

Sexual Harassment at an Early Age

This article was first published in *Principal Magazine* – the National Association of Elementary School Principals, September 1994

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As sexual harassment in elementary schools becomes more apparent, educators are starting to call for help. Elementary school teachers at a recent meeting in Minnesota reported observing these behaviors in their classrooms:

- “Spiking” (forcibly pulling down pants)
- “Snuggies” (forcibly pulling up pants)
- Flipping up skirts
- Forcing kisses
- Grabbing/touching another’s genitals
- Calling others sexually offensive names
- Asking others for sex or to perform sexual acts
- Threatening rape
- Sexual assault
- Passing sexually explicit notes
- Making gender-demeaning comments
- Commenting on body parts
- Using sexual profanity
- Exposing genitals
- Participating in organized harassment of girls
- Circulating pornography

How early does such behavior begin? A school social worker in Minneapolis, who works with habitual sexual harassers, reports that the youngest offenders are in the first grade. A recent report on sexual harassment by the American Association of University Women found that, of the 81% of students who reported experiencing sexual harassment in school, 32% said they first experienced it before the seventh grade, and 6% before the third grade.

Putting Teeth in Title IX

In April, 1993, the U.S. Department of Education’s Office of Civil Rights (OCR) in a landmark decision, ruled that the Eden Prairie School District in Minnesota violated Title IX of the Civil Rights Act of 1972, by allowing the sexual harassment of second-grader,

Cheltzie Hentz, and seven other elementary and junior high school girls. The ruling followed two separate ground breaking decisions by federal judges that sexual harassment in schools violates Title IX by creating a hostile environment.

What those rulings mean is that schools can no longer ignore student-to-student sexual harassment. When it is observed, it is imperative that the school or district intervene to protect the victim, create a safe and healthy environment, and provide a discrimination-free milieu for children.

School officials also should regard harassing behavior as a possible warning sign that the harasser may be a victim of sexual abuse and/or in danger of becoming a juvenile sex offender. Research by the National Center for Prevention and Treatment of Child Abuse and Neglect, found that one-fourth of 1,600 young sex offenders said they began abusing other children before the age of 12. Of the 800 sex-offender treatment centers in the U.S., 200 treat children under the age of 10. Other studies indicate that the age for onset of sexually deviant behavior seems to be moving down from late adolescence to middle and early childhood.

Television and newspapers daily record acts of violence such as robbery, assault, and murder committed by younger and younger offenders. Sexual violence by young people is also escalating, and since unabated sexual harassment is on a continuum of escalating sexual violence, don't schools that allow such harassment facilitate that escalation?

Defining Sexual Harassment

There are many educators who claim that the problem is no worse than childhood teasing or bullying, and that labeling it as sexual harassment is an overreaction – making a mountain out of a molehill. Bullying and sexual harassment are not the same, though boundaries may be blurred and both may be motivated by anger, fear, and a sense of powerlessness which a child tries to remedy by asserting control over someone perceived as weaker.

Sexual harassment is not necessarily about sexuality, but it does involve the use of gender to differentiate power. Although children in the early years of elementary school may not conceptualize sexually offensive words and behavior in the same way as older students, they certainly understand the power or impact that their words and behavior have on their victims.

As the OCR stated in the Hentz case: "...the fact that neither the boys nor the girls were sufficiently mature to realize all of the meanings and nuances of the language that was used, does not obviate a finding that sexual harassment occurred... In this case, there is no question that even the youngest girls understood that the language and conduct being used were expressions of hostility toward them on the basis of their gender."

Certainly, elementary school principals and teachers need to understand behavior related to children's sexual development and recognize sexual curiosity as normal and healthy. But they must be careful not to include sexually harassing behavior in this category.

The Minnesota Department of Children, Families and Learning, in response to increasing requests, has developed the nation's first elementary (K-3, 4-6) curricula on sexual harassment. The K-3 curriculum uses puppets to introduce students to the social values of respect, dignity, and equality. The 4-6 curriculum uses an activist approach, presenting case studies to help students understand the concept of sexual harassment and encouraging them to write letters to TV stations, complaining about sex and violence in programs and commercials. Teachers and students responded favorably to the pilot program. Many students disclosed their victimization and teachers reported improvements in student behavior.

Whatever the approach, sexually harassing behavior must be recognized and challenged in the early elementary grades. Educators must use prevention as well as intervention in handling the problem.

All elementary school principals play a pivotal role in helping to shape the attitudes and beliefs of their students. Taking action to halt or prevent sexual harassment, can create an atmosphere in which boys and girls can be assured of respect and dignity.

Guidelines for Dealing with Sexual Harassment

- Survey your students and staff, and conduct focus group discussions, to determine the climate and extent of sexual harassment in your school.
- Develop, implement, and disseminate to staff and parents a comprehensive policy that includes: A legal definition of sexual harassment; a list of behaviors that may constitute sexual harassment; sanctions for harassers (students and staff); notification of victim's and perpetrator's parents; and grievance and appeal procedures.
- Recognize and confront your own biases and sexist behaviors and ask your teachers to do the same.
- Provide training for members of your school staff, including bus drivers, about behaviors that constitute sexual harassment, procedures to follow in instances of student harassment, and prevention strategies.
- Identify by title or name, those responsible for monitoring and administering the sexual harassment policy.
- Implement a monitoring system on buses.
- Take timely and appropriate corrective action when incidents of sexual harassment are identified.

- Label sexual harassing comments and behaviors as such, and not as “misconduct” or “inappropriate”.
- Encourage students to report if they are harassed or know of others who are victimized.
- Identify an advocate, either a student or staff member, to assist victims of sexual harassment in filing complaints.
- Involve parents and community in a committee to help implement the harassment policy.
- Provide seminars for parents on sexual harassment.
- Evaluate your sexual harassment policy periodically and make necessary revisions.

A Case Study: Was This Sexual Harassment?

Jonathan Harms was a first grader at Rice Elementary School in the Sauk Rapids-Rice School District in Minnesota when the harassment began. It started with one or two male classmates who repeatedly called him sexually graphic names, pulled his pants and underwear down to his knees, and told him he should have sex with his mother, sister, and with animals. When Jonathan complained to his teachers, he was told, “Go play somewhere else,” or “Stay away from them.”

By the time he was a third grader, his tormentors numbered 13. They taunted him in the classroom, playground, hallways, bathrooms, and buses for a year and half before Jonathan told his parents of the harassment. Although his outraged parents contacted school officials, the offensive behavior continued. The principal was reported to have said, “It’s just squabbles between third-grade boys.”

Because school officials seemed to deny the severity of the abuse, Jonathan brought a tape recorder to school and taped some of the obscene language directed at him. His parents made a transcript of the tape and offered it to the superintendent three times before he agreed to read it. When he did, he called for school officials to take disciplinary action. The suspended five of the 13 boys and called in the parents of all the boys for a conference.

Still the harassment continued. Jonathan’s parents complained to the school roughly 20 times, to no avail. As one point, the principal reportedly asked, “Why do you keep dragging me into this?” School officials insinuated that perhaps Jonathan needed psychological help to determine why his classmates treated him that way – in effect, blaming the victim for his victimization.

Because the school apparently had no sexual harassment policy that would permit them to make a formal complaint, the frustrated and angry parents filed charges for sexual harassment in 1993, under Title IX of the Civil Rights Act, with the U.S. Department of Education's Office of Civil Rights.

The OCR, after initially indicating that it would investigate the case, changed its mind, stating that the reported behavior did not constitute sexual harassment because it was a case of other kids simply not liking Jonathan, and that it had nothing to do with Jonathan's gender!

Jonathan's case raises an interesting point. While there have been other charges of same-sex harassment filed with the OCR, to the author's knowledge only female-to-female complaints have been investigated. Is the OCR, itself, guilty of gender discrimination? *

****Note: The OCR became involved in Jonathan's case after the Minnesota Department of Human Rights investigation ruled that Jonathan was sexually harassed by his classmates. OCR does investigate male to male complaints of sexual harassment.***