

# HARASSMENT & BULLYING

## Fact Sheet



**The following are answers to the most commonly asked questions about harassment and bullying in schools.**

### ***What is sexual harassment? Does physical contact have to occur?***

Sexual harassment is defined as unwanted physical or verbal acts of a sexual nature. Physical contact does not have to occur. Sexual harassment can include requests for sexual favors in return for a good grade or a better position on an athletic team or in a club; any behavior that creates an uncomfortable or hostile environment; and behavior that causes a student's performance to decline. Sexual harassment can come from other students, as well as teachers and other school officials.

Remember that harassment is not always male on female, and it is not always direct. A female teacher can harass a male student by approaching him for favors or creating an uncomfortable environment by her behavior. This type of harassment is equally as wrong as a male teacher harassing a female student. And remember, harassment comes in many forms, including uncomfortable class discussions and general comments made by a teacher or another student.

### ***What if a student is being sexually harassed by another student and the school fails to stop the harassment?***

First, a student should always report any harassment to teachers and/or school officials. The school should immediately address the issue; in fact, it is illegal for schools to ignore situations like this. The Supreme Court of the United States decided that a school board may be liable under Title IX for student-on-student sexual harassment if the district knows about the harassment and acts with deliberate indifference toward the harassment. The harassment must be so severe that it prevents the victim from having equal access to education. *Davis v. Monroe*, 526 U.S. 629 (1999).

### ***Is a teacher allowed to harass a student? Can the student file a complaint?***

A teacher may never harass a student or a group of students. If a teacher creates a hostile or uncomfortable environment or approaches a student for sexual favors, the student can file a complaint. First, find out what the proper procedure is for filing a complaint, as each school district has a different process. Always make school officials aware of the harassment as well. In some cases, criminal charges may need to be filed.

### ***Can a student file a complaint against another student for sexual harassment?***

Yes. First find out the school/district's procedure, but also alert their teachers and school officials to the harassment as soon as possible.

### ***If no one else witnessed the harassment occur should the student still report the incident?***

Yes. It is important to report the incident not only to further protect the victimized student, but also others from being potential targets of the harasser. It might be likely that the harasser

will accuse the victimized student of “lying.” However, this must not keep the student from reporting the incident. The student is encouraged to talk to someone and write down every detail he or she remembers from the event, such as where it took place, what time of day it was, and what happened.

### ***Is your school doing enough to protect students from sexual harassment?***

To ensure that the school is complying with its legal responsibilities, check to see if it has an enforced sexual harassment policy. Additionally, see if the staff and students have been educated on how to prevent sexual harassment and what to do when an incident occurs. The school should also have a sexual harassment resource person that is available for students, parents, and staff to express concerns.

### ***What is bullying?***

Bullying is an action that causes harm to another - it can be physical (hitting, punching, kicking) or emotional (teasing, spreading rumors, excluding from a group). Bullying usually happens on a regular basis, every few days or even every few hours. Bullies pick victims that they think they can hurt or scare easily and will have a hard time defending themselves.

### ***What is cyber bullying?***

Cyber bullying is committing bullying type acts, particularly emotional bullying, through electronic sources, i.e. email, instant messaging, MySpace or Facebook, or text messaging. Often cyber bullying occurs when people send mean messages, post embarrassing information, or share nasty pictures of another person. Usually this information is false or the pictures are electronically made.

### ***What can students do to stop a bully?***

Tell someone. Tell parents, teachers, principals, guidance counselors, or any other school employee. If the school has a bullying plan in place, then there are likely steps that must be followed. If the school does not have a plan in place, it can follow the general discipline plan.

#### **Resources:**

##### **Sexual Harassment**

- 20 U.S.C. § 1681 (Education Amendments of 1972)
- **About.com, Teen Advice:**
  - [http://teenadvice.about.com/od/sexualharassment/Dealing\\_with\\_Sexual\\_Harassment\\_at\\_School.htm](http://teenadvice.about.com/od/sexualharassment/Dealing_with_Sexual_Harassment_at_School.htm)
  - [http://teenadvice.about.com/gi/dynamic/offsite.htm?zi=1/XJ/Ya&sdn=teenadvice&cdn=people&tm=1602&gps=126\\_4\\_1020\\_634&f=00&tt=14&bt=0&bts=0&zu=http%3A//www.familyeducation.com/article/0%2C1120%2C4-4640%2C00.html](http://teenadvice.about.com/gi/dynamic/offsite.htm?zi=1/XJ/Ya&sdn=teenadvice&cdn=people&tm=1602&gps=126_4_1020_634&f=00&tt=14&bt=0&bts=0&zu=http%3A//www.familyeducation.com/article/0%2C1120%2C4-4640%2C00.html)

##### **Bullying**

###### ***For Kids***

- **Kids Health:** [http://kidshealth.org/kid/feeling/school/poll\\_bullying.html](http://kidshealth.org/kid/feeling/school/poll_bullying.html)
- **Teens Health:** [http://www.kidshealth.org/teen/your\\_mind/problems/bullies.html](http://www.kidshealth.org/teen/your_mind/problems/bullies.html)
- **PBS Kids, It's My Life:** <http://pbskids.org/itsmylife/friends/bullies/article7.html>

###### ***For Parents***

- **PTA:** [http://www.pta.org/pr\\_magazine\\_article\\_details\\_1117637268750.html](http://www.pta.org/pr_magazine_article_details_1117637268750.html)
- **Kentucky Center on School Safety:** <http://www.kysafeschools.org/bullying.html>

Children's Law Center, Inc.  
1002 Russell Street  
Covington, KY 41011  
Phone (859) 431-3313  
Fax (859) 655-7553  
Email: [info@childrenslawky.org](mailto:info@childrenslawky.org)  
<http://www.childrenslawky.org/>