



the Policy Page

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Having a good policy is only the beginning; for a policy to accomplish its goals, it must be fully implemented. One of the first steps in implementing a policy is to be sure that all members of the school community are aware of the policy and are properly trained regarding it. The following article makes several important points regarding training on sexual harassment policies. The VSBA policy on harassment is Policy GBA/JFHA. The article originally appeared in *Alabama School Boards*, August/September 2007. It is reprinted here with permission.

Let's Talk About What? How to Talk to Students about Title IX and Sexual Harassment

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Picture this: A conservatively dressed labor lawyer pulls up in front of a building to talk to a large group about sex and the law – a routine occurrence for her. However, as she walks to the front of the audience, one important difference stands out to her – these aren't adults, these are kids. She frantically thinks, "What am I going to say?"

Educators have walked through fires and fought wars to bring appropriate and effective sexual education into the classrooms. Teaching sex education, abstinence and responsibility in sexual relationships has become commonplace for many school systems. Just recently, statistics regarding the sexual behavior of teenagers was reported by all of the major news outlets as headline news. The report suggested that sex education campaigns initiated in the '80s and '90s have begun to have positive effects on statistics regarding teen sex, condom use, birth control and adolescent births.

However, Title IX of the Education Amendment of 1972 has changed the landscape for how schools must approach sex and sexual behavior in the school system. Even though Title IX has been around for a while, it has only been in the last couple of years that we have seen an increase in Title IX lawsuits against school systems, and as a result, a concerted effort on behalf of school systems to talk about sexual behavior at school.

What is Sexual Harassment Involving a Student?

The U.S. Office of Civil Rights has defined sexual harassment as any unwanted sexual advances, request for sexual favors, or other verbal or physical conduct of a sexual nature. OCR points out that not all sexual harassment is of a physical nature. It is also important to stay mindful of the age and the context of certain conduct, which brings us back to our initial question. What do you say about sexual behavior to students?

We have heard many educators say that inappropriate sexual conduct is not a problem in their school, but statistics collected as far back as 1993 tell a different story. More than 80 percent of girls and 60 percent of boys said they have been the target of some form of sexual harassment in school. More than half of the students report physical sexual harassment, like touching, grabbing and pinching. A recent update of this survey confirms that the trend has continued. Faced with these daunting facts, school systems need to embark on the journey of creating comprehensive Title IX policies which specifically address various types of sexual harassment and then undertake the sometimes complicated task of talking to students about appropriate conduct and unacceptable sexual conduct at school.

How Do You Talk to Kids About Title IX?

When initially preparing to talk to students about sexual harassment and Title IX, we did a comprehensive national search of the various ideas prefaced by experts on the issue of how to talk to students. The contrast and conflicts between these suggestions were overwhelming. Do you have small group sessions wherein the conversations are very intimate using educational tools, such as role playing? Or, do you educate assembly style stating the policy, giving examples of inappropriate conduct and refraining from any type of question and answer session? The debate goes on and on. In a lot of cases many other factors will come into play, such as time, space, number of students involved and education resources available. Regardless of the means and methods of communicating Title IX and a school system's "no tolerance" policy for sexual harassment, there is no question that all schools should be providing such education to their students.

Things To Remember In the Talk

1. Tell Them it Is the Federal Law.

Students need to be told that Title IX is a federal law requiring equal education for all students. The students should further be told that any form of sexual harassment is prohibited by Title IX. Explain that sexual harassment is considered a breach of “equal access to education law.” Framing the issue as a legal matter conveys a sense of seriousness and credibility between the school and the student. That is, the students must understand that the school is not simply creating other means by which to control their behavior.

2. Don't Be Funny.

In talking to adults about serious issues, such as sexual harassment, mild humor is often a good ice-breaker. Many times it is easier to get an audience's attention if the serious issues are made light by the speaker, and those examples can be used to make very serious points to the adult audience. However, this approach should not be used with students. Let's be honest. It is going to be hard enough to keep a group of high school students from giggling during a talk about sexual harassment. The speaker should be serious at all times during the talk.

3. Be Practical.

Some forms of sexual behavior are going to occur in every school. In talking to high school students, the importance of Title IX will be lost if the students are made to believe that conduct we often refer to as flirting is banned from school. Talk about conduct that is acceptable. Talk about ways a student will know if the conduct is welcomed as opposed to offensive to another individual. In other words, the student should ask themselves: Does this conduct or comment feel good to the other person? Is it reciprocal? Is it a compliment as opposed to being degrading? Is it flattering as opposed to being demeaning? Provoke the students to think about how they can ascertain whether their conduct is appropriate among their classmates. It is also a good idea to simply list categories of conduct that could rise to the level of sexual harassment, such as sexually offensive comments and gestures, touching, pinching, grabbing, bra snapping, skirt flipping, jerking down pants or skirts of another student, sexual graffiti written on the walls of bathrooms and other places, sexual rumors and teasing about sexual orientation.

4. Use Examples.

Many students do not realize the various forms of sexual harassment. Develop short, realistic scenarios of various types of sexual harassment. Be creative and make all the

scenarios as varied as possible in order to demonstrate conduct that would be prohibited by Title IX that the students might not otherwise consider.

5. Encourage Students To Take the First Step.

Students should be encouraged to communicate to the harasser that the conduct is unwelcome. We found in handling sexual harassment cases that this concept is not obvious – even to an adult. It is important to talk about simple concepts like this when educating students regarding Title IX.

6. Communicate How to Report.

Make sure that the students understand that sexual harassment by another student or by any person in the school system will not be tolerated and all reports will be taken seriously. Encourage the students to report sexual harassment when they believe they are a victim or when they believe they are aware of another individual who is being victimized.

7. Corrective Remedial Measures Will Be Implemented.

Make clear to the students that the school will take corrective action against any individual found to be victimizing a student through sexual harassment. Clarify the school's policy regarding that corrective action and relay what the potential discipline alternatives will be if an individual is found guilty of sexual harassment. Emphasize that no matter the identity or popularity of the accuser or the accused, all students will be treated equally.

8. Reassurance of No Retaliation.

A prevailing concern among students seems to be that they will be treated differently or teased if they report sexual harassment. Reassure students that retaliation will not be tolerated and that they need to report any retaliatory conduct as soon as possible. Also reassure the students that confidentiality will be maintained as much as possible.

Like any other issue when it comes to children, there are no hard and fast rules regarding how to talk about Title IX and sexual harassment. But one thing is for sure, we can no longer run the risk of not educating. The fear that education on the issue will cause more claims of sexual harassment and therefore cause more trouble for the school must be put to rest. The claims are coming. The school system must do everything in its power to protect itself and its students from the sexual harassment monster in the school.