

## Addressing the Gendered Dimensions of Harassment and Bullying: What domestic and sexual violence advocates need to know

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*This paper first introduces and discusses a recent policy memo from the U.S. Department of Education that clarifies the distinctions between bullying and harassment and the priorities and responsibilities of school districts, and then outlines the differences between sexual harassment and bullying, explores the unintended consequences of ignoring the gendered dimensions of bullying and harassment in K-12 schools, and suggests helpful strategies for advocates collaborating with school personnel and students.*

### New Policy Guidance issued by the Office for Civil Rights, U.S. Department of Education

On October 26, 2010, the Office for Civil Rights (OCR) of the U.S. Department of Education issued a “Dear Colleague” letter to school districts across the country that provided guidance about critical distinctions between two important issues schools face: bullying and harassment. As the enforcement arm of the U.S. Department of Education, OCR uses such “Dear Colleague letters” to inform school personnel about new interpretations, reinterpretations, or clarifications of the education laws over which OCR has jurisdiction. Schools are then required to adjust their policies to adhere to the specifications of the law. OCR’s October 2010 letter clarified that peer-to-

peer harassment is *not* the same as bullying. As this paper discusses, they are two very separate terms and concepts that have unfortunately become fused and conflated in the minds and behaviors of many school officials, the public, and the press (Ali, 2010).

The terms “harassment” and “bullying” are **separate and not equal**. When peer harassment is based on race, color, national origin, sex, or disability, it violates the civil rights laws that OCR enforces and that schools are responsible to understand and uphold. Unlike discriminatory harassment, anti-bullying laws and policies vary from state to state and do not rise to the level of being violations of federal law. As the OCR guidance makes clear, “School personnel who understand their legal obligations to



address harassment under these laws are in the best position to prevent it from occurring and to respond appropriately when it does” (p. 1).

Written in unambiguous language, the OCR letter stated:

The label (used by the School District) used to describe an incident (e.g., bullying, hazing, teasing) does not determine how a school is obligated to respond. Rather, the nature of the conduct itself must be assessed for civil rights implications. So, for example, if the abusive behavior is on the basis of race, color, national origin, sex, or disability, and creates a hostile environment, a school is obligated to respond in accordance with the applicable federal civil rights statutes and regulations enforced by OCR. (p.3)

OCR also stated that there is a danger of schools limiting their responses to “a specific application of an anti-bullying disciplinary policy” without considering whether the behaviors in question violate a victimized student’s federal civil rights. The guidance noted the responsibilities of the school, regardless of the potential application of any anti-bullying policy, and “regardless of whether the student makes a complaint, asks the school to take action or identifies the harassment as a form of discrimination.” School administrators are warned to “look beyond simply disciplining the perpetrators” as such disciplinary actions are “often insufficient” (pp. 2-3). Rather, the school’s responsibility is to eliminate the hostile environment created by the harassment, address its effects, and take steps to ensure that harassment does not recur. In other words, the school cannot reduce or minimize egregious conduct by only applying the schools’ or states’ anti-bullying policy if there might be federal civil rights violations occurring. Potential violations of federal civil rights laws take precedence over anti-bullying laws and bullying prevention efforts. While the OCR memo addresses harassment based on race, color, national origin, sex, or disability as the basis for civil rights violations, this

issue brief focuses on the gendered dimensions of harassment and bullying in school settings.

### **Distinctions between sexual harassment and bullying**

#### ***Definition of sexual harassment in schools***

Sexual harassment is a form of sex discrimination and is illegal under federal law Title IX, which was passed by the U.S. Congress in 1972. Decisions in U.S. federal courts and by the Office for Civil Rights of the U.S. Department of Education have amplified the definition of sexual harassment:

Sexual harassment is unwelcome conduct of a sexual nature. Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment of a student that is sufficiently severe, persistent or pervasive to deny or limit the student’s ability to participate in or to receive benefits, services, or opportunities in the school’s program is a form of sex discrimination prohibited by Title IX. (Title IX, Sec.II of OCR’s 2001 Sexual Harassment Guidance).

#### ***Definition of bullying: No agreement***

Unlike sexual harassment, definitions of bullying as codified in state laws vary state by state. Nor is there a common definition among the researchers who undertake studies on bullying (sometimes called “relational aggression” or “peer violence”). There are at least three key elements over which there is disagreement among the various definitions of bullying: (1) some laws/researchers say that bullying has to involve “**repeated**” behaviors; others say it can be a one-time occurrence; (2) some laws/researchers say that there has to be an “**imbalance of power**” between the student being bullied and the one bullying – but power is never defined (is it based on relative physical size? relative popularity?

the relative age of those involved? the economic status of their parents? how long the family has lived in the town?). Not only is the source of power never clarified, laws and researchers provide no guidance on who can decide what qualifies as an imbalance of power or how one might make this decision – what if adults failed to recognize the imbalance of power that young people claimed to exist? Finally, (3) some laws/researchers say that the behaviors have to be “severe” but do not explain how to decide what behaviors constitute “severe.” What is considered “severe” to one student might not be “severe” to another, and the same could be said for adults’ judgments of “severity” (Stein, 2010).

The multiple disagreements over these questions have made for vague, arbitrary and inconsistent definitions of bullying. Under the prevailing definitions of bullying, almost anything has the potential to be called bullying, from best friends saving a seat in the cafeteria for each other to behaviors perpetrated on a child that constitute criminal assault or hate crimes (Stein, 2003; Brown, Chesney-Lind, & Stein, 2007). Everything and nothing seems to come under the umbrella of bullying.

Such vague and unclear definitions are fodder for unwarranted disciplinary actions against students by school administrators. Already lawsuits in California and Florida have challenged state anti-bullying laws for abrogation of the First Amendment rights of disciplined students (Gentile, 2010; Kim, 2009).

Recently, the term sexual bullying has surfaced, spear-headed by a few academics from the field of nursing and public health who are concerned with the continuum of violence between bullying, sexual harassment and dating violence (Fredland, 2008). Sexual bullying is defined as early-stage sexual harassment with the potential to escalate to more severe forms of abuse. Unfortunately, this term has further muddled the definitions of and distinctions between sexual harassment and bullying. Though the term “sexual bullying” was first used by Stein (the author of this paper) and

Sjostrom in their curriculum *Flirting or Hurting* (p.3), published by the National Education Association in 1994, Fredland promotes the term as one more accepted by young people than the term “sexual harassment.” However, the use of the term sexual bullying may mask the seriousness of discriminatory sexual harassment that is occurring in schools (Gruber & Fineran, 2008; Stein & Breines, 2009).

### ***Learning about sexual harassment from lawsuits***

By looking at several lawsuits, we can see the many ways in which “bullying” and “harassment” have been conflated. The examples referenced in the call out boxes of this paper are not rare but rather very typical. They show the ways in which sexual harassment behaviors have been minimized or ignored by school personnel. Although the Iowa and Illinois cases did not result in federal court decisions (they were settled out of court), they illustrate the ways in which sexual harassment conduct is normalized and accepted yet simultaneously dismissed by school personnel. School staff minimize their legal responsibility to targeted students when they call sexual harassment “roughhousing” or “bullying” because such language reduces these behaviors to the level of minor, mutual, and annoying conduct between students. Moreover, the failure of school personnel to address sexual harassment contributes to the creation of an unsafe school environment that perpetuates sex-based discrimination by lending harassment the implicit permission of adults.

In an Iowa middle school around 2005, three seventh grade girls were repeatedly zapped in their breasts with a battery operated device by male classmates, who also “tittie twisted” the girls’ nipples with their fingers. The girls became black and blue and sore. The school administrators characterized the boys’ conduct as “roughhousing, bullying and mutual horseplay,” not sexual harassment (*Bruning v. Carroll* (Iowa) Community School District).

In Georgia in the mid-1990s, LaShonda Davis, then a fifth grade student, was touched and grabbed by a male classmate. The boy, only known by his initials, G.F., repeatedly tried to touch LaShonda's breasts and genital area, rubbed against her in a sexual manner, constantly asked her for sex, and, in one instance, put a plastic doorstop in his pants to simulate an erection (Brake, 1999). Besides telling G.F. to stop, she told her teachers, and along with her parents asked that her seat be moved away from G.F. But her teachers and the school officials did nothing, not even to separate the two students. G.F.'s behaviors had both psychological and academic consequences for LaShonda. After several months of this harassment, LaShonda's grades fell and she wrote a suicide note that her parents found. Her parents filed a criminal complaint against G.F. as well as a federal civil rights lawsuit against the school district for permitting a sexually hostile environment to exist. In the criminal action, the boy pled guilty to sexual battery (Davis v. Monroe County Board of Education; Brake, 1999; Stein, 1999).

LaShonda's lawsuit worked its way through every level of the U.S. federal courts over a five year period and in January 1999 was heard by the U.S. Supreme Court. The decision was released on May 24, 1999, and as with all Supreme Court cases, applies to the whole country -- to each and every educational institution that receives any federal financial support or assistance. In a five-to-four ruling, the U.S. Supreme Court stated that schools are liable for student-to-student sexual harassment if the school officials knew about the sexual harassment and failed to take action (Davis v. Monroe County).

Consider for a moment if G.F.'s behaviors toward LaShonda had been framed as bullying rather than sexual harassment – this case would never have been allowed in a federal court, let alone in the U.S. Supreme Court. Once LaShonda told school personnel about G.F.'s behaviors, it was incumbent upon them to prevent and eliminate the hostile environment

that his conduct created. Her right to receive an equal educational opportunity was denied by his behavior, which clearly created an environment that was not conducive to learning and safety. To have viewed G.F.'s conduct as bullying (or "roughhousing" or any other term) would have relegated her case to adjudication in the principal's office, a place where she had not received justice or redress prior to filing a federal lawsuit against the school district and a criminal complaint against G.F. personally.

### ***Research on the overlap between bullying and sexual harassment/violence***

As part of a three year study funded by the CDC, Professor Dorothy Espelage found that bullying perpetration was only slightly correlated with sexual harassment when she surveyed 1,381 middle school students. While these results might be specific to the Midwest, where the study was conducted, for any given student in the study there was very little overlap between bullying perpetration and the perpetration of sexual violence, including sexual harassment. In other words, bullies and perpetrators of sexual violence are different students in middle school.

In Illinois, a 12 year-old boy was repeatedly punched in the scrotum by his basketball teammates. Despite the fact that the young man required more than one surgery, his school administrators referred to this behavior as "roughhousing" and "horse-play," his basketball coach said that the boy ought to "stick up for himself," and the school principal, though informed of the "sac stabbing," chose to do nothing. Prior to filing a lawsuit, his parents met with the basketball coach, the team and the principal, and filed a police report against the six male students/attackers. The parents finally were forced to withdraw their son from this school, and in August 2007, filed claims in federal district court, alleging sexual harassment and retaliation (Doe v. Brimfield Grade School & School District #309; "District Court Tackles," 2008).

However, the key link between bullying and sexual harassment/violence seems to be homophobic language and harassment. Other factors, such as anger, family violence, sibling aggression, delinquent behavior, and to a lesser extent alcohol and drug use, are shared risk factors of both bullying and sexual harassment/violence, though these variables do a somewhat better job of predicting bullying than they do of predicting sexual violence perpetration. Unique predictors of sexual harassment/violence perpetration include pornography consumption and dismissive attitudes toward sexual harassment (Espelage, Stein, Rose, & Elliot, 2009).

The Gay, Lesbian and Straight Education Network (GLSEN) conducted a national survey in 2005 of over 3,400 students aged 13-18 and over 1,000 secondary school teachers that examined students' and teachers' attitudes and feelings about bullying and harassment. The findings indicated that the most common reason students were bullied or harassed was their appearance, with the second being they were or were thought to be gay, lesbian or bisexual (GLSEN, 2005). Researchers suggest bullying perpetration is associated with homophobic teasing during early adolescence, which is in turn likely to be predictive of sexual harassment perpetration over time (Espelage, Basile & Hamburger, in press). The authors note that, "bullying in the form of name-calling and rumor spreading has been associated with homophobic teasing, which creates a climate in which sexual harassment perpetration is likely to develop as boys and girls attempt to counter the homophobic teasing by sexually harassing others" (Espelage, Basile, & Hamburger, in press, p. 3).

Prevention programs designed to end bullying appear to neglect homophobic bullying, despite the potential links to sexual violence and the overwhelming prevalence of homophobic harassment in middle and high schools throughout the country (GLSEN, 2009). Stein has pointed out in her analysis of 67 anti-bullying programs aimed at middle and high school students that these programs almost universally fail

to discuss issues of sexual orientation, homophobia, sexual harassment, and sexual violence (Stein & Breines, 2009). Out of 67 curriculum materials for middle and high school audiences, only 19 mention or define behaviors that constitute sexual harassment. Out of the 19, 12 explicitly mention *sexual harassment*, though most curricula inaccurately frame sexual harassment as a subset of bullying; five other curriculum products refer to behaviors that constitute sexual harassment but the curriculum authors instead implant other terms to cover what is legally sexual harassment; and the remaining two curricula never use the term sexual harassment but do refer to behaviors that legally are sexual harassment. Strikingly, there is very little agreement among these curricula products on the definition of sexual harassment, with each curriculum largely inventing its own. As indicated earlier in this brief, sexual harassment has been defined by the U.S. Supreme Court in the Davis case (1999) as well as repeatedly by the U.S. Department of Education since the mid-1990s; its definition is not open to invention (Stein & Breines, 2009).

Given that much of the bullying that occurs in middle school is related to sexual orientation, bullying prevention programs that do not address sexual orientation will not be effective in reducing bullying among middle school students. By the same token, schools that continue to implement bullying prevention programs that do not explicitly address sexual harassment will not be effective in curtailing sexual harassment perpetration (Espelage, Basile & Hamburger, in press). Research conducted in Australia demonstrate that despite instruction on bullying in K-8 schools, by the time students landed in high school, they engaged in abundant sexual harassment behaviors (Australia Broadcasting Corporation, 2004; Rigby & Johnson, 2004; Stein, 2007). Talking about bullying is not an inoculation against sexual harassment/violence and likewise, talking about bullying without talking about homophobia will not prevent homophobic conduct which may be the pathway to sexual harassment/violence conduct.

There have been only a few examples of bullying curricula that include discussions of homophobia and harassment of lesbian, gay, bisexual, or transgender students (Poteat, Aragon, Espelage, & Koenig, 2009; Poteat & Espelage, 2005; Poteat & Espelage, 2007; Poteat, Espelage, & Green, 2007; Poteat, Espelage, & Koenig 2009). Few curricula address homophobia, and those that do are often relegated to a set of one week activities such as *No Name Calling Week*, spearheaded by GLSEN (2010), or activities meant for elementary-aged children, such as *Welcoming Schools* from the Human Rights Campaign (2010). However, in New York City schools, a week long program, *Respect for All*, seems to be showing promise (New York City Department of Education, 2011). Unfortunately, *Respect for All* is a framework that is limited to helping school administrators and guidance counselors recognize homophobic harassment and not a curriculum to use with teachers and their students (Greytak & Kosciw, 2010).

### **Unintended consequences of obscuring or minimizing gender violence/harassment in schools**

#### ***State anti-bullying Laws***

By the fall of 2010, 43 states had passed anti-bullying laws, often with voluntary provisions and little or no oversight by state agencies. Some governors have resisted anti-bullying laws, citing their redundancy with existing laws or regulations. That was the case in 2009 when Governor Tim Pawlenty of Minnesota vetoed a bullying bill because it duplicated other laws already in effect (e.g., hate crimes, intimidation and harassment) (Phelps, 2009). Another problem arises when state anti-bullying laws do not have specific funds allocated to them by state legislatures (often referred to as “unfunded mandates”). Without specific funding, school districts may be unwilling or unable to implement them effectively.

The recent OCR dear colleague memo addresses these state laws and their relationship to obligations

to enforce discriminatory harassment within school settings:

In recent years, many state departments of education and local school districts have taken steps to reduce bullying in schools. The U.S. Department of Education (Department) fully supports these efforts. Bullying fosters a climate of fear and disrespect that can seriously impair the physical and psychological health of its victims and create conditions that negatively affect learning, thereby undermining the ability of students to achieve their full potential. The movement to adopt anti-bullying policies reflects schools’ appreciation of their important responsibility to maintain a safe learning environment for all students... However,... some student misconduct that falls under a school’s anti-bullying policy also may trigger responsibilities under one or more of the federal antidiscrimination laws enforced by the Department’s Office for Civil Rights (OCR)... By limiting its response to a specific application of its anti-bullying disciplinary policy, a school may fail to properly consider whether the student misconduct also results in discriminatory harassment. (p. 1)

For readers interested in learning more about the history, implications, and important critical discourse that surrounds the development and implications of bullying policies and programs at the state and local levels, see Stein, 2003, 2005, and 2009.

#### ***Sexual harassment: Rampant, mislabeled, misnamed and misidentified***

By the end of the first decade in the 21st century, school personnel around the country seem to have forgotten the lessons and requirements from the Davis case; sexual harassment behaviors remain rampant and normalized in schools around the country, still ignored or misidentified by school personnel. Studies show that sexual and gender-

based harassment is flourishing in American schools. Data from the most recent scientific national study on sexual harassment (with 2,064 students, grades 8-11) indicated that 83% of females and 60-79% of males experienced sexual harassment in school (American Association of University Women, 2001).

Other studies show that sexual harassment prevalence rates increase throughout middle school (McMaster, Connolly, Pepler, & Craig, 2002; Pellegrini, 2001). In several studies comparing middle school students and high school students in Michigan and Maine, researchers Susan Fineran and Jim Gruber (2007, 2008, 2010) have found that sexual harassment is more severe in high school than in middle school, and that its effects are more damaging than the bullying behaviors that the students may have experienced in middle school. More dire mental health consequences have been noted for the targets of sexual harassment than for the targets of bullying (Gruber & Fineran, 2008).

Moreover, when peer victimization, and especially sexual harassment is allowed to flourish, school engagement is eroded and students become alienated from their teachers (Fineran & Gruber, 2010). Several findings have emerged from their research:

First, the most common experiences in middle school tend to be the most common experiences in high school; for example, upsetting someone for the fun of it, spreading sexual rumors, scaring or hurting a person, and grabbing and kissing have similar percentage ranks at both grade levels. Second, the frequency of bullying and sexual harassment increases from middle school to high school, as can be seen by comparing the same experience between the two grade levels (e.g., upset for the fun of it, 42% to 53%; spreading sexual rumors, 33% to 53%). Also, although girls are the main perpetrators of several types of experiences (hurting, pushing, and spreading sexual rumors), boys play significant roles as perpetrators, especially in high school. Finally,

some types of experiences tend to be more upsetting than others at both grade levels. Having sexual rumors spread about oneself is more upsetting than any other experience. Being picked on or made fun of, as well as having to endure sexual jokes or unwanted kissing, are also very upsetting experiences. Neither race nor disability was significantly related to either bullying or sexual harassment. However, sexual orientation was significantly related to both bullying and sexual harassment in cross-tabulation analysis. Lesbian middle school girls were more apt to experience ridicule and public sexual harassment than their heterosexual peers. Among high school students, lesbians experienced more public sexual harassment than their heterosexual peers. (Gruber & Fineran, 2007, p. 634).

Tragically, some adolescents commit suicide rather than endure harassment from their peers. In 2009-2010, a spate of suicides of middle and high school adolescents swept across the country, pointing to the rampant homophobia located in and accepted by the dominant school culture(s) (Dotinga & Mundell, 2010). The deaths included the April 2009 suicide of 11-year-old Carl Walker-Hoover in Springfield, Massachusetts, who liked to wear his band uniform and dressed differently than his peers (Valencia, 2009; GLSEN, 2009); 11-year-old Jaheem Herrera in April 2009 in Dekalb County (Georgia) school district (Bowers, 2009); 9-year-old fourth grade special needs student Montana Jay Lance, from a small city (The Colony) north of Dallas, Texas in January 2010 (Haag & Meyers, 2010); Ty Smalley, 11 years old, in Perkins, Oklahoma in May 2010 (Allen, 2010); Justin Aaberg, a 15-year-old from Anoka, Minnesota in July 2010 (Draper, 2010); 13-year-old Seth Walsh in Tehachapi, California in September 2010 (Alexander, 2010); 15-year-old Billy Lucas of Greenburg, Indiana in September 2010 (Heuning, 2010) and 13-year-old Asher Brown from suburban Houston, Texas in September 2010 (O'Hare, 2010). Most of these youth were repeatedly tormented for either being perceived as gay or for their actual sexual identity. With the

exception of Carl Walker-Hoover and Jaheem Herrera, they were young white adolescent boys in small towns who either shot or hung themselves.

The much publicized suicide in January 2010 of Phoebe Prince, a 15-year-old adolescent girl who had moved to the U.S. from Ireland and had just entered high school in South Hadley, Massachusetts, was universally described as an incident of bullying (Baum, 2010; Bazelon, 2010; Crowley, 2010; Eckholm & Zezima, 2010a, 2010b; Males & Chesney-Lind, 2010). Rarely were the behaviors that she endured regarded as sexual harassment despite the fact that she was repeatedly and very publicly called sexually demeaning names (e.g. “Irish Whore”) by both males and females in the school. The behaviors directed at Phoebe were unequivocally sexual harassment and interfered with her right to go to school in an environment free from sexual harassment.

Moreover, on two different occasions, she and her mother separately spoke to school personnel about the behaviors that were directed at Phoebe from her peers. Because school personnel were informed of the sexual harassment that she was experiencing, the school was “on notice” and therefore required (as per the Davis decision in 1999) to take measures to ensure her civil rights by protecting her and other students from the hostile environment created by the sexual harassment. The fact that the school was on notice regarding Phoebe’s experiences of sexual harassment puts her tragedy into the realm of a violation of federal law Title IX. Although individual students were ultimately charged criminally by the district attorney, no federal civil rights charges have been brought against the school district for its failure to protect Phoebe and for permitting a sexually hostile environment to exist (Stein, 2010).

Overall, the reality of gender-based harassment has been missing from the national conversation on school safety and violence for decades (Stein 1995; Brown, Chesney-Lind & Stein, 2007; Brown, 2008). This omission contributes to the disproportionate

focus on the most extreme, rare forms of violence while the more insidious threats to safety – that is, the salient role of gender and sexuality – go ignored (Lesko, 1999; Stein, 1995, 1999; Stein, Tolman, Porche, & Spencer, 2002). For example, school shootings are generally reported in a gender-neutral way, although the majority of these tragedies are perpetrated by white middle-class boys who were upset either about a break-up with or rejection by a girl (e.g. Jonesboro, Arkansas; Pearl, Mississippi) or who did not meet traditional expectations and norms of masculinity (e.g. Springfield, OR) and were thus persecuted by their peers (Cullen, 2009; Kimmel & Mahler, 2003; Moore, Petrie, Braga, & McLaughlin, 2003; Perlstein, 1998; Vossekul, Fein, Reddy, Borum, & Modzeleski, 2002).

Just as the recent emphasis on violence prevention has challenged advocates to expand their focus to a more broad-based response to sexual and domestic violence, advocates have an opportunity to expand their work in schools to more effectively identify and address sexual harassment and related civil rights violations. The October 2010 Dear Colleague letter from the Department of Education’s Office of Civil Rights presents domestic and sexual violence advocates a rare opportunity to collaborate with school personnel to reinvigorate and strengthen anti-harassment efforts. In many instances, advocacy and grassroots groups have built strong alliances with school personnel by conducting educational sessions in schools directed to both staff and students. The following section offers strategies for working with school personnel on these important school safety issues.

### **Collaboration between advocates and school personnel**

This section outlines strategies for coalitions and community-based organizations working to end violence in schools and communities. There may be some overlap or opportunities for collaboration at the state and local levels in regards to technical assistance

and training. As suggested earlier, the October 2010 Dear Colleague letter from OCR (<http://www2.ed.gov/policy/speced/guid/idea/letters/2010-4/ocrcolleague102610harassbully4q2010.pdf>) can be used to re-focus or strengthen established school-based partnerships, or to open doors and help frame discussions with other schools.

### ***Local advocates and prevention educators working with schools and school communities***

When working at the local level, advocates and prevention educators have the opportunity to develop close working relationships with school personnel: guidance counselors, teachers, school psychologists, and others. By capitalizing on these established relationships there is an increased likelihood of successful and effective collaboration. The following list is a combination of activities, approaches, and tools for building collaborative partnerships with schools and communities to both respond to and prevent gender-based harassment and violence as well as bullying. This list was not created in terms of priority or hierarchy, with the understanding that communities are diverse and may require different approaches. These activities can and should be planned over the course of a few school years. Each effort should be well thought-out and engage the support and input of school staff, teachers, and community members.

**1. Get buy-in from school administration and educators.** There are many ways to demonstrate to school administrators the importance of both identifying and responding to sexual harassment and other forms of gender-based violence. Students learn best when they feel safe. To underscore this point, share data, promising practices, and draw connections to academic performance and attendance. Be sure to include information on the benefits of collaboration between local agencies and the school, rather than the school working independently, as the best approach for prevention. The socio-ecological model or other models outlining effective community based

A comprehensive list of children's and young adult novels that address such issues can be found in Stein's 1999 *Gender Violence/Gender Justice*. Futures Without Violence has also developed *Lessons from Literature*, a program for English and Language Arts teachers to incorporate discussion of relationship abuse and violence into lessons: <http://www.lessonsfromliterature.org/gettingready.html>

initiatives may provide a helpful framework (Centers for Disease Control and Prevention, 2009).

**a. Demonstrate** to educators that the topics of gender-based violence, including sexual assault and sexual harassment, can be integrated into classroom lessons in a cross-disciplinary way. For instance, reinforcing the theme of bystander courage through literature encourages witnesses of harassment to take action.

**b. Frame** the topics of sexual harassment, teen dating violence, and sexual assault as a matter of *violence prevention* and as an integral part of *creating a safe school*. Link these anti-violence efforts to other priorities that the school has identified. Consider the importance of addressing gender equality and homophobia.

**c. Assure** school administrators that programming will be developmentally appropriate and cumulative. In other words, skills and information will complement and build upon one another from year to year. This underscores the need for ongoing collaboration and partnership, as well as consistent messaging throughout the school community.

- **Appropriate curricular materials and information.** Although effective prevention materials for lower grades are still under development, there are key social, emotional, and physical developmental milestones that can inform practice.

Giving children the skills to assert their personal and physical boundaries early on will give them a solid foundation for making healthy choices later in life.

Consider the following tools:

- *Early Child Development Communication Tools* (FrameWorks Institute) <http://www.frameworksinstitute.org/ecd.html>
- *Working with Children Towards a Healthy & Non-Violent Future Special Collection* (VAWnet) <http://www.vawnet.org/special-collections/Children.php>
- *Child Sexual Abuse Prevention: Programs for Children* (National Sexual Violence Resource Center) <http://www.nsvrc.org/publications/child-sexual-abuse-prevention-programs-children>

- **Incorporate the 40 developmental assets.** Developed by the Search Institute, the 40 Developmental Assets are a framework for supporting healthy, respectful, and responsible young adults. Look at the list for the specific age group being targeted and connect with the goals of violence prevention programming (<http://www.search-institute.org/developmental-assets/lists>).

For Example: “Bystander Empowerment,” through emphasizing pro-social intervention and healthy social norms, support the **Internal Asset of Interpersonal Competence for adolescents between 12 and 18** in which a young person has empathy, sensitivity, and friendship skills.

**d. Offer** to train a Prevention Team of administrators, coaches, teachers, guidance counselors, playground and lunch room supervisors, bus drivers, school psychologist, and others. A “Training-of-Trainers” series of workshops can create a corps of dedicated individuals with the skills to train others and be a sustainable effort that reflects the needs and style of the school and school community.

**2. Use an evidence- and practice-informed approach.** A surprisingly small percentage of curricula (especially those in the bullying and violence prevention realm) have been evaluated for effectiveness, and those that have been evaluated tend to have insufficient evidence of long-term success. Here are some key issues to consider when reviewing curricula for use with middle and high school students:

- Investigate the curriculum to make sure that the lessons/products being considered address the topics of sexual harassment (a component of federal law Title IX), sexual violence and/or teen dating violence. Be wary of using any curriculum products that use language such as “bullying in a dating relationship” to stand for “teen dating violence” or curriculum products that substitute terms such as “sexual bullying” for “sexual harassment.”
- Consider the following questions: Is the curriculum a good fit for your community and culture? Will the curriculum work within a collaborative approach that supports goals bringing parents, students, local programs and school personnel together? Does the curriculum address homophobia? The presence of clubs such as Gay-Straight Alliances, as well as adults in the school that are supportive of students who identify as lesbian, gay, bisexual, or transgender (LGBT), have been shown to have a positive impact on the school climate and decrease victimization of LGBT students (GLSEN, 2009).
- Check in with your state/territory sexual and domestic violence coalition about curricula they have reviewed or are developing.

**3. Engage students in assessing school climate and making their school a safer place.** Ask students to identify the spaces in the school where they feel safe and unsafe. Through the use of mapping activities (using blueprints of the school),

The Not In Our School videos, activities and resources showcase the creativity and capacity of youth as important change makers. Consider adapting innovative approaches from Not in Our Town/Schools to address gender based violence.

- *Student mapping of school environment*  
<http://www.niot.org/nios-video/students-map-bully-zones-create-safer-school>
- *Lesson plans*  
<http://www.niot.org/nios/lesson-plans>

information can be gathered from students about bullying and sexual harassment incidents that take place within the school environment. The information gathered can help frame and inform discussions with school board members, school administration and leadership, as well as school security officers.

**4. Educate school personnel and help develop policies and procedures that emphasize prevention and accountability.** With expertise in violence prevention, domestic and sexual violence advocates are an invaluable asset in addressing sexual harassment and gender-based violence in schools. Advocates can assist schools to assess their current policies and procedures as well as their implementation. When looking at policies and procedures for addressing reports of sexual harassment or violence, be sure to facilitate discussion on the following key issues:

**a. Validate and empower victims/targets.**

Counseling and other resources and protections should be provided to victims, drawing from both school- and community-based services. As the October 2010 OCR guidance stresses, victims should not be compelled to confront their harasser or assailant, nor participate in voluntary efforts at resolution without their fully informed consent and without other safeguards in place. Ongoing contact with the harasser can be re-traumatizing for victims. In case of sexual

harassment or abuse, no peer mediation should be allowed. Assure the student who makes the complaint that she/he will be protected, to the extent possible, from the harasser and their friends who might consider retaliation. This could include the development of school-based restraining orders/stay-away orders that cover class schedules, walking routes, bus assignments, lunchtime assignment, and guidance for other less regulated times and places; the stay-away order should function to protect the student who has made a complaint of harassment against another student.

**b. Emphasize the importance of ensuring due process rights for the accused.** Offer compassionate responses to harassers in addition to punitive ones. This may take the form of either individual or group counseling.

**d. Provide training.** Designate times within the school year when educators and staff receive education and training on identifying and responding to gender-based harassment and violence, as well as empowering bystander behavior and other effective prevention techniques.

**5. Engage parents, guardians, and other supportive adults.** To be effective, prevention messages related to sexual harassment must be consistently conveyed in various spaces and throughout the environment (Nation et al, 2003). Parents and guardians are key players when planning and implementing prevention programs. Open community forms and more private small group discussions can be a great starting point for engaging this group. Keep the parents involved, particularly if their children are themselves victims or witness/bystanders. Parents can also be recruited as trainers, educators or volunteers (or just champions of the work).

### ***Coalitions and statewide organizations working to build capacity***

State, Territory and Tribal domestic and sexual violence coalitions can connect with policymakers, leaders, and other agencies to discuss the best way to create long-term systemic change, and also may have access to resources and information that can support work going on at the local level.

**1. Collect and analyze local and state data related to gender-based harassment and violence in schools.** If possible, break state or county data into community-specific data, which may be more helpful for local prevention efforts. When compiled, make such data available to community-based domestic and sexual violence advocates engaged in prevention activities to help frame consistent messages in their communities about the issue. Help identify other ways that data can be integrated into their current violence prevention activities in their local community.

**2. Educate policymakers and education leaders of the importance of addressing gender-based harassment and violence in schools.** Develop an information packet consisting of state, county and local statistics, community prevention resources, and model policies and practices, as well as information about existing state and federal mandates (including for example, the 2010 OCR “Dear Colleagues” letter). Make links between harassment and violence in schools and student performance, attendance, and school climate. Stress the point that students cannot learn when they do not feel safe. When meeting with legislators, bring community representatives, including local domestic and sexual violence program staff, parents, and school personnel from the legislator’s district, to help underscore the importance of this issue for their constituents.

**3. Highlight the importance of school-based harassment and violence at conferences and**

**events.** Conferences, summits, and other training events are important opportunities to facilitate multi-disciplinary discussions of approaches to addressing these issues and craft school-based solutions. Workshops and institutes not only build skills and capacity, but also provide opportunities to share stories and best practices.

**a. Increase the capacity of domestic and sexual violence advocates to address gender-based harassment and violence in schools.** Through training workshops, webinars, and other means, create professional development opportunities for community-based advocates, including prevention educators, to identify the most effective strategies for working with schools to enhance sexual harassment policies and practices, as well as prevention efforts. Fund their attendance at conferences for educators and school personnel. Explore how the OCR “Dear Colleagues” memo and other tools and resources can be used in their school-based initiatives.

**b. Host, co-sponsor, and/or present at conferences that engage schools and school communities.** Work to ensure that plenaries and workshops on sexual harassment and gender-based violence are integrated into the agenda of such conferences. School personnel and policymakers may be more receptive to your message in this type of setting. Presentations should include state or community-specific data on the prevalence of sexual harassment and teen dating violence (where available) and their impact on learning, as well as discussion of schools’ responsibility to address sexual harassment under Title IX, and the importance of sexual harassment/violence prevention programming in both helping schools comply with Title IX and creating a safe school environment for all students.

**4. Research, review, and support the development and evaluation of curricula.** Coalitions can provide important support in the identification,

Consider the following online resources that list current programs being reviewed by the Centers for Disease Control and Prevention:

- Youth Violence  
<http://www.cdc.gov/ViolencePrevention/youthviolence/prevention.html>
- Sexual Violence  
<http://www.cdc.gov/ViolencePrevention/sexualviolence/prevention.html>
- Intimate Partner Violence  
<http://www.cdc.gov/ViolencePrevention/intimatepartnerviolence/prevention.html>

distribution, development and evaluation of tools for the field. This can be done in a number of ways, depending on the size of the coalition, availability of research and funding, as well as the context of prevention efforts within the state. Here are some guiding principles to help strengthen or develop efforts:

**a. Review findings from evaluations of available curricula and promising practices.** As indicated earlier, curricula that effectively address gender-based harassment and violence are still being developed and studied. This presents challenges for those interested in or being required to adopt evidence-based practices. In response to these interests and challenges, both the National Sexual Violence Resource Center (NSVRC - [www.nsvrc.org](http://www.nsvrc.org)) and National Resource Center on Domestic Violence (NRC DV - [www.vawnet.org](http://www.vawnet.org)) have expanded their efforts to identify evidence-based and evidence-informed training materials, lessons learned, and promising practices in this area.

**b. Engage local programs in identifying potentially promising approaches.** Through surveys, workgroups, listservs and other means, identify what local efforts appear to be having an impact. Provide forums for domestic and sexual violence advocates in your state, including those engaged in prevention education and policy

advocacy, to identify the barriers they face in working with schools on these issues, successful strategies for building strong collaborations with schools, model policies and practices, and the types of support needed to initiate, enhance or sustain successful initiatives to address and prevent sexual harassment in schools.

**c. Partner with a researcher to evaluate sexual harassment prevention initiatives.** Coalitions or their member programs can reach out to the Social Sciences, Psychology, or Criminal Justice Departments at a local or state university or college to explore engaging in research or evaluation to guide efforts in this area. The focus of such a collaborative partnership could be conducting a literature review to identify and help translate proven or promising practices, analyzing existing data on the incidence and prevalence of gender-based harassment and violence in schools or school compliance with Title IX, designing and implementing an evaluation of an existing curriculum or prevention initiative, or designing and planning a new program or initiative.

### Concluding Thoughts

The paper explores critical differences between sexual harassment and bullying, the unintended consequences of ignoring the gendered dimensions of both, and strategies that can be employed by advocates collaborating with school personnel and students. Clearly there are numerous opportunities for domestic and sexual violence advocates to bring their expertise to the table as well as areas for growth and further development. The paper stresses that the gendered nature of sexual harassment and much of what is called bullying must be infused into curriculum, school policies and practices, and school safety initiatives. Bringing or reinforcing this perspective with school-based collaborative partners will be one of the first tasks, but is one supported by important guidance provided by the Office of Civil Rights of the U.S. Department of Education.

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*The National Sexual Violence Resource Center (NSVRC), and the National Resource Center on Domestic Violence (NRCDV) shaped the "Collaboration between advocates and school personnel" section of this paper. Contact the NSVRC or NRCDV for more information on tools for advocates and prevention educators.*

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