the reputational harm, which may result in loss of position, personal and mental

Balancing Competing Values: Toward Procedural Symmetry

The American association of University Professors had main concerns that harassment is a serious issue but it should be clarify with the form of sanctionable misconduct relating to university academic due process. The harassment of teachers by students is a very much serious concern and needs special attention for procedural symmetry.

There should be two institutional concerns, first one is the teachers must be protected from retaliation of students. Anti-discrimination law protects those who report or oppose discrimination from adverse consequences, this protection of must be extended to teachers who report harassment by students. lest the fear of reprisal through student evaluations, complaints, or reputational attack deter reporting altogether (National Education Association, [2024](#)). The second concern is that the positive response of university is the legal question practically. An institution The purpose of such act is not just to open the file but doing nothing but to take measures practically.

Transferability Across Jurisdictions

The federal law of United States of America,

analyzed that the structural problems faced by the universities is that the definition is not special in any legal system. Every state that regulates workplace or educational harassment must challenge the same underlying pressures.

The transferable principle is that the form of the legal instrument, statute, regulation, or common-law doctrine matters less than the substance of its definitions and the fairness of its procedures. A clear, well defined and well-enacted law controlled and regulated by a fair and an independent department can ensure the protection of teachers better as compare to the borrowed principles, not defined properly the law, improperly regulated with lacking of procedural discipline, cannot protect the teachers.

Recommendations

This whole study suggests some practical recommendations for university looking for protecting the university teachers against harassment by their own students.

The institutions must recognize the harassment of student against teacher as a different category by applying their anti-harassment policies, rather to leave it for policies inferred and framed from different way of harm. A clear recognition must be given to the policies which leads to under-classification of real complaints.

The universities must define and interpret the harassment with sufficient accuracy to give fair notice and avoid the open-ended language that can be strained to reach protected teaching or expression.

The procedures following due process of law should be systematic. Complaints of harassment by teachers against students must be examined and interrogated with the same seriousness as complaints initiated against teachers.

The universities must provide a credible protection against retaliation, accepting the fact that teachers may not have fear that reporting a student will cause of retaliations through evaluations, may initiate further complaints, or campaigns against the teachers.

The universities must give trainings to administrators and adjudicators to differentiate the true allegations and false allegations, and to

connect the results in simple language which does not describe improperly in case of failure to proof as a result of fabrication.

The universities must reserve the criminal and protective remedies for such behavior which present actual harm and the university cannot properly address in institutional way otherwise.

During the process of report and its settlement, the university must provide temporary protection for teachers complaints to stop the increase of reporting such exposure.

The universities must collect data and periodically review it on receiving complaints of student against teacher harassment, to have check and balance whether particular teachers are excessively exaggerated.

Conclusion

University teachers are targeted of unwanted sexual attention, hostility, the reputational attack initiating from their own students because of the reason that they have a formal authority, the concept of contra-power harassment supports to give it visible. The legal defense provided to teachers are fragmented, principally lying on the hostile work environment and principle of employment under discrimination law, followed by educational discrimination laws, criminal law, and institutional policy. The practical effectiveness of security be contingent on the university notice and remedial answer and it makes responsiveness of the university in a number of cases.

Harassment attacks a precise requirement as it depends on situation, observation, and accumulation, because its controlling and regulating values include an evaluative language which must be followed situation to situation. Such ambiguity creates risks, and teachers can feel insecure whose actual grievances remain unaddressed. The teachers whose secured teaching or expressive language is reorganized as misconduct, threatening academic freedom or inviting strategic complaint. A clear definition which give a clear notice, a symmetrical process which affords due process for all parties, and reliable implementation, treats a complaint of teacher with the same seriousness as a complaint against a teacher.

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