



National Association for  
Sport and Physical Education

an association of the American Alliance for Health,  
Physical Education, Recreation and Dance

**NASPE Sets the Standard**

**POSITION STATEMENT**

## **Sexual Harassment in Athletic Settings**

In light of the heightened awareness of sexual harassment in society today, it becomes imperative for those in athletic settings to become knowledgeable about what types of behavior constitute sexual harassment and to be educated about healthy and positive ways for coaches, athletic directors, and athletes to interact. The recent Supreme Court decision<sup>1</sup> established the liability of a school district official that has knowledge of sexual harassment yet fails to respond or is indifferent to the misconduct.

Sexual harassment and sexual relationships with athletes violate ethical boundaries. Harassing behavior, if ignored or not reported, is likely to continue and become worse. The impact of sexual harassment on an athlete's well-being may be significant and can impede an athlete's progress toward athletic, academic, and personal goals (U.S. Department of Education Office for Civil Rights, *Sexual Harassment: It's Not Academic*, 1997).

Sexual harassment is a form of prohibited sex discrimination under *Title IX of the Education Amendments of 1972* (Title IX). Accordingly, no individual may be discriminated against on the basis of sex in any education program or activity receiving federal financial assistance (62 Federal Register 12038). Two types of conduct constitute sexual harassment:

1. *Quid Pro Quo Harassment*—Occurs when a school employee causes a student to believe that he or she must submit to unwelcome sexual conduct (sexual advances; requests for sexual favors; or other verbal, non-verbal, or physical conduct that is sexual in nature) in order to participate in a school program or activity, regardless of whether the student submits to the demands.
2. *Hostile Environment Harassment*—Occurs when the unwelcome sexual conduct is so severe, persistent, or pervasive, that it affects a student's ability to participate in the educational program or activity (62 Federal Register 12038).

Sexual and/or romantic relationships should not be tolerated between coaches and athletes. Such relationships are unprofessional and represent an abuse of professional status and power (*Prevention of Sexual Harassment in Athletic Settings*, Women's Sports Foundation). Coaches cannot absolve themselves of the responsibility of avoiding intimate sexual relationships with athletes simply because the intimacy may be initiated by the athlete. Because of the superior-subordinate relationship, the coach

must realize that the subordinate is not in a position of taking responsibility for eliminating the sexual harassment, especially if the athlete is a minor. The nature of the coach/athlete relationship requires that the coach is always responsible for maintaining the professional relationship. Intimacy initiated by the subordinate must be anticipated, discouraged, and avoided by the coach.

**Sexual harassment can occur at any level of relationship. In addition to the coach/athlete relationship, other examples may include:**

- Athletic directors and athletes
- Coaches and assistant coaches
- Athletic directors and coaches
- Athlete and athlete

**Sexual harassment includes:**

- Peer harassment (student on student/ non-employee)
- Sexual advances
- Touching of a sexual nature
- Graffiti of a sexual nature
- Displaying or distributing sexually explicit drawings, pictures, and written materials
- Sexual gestures
- Sexual or dirty jokes
- Pressure for sexual favors
- Touching oneself sexually or talking about one's sexual activity in front of others
- Spreading rumors about or rating students regarding sexual activity or performance (U.S. Department of Education Office for Civil Rights, *Sexual Harassment: It's Not Academic*, 1997)

**Examples of sexual harassment in athletic settings include the following:**

- A coach tells an athlete that they will not play in the next game unless they hug the coach.

- An athletic director makes sexual comments about an assistant coach's body.
- An athlete taunts another athlete with sexual jokes or gestures.

Coaches and athletic directors should educate their athletes and staff about sexual harassment. Education can help prevent incidents and prepare individuals to act appropriately. ***Coaches and athletic directors should know who the appropriate, designated Title IX person is in their school.***

Under federal law, schools are required to have grievance procedures for students to report sex discrimination, including sexual harassment. Schools are also encouraged to implement policy for the prevention of sexual harassment (62 Federal Register 12038).

Schools with accessible, effective, and fair policies against sex discrimination and sexual harassment send a message of non-tolerance and encourage students to report harassment (62 Federal Register 12040). Coaches and athletic directors should make it their business to find out who the appropriate, designated Title IX person is in their school, and identify this person to all student/athletes.

## **DEALING WITH SEXUAL HARASSMENT**

### **Coaches and Athletic Directors**

- Use discretion when alone with an athlete, and when coaching students, try to have another coach or supervisor present.
- Don't touch an athlete outside of necessary touch to teach a skill.
- Don't drive alone with an athlete.
- Stay in separate sleeping quarters when traveling for athletic events.
- Educate your athletes about sexual harassment and encourage them to talk to you if anyone makes them uncomfortable.
- Document any behavior by students directed toward you that is sexual in nature. Include witnesses, how you dealt with the situation, and whom you talked to about the situation. Tell your athletic director or school principal about any accusations.
- Educate students/players about what sexual harassment is, providing quality examples, and about who the dedicated Title IX person is that they should contact in such cases

### **Students**

If you believe you are being sexually harassed:

## Sexual Harassment in Athletic Settings *(cont.)*

- Tell someone—Seek support from a friend, colleague, or counselor. Tell your parent, athletic director, principal, or a teacher that you are being harassed.
- Keep records—Keep a written record of what happened and when. Include the date, time, place, and names of people involved, witnesses, and who said or did what to whom.
- Say “No” to the harasser—Tell the harasser verbally and non-verbally, his or her behavior is unwelcome and you want it to stop. Be as direct as you can.
- Take personal action—Report the harassment to the appropriate school official. File a complaint with the Department of Education Office for Civil Rights. “How to File a Complaint with the Office for Civil Rights” ([www.ed.gov/offices/OCR/ocrpubs.html](http://www.ed.gov/offices/OCR/ocrpubs.html)) will assist you. To find your regional OCR Enforcement Office, go to: [www.ed.gov/offices/OCR/ocrshpam.html](http://www.ed.gov/offices/OCR/ocrshpam.html).
- Be confident—Nobody deserves to be the target of sexual harassment. Take necessary steps to eliminate the abuse and seek guidance from school or governmental officials.
- Report the incident to the appropriate Title IX representative at your school.

### School Administrators

- Notify students, parents, and employees of sex discrimination grievance procedures, including where complaints may be filed.
- Conduct thorough and impartial investigations of complaints, including the opportunity to present witnesses and other evidence.
- Designate reasonable and prompt timeframes for the complaint process. Some time frames are set by law and must be filed within 180 days of last occurrence.
- Notify the parties of the outcome of the complaint.
- Assure that your school will take steps to prevent the recurrence of harassment.

**DOES YOUR SCHOOL TAKE STEPS TO PREVENT SEXUAL HARASSMENT?**

- Has your school developed and publicized a sexual harassment policy? Does the policy define harassment and emphasize non-tolerance?
- Has your school developed and publicized a grievance procedure for resolving sexual harassment complaints?
- Has your school developed methods to inform new employees and students of the school's policy and grievance procedure?
- Does your school conduct periodic sexual harassment awareness training for employees, parents, and students?
- Does your school have discussion groups for students to talk about sexual harassment?
- Does your school survey students about the prevalence of sexual harassment?
- Do you know who your designated Title IX contact is at your school? Do your students/athletes know?

*If you have answered "no" to most of these questions, your school needs to do more to help solve the problem of sexual harassment.*

**References and Resources**

*Gebser et al. v. Lago Vista Independent School District* (96-1866, June 1998)

Supreme Court of the United States, *Davis v. Monroe County Board of Education*, No. 97-843, Spring 1999.

National Women's Law Center, *Do the Right Thing: Understanding, Addressing, and Preventing Sexual Harassment in Schools*, 1998.

National Women's Law Center, *Righting the Wrongs: A Legal Guide to Understanding, Addressing, and Preventing Sexual Harassment in Schools*, 1998.

Supreme Court of the United States, *Gebser et al. v. Lago Vista Independent School District*, No. 96-1866, June 22, 1998.

U.S. Department of Education Office for Civil Rights, *Sexual Harassment: It's Not Academic*, 1997.

U.S. Department of Education Office of Civil Rights, Federal Register, Vol. 62, No. 49, *Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties*, March 13, 1997.

Women's Sports Foundation, *Prevention of Sexual Harassment in Athletic Settings: An Educational Resource Kit for Athletic Administrators*, 1994.

### **Suggested Citation**

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