



Two Generally Recognized Categories of Sexual Harassment

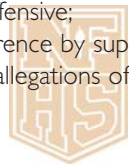
1. Quid Pro Quo

Quid Pro Quo Harassment occurs when one person (generally in a supervisory capacity such as an upper-classman or a coach) makes known, unwelcome sexual demands of a subordinate (such as an underclassman, or an athlete) in order for him or her to gain an advantage, promotion, influence an evaluation, affect playing time or other benefits that come from educational, athletic or employment opportunities.

2. Hostile Environment

Hostile Environment Harassment is unwelcome conduct by a person that is sufficiently serious, persistent or pervasive, so that it affects another person's ability to participate in or benefit from the school program or activity by creating an intimidating, threatening or abusive environment. Conduct contributing to a hostile environment might include:

- Sexual propositions communicated via e-mail, in person, graphically;
- Verbal expressions of a sexual nature including comments about hair, dress, physical appearance or sexual activities;
- Sexually suggestive jokes, innuendoes, sounds, gestures or leering;
- Anecdotes, questions or comments about sexual activities;
- Excessive or inappropriate physical contact;
- Use of sexually suggestive objects, articles, tapes, pictures or other materials;
- Any persistent and pervasive pattern of sex-related conduct that is offensive;
- Deliberate indifference by supervisory personnel in responding to allegations of harassment.



Sexual Harassment and Hazing: Your Actions Make a Difference!

Each school and community has a responsibility to protect against harassment and hazing. This responsibility extends to the school's athletic programs. Each school should have a policy against discrimination, including grievance procedures, providing for prompt and equitable resolution of hazing, harassment and sex discrimination complaints. This information should be shared with students and any persons who have direct or indirect contact with students.



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This brochure addresses the legal rights of high school students, coaches/activity personnel and officials to enjoy an appropriate environment in athletics and other activities. All forms of harassment should be reported to school authorities.

Key Elements of a Good Reporting System

A clearly worded and well-publicized policy is essential in order to inform students and employees that sexual harassment or other forms of hazing will not be tolerated, ensure that they know how to report complaints, and assure them that harassment may be reported without fear of repercussions.



Key Elements of a Good Reporting System:

1. Communicate to your students, coaches/ activity personnel, officials and parents that you have a policy against hazing, sexual misconduct and other forms of harassment.
2. Make the process of reporting allegations simple and direct.
3. Make the principal, as the highest administrative official in the building, directly responsible for directing the investigation of any allegation of misconduct, hazing or harassment.
4. Document, in writing, any allegation of misconduct, hazing or harassment, and the results of the investigation.
5. Promptly take such remedial action as is necessary and appropriate.

Factors Used to Evaluate Sexual Harassment

- The degree to which the conduct affects one or more students' education.
- The degree to which the conduct affects the coaching or work environment.
- The type, frequency and duration of the conduct.
- The identity of and relationship between the alleged harasser and the subject or subjects of the harassment.
- The number of individuals involved.
- The age and gender of the alleged harasser and the subject or subjects of the harassment.
- The size of the school, location of the incidents and context in which they occurred.
- Other incidents of sexual harassment at the school.
- Incidents of gender-based, but non-sexual harassment.
- Consensual behaviors.

(Source: Federal Register /Vol 65, No. 213, November 2, 2000)

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Sexual Harassment and Hazing:

Your Actions Make a Difference!

Reporting Hazing and Harassment

Hazing or harassment by any name is wrong. Anyone who witnesses or hears about a form of harassment can and should report it. Allegations of harassment may be the result of words, physical contact, e-mail or other unwelcome verbal or non-verbal communication.

Communication – A victim of hazing or harassment can report it, but so can a person who may not know the victim. The information may have come to him/her through conversation or may have been overheard in a classroom situation. Even in situations where information is gathered indirectly, members of the school community have a responsibility to report damaging behavior:

Observation – Supervisors or teachers have responsibilities for the behavior of students. Whenever harassment is observed by a teacher or the adult in charge, he or she should recognize and address the matter for what it is – a serious violation of school policy.

Who can report hazing or harassment?

- A victim.
- A person who witnesses the incident.
- A third party who may not have witnessed the incident, but hears about it.

How to Handle Hazing

1. Establish welcome programs for first-year and transfer students.
2. Reconsider all "team-bonding" or "initiation" traditions in all school groups.
3. Urge your school to adopt a statement of awareness.
4. Create a spirit of camaraderie.
5. Don't cover-up hazing incidents.

(Source: "High School Hazing: When Rites Become Wrong," by Hank Nuwer)

Establishing Boundaries

Sexual Misconduct

Sexual Misconduct covers a wide spectrum of inappropriate behavior. Individuals who engage in sexual misconduct may be subject to disciplinary actions at school or in a court of law.

Sexual Harassment

Sexual Harassment is a form of gender discrimination that consists of unwelcome verbal, electronic, or physical interaction between two or more people. Harassment can happen between people of the same gender or people of different genders.

Hazing

Hazing is any action or activity which inflicts physical or mental harm or anxiety, or which demeans, degrades or disgraces a person, regardless of location, intent or consent of participants.

(Employment Practice Group 2000, RI)

Ten Recommendations for Preventing Sexual Harassment in Schools and Athletics Programs

1. Teachers and athletics personnel should never use sexually explicit language or tell sexually explicit/off color jokes in the presence of students or student-athletes.
2. Teachers and athletics personnel should never display sexually explicit or pornographic pictures/materials on school property and should never show such materials to students or student-athletes under any circumstances.
3. Teachers and athletics personnel should avoid engaging in excessively personal conversations, both in person and on the phone, with students or student-athletes.
4. Teachers and athletics personnel should avoid sending excessively personal letters, cards, e-mails, or gifts to students or student-athletes.
5. Teachers and athletics personnel should avoid commenting on the physical appearance, including manner of dress and specific physical attributes, of students or student-athletes.
6. Teachers and athletics personnel should avoid to the greatest extent possible physical contact with or touching of students or student-athletes.
7. Teachers and athletics personnel should avoid giving students or student-athletes rides home alone or even in groups where eventually only one student will remain in the car alone with the adult.
8. Teachers and athletics personnel should avoid off-school-property, one-on-one meetings alone with students or student-athletes, especially in the home of the student or the adult.
9. Teachers and athletics personnel should never plan or take unchaperoned overnight school or athletics trips with students or student-athletes and, on properly chaperoned trips, should exercise the highest degree of caution and propriety regarding interaction with students or student-athletes.
10. Teachers and athletics personnel should never date students or student-athletes under any circumstances. Issues of power differential, consent and credibility make such relationships untenable within any level of educational institution.

(Source: Dr. Lee Green, Baker University Sportslaw Publishing .com/slpnews.htm)