

# TABLE OF CONTENTS

## How to Use the Guide

### Tab 100: Introduction and Overview

Introduction.....	¶100
What is Sexual Harassment? .....	¶101
Why Should Educators Worry About Sexual Harassment? .....	¶102
The Reach and Impact of Sexual Harassment .....	¶110
The Prevalence of Sexual Harassment in Colleges .....	¶111
The Prevalence of Sexual Harassment in Elementary and Secondary Schools.....	¶112
Relationship Between Peer Harassment and Sexual Assault.....	¶113
Consensual Relations .....	¶114
False Charges .....	¶115
The Relationship Between Sexuality and Sexual Harassment.....	¶116
Responding to Complaints: Dangerous Words.....	¶117
Victims and Perpetrators .....	¶120
Who Gets Harassed? .....	¶121
Can Men and Boys Be Harassed? .....	¶122
Harassment of GLBT Students.....	¶123
Who Harasses? .....	¶124
Harassment by Teachers at Elementary and Secondary Schools .....	¶125
Harassment of Faculty by Students .....	¶126
Schools Most Likely to Have Harassment Problems .....	¶127

### Tab 200: Elements of Sexual Harassment

Introduction.....	¶200
Why Defining Harassment is Difficult .....	¶201
Recognizing Sexual Harassment .....	¶202
A Behavioral Definition of Sexual Harassment.....	¶210
The Behavior is Unwelcome .....	¶211
The Behavior is Sexual or Gender-Related.....	¶212
The Behavior is Related to Power.....	¶213
EEOC Definition of Sexual Harassment.....	¶220
Quid Pro Quo Sexual Harassment.....	¶221
Hostile Environment Sexual Harassment.....	¶222
Sexual Favoritism .....	¶223
OCR Definition of Sexual Harassment.....	¶230
Quid Pro Quo Sexual Harassment.....	¶231
Hostile Environment Sexual Harassment.....	¶232
Myths About Sexual Harassment.....	¶240

## Tab 300: The Laws on Sexual Harassment

Introduction.....	¶300
Title VII of the Civil Rights Act of 1964, as Amended .....	¶310
EEOC Guidelines .....	¶311
The Civil Rights Act of 1991 .....	¶312
Employer Liability for Workplace Harassment.....	¶313
Title IX of the Education Amendments of 1972 .....	¶320
Interpretation by the OCR and Courts.....	¶321
OCR Guidance Through Letters of Finding and Commitments to Resolve.....	¶322
OCR Complaint Resolution Procedures.....	¶323
State and Local Laws .....	¶330
Laws Prohibiting Sex Discrimination in Education .....	¶331
Fair Employment Practices Statutes.....	¶332
Executive Order (E.O.) 11246, as Amended by E.O. 11375 .....	¶340
Civil Law Suits (Common Law Torts).....	¶350
Rape, Sexual Abuse and Sexual Assault Laws .....	¶360
Campus Policy on Sexual Offenses.....	¶361
Child Molestation Laws .....	¶362
Other Legal Remedies.....	¶370
Laws That Protect the Accused .....	¶380
Constitutional Rights.....	¶381
FERPA as Amended .....	¶382
2008 FERPA Regulations .....	¶383

## Tab 400: Prevention: Policies and Procedures

Introduction.....	¶400
Why a Separate Sexual Harassment Policy?.....	¶401
Developing or Evaluating Your Policy:	
Preliminary Considerations .....	¶410
Examine Other Policies .....	¶411
Document the Problem.....	¶412
Involve Other People in Policy Development.....	¶413
The Elements of a Good Policy .....	¶420
Procedural Elements of an Effective Policy .....	¶421
Substantive Elements of an Effective Policy .....	¶422
Free Speech Concerns .....	¶423
Other Prevention Recommendations .....	¶430
Documenting, Evaluating and Identifying Harassment .....	¶431
Training .....	¶432

## Table of Contents (Cont'd)

Dissemination ¶433	
Policy Implementation .....	¶434
Indemnification Issues .....	¶440

### Tab 500: Investigating Complaints

Introduction .....	¶500
Responding to a Complaint .....	¶501
Notice to the School .....	¶502
Preliminary Steps for Handling Complaints .....	¶510
Preliminary Considerations When Conducting Investigations Using Informal or Formal Procedures.....	¶511
Planning the Investigation.....	¶512
Initial Contact With the Complainant.....	¶513
Confidentiality Concerns.....	¶514
Informal Resolution Options .....	¶520
Using a Letter to Deal with Sexual Harassment .....	¶521
Should the Parties Be Required to Meet or Confront Each Other? .....	¶522
Mediation/Ombudsmen .....	¶523
Conducting Investigations .....	¶530
General Guidelines for Interviewing Witnesses .....	¶531
Interviewing the Alleged Harasser .....	¶532
Guidelines for Interviewing Elementary School Students.....	¶533
Interviewing Special Needs Students.....	¶534
Additional Investigative Suggestions.....	¶535
Wrapping Up .....	¶540
Drawing Conclusions .....	¶541
Negotiating Agreements .....	¶542
Writing a Report.....	¶543

### Tab 600: Training

Introduction.....	¶600
Guidelines for Training .....	¶610
Training for All Employees: Awareness and Prevention .....	¶620
Topical Outline .....	¶621
Lesson Plan .....	¶622
Training for Managers, Supervisors and Administrators .....	¶630
Topical Outline .....	¶631
Lesson Plan .....	¶632
Training for 6th–9th Grade Students: Awareness and Prevention.....	¶640

Topical Outline .....	¶641
Lesson Plan ¶642	

Handout Masters for Sexual Harassment Training.....	¶650
List of Handout Masters for All Employees Training/Handout Masters for All Employees Training (only available online) .....	¶651
List of Handout Masters for Manager, Supervisor and Administrator Training/ Handout Masters for Manager, Supervisor and Administrator Training (only available online) .....	¶652
List of Handout Masters for 6th–9th Grade Students Training/Handout Masters for 6th–9th Grade Students Training (only available online) .....	¶653
Overhead Masters for Sexual Harassment Training.....	¶660
List of Overhead Masters for All Employees Training/Overhead Masters for All Employees Training (only available online).....	¶661
List of Overhead Masters for Manager, Supervisor and Administrator Training/ Overhead Masters for Manager, Supervisor and Administrator Training (only available online) .....	¶662
List of Overhead Masters for 6th–9th Grade Students Training/Overhead Masters for 6th–9th Grade Students Training (only available online) .....	¶663

### Tab 700: Special Concerns

Introduction.....	¶700
Gay, Lesbian, Bisexual and Transgender (GLBT) Issues .....	¶710
GLBT Harassment in Grades K-12 .....	¶711
Hostile College and University Campuses.....	¶712
State of the Law.....	¶713
Recommendations for Change .....	¶714
Free Speech/Internet Issues.....	¶720
Freedom of Speech in the School Setting .....	¶721
Material Created Outside of School .....	¶722
‘True Threats’ .....	¶723
Adopting a Policy.....	¶724
Cyberbullying.....	¶725
Sexting.....	¶726
Stalking .....	¶730
Stalking Behavior .....	¶731
Profile of a Stalker.....	¶732
Psychosocial Effects on Victims .....	¶733
Anti-Stalking Laws .....	¶734
Resources.....	¶735

## Table of Contents (Cont'd)

Background Checks .....	¶740
Consensual Relations .....	¶750
Issues Surrounding Consensual Relationships ...	¶751
Policies on Consensual Relationships .....	¶752
Sample Policies	¶753

### Appendices

Appendix I: Federal Statutes
Appendix II: Agency Regulations and Guidelines
Appendix III: State Laws
Appendix IV: Court and Agency Decisions
Appendix V: Resources

### Index

[The next page is Page ix.]