

Harassment in Education: It's Against the Law

What is the scope of the problem?

Harassment is illegal in all areas protected by *Iowa Code* Chapter 216. This includes education, employment, public accommodations, credit and housing.

Acts of harassment take place every day in schools across the country. Frequently these acts, even if reported to administration, are dismissed as harmless, as "kids will be kids," or as "no big deal." Many people do not realize that harassment that interferes with a person's educational progress is illegal, just as it is illegal in the workplace.

Harassment because of sex, race, national origin, religion, sexual orientation, gender identity, and physical and mental disability is illegal. Both boys and girls can experience sexual harassment. And both girls and boys could be harassed by someone of the same sex.

Hallways and classrooms are the places where harassment most frequently takes place, in spite of the fact that these places are public and other people are usually present. Other places where harassment takes place include school grounds, the gymnasium, pool,

locker rooms, restrooms, parking lots, school buses and on field trips. Four out of five students who are harassed are targeted by a current or former student of their school, with the remainder of the harassment coming from adults or school staff. For many young people, school is not a safe place.

What is the impact of harassment on the educational process?

Students who have been harassed have reported the following feelings and actions:

- Not wanting to attend school; staying home, or cutting class
- Not wanting to talk as much in class
- Finding it hard to pay attention
- Making a lower grade on a test or in a class
- Wanting to change schools or even drop out
- Dropping out of chosen classes or field of study
- Not being able to obtain customary letters of reference or recommendations from a teacher

There is the emotional impact of feeling.

What actions are considered to be harassment?

Specifically, what types of actions, if not welcomed by the recipient of the behavior, could be viewed as harassment?

Inappropriate actions break down into four types of behavior:

1. Physical: touching in a sexual manner, pinching, rubbing up against, gestures, assault.
2. Verbal: jokes of a racial, ethnic, or sexual nature; comments or questions about a person's body, dress, or personal life, using demeaning or inappropriate terms; using crude and offensive language of a sexual nature, name-calling or racial or ethnic slurs; demeaning comments about age, disability, or sexual orientation.
3. Visual: cartoons, drawings, or caricatures of a racial, ethnic, or sexual nature; pin-up pictures or calendars; displaying sexual objects in offices or rental units. Electronic messages or e-mail are frequently used for inappropriate personal messages, or to distribute jokes and cartoons that are offensive. Even after these messages are deleted on the computer, they can be retrieved to use as evidence of harassment.
4. Hazing: teasing, practical jokes of a sexual, racial or ethnic nature, ostracizing, starting or spreading rumor about a person's personal life or sexual activities.

In considering if conduct might be unwelcome to others, consider: "Would I want my spouse or child to be treated this way?"

What do the laws say?

State Law: *Iowa Code* Section 216.9 prohibits discrimination in any academic, extracurricular, research, occupational training, or other program or activity (except athletic programs). While harassment is not expressly prohibited, harassment is considered to be a form of discrimination. This law applies to any preschool, elementary, secondary, community college, area education agency, or post-secondary college or university.

Federal Law: Title IX of the 1972 Educational Amendments prohibits differential treatment on the basis of sex. This applies to any educational program or activity which received federal funds, and protects both employees and students. To initiate a complaint under this law, contact:

Office for Civil Rights, U.S. Department of Education
Phone: 312-730-1560; Email: OCR.Chicago@ed.gov ;
TDD: 877-521-2172

What do schools need to do about harassment?

An important part of a school's program is to take steps to prevent harassment before it occurs. An institution needs to raise the issue and confront harassment before it becomes a problem.

- Acknowledge the problem; don't deny that it could happen in your school.
- Provide training to administrators, staff, and students so that they understand and recognize prohibited behavior and how to report it.
- Administrators, teachers and adult staff should set a good example of professional behavior.
- Under Title IX, schools should have a policy prohibiting sexual harassment. Administrators, teachers and students must be informed of the policy.

If you believe you may have been treated unfairly in the areas of housing, employment, education, credit or public accommodations, call:

Iowa Civil Rights Commission
Grimes State Office Building
400 E. 14th Street
Des Moines, IA 50319
(515) 281-4121, (800) 457-4416
515-242-5840 FAX

www.state.ia.us/government/crc

The Commission provides educational materials on civil rights and discrimination, and has a video lending library. The Commission also provides information beneficial to both housing providers and to applicants for housing. Staff members are available to make presentations on a variety of topics, including preventing harassment or conducting an internal investigation. Call the Commission to request copies or to make arrangements for a program or speaker. Visit the agency Web site for a list of publications and videos.

- Under Title IX, schools must establish a grievance procedure that is adequate and suitable for dealing with sexual harassment complaints.

Once a harassment complaint has been filed, the school administration needs to take prompt remedial action.

- When a harassment complaint is filed, take it seriously. Assure the person that a prompt and confidential investigation will take place.
- Designate and train persons to investigate complaints. Sensitivity to the problem, sound professional judgment, and knowledge of legal standards of investigation are important.
- If the investigation shows that the harassment did happen, take prompt disciplinary action against the harasser.

What can you do if harassment happens to you?

Remember, harassment is not your fault. You have a right to an educational setting free of harassment. Do not feel powerless. There are actions you can take to end the harassment.

- Tell the harasser in person or in writing that the behavior is not welcome. Ask them to stop. Be specific about actions or words that make you uncomfortable.
- Tell someone else about the harassment, a trusted adult or friend.
- Keep a written record of the incidents of harassment. Make a note of witnesses who might have observed the incident.
- If the harassment does not stop, report it to school administration. Ask a parent or friend to go with you if you need support.
- If the school does not take prompt action to stop and resolve the complaint, file a complaint with an external agency.

For additional information on harassment or other issues regarding discrimination, you may also want to contact any of these state agencies:

Division on the Status of Women
(515) 281-4461, (800) 558-4427
E-mail: dhr.icsw@iowa.gov

Web site: www.state.ia.us/dhr/sw

Division on the Status of African Americans
(515)281-3855

Division of Latino Affairs
(515)281-4080

Division of Persons with Disabilities
(515)242-6142

The mailing address for these agencies is:

% Iowa Department of Human Rights
Lucas State Office Building
Des Moines, IA 50319
FAX: (515)242-6119