

THE RISK OBSERVER

SEXUAL HARASSMENT POLICY REVIEW

On January 25, 2006, the U.S. Department of Education issued a letter warning school districts that it plans to audit school district sexual harassment policies, apparently as a result of receiving over 5,000 complaints during 2004. The warning was included in a "Dear Colleagues" letter from Stephanie Monroe, the DOE's assistant secretary for civil rights.

As you know, Title IX of the Education Amendments of 1972 and DOE regulations prohibit sex discrimination in programs and activities operated by educational institutions that receive federal financial assistance. Harassment of students has been found to be a form of sex discrimination covered by Title IX.

It is important to note that Title IX protects students from unlawful sexual harassment in all of a school's programs or activities, whether they take place in the facilities of the school, on a school bus, at a class or training program sponsored by the school at another location, or elsewhere. Title IX protects both male and female students from sexual harassment, regardless of who the harasser is. Clearly, there must be a full understanding of what constitutes sexual harassment and the remedies available by all students, staff members and parents.

The school is required under law to have a policy and to notify employees, students, and elementary and secondary parents of the policy. The school is also required to adopt and publish grievance procedures for resolving discrimination complaints, including complaints of sexual harassment. Also, the school is required to have at least one employee responsible for coordinating efforts to comply with Title IX. Based on DOE guidelines, you can evaluate your procedures based on the following:

1. Does your sexual harassment policy clearly state that sexual harassment will not be tolerated and explain what types of conduct will be considered to be sexual harassment?
2. Do you publicize a specific grievance procedure for resolving complaints?
3. Do you have effective methods to inform new administrators, teachers, guidance counselors, staff, students and parents of the policy and grievance procedures?
4. Do you have a plan and have assigned responsibility for conducting sexual harassment awareness training for all school staff?
5. Do you have a plan and have assigned responsibility for conducting age-appropriate sexual harassment awareness training for students?
6. Have you established discussion groups for both male and female students where they can talk about what sexual harassment is, and how to respond to it?
7. Do you have a plan to conduct periodic student surveys to find out whether sexual harassment is occurring?



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8. Do you conduct periodic awareness training for parents?
9. How do you plan to work with parents and students to develop and implement age-appropriate, effective measures for addressing sexual harassment?

Add to your policy and procedures review reminders that harassment based on disability is wrong and illegal, as well as harassment based on race, color, or national origin. For a more detailed discussion on sexual harassment policies you can refer to www.ed.gov.



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