

TITLE IX ENFORCEMENT ON SEXUAL HARASSMENT

Despite the High Court's June 22 ruling in *Gebser v. Lago Vista Independent School District*, districts can still be held accountable for violations of Title IX if the districts receive federal funds according to the U. S. Department of Education. The Department will continue its aggressive enforcement of regulations that require schools and district to have well-publicized procedures for dealing with complaints and "to take prompt and effective action to equitably resolve sexual harassment complaints."

Education Secretary Richard Riley has indicated that there will be no let up in vigorously enforcing Title IX. "It is discrimination when an elementary or secondary school teacher abuses the authority given to him or her by the school district and engages in sexual conduct with his or her students."

School buses have become sexually hostile environments. Court rulings contend that both Title IX and the Civil Rights Act of 1964 prohibit school districts and other employers from creating "sexual hostile environments." A "hostile environment" is defined as "unreasonably intimidating, hostile, or offensive, which results in an inability to participate in or benefit from the services, activities or privileges provided by the school district." The hostile environment in a school bus is especially serious since the confined area prevents escape and limits the students ability to avoid harassment. The school bus driver's primary responsibility is the safe transportation of students, primarily the safe operation of the school bus vehicle.

Secretary Riley said that Justice O'Connor's opinion specifically stressed that his department still could enforce its sexual harassment rule administratively. "Schools owe students a safe environment that is conducive to learning and that affords children equal opportunity regardless of sex," Riley said.

TIPS FOR SCHOOL DISTRICTS ON AVOIDING SEXUAL HARASSMENT LIABILITY

- #1. Maintain a published sexual harassment policy with specific complaint procedures to assert possible defenses, if necessary.
- #2. Act *promptly* to investigate, and, if necessary, take appropriate remedial action regarding all complaints received under the policy.
- #3. Reexamine your current sexual harassment policy to make sure it includes a complaint procedure that is accessible to employees, maintains confidentiality, provides for *timely* and thorough investigation and includes adequate remedial measures
- #4. Make sure all your employees are aware of your sexual harassment policy. Revisit the policy with supervisors--in meetings or training--to ensure that they understand your policy and how to prevent sexual harassment in the workplace.

(Source: School Transportation Director, August 5, 1998)