

CWEALF Publications

Sexual Harassment in Schools

This brochure contains basic information about sexual harassment in schools. For more information about this or other related topics call CWEALF's Information and Referral Service listed on the back of this brochure.

What is sexual harassment?

Simply put, sexual harassment is unwelcome or unwanted conduct of a sexual or sexist nature. It is not simply based on sexual attraction or affection. Experience has shown that it can affect anyone, regardless of appearance, age, race, sexual orientation or marital status. Students are protected from sexual harassment by the Federal law Title IX. Title IX offers protection against unequal treatment in education based on sex, or any protected class.

Sexual harassment can occur between students, between a teacher and a student, or another staff person and a student.

In order for an action to be considered sexual harassment, it must meet the following criteria:

- unwanted conduct of a sexual nature which is severe or pervasive, and which affects a person's ability to do their work or to participate in educational opportunities.

Sexual harassment can include:

- sexual propositions or threats
- lewd comments or jokes
- sexual gestures, obscene noises, leering
- unwanted use or display of pornographic materials
- inappropriate or unwanted touching

Sexual harassment in schools can take two forms:

Quid pro quo means "this for that." A person who has authority over a student may commit "quid pro quo" sexual harassment. An example of "quid pro quo" sexual harassment occurs if a teacher lets a student know that their grade in the class depends on returning sexual advances.

Hostile environment sexual harassment 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. Hostile environment sexual harassment can be perpetrated by students, teachers, non-teacher employees such as janitors or other school staff, or third parties such as visiting athletic teams.

Who determines if behavior is sexual harassment?

Sexual harassment is subjective. Essentially, what this means is that the person who is receiving the offensive behavior is the one who decides if it is harassment. However, the courts in reviewing a sex harassment case consider both whether the conduct was severe or pervasive and if the person who is receiving the harassment considers it offensive.

What is the difference between flirting and harassing?

Because sexual harassment may be disguised as sexual flirting, or you are told it is only flirting, it is often difficult to identify and can be confusing. Flirting can make you feel happy, good, flattered, warm, comfortable, attractive, and confident. Harassment can make you feel bad, angry, upset, humiliated, sad,

frightened, demeaned, degraded and shocked. Flirting behaviors can cross the line to the point where they make you feel uncomfortable. At this point, if you can, it is important to ask the person to stop.

Who should I talk to?

If you are being sexually harassed, complain to your school's Title IX Coordinator. If you don't know who that is, talk to a favorite teacher or other staff person at the school. However, 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.

Call CWEALF for help in identifying your Title IX Coordinator.

What can I do?

If you or someone you know is being sexually harassed there are both informal and formal measures you can take:

- talk to someone (preferably the Title IX Coordinator)
- talk to the harasser
- document what is happening
- send a letter to the harasser
- and remember, the harassment is not your fault.

What are my school's responsibilities?

Your school should:

- make public who the Title IX Coordinator is
- reinforce that sexual harassment will not be tolerated
- post guidelines on how to report sexual harassment
- follow through on a sexual harassment complaint.

The courts have imposed a higher standard of liability when a student is suing the school because of the sexual harassment. In order to sue the school, a "victim" must show that despite complaints to the appropriate official, the school chose not to take any corrective action. If your school knows about the harassment and the appropriate official does not act, they may be held accountable.

If your school doesn't do these things, contact CWEALF for assistance. CWEALF offers training to students and teachers on this topic. To have a gender equity trainer come to your school contact CWEALF at: 860-247-6090.

Where to file a complaint:

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

For legal information call:

Connecticut Women's Education and Legal Fund
Information and Referral Service
Available: Monday – Friday
Greater Hartford: 524-0601
Toll Free: 1-800-479-2949

CWEALF also publishes a series of booklets that discuss legal issues of concern for women and girls.

Other publications available from CWEALF:

- Child Support in Connecticut
- * Divorce in Connecticut
- How to Choose an Attorney
- Legal Rights of Lesbians, Gay Men and Bisexuals in Connecticut
- Legal Rights of Older Women
- * Pregnancy, Family and Medical Leave in Connecticut
- * Sexual Harassment in Schools
- * Sexual Harassment in the Workplace
- Women and Credit
- Women, Work and Sex Discrimination
- * Title IX Gender Equity in Sports
- Pridelink

* Information available in Spanish.

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