

WHAT IS SEXUAL HARASSMENT?

Sexual harassment is a serious problem for students at all educational levels. Students in elementary and secondary schools, as well as vocational schools, apprenticeship programs, colleges and universities can be victims of sexual harassment. This problem is more common than you might think because many students are scared or too embarrassed to report sexual harassment. It is different from flirting, playing around, or other types of behavior that you enjoy or welcome. Sexual harassment can be requests for sexual favors or **unwelcome** sexual behavior that is **bad enough** or **happens often enough** to make you feel uncomfortable, scared or confused and that interferes with your schoolwork or your ability to participate in extracurricular activities or attend classes.

Sexual harassment can be **verbal** (comments about your body, spreading sexual rumors, sexual remarks or accusations, dirty jokes or stories), **physical** (grabbing, rubbing, flashing or mooning, touching, pinching in a sexual way, sexual assault) or **visual** (display of naked pictures or sex-related objects, obscene gestures). Sexual harassment can happen to girls and boys. Sexual harassers can be fellow students, teachers, principals, janitors, coaches, and other school officials.

There are two kinds of sexual harassment: **quid pro quo** and **hostile environment**.

- **Quid pro quo** (in Latin it means “**this for that**”) sexual harassment occurs when a teacher or school employee offers you a better grade or treats you better if you do something sexual. It could also be a threat to lower your grade or treat you worse than other students if you refuse to go along with a request for a sexual favor. For example, if your teacher says, “I’ll give you an ‘A’ if you go out with me,” or “I’ll fail you in this class if you don’t have sex with me,” this is sexual harassment.

Mary is a student in Mr. Smith’s history class. Mr. Smith is everyone’s favorite teacher, but he has started to make Mary feel uncomfortable. He asks her to come to his room alone after school to discuss her schoolwork. When she shows up, he only talks about how pretty she is and once or twice he put his hand on her knee. He always asks for a hug before she leaves. He is now suggesting that they hold these after school meetings at a café in town. He tells her that she must continue to attend these extra discussion sessions if she wants to earn a good grade in his class.

- **Hostile environment** sexual harassment occurs when unwanted sexual touching, comments, and/or gestures are so bad or occur so often that it interferes with your schoolwork, makes you feel uncomfortable or unsafe at school, or prevents you from participating in or benefiting from a school program or activity. This type of harassment does not have to involve a threat or promise of benefit in exchange for a sexual favor. The harassment can be from your teacher, school officials, or other students.

Luis gets constant attention from a particular group of girls in his high school. They send him sexually explicit notes, blow kisses at him, and rub up against him in the hallway. They wait for him when he gets off the school bus and when he gets out of class. They always seem to show up wherever he is. Someone keeps calling his house, asking for him and then hanging up, and Luis is sure it's those girls. He has even seen them drive by his house in the afternoon. At first, he thought it was funny, but it's starting to embarrass and frustrate him. He's started to avoid going out so he won't have to see them, and he's pretended to be sick a few times so he didn't have to go to school.

Diana's school soccer team coach is constantly telling her sexual jokes and making suggestive comments. During practice, he whistles and winks at her when she runs by him. Diana told the coach that his behavior makes her uncomfortable, but he responded by saying that she needs to learn how to accept compliments. Recently, he showed her a calendar of bikini-clad female athletes and told her she is sexy enough to pose for such a magazine. She is thinking of quitting the soccer team just to avoid the coach.

Elisha is a student in a science class where Mr. Burns is a teacher-in-training. Elisha uses a wheelchair and usually has to wait for her aide after class. Mr. Burns often waits with her and at first she liked talking with him. He says she inspires him and sometimes strokes her hair. Their conversations have included him asking questions about her body, how it works, and what things she can do. One day he confessed being curious about whether girls like her can have sex when they're old enough. When Elisha said talking about that with him was weird, he got flustered and said he would make sure she got an A if she didn't mention their conversation to anyone

Sexual Harassment is Against the Law.

Federal Law:

The federal law prohibiting sexual harassment in schools is Title IX of the Education Amendments of 1972 (Title IX), which prohibits any person, on the basis of sex, to be subjected to discrimination in an educational program or activity receiving federal financial assistance. The law applies to any academic, extracurricular (student organizations and athletics), research, occupational training, and other educational programs from pre-school to graduate school that receives or benefits from federal funding. The entire institution falls under Title IX even if only one program or activity receives federal funds.

Under Title IX, a school is required to have and distribute a policy against sex discrimination, particularly one that addresses sexual harassment. Such a policy lets students, parents, and employees know that sexual harassment will not be tolerated. A school is also required to adopt and publish grievance procedures for resolving sex

discrimination complaints, including complaints of sexual harassment. This provides an effective means for promptly and appropriately responding to sexual harassment complaints.

Title IX also requires that schools evaluate current policies and practices to ensure the institution is in compliance with Title IX. Schools are also required to appoint at least one employee responsible for coordinating Title IX compliance efforts.

Finally, it is illegal to intimidate, threaten, or coerce a person who has taken action under Title IX.

California State Law:

The Sex Equity in Education Act of California's Educational Equity Laws prohibits sex discrimination, including sexual harassment, in any California academic, athletic, extracurricular, research or financial aid program that receives state money. The California Sex Equity in Education Act requires that educational institutions of the state have a written policy on sexual harassment that is distributed to students, faculty, and parents. This statement must include information on where to obtain the specific rules and procedures for reporting charges of sexual harassment and for pursuing available remedies.

Other States Laws:

Most states have a law that prohibits sexual harassment in schools. Contact your local branch of the Office of Civil Rights for more information on these laws. (See Resources.)

What can I do if I am being sexually harassed?

Some students who are being sexually harassed are too embarrassed to voice a complaint, are intimidated by their harasser, or think that little can be done to end the harassment. Many students think that it is not a serious problem and that it will stop if they just ignore it. These are all understandable reactions to difficult situations. Sexual harassment, however, is a serious issue. Many students who have been sexually harassed report a drop in their grades, and some students have had to transfer to a different school, drop classes, or leave school altogether.

WHAT CAN I DO?

If you think you are being sexually harassed, you need to tell someone who can help you stop it. Here are some things you and/or your parents can do:

- **Don't blame yourself.** The person who is harassing you is the one doing something wrong and you haven't done anything to cause the harassment, even if you flirted with this person or liked him/her.

- **Say “No” Clearly.** Tell the person who is harassing you that his/her behavior offends you. They may not realize how hurtful their behavior is and may need a clear message from you to stop. If the harassment does not end, promptly write a letter asking the harasser to stop. Keep a copy of the letter.
- **Write down what happened.** When someone harasses you or makes you feel uncomfortable, write it down in a notebook that is just for this purpose. Write down what happened, the date it happened, where it happened, and who else may have seen or heard the harassment. Also write down what you did in response, and how the harassment made you feel. Do not write other information in this notebook, such as appointments or homework assignments. Save any notes or pictures the harasser sent you. It is a good idea to keep the record somewhere besides school, such as your home or another safe place.
- **Report the Harassment.** It is very important that you tell your parents or another adult, like a teacher or guidance counselor, about the harassment. If you want the school to do something about the harassment, you **MUST** tell a school official, such as the principal, that you are being sexually harassed. If you do not feel comfortable telling the school official yourself, get the help of your parents, a teacher, guidance counselor or another adult to go with you. If you and/or your parents tell a school official verbally, also do it in writing and keep a copy for yourself. If the first school official (like the principal) doesn't respond, go to the school board or Superintendent to complain. The law says the school has to stop sexual harassment of a student whether the harasser is a teacher or another student(s) but the school is only required to stop the harassment if someone in authority at the school knows what is happening to you. **So you MUST report the harassment to a school official.**
- **Consult the school grievance policies and Title IX officer.** Your school is supposed to have a policy against sexual harassment. Obtain and review a copy of the policy. The Title IX grievance policy may also give you a list of the type of behavior that the school considers to be sexual harassment. Find out from your school who the Title IX officer is for your school or district. You should be able to ask him or her questions about how to complain, and to whom.
- **File a Complaint With a Government Agency.** If nothing happens after complaining to school officials, you and your parents can file a complaint against the school with the U.S. Department of Education's Office of Civil Rights (OCR). Generally, you must file a complaint with the OCR within 180 days of an act of discrimination. You can call them, and they will explain how to file a complaint. (Contact information is listed on the next panel.)
- **File a Lawsuit.** You can also file a lawsuit against the school. If you want to do this, you should look into it quickly, because there are time limits for filing a lawsuit. In California, you must file a lawsuit within 2 years of an act of

discrimination. Other states' time limits vary from 1 to 6 years. If you have any questions about finding a lawyer or filing a lawsuit, you can call Equal Rights Advocates free Advice & Counseling Line at 800/839-4ERA. (See information on the next panel.)

It is important to remember that retaliation for taking action under Title IX is illegal. If you feel that someone is mistreating you or treating you unfairly because you have complained about discrimination, you should contact the Office of Civil Rights.

Equal Rights Advocates Can Help:

ERA provides a toll-free multi-lingual Advice and Counseling Line (1-800-839-4372), where you can receive advice and information on your legal rights. All calls are confidential.

Resources:

Office of Civil Rights, U.S. Department of Education

(The federal agency that enforces school sexual harassment laws)

800-421-3481: National toll-free hotline to report any educational discrimination, to request information on civil rights compliance programs and procedures for filing discrimination complaints.

415-556-4275: San Francisco, CA local office

www.ed.gov/offices/OCR/index.html

All other states, check the U.S. government pages of the telephone book for your local offices.

EQUAL RIGHTS ADVOCATES

1663 Mission Street, Suite 250

San Francisco, CA, 94103

Phone: (415) 621-0672

Fax: (415) 621-6744

www.equalrights.org

Advice and Counseling:

(415) 621-0505

1-800-839-4372

Equal Rights Advocates' mission is to protect and secure equal rights and economic opportunities for women and girls through litigation and advocacy.

NATIONAL WOMEN'S LAW CENTER

11 Dupont Circle NW, Suite 800

Washington, DC 20036

(202) 588-5180

www.nwlc.org

The National Women's Law Center works to protect and advance the progress of women and girls at work, in school, and in virtually every aspect of their lives.

NOW LEGAL DEFENSE AND EDUCATION FUND

395 Hudson Street, 5th floor

New York, NY 10014

(212) 925-6635

www.nowldef.org

NOW Legal Defense works to enforce girls' equal access to education. Their work in this area focuses on how sexual harassment in schools operates as a barrier to equal education.

AMERICAN ASSOCIATION OF UNIVERSITY WOMEN

1111 Sixteenth St. N.W.

Washington, DC 20036

800/326-AAUW(2289)

www.aauw.org

The AAUW promotes equity for all women and girls, lifelong education, and positive societal change.

SAN FRANCISCO WOMEN AGAINST RAPE

3543 18th Street, #7

San Francisco, CA 94110

(415) 861-2024

24-Hour Crisis Hotline: (415) 647-RAPE

info@sffwar.org

San Francisco Women Against Rape supports survivors of rape, sexual assault, and sexual harassment, their friends and family members, and uses education and community organizing as tools of prevention.