

CWEALF Publications:

Sexual Harassment In Schools

INTRODUCTION

Sexual harassment in schools is pervasive in Connecticut. According to a 1995 study conducted by the University of Connecticut School of Social Work and compiled by the Permanent Commission on the Status of Women (PCSW), 92% of females and 57% of males have experienced sexual harassment. Sexual harassment is a form of sex discrimination and is prohibited in schools under a federal law known as Title IX of the Education Amendments of 1972 (Title IX.) It refers to a wide range of inappropriate and unwanted conduct of a sexual nature which can negatively impact a student's education. The Office of Civil Rights (OCR) of the Federal Department of Education is responsible for the enforcement of Title IX. This booklet is written to assist students, educators, administrators and parents in understanding, preventing and responding to sexual harassment at school. The laws that protect employees are slightly different from those that protect students, and are not covered here. For a discussion of harassment of workers, please consult CWEALF's booklet, Sexual Harassment in the Workplace.

In this booklet, we suggest ways administrators, faculty and students can eliminate sexual harassment in schools. We offer strategies that can prevent sexual harassment and conflict resolution techniques for students who have been sexually harassed.

All cases of sexual harassment are serious and illegal. The information in this booklet, like federal and state laws, applies equally to females and males.

WHAT IS SEXUAL HARASSMENT?

There is a legal definition of sexual harassment, but simply put, sexual harassment is unwelcome or unwanted conduct of a sexual or sexist nature. It is an abuse of power or an act of hostility or prejudice that is expressed sexually. Sexual harassment is not an act of flirtation or friendliness, though it can be flirtation taken too far.

Sexual harassment in schools can happen between students, or between a teacher or other staff person and a student. It can occur between students of the same sex or opposite sex. It can also occur when several students gang up on one student.

Sexual harassment in schools can take two forms:

1. Quid Pro Quo literally means "this for that." This type of harassment occurs when there are two people with different levels of authority. Oftentimes this puts the student in a uncomfortable position and can seriously interfere with her ability to concentrate or enjoy her studies and school experience. For example, if a teacher lets a student know that she will perform better on her English exam if she goes out with him, this is a form of quid pro quo sexual harassment. In addition, the teacher may retaliate if the student refuses his offer, and hurt the student academically, socially and personally.
2. "Hostile Environment" occurs when there is unwelcome sexual conduct, such as touching, teasing, name-calling, sexual posters, pictures or jokes, which create an atmosphere that negatively impacts a student's daily routine. This type of harassment more often occurs between peers and those in equal power relationships. To constitute a hostile environment by a teacher or staff person, these behaviors need to be pervasive or severe.

When the sexual harassment occurs between students the measure of the behaviors is more stringent. To constitute a hostile environment by a student, these behaviors need to be so severe, pervasive and objectively offensive that it essentially deprives that student of his/her access to education or other school benefits.

Here is a list of behaviors that could constitute a hostile environment:

Verbal:

- Sexual propositions or demands
- Sexual innuendos or insults

- Humor and jokes about sex
- Threats
- Stereotypic comments based on gender, physical appearance or sexual orientation

Non-Verbal:

- Whistling, leering, ogling
- Suggestive or insulting sounds
- Obscene gestures
- Display of obscene or sexually offensive material including t-shirts
- Exposing yourself to someone
- Sexual graffiti
- Sexually explicit e-mail

Physical*:

- Touching, pinching, patting
- Pulling down or off clothing
- Brushing up against someone in a sexual way
- Rape or attempted rape
- Other coerced sexual contact

*It is important to remember that any kind of physically coerced sexual contact is a form of sexual assault, a criminal offense, and may be something that should be handled by the police.

Sexual harassment is an abuse of power or an act of hostility or prejudice that is expressed sexually or directed at you because of your sex. It is not based on sexual attraction or affection, and experience has shown that it can affect anyone, regardless of appearance, age, race, sexual orientation or marital status.

WHO’S GETTING HARASSED AND WHO’S DOING THE HARASSING?

In 1995, the Connecticut Permanent Commission on the Status of Women (PCSW), in association with the University of Connecticut School of Social Work, completed a research project investigating the incidence of sexual harassment in the state’s high schools. The Connecticut Sexual Assault Crisis Services, Inc. (CONNSACS) surveyed Title IX Coordinators in Connecticut Public Schools to obtain their observations about sexual harassment in schools. (Title IX Coordinators are individuals within each school district who are responsible for handling Title IX complaints.) Key findings from both studies include:

High School Student Survey

- Unwanted sexual behavior is pervasive among high school students in Connecticut. Seventy-eight percent (78%) reported at least one experience during their high school years.
- Unwanted sexual behavior has been experienced by both genders. Females experience this behavior far more often than males: 92% of females versus 57% of males.
- Approximately 4% of students from the sample schools reported sexual harassment by teachers.
- Forty percent (40%) of students told no one about the unwanted sexual behavior they encountered at school.
- Harassed students indicated feelings of anger, embarrassment, nervousness and confusion; some skipped school and said their grades dropped; some pretended it did not happen and some said it “was no big deal.”
- Title IX Coordinator Survey

Eighty-one percent (81%) of the reporting Title IX Coordinators received complaints from students who had been harassed: 85% from females, 15% from males.

- A majority (76%) of the complaints were about students; 22% of the complaints were about teachers.
- Twenty-five percent (25%) of reports complained of sexual touching; 1% complained of attempted rape; and 1% of completed rape. These behaviors constitute criminal sexual assault.
- Eighty-five percent (85%) of the complaints were resolved within one month.

- Nearly all (99%) of the districts reporting have sexual harassment policies and, in a majority of those schools, there is training for staff.
- Fifty percent (50%) of Title IX coordinators said sexual harassment was a problem whereas 37% claimed it was not.

HOW DOES SEXUAL HARASSMENT AFFECT STUDENTS?

Sexual harassment affects students' academic choices and performance. The academic implications of sexual harassment are very serious. Individual professors and teachers have power over the lives of individual students, and both parties know it. Students rely on their teachers for grades, recommendations, job referrals and research-related opportunities. College students may work with faculty members on a one-to-one basis, in small seminars, on research projects, in independent studies and tutorials. This alone can contribute to an uncomfortable situation, especially if the professor abuses his/her position of power. Thus, any sexual advance, whether it is meant to be coercive or not, can be perceived as such because of the unequal power relationship.

Sexual harassment causes personal stress as well as academic problems. Sexual harassment can damage a student's self-esteem and motivation. Students who have been harassed often have feelings of conflict, anger and self-doubt. It can cause a student to skip class or drop out of school entirely. Shame and embarrassment are common feelings and can show themselves in an individual's body through ulcers, anorexia and bulimia, insomnia, headaches, nervousness, weight loss/gain and other stress-related illnesses. Because society often blames victims of harassment instead of the harassers, many students wonder whether it is their fault they have been harassed.

Sexual harassment can also be used to discourage female students from pursuing nontraditional fields such as the trades, sciences, and math. The fear of sexual harassment is one of the main reasons stated by female students for their reluctance to take male-dominated classes in high school. This may in turn cause females to avoid nontraditional fields all together. A nontraditional occupation for women is defined as a field or job where the workforce is 75% or more male and which typically pays 20-30 % more than traditional jobs for females.

WHAT IS THE DIFFERENCE BETWEEN FLIRTING AND SEXUAL HARASSMENT?

Because sexual harassment discrimination may be disguised as sexual flirtation, it is often difficult to identify and can be confusing to the victim.

Flirting can make you feel good, happy, flattered, warm, comfortable, silly, attractive and confident. In most instances flirting is wanted or welcome behavior.

Harassment can make you feel bad, angry, upset, hurt, humiliated, sad, frightened, embarrassed, demeaned, degraded and shocked. In most instances harassment is unwanted or unwelcome behavior.

Maria walks to her English class, thinking about the book to be discussed that day. As she enters the room and sits down, she's immediately aware that the teacher is staring at her breasts. She tries to pretend she doesn't notice. Feeling uncomfortable, she blushes and forgets the prepared questions she had. The teacher grins at a few male students in the class and they exchange winks. Maria sits quietly through the class and doesn't participate in the discussion.

OCR issued a Policy Guidance in March of 1997 which is intended to assist schools, students and educators in addressing the issue of sexual harassment and discuss the concept of "unwelcomeness." The Guidance defines conduct as unwelcome "if the student did not request or invite [the behavior] and regarded the conduct as undesirable or offensive." [Department of Education, Office for Civil Rights: Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, 62 Fed. Reg. 12034, 12040 (March 13, 1997).]

Flirting behaviors can cross the line to the point where they make you feel uncomfortable. At this point it is important to ask the person to stop and explain that the behavior is unacceptable and making you feel ill at ease, hurt or embarrassed.

WHAT IS THE LEGAL DEFINITION OF SEXUAL HARASSMENT?

Sexual harassment is defined by statute, departmental regulations, policy guidance and case law. Title IX of the Education Amendments of 1972, codified at 20 U.S.C. § 1681, et seq. states:

No person shall, on the basis of sex, be excluded from participating in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving financial assistance. Discrimination on the basis of sex includes sexual harassment.

The OCR Policy Guidance also addresses sexual harassment and is designed to provide courts, schools and students with a further explanation of Title IX's view on sexual harassment. The Guidance defines quid pro quo and hostile environment sexual harassment, which were discussed earlier in this booklet. The Guidance defines quid pro quo sexual harassment as occurring when:

A school employee explicitly or implicitly conditions a student's participation in an education program or activity or bases an educational decision on the student's submission to unwelcome sexual advances, request for sexual favors or other verbal, nonverbal, or physical conduct of a sexual nature. [Sexual Harassment Guidance, 62 Fed. Reg. at 12038.]

Quid pro quo sexual harassment is generally perpetrated by a person in a position of authority, such as a teacher or administrator, over a student.

The Guidance defines hostile environment sexual harassment as:

Sexual harassing conduct (which can include unwelcome sexual advances, requests for sexual favors, and by other verbal, nonverbal, or physical conduct of a sexual nature) by an employee, by another student or by a third party that is sufficiently severe, persistent, or pervasive to limit a student's ability to participate in or benefit from an education program or activity, or to create a hostile or abusive educational environment [Sexual Harassment Guidance, Fed. Reg. at 12038.]

Hostile environment can be perpetuated by students, teachers, non-teacher employees such as janitors or other school staff, and third parties such as visiting athletic teams. Recently, the United States Supreme Court has held that deciding whether there has been illegal sexual harassment is somewhat different in the case of a teacher harassing a student ("teacher/student") than in the case of a student harassing another student ("peer to peer.") While the Court has not changed what type of behavior constitutes sexual harassment in the case of "peer to peer" harassment, it has decided that the effect on the student must be more severe than if it were done by a teacher or staff person. When the harassment is done by another student:

"A student must show that the sexual harassment is so severe, pervasive and objectively offensive and that it so undermines and detracts from the student's educational experience that the student is effectively denied equal access to an institution's resources and opportunities." Davis, Monroe County Board of Education, 229 S Ct. 1661, 1675 (1999.)

In addition, Title VII of the Civil Rights Act of 1964, codified at 42 U.S.C § 2000e, et seq., prohibits discrimination based on race, color, religion, gender and national origin. Title VII prohibits discrimination in the terms, conditions or privileges of employment including hiring, firing, compensation, training, promotions, fringe benefits, seniority and memberships. This Act protects all employees of educational institutions from sexual harassment. The theory and case law of sexual harassment cases brought under Title VII is regularly applied to sexual harassment cases brought under Title IX. One exception deals with the subject of quid pro quo sexual harassment liability.

WHO DETERMINES IF BEHAVIOR IS SEXUAL HARASSMENT?

This depends on who is doing the harassing. If it is a teacher or a staff person, courts addressing sexual harassment under Title IX have applied many of the same standards as courts addressing sexual harassment in employment. The courts look at whether the employee "subjectively experienced a hostile environment" and "whether the harassment is of such quality or quantity that a reasonable person would find the

conditions of her employment altered for the worse.”¹ This means that the courts place great reliance on whether the person who is being harassed believes it to be and experiences it as harassment (and whether it was reasonable to do so.) Only that person knows if the behavior makes her/him feel uncomfortable, humiliated, embarrassed, demeaned or degraded.

When a student is being harassed by another student, the courts require a more objective standard, that is, whether any “reasonable person” would consider the conduct to be so severe, pervasive and offensive that it effectively denies the student educational opportunities. This standard is not as deferential to whether the victim believed and experienced the conduct as harassment.

1 Torres v. Pisano, 116 F.3d 625, 631-632 (2d Cir. 1997.)

CAN A SCHOOL BE HELD LIABLE FOR THE DAMAGE A STUDENT HAS SUFFERED?

Maybe. Factors that a court will look at in determining a school’s liability include: the school’s knowledge of the harassment; the identity of the harasser and harassed; and the type and extent of the harassment; i.e., whether it is quid pro quo or hostile environment harassment.

For example, if a teacher is harassing a student by attempting to force him/her into a sexual relationship, or a coach conditions a student’s place on a team upon his/her performance of a sexual favor, the student is a victim of quid pro quo sexual harassment, as described earlier. Under federal law, the school may be strictly liable to the student for this harassment.

If a teacher is harassing a student in a manner that creates a hostile environment, the courts look at a number of factors. The United States Supreme Court, in *Gebser v. Lago Vista Independent School District*, 118 S. Ct. 1989 (1998), recently clarified rules regarding school liability for sexual harassment under Title IX. The plaintiff, Alida Gebser, sued the school district, claiming that her teacher had been sexually harassing her, first with overt verbal and physical sexual advances which culminated in a sexual relationship. Gebser did not complain to any school official, explaining that she was terrified to complain about her teacher. The school district had neither a sexual harassment policy nor a grievance procedure. After Gebser sued the school district for this sexual harassment by her teacher, the Court set out the rules by which a student can hold the school district liable. Under these rules, after the plaintiff has established that she suffered sexual harassment, she must show the following:

- school district official who has authority to institute corrective measures on the district’s behalf has had actual notice of the harassment;
- the school district failed to respond to the student’s complaint in such a way that the response (or lack of it) constitutes deliberate indifference, which is essentially an official decision by the school not to remedy the harassment.

Alida Gebser’s claim of sexual harassment was rejected because she could not establish that any school official who had the authority to take action had actual notice of the harassment. Additionally, although Gebser dealt with sexual harassment of a student by a teacher, sexual harassment of a student by fellow students (or other employees of the school) is also a problem. In fact, as the PCSW/UCONN study revealed, the overwhelming majority of sexual harassment occurring in schools is committed by students against other students (see pp.6.)

In June of 1999, the United States Supreme Court decided *Davis v. Monroe County Board of Education*, 119 S. Ct. 1661 (1999), a case which involved “peer to peer” harassment. In that case, the Court held that sexual harassment of a student by another student could be the subject of legal action; however, the Court placed strict limits on such action. As we have discussed on pages 12 and 13, in “peer to peer” harassment, the Court now requires the sexual harassment to be “so severe, pervasive and objectively offensive that it deprived the student of educational opportunities or benefits provided by the school.” The Court went on to hold that the school district could be liable for such “peer to peer” harassment under the same standards it had announced in *Gebser* for teacher/student harassment, that is, if the school district had actual knowledge of the harassment and the school district’s response (or lack of it) was “deliberately indifferent” to the harassment.

The Court then applied this standard to the facts of Davis. In that case, the plaintiff, LaShonda Davis, was in fifth grade when her fifth grade classmate began to harass her with sexually explicit comments, attempts to grab her and actually grabbing her breasts and gentile area. He continued this conduct for over a year and LaShonda repeatedly reported the harassment to her classroom teacher and another teacher. The school principal was also aware of her complaints, but very little was done to discipline the harasser or to protect LaShonda. In fact, the harassment only stopped when the harasser was arrested and plead guilty to charges of sexual battery.

LaShonda sued her school district under Title IX. The Court found that she had shown the harassment was so severe, pervasive and objectively offensive that it had a negative concrete impact on her ability to receive her education and that the school district had actual knowledge of the harassment, but was “deliberately indifferent” to it.

At present, students have less protection against sexual harassment than adult employees because the standards followed in Title IX cases place a greater burden on students than on employees in Title VII cases. In a Title VII case, an employee does not need to prove that the employer had actual knowledge of the harassment and acted with deliberate indifference in order to state a valid claim. In Gebser and in Davis, the Supreme Court’s holdings rested in large part on what Congress has and has not said about Title IX. CWEALF believes that the rigid complaint procedure and “deliberate indifference” standard contradict the clear purpose of Title IX. One way to respond to these decisions and the new rules they have established is to lobby Congress for clarification of the Title IX and demand that it expand Title IX’s protections to provide students with at least the same protections as employees.

If you are being sexually harassed, you should complain to your school’s Title IX Coordinator. If you do not know who this is, ask someone. Simply complaining to a teacher or guidance counselor with whom you are comfortable may not be enough to meet the new notice requirements. If you are uncomfortable speaking with the Title IX Coordinator alone, ask a friend, parent or teacher to come with you. Remember, if you do not complain to the right person, you may not be able to sue your school district for sexual harassment. If you are being subjected to any kind of sexual harassment, be it from a teacher or classmate, to fully protect your rights, you must report it to your Title IX Coordinator, or the person your school has assigned to take such complaints.

IS A STUDENT ENTITLED TO MONEY DAMAGES?

Yes. In *Franklin v. Gwinett County Schools*, 503 U.S. 60, 112 S. Ct. 1028 (1992), the United States Supreme Court held that compensation damages (i.e., money to compensate someone for pain and suffering) are available as an appropriate remedy for intentional discrimination in violation of Title IX. In other words, a court may order the defendant to pay money to the victim as compensation for the abuse that he/she suffered. This is significant because it recognizes the damage that sexual harassment can cause: emotional problems, stress-related illnesses and other pain and suffering.

WHAT ARE THE SCHOOL’S RESPONSIBILITIES?

OCR’s Regulations and Policy Guidance discuss the extent of a school’s responsibilities towards its students. Once a school has notice of sexual harassment, whether through a student, teacher or third party complaint, OCR’s Policy Guidance advises that:

- schools should take immediate and appropriate steps to investigate or otherwise determine what occurred and take steps reasonably calculated to end any harassment, eliminate a hostile environment if one has been created and prevent sexual harassment from occurring again. [Sexual Harassment Guidance, 62 Fed. Reg. at 12042]

Additionally, OCR’s Regulation require that schools:

- adopt and publish grievance procedures providing for prompt and equitable resolution of student and employee complaints alleging any action which would be prohibited by this (Act) [Title IX]. [Non-discrimination On the Basis of Sex In Education Programs and Activities Receiving or Benefiting From Federal Assistance, 34 C.F.R. § 106.8(B).]

The Regulations also require each school district to appoint a Title IX Coordinator who handles complaints of sex discrimination under Title IX. [34 C.F.R. § 106.8(A).] While the law requires that school districts have at least one Title IX Coordinator, larger school districts may have multiple Coordinators. It is very important that the identity(ies) of the Title IX Coordinator(s) is well known throughout the district.

OCR itself can receive and investigate complaints of sexual harassment and all other Title IX violations, and can impose sanctions against offending institutions which receive federal funds. The ultimate sanction is the withdrawal of federal funds, although it has not, to this date, been utilized. A victim of discrimination is also entitled to file a lawsuit in federal court and sue for damages.

OCR's Policy Guidance, which was issued in March of 1997, discusses a school's responsibilities towards its students in great detail. Although the Guidance does not have force of law, it is intended to provide assistance for schools in addressing sexual harassment complaints.

According to OCR Guidance, [Sexual Harassment Guidance, 62 Fed. Reg. at 12042-12043] if a student or parent complains of sexual harassment, the school should:

1. initially discuss the actions that the parent or student is seeking;
2. explain the formal and informal complaint procedures as well as the grievance process;
3. investigate the complaint (the investigation should be prompt, thorough and impartial; the school should institute interim measures if necessary, such as changing a student's schedule to separate the harasser and the victim; and the school should try to prevent public disclosure);
4. take reasonable, timely, age-appropriate and effective corrective action including steps tailored to a specific situation
5. remedy the situation; and,
6. prevent further harassment.

HOW SHOULD A SCHOOL HANDLE THE ISSUE OF CONFIDENTIALITY?

If a student requests that her/his name be kept confidential or that the school take no action about the harassment, the school should first inform the student that Title IX prohibits retaliation against anyone for making a complaint of discrimination and assure the student that the school will take action against any retaliation. If the student still wants to keep the complaint confidential, the school should assess this request in conjunction with its duty to provide a safe and harassment-free educational environment for all students. Although a school's ability to fully respond to a complaint will be limited by this request, a school can still address the problem through other avenues without revealing the student's identity. A school has a responsibility to investigate a complaint to the fullest extent possible and thus may not be able to guarantee the confidentiality requested.

WHAT CAN YOU DO IF YOU HAVE BEEN HARASSED?

A. INTERNAL PROCESS

Informal

1. Talk to the harasser directly, if you feel comfortable. Say something clear and simple like: "I don't like your behavior. Please stop." In some cases the problem may end right there.
2. Send a letter to the harasser if you feel uneasy about confronting the person directly. Be specific about the behavior or incidents that you object to, explain how you feel about them, and state what changes you would like to have happen. Keep a copy of the letter for yourself. Young children should have a trusted adult deliver the letter to the harasser.
3. Write down what happened. Be as specific as possible. Write down the date, time, names of people in the room, what happened, and what was said. If the harassment continues, keep a journal of everything that happens. Save notes or pictures sent to you by the harasser. This will help to identify a pattern of behavior if there is a future investigation.
4. Talk to someone. Tell a friend or someone you know. Tell your parents or guardians if you feel comfortable doing so. Seek support from other students and friends. If it's happening to you, it may be happening to others. You may feel ashamed, guilty, helpless, and embarrassed to tell anyone about what happened. These are normal feelings to have. Remember you did nothing wrong and do not deserve to be mistreated.

Formal

1. File a complaint. If you do not feel comfortable sending a letter or talking to the harasser, or if you have and the harassment continues, follow your school's grievance procedure. It should be located in your student handbook. If it is not, talk to the Title IX Coordinator, a guidance counselor or advisor.
2. File the complaint in writing or in person. Keep a copy of the document. Bring someone with you if you go in person. Check your school's procedure for timetables, and make sure you observe the timetable for filing. Use the timetable to hold the school officials accountable during the process.
3. Ask for clarification of your school's grievance procedure or policy in advance if you do not entirely understand it. The school has a responsibility to protect your rights and the rights of the accused. It is their job to make sure you understand how to file a complaint.

B. EXTERNAL PROCESS

1. You can file a complaint with the Office of Civil Rights (OCR.) Almost all schools and most colleges and universities receive some type of federal funds. If your school receives funds, it is required to provide you with an education free from sex discrimination under Title IX of the 1972 Education Amendments. OCR receives complaints under Title IX.
2. You must file your OCR complaint within 180 days of when you were first discriminated against. Be aware that 180 days is a little under 6 months. OCR investigates your complaint and issues a report of their findings. If they find in your favor, they may require the school to take some disciplinary action against the harasser(s) and/or establish policies against sexual harassment. Ultimately, they may withdraw federal funds from your school, but this rarely happens. OCR will not award you damages. You do not need a lawyer to file with OCR. OCR's phone number and address are listed in the back of this book.
3. Alternately you may hire a private attorney and bring a civil lawsuit in federal court. If you win such a suit, you may be awarded costs, damages and/or attorney's fees. If you are considering a suit, you can call CWEALF for an attorney referral. CWEALF can also help explain this process and your legal rights. CWEALF's Information and Referral Program phone number is listed in the back of this booklet.
4. If you have been harassed as an employee (including work-study jobs, teaching or graduate assistantships or paid internships) you have the option of filing with OCR or pursuing a private lawsuit. For more detailed information on sex discrimination by an employer, see CWEALF's booklets, *Women, Work and Sex Discrimination* and *Sexual Harassment in the Workplace*.

HOW CAN A SCHOOL PREVENT SEXUAL HARASSMENT?

Schools should make the identity and function of the Title IX Coordinator known to all students, staff and administrators. Schools should also take a strong stance against sexual harassment and make it clear to all students, faculty and staff that such behavior will not be tolerated.

OCR recommends that schools have a policy and grievance procedure for sexual harassment complaints separate from other Title IX complaints. OCR also recommends training for staff, teachers, administrators and students in order to raise awareness and understanding of what behavior constitutes sexual harassment. Additionally, the Connecticut Human Rights and Opportunities Act requires employers with three or more employees to "post in a prominent and accessible location information concerning the illegality of sexual harassment and the remedies available to victims of sexual harassment." Your school should have posted the sexual harassment and grievance procedure for students and employees.

Connecticut law also requires an employer with 50 or more employees to provide two hours of sexual harassment training and education to all supervisory employees. The training must include the remedies available to victims of sexual harassment. While the law addresses supervisory employees and does not mandate that faculty, students or staff be trained, many educational institutions feel that these extra trainings are necessary and beneficial. Based on over two decades of experience in this field, CWEALF encourages that the entire school be trained on this subject.

In summary, sexual harassment is a serious violation of federal and state civil law. If you or someone you know is sexually harassed, it is important to know that there are laws protecting those targeted for harassment from discrimination and retaliation. In schools and in the workplace, there should be an effective sexual harassment policy and grievance procedure explaining the steps you can take if you are harassed. Remember, sexual harassment is never your fault!

APPENDICES

APPENDIX A: MODEL GRIEVANCE PROCEDURE

The following formal and informal grievance procedure is taken from the Sexual Harassment Protocol prepared by the Connecticut State Department of Education, Vocational Technical School System and CWEALF. The procedures were written assuming that the school, college or university would have a Sexual Harassment Team (SHT) to handle informal complaints. These procedures are applicable to all levels of education, substituting the labels Principal, Superintendent for comprehensive high school; and Dean, Assistant Dean, President, etc. for higher education.

Informal

Prior to filing a formal grievance, the complainant may choose to seek resolution on an informal basis. Informal procedures are most appropriate in situations where miscommunication is occurring, or where one person's behavior is unintentionally causing harm to another. Informal procedures may also be used in situations where the immediate goal is to get the objectionable behavior to stop, so that the victim can continue studying or working in an environment free from discrimination and its intimidating, stressful effects. In an informal grievance, the goal is not necessarily to punish the alleged harasser.

1. In order to be fair to a victim and carry out their professional responsibilities, the SHT must inform a victim, in advance, that if the circumstances are serious enough, they may have to investigate the complaint and take formal action with or without the victim's consent. With this information, the victim can make an informed decision to share his/her story or not.
2. The SHT will meet separately with both the complainant and alleged harasser in order to give both parties a chance to tell his/her story in a non-threatening environment and to provide confidential counseling.
3. Brief, written records of such informal complaints should be kept, but at the request of the complainant, they may be kept without names or identifying information, e.g., a memo which merely states the date, type of complaint received and action taken.
4. The complainant may choose to confront the harasser directly or may choose to confront the harasser in writing, if he/she is reluctant to confront the harasser face-to-face. In some cases this will be enough to end the harassment.
5. The complainant should be encouraged to keep a personal journal to record all the objectionable incidents and the steps taken to resolve the problem. The journal should be specific and include dates and names of any witnesses.
6. In some cases it may be appropriate for the SHT to speak to the harasser on behalf of the complainant, or to serve as a mediator between them. This should never be attempted without the full knowledge and consent of the complainant.
7. If no resolution to the complaint can be reached at this level, the complainant may file a formal Title IX complaint.
8. The Title IX Coordinator will conduct follow-up sessions with the complainant after informal proceedings to ensure that the harassment has ended.

PLEASE NOTE: The use of informal procedures is inappropriate in cases where serious misconduct has been alleged. Serious misconduct includes those behaviors which, by legal or professional standards, would prompt disciplinary actions such as suspension or termination.

Formal

1. Any student, parent/guardian or applicant to a program, who feels that he/she has been discriminated against on the basis of sex (Title IX) shall contact the Title IX Coordinator and file a formal complaint of

discrimination within fifteen (15) days of the alleged incident. If the alleged discrimination was between a student and teacher, the deadline for filing a formal complaint is extended to no later than fifteen (15) days after the close of the school term.

The Title IX Coordinator shall maintain a written record, which shall contain the following:

- full name and address of complainant;
- full name and position of person(s) who allegedly discriminated against the complainant;
- a concise statement of the facts constituting the alleged discrimination;
- dates of the alleged discrimination

2. At the time the discrimination complaint is filed, the Title IX Coordinator shall review and explain the grievance procedures with the complainant and answer any questions.

The SHT shall begin investigating the complaint as soon as practical, but in no case more than ten (10) working days from the time the complaint was received. Within this time limit the SHT shall meet informally with the complainant and the individual(s) against whom the complaint was lodged, and shall provide confidential counseling where advisable and seek an informal agreement between the parties concerned. Every attempt shall be made to seek a solution and resolve the alleged discrimination at this level.

The Title IX Coordinator will submit a written report to the Director or designee outlining the investigation and a description of any actions already taken or proposed recommendations for resolving the situation. A copy will also be provided to the complainant and the alleged harasser.

3. The Director or designee shall review the recommendations of the SHT, reach a decision regarding the case and the Title IX Coordinator will conduct a follow-up session with the complainant to ensure that the harassment has ended.

4. If the complainant is not satisfied with the Director's decision, and/or the implementation efforts of all parties concerned at the school level, he/she may submit a written appeal to the Superintendent of the Vocational-Technical School System within ten (10) school days of receipt of the director's response.

The Superintendent, in conjunction with the Title IX Coordinator(s) and/or officer(s) of the Vocational-Technical School System, shall act as a committee to review all aspects of the case and shall present its recommendations, in writing, to the school director within ten (10) days of receipt of the complainant's written appeal.

5. If the complainant is dissatisfied with the Superintendent's decision, he/she may submit a written appeal to the Commissioner, Connecticut State Department of Education, within fifteen (15) days. The Commissioner shall, within five (5) school days of receipt of the complainant's appeal, in writing, either approve, disapprove or modify the Superintendent's recommendation. A copy of the Commissioner's decision is given to the Director, the complainant and the alleged harasser.

6. If the complainant is dissatisfied with the Commissioner's recommendation, he/she may submit within fifteen (15) school days a written appeal to the Secretary of the Connecticut State Board of Education.

7. The Vocational Technical School Committee of the State Board of Education shall appoint a committee of three (3) members of the State Board to hear the appeal. The Secretary of the State Board shall, with at least five (5) days prior notice of the hearing, inform all parties involved of the date, time and place of the hearing, and of their right to present witnesses and to retain legal counsel or other representation, if desired. The committee shall hear all aspects of the appeal and reach a decision within forty-five (45) days of receipt of the written appeal. The committee's decision shall be presented, in writing, to the State Board of Education for action at its next regularly scheduled meeting. The Secretary of the State Board will inform the parties and the Director of the Board's action within five (5) school days of the Board's meeting.

APPENDIX B: WHERE TO FILE A COMPLAINT

Office of Civil Rights (OCR)
140 Federal Street, 14th Floor
Boston, MA 02110
(617) 223-9317 or (617) 223-9687

APPENDIX C: SEXUAL HARASSMENT RESOURCES

Connecticut Women's Education and Legal Fund (CWEALF)
Administrative Office
(860) 247-6090
135 Broad Street
Hartford, CT 06105-3701
www.cwealf.org
cwealf@cwealf.org

To learn about your legal rights or to locate an attorney call CWEALF's Information and Referral Service:

Greater Hartford (860) 524-0601 or
Toll Free 1-800-479-2949
Monday – Friday

For a trainer to come to your school for workshops on Sexual Harassment, Gender Bias in the Classroom, Title IX Sports, Homophobia in Schools, or Nontraditional Occupations for Women, please call (860) 247-6090 and ask for the Gender Equity Trainer.

Connecticut State Department of Education
State Title IX Coordinator
165 Capital Avenue
Hartford, CT 06106
(860) 566-2763

Permanent Commission on the Status of Women
18-20 Trinity Street
Hartford, CT 06106
(860) 240-8300
Fax: (860) 240-8314

APPENDIX D: SEXUAL HARASSMENT PUBLICATIONS

Classrooms & Courtrooms: Facing Sexual Harassment in K-12 Schools. By Nan Stein with a foreword by Pat Schroeder, 1999. Published by:

Teachers College Press
1234 Amsterdam Avenue
New York, NY 10027

FLIRTING OR HURTING? A Teacher's Guide on Student-to-Student Sexual Harassment in Schools (Grades 6 through 12), written by Nan Stein and Lisa Sjostrom, 1994. A joint project of the NEA Women and Girls Center for Change and the Wellesley College Center for Research on Women. \$19.95. Contact:

NEA Professional Library
P.O. Box 509
West Haven, CT 061516-9904
(800) 229-4200

Hostile Hallways: The AAUW Survey on Sexual Harassment in America's Schools, 1993 \$8.95/\$11.95
American Association of University Women (AAUW) Sales Office-Annapolis Junction, MD.
Call: (800) 225-9998, ext. 246

In Our Own Backyard: Sexual Harassment in Connecticut's Public High Schools. 1995.
Permanent Commission on the Status of Women, Hartford, CT. Call: (860) 240-8300
TUNE IN to Your Rights... A Guide for Teenagers about TURNING OFF Sexual Harassment, and
AGARA LA ONDA de tus Derechos... una guía para jóvenes de como COMBATIR el acoso sexual,
written by Barbara Morris, Jacques Terpstra, Bob Croninger and Eleanor Linn, 1985. This booklet was
developed by the Center for Sex Equity in Schools, a Desegregation Assistance Center funded by the U.S.
Department of Education pursuant to Title IV of the 1964 Civil Rights Act. \$3.00. Call: (313) 763-9910