

NASSP Bulletin

<http://bul.sagepub.com/>

Sexual Harassment in the School: Legal Implications for Principals

NASSP Bulletin 1988 72: 93

DOI: 10.1177/019263658807250616

The online version of this article can be found at:

<http://bul.sagepub.com/content/72/506/93>

Published by:



<http://www.sagepublications.com>

On behalf of:

National Association of Secondary School Principals

Additional services and information for *NASSP Bulletin* can be found at:

Email Alerts: <http://bul.sagepub.com/cgi/alerts>

Subscriptions: <http://bul.sagepub.com/subscriptions>

Reprints: <http://www.sagepub.com/journalsReprints.nav>

Permissions: <http://www.sagepub.com/journalsPermissions.nav>

Sexual Harassment in the School: Legal Implications for Principals

Sexual harassment does occur in the schools, and when it does, the administrator may be held liable, warns this writer. She looks at the need to educate administrators, teachers, and students about the problem.

BY SUSAN STRAUSS

ONE EIGHTH GRADE boy made cat-calls and ugly sexual remarks while another pulled down a girl's slacks in a middle school hallway. A high school girl was dragged into the boys' locker room while the boys were showering. A teacher told an eleventh grader she looked so good in her sweater that she would make a great centerfold for *Playboy* magazine. These are examples of actual cases of sexual harassment in secondary public schools.

If these and similar incidents are ignored by the middle school or high school principal then he or she may be legally liable and may risk costly lawsuits to him or herself and the school district.

The principal is also professionally bound to provide equal education to all students. If sexual harassment is allowed

to occur it disrupts the right to equal education by interfering with the student's psychological, social, and physical well-being, plus learning, attendance, course choices, grades, and therefore economic potential.

Sexual harassment is an ambiguous term that causes raised eyebrows and snickering in some people and clenched teeth in others. It is necessary to clarify the ambiguity of the term before examining our study.

Sexual Harassment or Flirtation?

Sexual harassment is a form of sex discrimination, and is illegal according to Title VII of the Civil Rights Act of 1964, which protects the adolescent at work, and Title IX of 1972, which protects the teen from sex discrimination at school. Some sexual harassment can be a criminal offense under child abuse laws.

The Office for the Civil Rights, U.S.

SUSAN STRAUSS is a wellness consultant in Chaska, Minn.

Department of Education states that, "Sexual harassment consists of verbal or physical conduct of a sexual nature, imposed on the basis of sex, by an employee or agent of a recipient that denies, limits, provides different, or conditions the provision of, aid, benefits, services or treatment protected in Title IX" (Mass. Dept. of Education 1983, pp. 10-11).

Sexual behaviors (that are unwanted and sexual in nature) that could constitute sexual harassment especially to teens at school are:

- Touching
- Verbal comments
- Sexual name calling
- Spreading sexual rumors
- Gestures
- Jokes/cartoons/pictures
- Leers
- Too personal a conversation
- Cornering/blocking movements
- Pulling at clothes
- Students "making out" in the hallway
- Attempted rape/rape.

Sexual harassment is in the eye of the beholder. What may be harassment to one person may be flirtation to another.

The teens who took part in our study distinguished between sexual harassment and flirting. The list of behaviors that were termed flirting and the list termed sexual harassment had some similarities such as touch, comments, looks, and gestures. The teens pointed out, however, some major differences in the feelings each behavior elicited:

<i>Flirting</i>	<i>Sexual Harassment</i>
feels good	feels bad
makes me feel attractive	is degrading
is a compliment	makes me feel cheap
is two-way	makes me feel helpless
is positive	is one-way
I liked it	I feel out of control

Distinguishing between sexual harassment and flirtation was an important initial step in our study. This was necessary so that students understood what was meant by sexual harassment.

The Study

Participants in the study were male and female juniors and seniors, ages 16-18, enrolled in a predominantly white middle class secondary vocational center. The center is located within a seven-county metropolitan area and includes rural and urban students from four school districts.

The study was initiated with a three-hour workshop that defined sexual harassment, explained legal liability, causes, characteristics of organizations that were at high risk of having it occur, prevention, and intervention. An advisory committee composed of professionals with expertise on this issue assisted in the research and development of the curriculum and the sexual harassment survey.

Following the presentation, a survey was administered to gather data concerning the prevalence of sexual harassment, how the students dealt with it, and what their feelings were following the incident.

Three groups participated in our study. The 48 female students in Group One were enrolled in the model office and health occupations classes; 60 percent of this group reported being sexually harassed at school. Group Two consisted of 130 males and 39 females enrolled in graphic arts, construction trades, auto mechanics, and food occupations classes; 33 percent of these females cited incidents of sexual harassment. Only 1 of the 130 males reported that he had been a victim of sexual harassment; therefore, our study examined sexual harassment only to female adolescents. Group Three was made up of 46 females enrolled in another health occupations and model office class; 52

percent complained of being victims of sexual harassment.

The girls' responses indicated that they were usually harassed by other students. Group Two did have a smaller percentage of student-to-student harassment than the other two groups, however. All three groups demonstrated a similar percentage of harassment by teachers, roughly 30 percent. It was rare that an administrator was the harasser.

Classroom discussion concerning administrative harassment showed that the administrator who most frequently seemed to do the harassing was the principal or assistant principal. This seems logical, since the principal probably spends more time with students than, say, the superintendent.

If school districts do not have a sexual harassment grievance procedure they are in violation of Title IX.

The girls said that, in most cases, the harasser had a history of harassing behavior. They reported that the harassing occurred anywhere from occasionally to several times a day. The sexual attention most often took place in the classroom during class or in the hallway between classes.

The girls who had been sexually harassed reported feelings similar to those identified by rape victims. Anger was by far the most common emotion, with roughly 75 percent of the girls experiencing it. The feelings of anger plus confusion (30 percent) were consistently reported by the three groups. Other feelings reported at a high frequency, but not consistently in all three groups, were fear and a feeling that the harasser was demonstrating a sexist attitude. Some of the girls felt counseling was needed to assist them in dealing with the incidents.

Very few girls said they went along with the sexual attention. Those who did said they did so because they liked the harasser or because he was popular with the students. More often, the girls said that they refused to go along with the attention because they were offended or disgusted. Other frequently reported reasons for not submitting were that they did not like the harasser and they were not sexually interested.

Sexual remarks such as name calling seemed to be the most common form the harassment took with Groups One and Three. Additionally, Group Three experienced staring and gestures with equal frequency. High on the list for Group Two was touching. It is important to note that anytime there is unwanted sexual touching, a line has been crossed and it becomes sexual assault as well as sexual harassment.

Most of the girls said they ignored the attention because they "didn't want to make waves," or "were afraid people would think I was making a big deal out of nothing." This seems to suggest that they were minimizing what was happening to them and not recognizing the seriousness of the offense. Previous studies indicate that ignoring the incidents may escalate the problem.

After time had elapsed, most of the girls reported that their feelings had not changed about the incident. Several reported regret that they had not done more to rectify the situation.

Males tend to view sexual harassment differently than females. Surveys show that males respond favorably to sexual attention from females. They generally feel flattered rather than confused, angry, etc. In addition, sexual harassment occurs less often to males (women are three times more likely to be harassed), seems to be less severe, and does not appear to have such a negative impact. Our study seemed to indicate the same is true for male teenagers as well,

as only 1 of the 130 boys admitted to having been sexually harassed.

Men and women disagree on how often sexual harassment occurs. Our study showed that 22 percent of the boys felt sexual harassment was a problem in their school, compared to 61 percent of the girls.

A Widespread Problem

Sexual harassment is a widespread problem, yet it receives little attention from administrators and teachers. Do teachers see the behavior? Is it that the incidents go unnoticed because of cultural conditioning? If teachers do see it, why aren't they stopping it?

Have female teachers lost sensitivity as they have become accustomed to such behavior?

Male teachers may recognize some of their own boyhood antics in the adolescents' behavior, or perhaps their adult antics as well, and therefore excuse it. Perhaps the teachers are confused on sex stereotypes and roles. Are they uncertain about what to say to the students involved? Do they lack clear guidelines or direction from the district in the form of a policy or procedure?

A Minnesota State Sex Equity Student Leadership Conference was held in May 1986. Student leaders and staff members from 13 school districts were in attendance. A questionnaire was distributed, and 80 percent of the respondents indicated they were aware of sexual harassment in their schools. Incidents of student-to-student harassment were reported 75 percent of the time, and staff-to-student sexual harassment was reported 50 percent of the time.

Twenty-six percent of the respondents said sexual harassment "goes on all the time," 50 percent said it "happens to a fair number of people," 16 percent said "it only happens to a few people," 6 percent stated "it doesn't happen at all,"

and 2 percent said they didn't know how often it occurred.

The data from our study, the feedback from the state sex equity conference, phone calls from other school districts, plus requests for assistance by the two state agencies indicated that sexual harassment to teenagers is a real problem and concern. It is a social problem that does not appear to be addressed in schools.

A Legal Question

School board members and administrators are sensitive to the potential legal ramifications of sexual harassment within their districts. They are concerned that if students learn of their rights they might come forward with sexual harassment complaints, resulting in costly lawsuits.

Concern has been expressed about the cost to protect districts from "enlightened students." There is fear that students would file false charges of sexual harassment to "get back" at a teacher or principal.

These concerns and fears may work against a district's taking action to set up a policy and procedure. However, a "what they don't know won't hurt them" attitude is dangerous to the student and the district as well.

Informing districts and students of their rights and responsibilities under Title IX of the Federal Civil Rights Act is one of the steps in preventing sexual harassment. If school districts do not have a sexual harassment grievance procedure they are in violation of Title IX.

The importance of having such a policy cannot be stressed enough. If no policy exists, the district, principal, and staff members:

- Have no clear legal definition of sexual harassment
- Have no guidelines with which to deal with the behavior
- Are responsible for the negative con-

sequences to the victim of sexual harassment

- Risk potential liability.

If a policy exists, students, parents, administrators, and staff members:

- Know what behavior constitutes sexual harassment
- Know the steps to follow if it occurs
- Know the consequences to the harasser
- Know the rights and responsibilities each individual has
- Know it is illegal and will not be tolerated in the school
- Know there is confidential support for the victim.

A sexual harassment policy should be specific in spelling out:

- The district's philosophy on sexual harassment
- Consequences to the harasser
- Timeline for investigation of the complaint
- Suggestions for possible informal resolution
- Clear step-by-step procedures for victims to follow without fear of retaliation
- The need for confidentiality
- Who will be the complaint managers. (There should be at least one female and a male who are sensitive to the issue and able to empathize with the victim.)

The policy should be widely disseminated, and should be included in the stu-

dent and staff handbooks. The district's philosophy and policy on sexual harassment must have the backing of the principal and should be as well known as, for example, the policy on alcohol use.

It is imperative that teachers have the opportunity to clarify their own values and attitudes concerning sexual harassment. Teachers should be able to recognize behaviors that constitute sexual harassment and have specific guidelines to follow when intervening. They need to know that to not intervene is illegal.

The principal may choose to use a survey to determine the extent of the problem in his or her school. It is best to survey students after they have received their training so they are clear about what sexual harassment is.

Conclusion

Our study as well as information from other districts, parents, and students indicate that the problem of sexual harassment is quite widespread yet, for the most part, schools are not addressing the issue. Much has been written about sexual harassment in the workplace and on college campuses, but there has been almost no attention given to sexual harassment to adolescents at work or in school.

Administrators must become more aware of the problem and must establish prevention guidelines. They must also rethink some age-old stereotypes.

Testing for Dyslexia

A new test called the Decoding Skills Test has been developed to standardize testing for dyslexia, which affects between 5 and 15 percent of American students, according to *Children Today* (Sept.-Oct. 1986).