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Power play: Sexual harassment in the middle school

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POWER PLAY: SEXUAL HARASSMENT IN THE MIDDLE SCHOOL

BY

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**BS, Illinois State University, 1969
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DISSERTATION

**Submitted to the University of New Hampshire
in Partial Fulfillment of
the Requirements for the Degree of**

Doctor of Philosophy

in

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DEDICATION

I dedicate this work to the hundreds of students who have invited me into their lives, who have shared their stories, their feelings, their experiences. Your insights and questions have provided the basis for my study; your honesty and your courage have been my inspiration. Although your identities have been hidden in pseudonyms and composites, you each individually remain clear in my life. Thank you for your trust which I hold dear. It is my fervent hope that this work justifies that trust.

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ABSTRACT

POWER PLAY: SEXUAL HARASSMENT IN THE MIDDLE SCHOOL

by

**Elizabeth M. Allard Chamberlain
University of New Hampshire, September, 1997**

This dissertation addresses male to female student to student sexual harassment in public middle schools, arguing that this issue is not merely a legal one, but an educational issue with legal components which demands the attention and intervention of educators. I argue that no legal policy, regardless of how explicitly it is written, or how expertly administered, can, by itself, adequately address student to student sexual harassment. This is not a fault within the legal system: it is a recognition that the law cannot do the work of education. We need to acknowledge the complexity of sexual harassment and its location: deeply embedded in our cultural norms and beliefs about sexuality, gender and power.

I trace the development of legalistic school policies, drawing from salient case law which has recognized and defined sexual harassment, first in the adult arena of the workplace, and more recently, in school settings. I critically appraise the efficacy of the resulting school policies and find them inadequate. Such policies rest on two questionable assumptions which I refer to as the Reconfiguration Presumption and the Equal Standing Presumption.

I further argue that legalistic policies cannot recognize nor address the ethical dilemma girls experience when, from their perspective, they are asked to choose between their social relationships and the right to name sexually harassing behaviors as wrongs and to claim redress. In my discussion of this moral conflict for the girls, I employ an ethical perspective which draws from both the ethics of care and the concept of rights within relationships.

Finally, I develop and discuss an alternative approach to current school sexual harassment policies: an educative, embodied policy in which sexual harassment is addressed by educators and students within a framework of care as well as rights.

CHAPTER ONE

INTRODUCTION OF THE PROBLEM

The central problem which has led me to this dissertation is the continued pervasive occurrence of male to female, student to student sexual harassment in public middle schools, even in schools which have comprehensive sexual harassment prevention and intervention policies established.

We have ample evidence that student to student sexual harassment exists, that it adversely affects students educationally, socially and emotionally (Stein & Sjostrom, 1994; Larkin, 1994; Strauss, 1993; Strauss, 1992; Shere, 1993; Shoop & Edwards, 1994). In 1993, the American Association of University Women (AAUW) sponsored a large-scale survey of students in grades eight to eleven in which 85% of the girls, and 76% of the boys reported having been sexually harassed at school, with most students reporting the first instance of sexual harassment having happened between grades six and nine. In this same survey, girls overwhelmingly reported they subsequently experienced serious consequences of their sexually harassing experiences including reluctance to attend school and more frequent absences, decision to remain silent during classes, difficulty in paying attention, studying, or working on projects at school, and change of educational plans and vocational aspirations to avoid other likely occasions of harassment (AAUW, 1993).

The law has addressed sexual harassment, both in the workplace and in schools. Legal policies are in place in public schools which define and prohibit

sexual harassment. Many schools have instituted additional programs and curricula to educate students about the harms of sexual harassment and have instructed their staff in the enforcement of a comprehensive sexual harassment policy. Still, student to student sexual harassment continues unabated (Shoop & Edwards, 1994; Stein & Sjoström, 1994; Streimatter, 1994).

In my own experience as a counselor and administrator in public middle schools, I participated in the design and implementation of a sexual harassment policy which, in 1994, was hailed as exemplary; yet students, parents, and staff informed me verbally and in surveys that the practice of student to student sexual harassment remained ubiquitous throughout the school. The policy did not work. Girls did not use it; they did not trust it. The question became: Why?

Nan Stein, one of the foremost researchers in the area of student to student sexual harassment in schools, argues that policies do not work primarily because school administrators and other staff are reluctant to address the issue of sexual harassment. Further, they are frequently inept in the administration of school policy, and insensitive to the seriousness of the phenomena (Stein, 1993; 1995).

Carol Gilligan and her associates present adolescent girls as having particular difficulty in expressing their need for protection. Their reluctance to claim their rights, object to poor treatment, or to voice their personal concerns is seen as an overall silencing of themselves during this developmental stage. In a concerted effort to conform to expected social roles and maintain smooth relationships with others, girls of this age will not, according to this theory, be likely to protest or report incidents of sexual harassment (Gilligan, Lyons, & Hammer, 1990).

So, Stein might say the solution is to improve school administrators' skill and motivation to enforce existing policies; Gilligan might argue that efforts

need to be made to support girls in accessing such policies. I believe both of these observations have merit. However, my study leads me to a different understanding of why legal policies fail to prevent student to student sexual harassment.

The central difficulty lies in schools treating sexual harassment as a legal issue as opposed to an educational issue which has legal components. I argue that no legal policy, regardless of how expertly or sensitively it is administered can, by itself, adequately address student to student sexual harassment. This is not a fault within the legal system: it is a recognition that the law cannot do the work of education. Educators have historically been involved with moral issues which also have legal components, i.e., plagiarism, theft, forgery. We generally recognize the legal aspects, yet concentrate our efforts on correcting the errant behavior, explaining the harm involved, and establishing consequences for violations which are consistent with educational goals and purposes. Yet, in the case of student to student sexual harassment, the legal framing has taken precedence over an educational one.

In this dissertation, I trace the development of legalistic school policies which grant students the power to name sexual harassment as a wrong and the right to claim redress. I critically appraise the efficacy of these policies arguing that they rest on two questionable assumptions which I refer to as the Reconfiguration Presumption and the Equal Standing Presumption.

After analyzing legal policies and why they are inadequate, I then turn to ethical considerations of the problem. I argue that girls experience severe ethical dilemma when, from their perspective, they are asked to choose between their social relationships and the exercise of their rights. In my discussion of the problems this poses for girls, I employ an ethical perspective

which draws from both the ethics of care and the concept of rights within relationships.

As the centerpiece of this dissertation, I offer an alternative approach to current school sexual harassment policies, an educative, embodied policy in which sexual harassment is addressed by educators and students within a framework of care as well as rights.

Michelle Fine claims that sexual harassment "sits at the nexus of gender, power, and sexuality....Exploring it will take the students and us far outside the boundaries of legal definitions and institutional remedies" (Fine, 1992, p. 78). In agreement with Fine, I propose to begin such an exploration with a focus on the public co-educational middle school. (Although I have chosen to use the terms "middle school" and "middle school students," I mean to include all those who might be called "middle level student", i.e., students who attend both middle school and junior high school.) I chose middle school education as a focus for three reasons. Early adolescent women should be of particular concern given the number of researchers who have revealed problems manifested at this age. Among these problems are a silencing of voice among adolescent women (Gilligan, 1990), drop in self-esteem (AAUW, 1993; Orenstein, 1994), a loss of academic achievement and personal direction (AAUW, 1993; Fine, 1994), and an onslaught of problems such as eating disorders, depression, and self-mutilation (Pipher, 1994; Chernin, 1986). These are the very reactions hundreds of female adolescents report as their response to the chronic, pervasive sexual harassment they experience, especially in middle level school settings (Stein, 1994; Strauss, 1992; Larkin, 1994).

Secondly, early adolescence is a time characterized by intense desire for peer acceptance and striving for social position within groups for both males and females. This intense need to conform to group standards often results in

students engaging in name-calling, insults, rumor spreading, and harassment, even when so doing conflicts with their personal ethical standards (Eder, 1995). However, while this group may engage in statistically more incidents of sexual harassment (Stein, 1993), they are also open to reflection about ethical decisions and ready to engage in discussion about moral issues, ethical dilemmas and their personal goals as developing human beings. Idealism exists alongside their ego-centricity and adolescents display a remarkable capacity for empathy and commitment to altruistic goals (George, 1992).

Finally, students at the middle level have the expectation that adults will not abandon them. They, as adolescents, engage in the testing of boundaries and explore new behaviors which often make them appear to be independent, even hostile. Still, students look to adults to serve as models, protectors, guides, advisors, and teachers. There is a real need for caring, competent, calm adults to provide boundaries, stability and safety nets for adolescents immersed in the task of their own moral, social, physical and educational development (Pipher, 1994; Goleman, 1995).

Importance of this study

Sexism is pervasive in our society and schools play a central role in its entrenchment and perpetuation. Myra Sadker and David Sadker have devoted over twenty years of research to providing an empirical basis to substantiate the claim that sexism in education results in injustice and inequity, and is damaging to social interests as a whole. They note that:

Girls are the majority of the nation's schoolchildren, yet they are second-class educational citizens. The problems they face--loss of self-esteem, decline in achievement, and elimination of career options--are at the heart of the educational process. Until educational sexism is eradicated more than half our children will be shortchanged and their gifts lost to society (Sadker & Sadker, 1992, p. 1).

Empirical investigations suggest that currently girls not only experience more harassment, but that the consequences of such harassment are more severe (Sheer, 1994). Thus investigation into the sexual harassment of girls at the middle school level very directly addresses the social damages of sexism. But the impetus behind addressing sexual harassment within school settings also comes from a consensus that sexual harassment inflicts some sort of injury, not only to the individual who is targeted, but to the entire community in another way than through the loss of their gifts to society. It thwarts the learning process and obstructs the growth and development of all persons within the community. Boys as well as girls suffer immediately from its presence.

Judy Mann (1996), June Larkin (1994), Peggy Orenstein (1994), Donna Eder (1994), and Mary Pipher (1994) while conducting research focused on the occurrence and effects of sexual harassment on girls, all note that the practice also inflicts injury to boys. Boys themselves can and are targets of sexual harassment, especially in an environment which fails to prevent or intervene in other forms of harassment. Eder and Larkin document that boys often are socially forced into participating in harassing behavior to gain or retain status among other males. In such cases, the boys compromise their personal values rather than risk being charged with being unmasculine. Mann notes that an environment which supports the objectification of women encourages males to view women as sexual prizes or property. This prevents boys from developing the skills upon which to base enjoyable, mutually satisfying relationships with women. She asserts "rich, satisfying relationships can only work when they are based on equality and fairness (Mann, 1996, p. 283).

Because of the recent publicity and legal attention paid to the problem, we may be tempted to think it has been adequately addressed. However, there are several dangers to accepting current practices and policies without critical

evaluation of their efficacy. First, if policies and practices are indeed ineffective in prevention of sexual harassment and do not provide useful strategies for intervention and correction of harassment, the damage continues unabated. In such cases policy makers may regard sexual harassment as a "solved" problem for bureaucratic tradition maintains the attitude that if an official policy exists then it is up to the individual to access it. If a policy is seldom used, because it is not, for various reasons, accessible, it can be seen as an indicator that the problem the policy addresses is no longer in evidence. Indeed, the problem may not lie with the legal construction of the policy, but with the absence of an educational understanding of the complexity of sexual harassment.

Overview of the Dissertation

This dissertation is divided into three sections: Section One introduces the problem, reviews the development of legalistic school policies, and notes the failings and inadequacies of such policies. Section Two considers the ethical considerations of the problem and examines the moral dilemmas which arise from legalistic policies. Section Three presents an alternative policy which draws from the ethics of care, yet incorporates the concept of rights.

In Chapter Two we begin with a consideration of the law. Catharine MacKinnon understands the complexity of sexual harassment, even as she has focused her work in the legal arena. She has been cited as being too optimistic about the power of legal remedies in creating change for women facing centuries of history of oppression and repression. MacKinnon acknowledges the immensity of the task and the limitations of the law, but captures the spirit of feminist action saying, "Law is not everything in this respect, but it is not nothing either" (MacKinnon, 1987, p. 116). Indeed, the progress of legal acknowledgment of the idea of sexual harassment has had great impact and will continue to be a major factor in schools' efforts.

Legal recognition and condemnation of sexual harassment is critically important and serves as a vehicle for holding persons responsible for harmful behavior, regardless of whether or not there was purposeful intention to inflict injury or perpetuate discrimination. Generally, extracting specific behaviors from the cultural context illuminates and makes obvious behaviors which constitute blatant disrespect and discrimination. Thus, in Chapter Two I trace the development of the laws which have defined sexual harassment as illegal and consider significant cases which have further defined what constitutes sexual harassment and established parameters for institutional responsibility and individual rights.

I examine the language and prevailing cultural assumptions of the legal framework and explore how these have been adopted in current school policies, curricula and practices. I argue that while the legal interpretation of the issue of sexual harassment in schools has been significant and necessary, it has not been sufficient to produce a wholly adequate response.

I further argue that the legal approach to addressing student to student sexual harassment rests on two false assumptions: (1) that male and female students are in a position of equal power or equal standing socially; and (2) that sexually harassing behaviors cannot only be examined but also remedied from an external, de-contextualized stance. We shall see that even though legalistic policies seem to make it possible for girls to name a wrong and to claim redress--they do not use the policies and they do not trust them.

Chapter Three argues that one reason girls cannot name sexual harassment as a wrong nor claim redress in response is that neither they nor anyone else in the school community can distinguish sexually harassing behavior from 'normal,' heterosexual adolescent behavior. I review some formal sexuality education curricula and the informal curricula operating in

schools which informs people's thinking about sexuality, the role of violence within sexuality, gender roles, gendered attributes attached to physical bodies, and the generally accepted cultural view of normal sexual behavior. We see that there is ample reason for students and staff to be confused and uncertain about naming behaviors as sexually harassing and a lack of support and consensus about voicing objections or claiming redress. Sexual harassment policies address behaviors which are inseparable from the entire web of social customs and enculturated beliefs which define us as male and female. Much of the behavior which the policies make "illegal" has become normalized heterosexual behavior in the eyes of students and staff.

Chapter Four challenges the presumption that all behaviors constituting sexual harassment can be removed from the surrounding context, analyzed as discrete actions, and remediated by a legal intervention. I examine how the terms and language of legalistic policies require re-configuration in order to have meaning within the cultural setting of middle school. I argue that context is crucial for establishing meaning, and that sexual harassment among adolescents needs to be defined in terms congruent with their social setting, developmental stage, and cultural conditioning. As Dwight Boyd (1996) points out, people can agree on names for behaviors, but still not have a shared understanding about the meaning of such behaviors, nor be able to recognize and respond to the behaviors within the context of the cultural setting. We see that another reason students cannot name sexual harassment as a wrong and claim redress is that the terms provided in legalistic policies for doing so require re-configuration before meanings can be clear. In short, the language of the policies do not make sense to students.

Chapter Five presents a critical analysis of the legal presumption of equal standing among students. Drawing on David Nyberg's analysis of power

as a function of relationships and the role of consent in power, I argue that, contrary to the presumption of equality embedded in legalistic policies addressing student to student harassment as that of 'peer' harassment, boys and girls do not come to relationships with such equal standing. By accepting the culturally accepted notions of normative masculinity and femininity and the socially accepted ideas regarding appropriate sexual behavior, boys and girls, in fact, come into relationships with a set of presumptions that include male privilege and access to females.

Chapter Six begins Section Two and focuses on the ethical conflict which arises from the contradiction between the provisions of a legalistic school policy and the prevailing cultural norms, values, beliefs, customs and practices. We see that when girls try to name sexually offensive behaviors as wrongs and seek redress, they risk becoming socially isolated and labeled with derogatory terms by their peers.

Chapter Seven presents the painful dilemma girls experience when they perceive that they are forced to choose between two moral values--claiming rights to their persons and personal space, and maintaining social relationships. This dichotomous thinking, that one must sacrifice or deny one's rights in the interest of relationships, indeed, has confounded much of our thinking regarding family, community and personal relationships. Drawing on the work of Martha Minow, I will argue for a re-visioning of relationships in which rights language is incorporated.

Chapter Eight, employing the perspective of the ethics of care, presents a possibility for resolution of the ethical dilemma of feeling compelled to choose between two competing values with the perspective of the ethics of care. The ethics of care, by focusing our attention on the primacy and the quality of relationships, allows us to emphasize the need to develop individual's

capacities and skills in relationships, and also brings focus on the need for the provision of an environment which supports, protects and enhances relationships. I argue that the concept of rights is not contradictory to a perspective of care, and can, in fact, be quite compatible as well as useful.

Chapter Nine begins Section Three and discusses the process of change in an educational environment which is essential to the creation and implementation of an effective, educational, culturally supported, enacted, embodied policy to prevent and intervene in student to student sexual harassment. Using Michael Fullan's assumptions about change, we explore how the process of making cultural change is a critical component of the embodiment of a sexual harassment policy within a cultural setting.

In Chapter Ten, I discuss the essential elements of an embodied policy, extension, explanation, example, exploration, and experience, and evaluative reflexivity. As these elements become infused within a system, community members begin to practice and enact a policy which defines acts of student to student sexual harassment as not only illegal, but socially unacceptable.

Chapter Eleven considers some of the implications of an embodied sexual harassment policy, especially in the area of curriculum, pedagogy, and in teacher and administrator preparation programs.

Obstacles Commonly Encountered in Exploration of Sexual Harassment

An attempt to address student to student, male to female sexual harassment in public middle schools is often met with strong objections by students, staff and parents. Controversy, accusations, and denial confuse and confound a reflective appraisal of the phenomena. Parents, educators and community members in general are reluctant or even adamantly opposed to a critical analysis of or reflection about any issue which is embedded in the framework of such culturally important constructs as power, sexuality and

gender. Discussion about any one of these three notions provokes strong emotion, fear and outrage. Discussion of all of these in relationship with our children, their education, and school policy poses such a threat that one can understand why some educators choose to remain silent.

June Larkin (1994) offers three reasons why schools do not more effectively and more vehemently confront student to student sexual harassment:

- (1) the difficulty in disentangling harassing incidents from what we have come to accept as ordinary male-female interactions. Dealing with this problem requires that we dig deep and lay bare the sexual politics that underlies boys' diminishment of girls and acknowledge the ways that schools have reinforced the very behavior that maintains gender inequality;...
- (2) the common perception that sexual harassment is primarily a problem experienced by adult women in the work-place; and....
- (3) the censorship that continues to surround this issue. The language used in verbal harassment is often harsh, graphic, intimidating and repugnant. Adults do not like to think about children using such language, and often translate remarks as 'rude' when in fact, they are vicious, even horrifying. Sensing the embarrassment of many adults, including parents or teachers, most young women avoid reporting actual transactions, and are reluctant to even admit to themselves the level of intense violation the language has made upon them (pp. 33-36).

During the course of this inquiry, I have encountered all of these issues. As soon as someone hears about my interest in student to student sexual harassment, I am likely to hear comments which confirm Larkin's claim. "What is the big deal? Boys and girls have always flirted" and the omnipresent, "Boys will be boys"; followed by "Well, frankly, I don't think kids this age really understand the sexual nature *you* read into everything. Sexual harassment is

an adult thing." And, when I share anecdotal material from my work, I often encounter a shocked, "I really don't think you need to use that sort of language." That language used in sexual harassment poses a problem for students and adults can be seen in the following example.

A bus driver came to me to report that a child on her bus had been making very inappropriate comments quite loudly, and gesturing to other students. She had instructed him to be quiet, but felt his language and behavior violated the school's sexual harassment policy. After some probing, the bus driver was able to tell me that the boy had been discussing masturbation and making gestures of a masturbatory nature. She was embarrassed to make the report and quite relieved that it was my duty as assistant principal to confront the child and his parents. Later, when child and parent were in my office and I explained the reported behavior, the parent became highly agitated and shouted, "Don't you dare use that language in front of my child!"

Larkin asserts that the shock, embarrassment and denial many adults express when incidents of student to student sexual harassment are mentioned constitute a major barrier, discouraging girls to report such incidents and in fact, many girls will endure them in silence rather than risk being the target of adult outrage. She asks, "How do you find the nerve to tell your teacher or your parents that you haven't been attending a particular class because some of the male students keep teasing you about giving them a blow job? One reason young women don't report this behavior is that they can't bear to repeat it" (Larkin, 1994, p 37).

Additionally, I have found strong objections to the fact that my inquiry focuses on male to female student sexual harassment. "What about the boys? They can be harassed, too!" This oft-repeated objection to my study is, indeed, true. However graciously I acknowledge that boys, non-white students of both

genders, and other marginalized groups are also the target of unacceptable harassment, but that my particular focus at this time is on male to female harassment, I am charged with some level of insensitivity and, in some cases, feminist paranoia. I name these obstacles because they are not only problems which tend to obstruct my inquiry into student to student sexual harassment, but they inhibit school personnel and students from acknowledging and addressing the issue. All who grapple with the effective implementation of a policy on sexual harassment are put in conflict with the prevailing cultural norms, the accepted patterns for male-female interaction, and our most basic assumptions about power, gender, sexuality and the patterning of relationships.

Martha Minow challenges us

to make a steady inquiry into the interpersonal and political relationships between the known and the knower...by locating difference within relationships of differential power...by questioning the choice of the norm, theory, or context within which difference has been named and assigned....What has been taken for granted must be stated. And once stated, norms based on the male experience become a subject for contest; alternative norms can be articulated and defended" (Minow, 1990. pp. 217-18).

Challenges within This Dissertation

I have struggled to choose terms which are general enough to be useful, specific enough to be descriptive, yet am aware of the danger of seeming to deny the diversity inherent among all those people included in this inquiry. I use terms to name categories or constructs such as 'gender,' 'male,' 'female,' 'student,' 'girl,' 'boy,' and others without specifying any number of differences which certainly could be important such as race, ethnicity, or socio-economic class. In many instances such descriptors of particularity may be important especially in specific situations. I do urge those who are struggling with formulating and implementing student to student sexual harassment policies and programs to take specifics of any given situation into account, and, I am

aware of the potential danger of conceptualizing any or all of these terms as uniform, or falling into the trap of false generalization.

Jane Roland Martin discusses the problems inherent in doing feminist research and seeking to avoid the pitfall of essentialism which has historically disadvantaged women who have been grouped together as having an essential nature compatible with the prevailing social norms and customs.

She notes:

The a priori assumption that things that go by the same name share all or even some properties is mistaken. Yet it is equally a mistake to ban categories a priori--to deprive ourselves, in advance of inquiry, to access to conceptual frameworks and ideas that might be fruitful....the category-banning policy assumes that a concept or category or term that has been given an essentialist definition must always and everywhere be defined in that way. This represents a faulty view of language (Martin, 1994, p. 638).

She continues to advise that terms which attempt to uncover all the differences contained within them become so awkward and specific they lose their usefulness in intellectual inquiry. In a similar vein, Martin notes that scholars, researchers, inquirers need the freedom to choose terms that best suit the purpose at hand.

In this inquiry into student to student sexual harassment I do not mean to suggest that descriptors such as race or social class are not of importance. Indeed, Donna Eder (1995), June Larkin (1994), Peggy Orenstein (1994), Michele Fine (1992) in their ethnographic research all reveal that such descriptors do influence, and often exacerbate, occasions of sexual harassment. However, young women in American public schools report to these same researchers sexual harassment as a nearly universal experience, regardless of other descriptors. Susan Bordo (1990) cautions that any list of descriptors will be incomplete. In addition to race, class or ethnicity, for example, Bordo notes other differences such as age, religious background, or

the body size and weight of the woman being victimized in an abusive relationship. One could add hair color as one considers 'dumb blond' jokes, and the list could continue indefinitely.

While acknowledging that all girls and women do not experience sexual harassment in the same way, I do believe that for us as educators to address the phenomena, we must attend to the general conditions in which sexual harassment seems to happen. Each school setting is comprised of differences; each member of a given school community maintains individual characteristics and concerns. Yet, an overall policy, program, position, or stance regarding sexual harassment can share some common ground. Discovering and defining such common ground remains my focus in this inquiry.

A Personal Challenge

Scores of students have directed my search. Countless times in a variety of ways, these girls described their sense of powerlessness, confusion, pain and frustration. They have trusted me with their stories, their experiences and their secrets. I am humbled by their trust and ever aware of my obligation to represent their stories with accuracy, sensitivity, and with great respect. Many of the experiences reported to me are so similar that I present examples and anecdotes as composites to protect everyone's identity. Yet I am aware that while such composites provide a measure of protection, there is a danger of losing sight of the individual, unique particularity of each student. Behind each example I have included, there are literally hundreds of girls, each one with unique memory of a particular experience.

I am indebted to the students who have shared with me personally and to the hundreds of others who choose to share their stories with other researchers. My personal challenge is to interpret and report these stories with sufficient clarity and urgency to move adults into effective action, so that the

experiences of sexual harassment these students have endured will not be repeated in the lives of their children.

The following bit of student conversation marks the turning point in my inquiry, as I shifted my gaze from ways to improve the policy to the acute ethical dilemma girls were experiencing when they perceived that they needed to choose either right or relationships.

I was working as a middle school counselor with a group of seventh grade girls who had come to me complaining of the rude and constant sexual touching and "teasing" they experienced in their classroom from male students. The teachers of the teaching team had addressed these particular students about the issue, but the teasing had increased and indeed, escalated in rudeness. The girls now felt even more frustrated that even the teachers were ineffective in stopping the unwanted, unwelcomed behavior. They were all aware of the school's sexual harassment policy, but did not want to, in their words, "Press charges."

Together, the girls expressed a range of feelings which included anger, humiliation, and a desire for revenge, but mostly, they expressed confusion and a weary acceptance of "the way things are" without much hope for change. As we practiced responses, made plans for what to say or do in harassment circumstances, these students started to feel the power of having an agenda, a repertoire of responses which would be supported by others in their group. After one particularly dynamic session the group was laughing and feeling the joy of their own power, Cathy stopped her laughter and somberly said, "In here, we can be strong, but out there..." Lindsey finished for her, "Yeah, you know, we have to be careful. You know, we still have to have someone to dance with."

Lindsey's statement continues to haunt me, puzzle me, and, on days when I am too weary to think about sexual harassment, much less try to

conceptualize solutions, it compels me to continue my exploration. Adrienne Rich understood exactly what Lindsey expressed, noting that "the enforcement of heterosexuality for women ...(is) a means of assuring male right of physical, economical, and emotional access" (Jaggar & Rothenberg, 1993, p.489).

Lindsey and her classmates were ready to concede that some level of harassment, humiliation, or disrespect of females was part of the price to be paid to ensure that they would also be viewed as attractive, desirable, or feminine in the larger arena of heterosexual social life or to maintain social relationships.

Putting on the armor of academic freedom, within the relative safety of a scholarly inquiry, I will address the primary components of the system of sexual harassment with a frankness and boldness which cannot be expected of an educational practitioner who teaches in the fishbowl of public education, dependent on the support of school administrators and community members for employment.

CHAPTER TWO

COURTROOM TO CLASSROOM: THERE'S MORE TO SEXUAL HARASSMENT

In addition to academic pursuits, education has traditionally engaged with issues which involve moral decision making, some of which also have legal considerations. Teachers and students at all levels engage in discussions about honesty, cheating, fighting, taking another person's property and so forth. Indeed, discussion about these sorts of issues is often embedded in the academic study of history or literature as well as inherent in communicating the general rules of expected behavior in school. Yet, the issue of student to student sexual harassment has been framed as a legal issue and educators have avoided incorporating discussion into their classroom, relying instead on a written external policy to address the matter. The topic is considered too controversial, too legally entangled and too specialized for teachers to tackle within their classrooms.

Unlike other moral issues such as honesty, consideration of sexual harassment as an issue is relatively recent. Also unlike other issues, sexual harassment was first defined by the Courts, and was thrust upon educators as a legal issue. That it is also, even primarily, a task for educators was not part of the original official conceptualization of sexual harassment. The Courts, teachers believe, handed this issue to schools with the mandate to enforce legal compliance.

The legal recognition and definition of sexual harassment has provided an impetus for educators to grapple with the phenomena in public school

settings. Long before the American Association of University Women (AAUW) surveyed students, legions of teachers, counselors, administrators and parents knew that some level of sexual teasing, humiliation, and bullying characterized the daily lives of some students. Catharine MacKinnon notes that "Sexual harassment, the event, is not new to women" (MacKinnon, 1987, p. 103). Legal consideration of sexual harassment, especially as it is experienced by women and girls, is, however, relatively new.

My purpose in this chapter is threefold: (1) to review the development of legalistic approaches to school sexual harassment; (2) to analyze some of the failings of this approach; and (3) to identify two troublesome underlying assumptions of legalistic policies. I refer to school policies as "legalistic" because they have developed out of case law and federal statutes on sexual harassment, make use of legal terms and definitions in their formulation, and because their primary purpose is to avoid legal liability rather than to educate students.

I begin with a brief review of legal decisions and definitions which have contributed to current understanding of sexual harassment and which have influenced public school policies, tracing the movement of sexual harassment consideration from the workplace to the schools. The clarification of the terms and consequences of sexually harassing behavior have given much needed names and procedures, helped to raise awareness of both staff and students, and have provided some guidelines for intervention. Understanding the background of the legal development helps us pinpoint both how the legal system has and can continue to support educators' efforts to provide a safe environment for students.

Legal Decisions and Definitions

Two Federal laws have been interpreted to address the issue of sexual harassment which is viewed as a form of sexual discrimination. First, sexual discrimination (including harassment) is illegal according to Civil Rights Act of 1964, Title VII, 42 U.S.C. A. Section 2000e-2, et. seq., which specifically prohibits discrimination based on race, color, religion, sex, or national origin in the workplace.

Discrimination is also illegal according to Educational Amendment of 1972, Title IX, 20 O.S.C. 1681 (a) which specifically addresses practices in education. Title IX may be enforced through private litigation, the federal office of Civil Rights, or state departments of human rights. Under Title IX, educational institutions are required to maintain a grievance procedure which allows for prompt and equitable resolution of sex discrimination. The eight years between the passage of Title VII and Title IX indicates an awareness that sexual discrimination, often taking the form of sexual harassment, is not only a phenomena in the adult workplace, but something which also happens in school settings. Todd DeMitchell notes that Title IX "was meant to close the loophole in Title VII by extending its protection against discrimination to educational institutions receiving federal funds" (DeMitchell, 1994, p. 223). However, DeMitchell also notes that while Title IX has supported claims of hostile environment for school employees, it has not been clearly established as providing adequate protection for students, either from staff or from other students (DeMitchell, 1994).

Both these laws have been applied to sexual harassment only insofar as it is defined as *discrimination*, based on gender. Prior to 1974, no court had held that sexual harassment was sex discrimination; in fact, several had ruled

that it was not. Catharine MacKinnon, in pursuing a definition of sexual harassment notes that it is neither straightforward nor easily grasped in a culture in which assigned or expected sex roles have rarely been reviewed concerning the implications of such roles in the relatively neutral arena of fair labor practices (MacKinnon, 1979).

Sexual harassment was first defined as a form of sexual discrimination under Title VII legislation, the federal law which protects persons in the workplace. We will examine two landmark cases decided under this law, and then examine three more recent cases of student to student sexual harassment which were brought to the court under Title IX legislation.

A review of prominent cases of sexual harassment makes it clear, and this is a critical point to keep in mind, that the court system's attention is directed to the task of establishing and defining legal liability or responsibility and assigning punitive or compensatory measures to individuals or institutions. The central question for the courts is not just whether something injurious happened, but if some institution, agent or actor can legally be held accountable for such injury.

In 1986 the United States Supreme Court rendered a decision in *Merritor Savings Bank v. Venison* which established several important definitions. First, the Court confirmed that sexual harassment is indeed a form of sexual discrimination under Title VII. Two categories of sexual harassment were defined as illegal. The first category, *quid pro quo*, had been addressed before *Merritor*. The Equal Employment Opportunity Commission (EEOC) issued guidelines to employers in 1980 which were supported in the *Merritor* decision. In general, any demand, request or implied demand for sexual activity in return for any employment benefit fall into the category of *quid pro quo*--something for something. In general, *quid pro quo* cases involve a supervisor or employer

requesting sexual favors from a subordinate employee as a condition of continued employment, financial reward, or promotion.

A second category of sexual harassment, that of hostile environment, was clarified in *Merritor* and also held to be a form of discrimination and, therefore, illegal under Title VII. The Supreme Court held "that a plaintiff may establish a violation of Title VII by proving that discrimination based on sex has created a hostile or abusive work environment" (*Merritor Savings Bank v. Vinson*, 1986, pp. 2405-2406). While it is clear from this decision that employers may be held liable for the creation or maintenance of a hostile work environment, it is not as clear what exactly constitutes a hostile environment. Certainly, the Court did not intend that sporadic insults, occasional embarrassment, rude remarks or casual jokes of questionable taste would meet the criteria of hostile environment. In *Merritor*, the Court stipulated that the sexually harassing behaviors needed to be severe or pervasive, and to have an adverse effect on the victim, significantly altering that person's working conditions. The extent of the harm or adverse effect was not defined.

In 1993, however, the United States Supreme Court in *Harris v. Forklift Systems Inc.* did take up the task of providing guidelines for cases of hostile environment. The Court concluded that to claim injury from a hostile environment, (1) the conduct must be severe or pervasive enough to create an objectively hostile environment; (2) the reasonable person would find the environment hostile; (3) the victim perceives the environment as hostile; and (4) whether an environment is hostile is determined by looking at all the circumstances. These circumstances may include: (a) the frequency of the discriminatory conduct; (b) its severity; (c) whether it is physically threatening or humiliating, or a merely offensive utterance; and (d) whether it unreasonably

interferes with an employee's work performance (*Harris v. Forklift Systems Inc.*, 1993, p. 370-371).

The High Court recognized that these guidelines were not precise and acknowledged that a multiplicity of factors were dependent upon context and individual actors. Yet, these guidelines do make it clear that employees do not need to suffer severe psychological trauma or tangible injury before claiming protection under Title VII.

Employees in a school setting are protected from sexual harassment by both Title VII and Title IX. Students have legal protection from teachers and other staff under Title IX. Staff are in a similar position in regard to students as employers are to employees. That is, they are clearly in a position of power, able to control educational benefits. A teacher, coach or administrator who requests sexual activity from a student in return for a grade, a place on an athletic team, a scholarship, a letter of recommendation or other educational opportunity is engaging in *quid pro quo* sexual harassment.

The Office of Civil Rights for the Department of Education (OCR) has the responsibility for investigating sexual harassment claims, enforcement of Title IX provisions, and the provision of guidelines to aid schools in implementation of Title IX. OCR acknowledges that staff can be in the position to engage in *quid pro quo* and hostile environment types of sexual harassment (OCR 1996).

In 1992, the Supreme Court, ruling in *Franklin v. Gwinnett County Public Schools* made it clear that students who suffer sexual abuse and other forms of sex discrimination from staff can seek monetary damages from their schools and school officials for violating their civil rights. For twenty years, Title IX provided only injunctive relief--institutions found in violation were ordered to correct their practices. Equitable relief--monetary damages was limited to restitution such as back pay. In *Franklin v. Gwinnet County Public Schools*, the

High Court was unanimous in a decision that a female student could maintain a damage action for sexual harassment and abuse against a Georgia school district and a former administrator under Title IX.

Gwinnet involved sexual harassment of a student by a teacher/coach. Incidents spanned two years and escalated from sexual conversations to forcible kissing, telephone calls to the student's home, and coercive sexual intercourse. The student alleged the district was aware of and investigated her allegations of sexual harassment and abuse, but took no action to stop it, and in fact, discouraged her from pressing charges. The teacher was allowed to resign without penalty or legal charges. The Court ruled that school districts have specific responsibilities to protect students from sexual harassment by staff.

The Court concluded back pay would not apply to the student and injunctive relief was ineffective because the student no longer attended the school. The damage demand of six million dollars prompted school districts across the nation to examine their policies and practices.

Students, however, do not have formal power or authority over other students. Cases of student to student sexual harassment come under the category of hostile environment and the question of the extent of their protection under Title IX is far from settled. One incident and three cases which address student to student harassment bear detailed review.

In 1991, in an out-of-court settlement, a high school in Duluth, Minnesota, was ordered to pay \$15,000 in damages to a female student who was sexually harassed by male students. Vulgar sexual graffiti about the girl, Katy Lyle, appeared in the boy's bathroom. When she learned about it, from some male friends, she went to school personnel to ask that it be removed. After two years, during which students repeated the comments from what became known as

"Katy's stall," teased and taunted Katy, the graffiti had spread and no attempt had been made to remove it. The principal had advised Katy that, "Well, where there's smoke, there's fire" and dismissed her complaints. Finally, Katy, who had suffered daily humiliation from other students, told her parents about the situation. Katy reported that her embarrassment and a sense of guilt had prevented her from telling them before. The parents gave the principal a 24 hour ultimatum to have the graffiti removed and then called a lawyer when there was no response. The long period of time during which the school took no intervening action, the callousness of the school personnel's responses to Katy, and the cumulative damage experienced by Katy were all factors in the settlement (Stein, 1994).

This situation, which did not result in a court ruling, gained wide attention. The State of Minnesota responded by establishing an explicit sexual harassment policy for schools, and published guidelines and training manuals for teachers and administrators.

The first court case involving student to student harassment was brought by the parents of Jane Doe against the Petaluma City School District in Northern California District Court in 1993. Starting in 1990, and continuing for two years until Jane Doe left public school to attend a private girls' school, Jane was consistently taunted by two male students at Kenilworth Junior High School. They made sexual remarks, called her sexual names, and spread rumors about her (alleged) sexual activity. Jane complained to her guidance counselor and to the administrator. Her parents also made complaints to school officials. There was no disciplinary action taken nor were Jane's complaints seen as serious. In fact, until Jane was slapped, there was no intervention by any school official. When Jane's parents were finally informed about the grievance procedure for sexual harassment, they filed suit, claiming that the

student to student harassment had severely damaged Jane's well-being, both physically and psychologically, and had made it impossible for her to attend public school.

Although the harassment Jane experienced seems to meet the criteria of hostile environment--pervasive, severe, and resulting in significant thwarting of her personal well-being and educational opportunity--the *Doe* court did not award damages under Title IX. The Court did not address whether the case could be tried as an instance of hostile environment, but instead focused on whether the school had intentionally discriminated against Jane Doe on the basis of sex.

In the Spring of 1996, two separate cases, detailed below, involving student to student harassment were heard in two separate Circuit Courts, each of which came to a different conclusion. The Supreme Court has yet to hear any case involving student to student harassment, and in October of 1996 specifically refused to review the Rowinsky decision. As of now, these two cases represent the current status in the courts of student to student harassment, and they bear more detailed review.

February 14, 1996, the Eleventh Circuit Court heard *Davis v. Monroe County Board of Education*. This suit was brought by the mother of a fifth grade girl who had been the target of many instances of sexual harassment by another fifth grade student, a boy. The boy had made many vulgar remarks of an explicitly sexual nature and had attempted to touch the girl on her breasts and vagina. He had made sexually suggestive gestures toward her. When the target girl (and other girls who were experiencing similar behavior from the same boy) had requested a change of seats in the classroom or permission to report the behavior to the principal, the teacher had denied the requests. Ms. Davis had reported her daughter's harassment to the school, but no action was

taken. Her child was not protected nor was the boy in question subject to any discipline measures. The incidents spanned several months and Ms. Davis alleged that the harassment had not only had an adverse effect on her daughter's academic performance, but that her mental health was in jeopardy. The daughter had written a suicide note in the spring of 1993. Ms. Davis charged that no school personnel nor the School Board took remedial action to end the harassment even though they had been informed of it.

The issue(s) before the court centered on clarification of the legal parameters and applications of both Title IX and Title VII in a situation of student to student harassment in a school setting. The Eleventh Circuit Court of Appeals did find that "these allegations regarding institutional liability, as well as the other allegations, are sufficient to establish a prima facie claim under Title IX for sexual discrimination due to the Board's failure to take action to remedy a sexually hostile environment." However, the court did not hold the School Board liable for the creation of the hostile environment (*Davis v. Monroe County Board of Education*, 1996, p.1195).

On April 2, 1996, the Fifth Circuit Court decided *Rowinsky v. Bryan Independent School District*. The facts presented in the case were not in dispute. Two eighth grade girls (sisters) experienced several instances of sexually harassing and even assaulting behaviors on the school bus. The girls were grabbed in the breasts, slapped on the buttocks, and subjected to name-calling, comments regarding underclothes, and sexually explicit remarks. The girls had reported the behavior at various times to the bus driver who did not intervene. On one occasion the girls complained to their parent who called the school. The assistant principal suspended one boy from the bus for a limited period. The parent filed charges claiming that the school was not providing protection and safety for her daughters. The court's interest focused on whether

this case could be decided under Title IX as the harassment had not been caused by an employee or an agent of the recipient of Title IX funding. Further, the court did not see this as a case of discrimination as there was no demonstrated difference between the school's response to girls or boys charged with harassment or difference in level of protection offered to either gender (DeMitchell, 1996).

While case law bearing directly on student to student harassment continues to develop, the number of cases alleging sexual harassment between students is on the rise and schools should expect legal standards and definitions around these allegations to be tested and clarified. The sorts of behaviors which are being cited between students could certainly be likely to constitute sexual harassment for which schools may be held liable. These include, but are not limited to, verbal and physical abuse such as snapping a bra strap, poking a girl in the breast, sexual jokes, sexual graffiti, demeaning portrayals of women in school skits, rating of girls for sexual desirability, and comments related to sexual orientation or sexual preference.

Controversy does not center around whether such behavior is or is not damaging, but whether or not a school has an affirmative duty to protect its students from other students. While there are still significant barriers to students claiming protection and/or damages from school districts or institutions for student to student sexual harassment, there is increasing recognition of this phenomena and "extant and emerging legal theories make it clear that school districts and their employees are not immune from liability in these situations" (Beckham, p. 700). The threat or expectation of being held legally responsible for sexual harassment involving both staff to student and student to student has led school districts to form policies which are decidedly more reactive than proactive.

School Policies, Procedures, and Practices

The policies outlining the school's position and duties in regard to sexual harassment have largely arisen from a defensive legal position. That is, the prime motivation, in many cases, has been to establish a written document which will dispel liability and present a positive public stance. Many manuals, guides and publications attempt to assist school personnel in formulating policies which will be legally viable. Written for school administrators, such manuals are straightforward about their purpose. Consider the instructions in one such publication from the National Organization on Legal Problems of Education:

Educators must be mindful that students and parents are becoming more aware of their rights and willing to attempt to assert them. Several publications, for example, are specifically directed toward the student populations to alert them to sexual harassment. In sum, given the potential liability under Title IX, other federal law, state statutes or common law, educational institutions are well advised to attempt to prevent and remedy sexual harassment of its students....Several factors play an important role in dispelling employer liability, including the presence or absence of an effective policy which specifically addresses sexual harassment....if the employer takes immediate and reasonable action to correct the situation, it may be absolved of liability (Lewis & Hastings, 1994, pp. 36-37, italics added).

Following such advice, school districts have generally established policies which follow the guidelines published by the Office of Civil Rights, and take care to provide: (1) a written statement prohibiting sexual harassment which applies to both employees and students in addition to the more general statement regarding discrimination; (2) a description and definition of sexual harassment which complies with the standards articulated by the Equal Employment Opportunity Commission; (3) a reporting procedure naming the district employee(s) responsible for receiving formal complaints; (4) assurances of confidentiality to the greatest degree possible; (5) a timeline assuring prompt

investigation and action concerning all complaints; and many include (6) an informal reporting procedure in addition to the more formal process. Some policies empower the institution to pursue claims even if a student does not report a complaint or does not wish to pursue a complaint.

School districts have accepted the responsibility to inform all employees, support personnel, bus drivers, cafeteria workers, custodians, and in some cases, vendors, of the district prohibition and policy concerning sexual harassment. In many cases, specific staff development time is set aside to inform and update the staff on policy matters. The definition of sexual harassment typically found in school district policies appears to be detailed, specific, and comprehensive. It echoes the languages and policies established in adult workplaces. Districts usually place a faculty version of the sexual harassment policy in faculty handbooks, and a student version in student handbooks. For example, one current student handbook version reads:

Sexual harassment means unwelcome sexual advances, requests for sexual favors, and other inappropriate verbal, written or physical conduct of a sexual nature. Such behavior can interfere with performance and can create an intimidating or offensive environment. Some examples of sexual harassment include:

- subtle pressure for sexual activity
- unwelcome touching or other physical contact--inappropriate intimacy
- grabbing/touching/shoving/ groping-rubbing up against
- cornering
- spreading sexual rumors including graffiti-sexist remarks about an individual's clothing, ability, body, or sexual activity
- teasing about body functions, one's stage of physical development, or one's sex in general
- gestures, jokes, pictures, and leers" (Oyster River Cooperative School District Policy, 1994, p. 6).

How Legally Oriented School Policies Fail

As noted earlier, I refer to such policies on sexual harassment as "legalistic" because they have developed out of case law on sexual harassment, use legal terms and definitions in their formulation, and because

their primary purpose is to avoid legal liability rather than to educate students. I argue that the existence of such policy statements gives a false sense of confidence that because sexual harassment in schools has been defined, and prohibited, it has therefore been effectively addressed. Legalistic policies rest on the assumption that information about its illegality and the available enforcement of rights are sufficient to abate sexual harassment. Such policies may conceivably protect a school district from liability, but there is little if any evidence that such documents prevent or even interrupt the incidence of student to student sexual harassment in the public schools.

In fact, reports indicate that not only has student to student harassment not abated, but also that students themselves distrust the policies and are reluctant to use them (Strauss, 1992; Stein, 1993). This leads me to ask: Why do these policies fail to alter the patterns of student to student sexual harassment in middle schools? What prevents students from accessing the procedures that are in place to empower them to both name the violation as a legal wrong and claim their rights?

Among the ways in which the policies fail some are predictable bureaucratic errors which can characterize any policy. For example, schools may not adequately inform students, teachers and parents of the policy.

Nan Stein (1995) notes that the California state law requiring sexual harassment policies in all schools stipulates that the school policy must be posted in schools and mailed home to parents. Yet it fails to stipulate that anyone needs to read the policy to students. Stein comments, "It is foolish to assume that posting a piece of paper compels young people to read it... it is ludicrous to assume that most students would read something posted by adults, especially if the notice is written in legalese" (Stein, 1995, p. 622). She further notes that in this particular state, approximately 50% of the school-aged

children do not speak English as their first language, and there is no stipulation requiring that the policy be translated. Even when students and their parents can understand the words used in a policy, without explanation and discussion, there is no reason to believe that a written notice will be either read or understood.

Gail Sorenson, reviewing cases which had been addressed by the federal Office of Civil Rights (OCR) found that, according to the Letters of Finding issued by the OCR, in the majority of cases, school districts had, but did not follow their own policies. She reported such procedural errors as failing to investigate allegations according to the written timeline, failing to have a district employee available to coordinate investigation, and lack of notification to students of reporting and grievance procedures (Sorenson, 1992, p. 1008-9).

Stein (1995) notes that "The preventative education provisions of this (California) bill were removed before it became law largely because of the anticipated expense that either the state or the school districts would have had to undertake" (p. 623). She along with others have noted the need for training and education necessary to make legal policies, their provisions, meanings and implementation understood.

It is clearly within the parameters of law makers and designers of school policies to include the need for training, education and prevention strategies--provisions which may also, indeed, benefit policies articulated in adult workplaces as well. Such an educational component is not found in legal rulings which have influenced policy making, but seem essential when these policies purport to address adolescents.

Consider, for example, the rather straightforward policy regarding fire drills. Not only are schools mandated to have and post fire drill routes in every room, they are obligated to hold regular practices. The understanding that

simply posting a map or instructions is insufficient for the effective implementation of a safe exit procedure appears to be both logical and accurate. It is imperative that students and staff engage in discussion, instruction, and repeated practice at various times of the school day and year. Special provisions are made for those who, for reasons of physical or mental conditions, cannot access the main procedures. In many schools, additional conditions are imposed during the fire drill. For example the fire fighters may block off one or more exits, requiring students and staff to practice alternative routes. Further, there is some measure of accountability attached to the practice of the policy: teachers must account for all their students immediately, administration must account for everyone exiting the building, and the students are timed in their response.

It is obvious when a fire alarm sounds that it is time to implement fire drill policy. In the absence of such a signal regarding the implementation of a sexual harassment policy, administrators, staff and students need even more discussion, training, explanation and direct instruction. Such mandates could be part of a district's legal policy. It is within the prerogative of the law to require training to explain, practice to implement the law, and to provide for education for offenders as part of the legal consequence. The failure of sexual harassment policies in schools to attend to these components contributes to the lack of efficacy of the legal policy.

Legal Categories and Significant Educational Harm

The second category of failings of legalistic sexual harassment policies arise from the application of legal categories and definitions which are derived from and appropriate to adult work settings, but inadequate within the context of schools and a population of adolescents. The two categories of sexual harassment defined by the court system in addressing adult sexual harassment

in the workplace, *quid pro quo* and hostile environment, have also been used to characterize sexual harassment in the school setting. Three problems occur when these terms and definitions are transported from the courtroom to the classroom. First, the categories fail to cover what, from an educational point of view, are actions which inflict significant harm. Second, this dichotomous characterization of sexual harassment leaves student to student harassment covered by the more ambiguous category, hostile environment, one which is confusing for administrators and teachers as well as for students. And finally, the application of the relevant category for student to student harassment requires both too high a threshold of harm and also a specific target before legal intervention is warranted.

Quid pro quo (literally, something for something) conditions may exist when someone in a formally recognized position of authority or power exerts pressure for sexual favors, or engages in sexual conversations, gestures, or comments to someone who has formally less authority. Most commonly, *quid pro quo* cases involve a situation between staff and student, or supervisor and employee. There is an implied or stated connection between the request for sexual favor and the dispensing of tangible favors such as promotion or grade, or an implied or stated threat that failure to comply with the requested sexual activity will result in loss of job, promotion, grade, educational opportunity, letter of reference, or some restriction of educational or economic position. A retaliatory form of *quid pro quo* is also recognized, for example, where a teacher makes sexual advances with no threats or promises to a student who refuses and then the teacher engages in retaliation by lowering a grade, writing a poor reference or somehow jeopardizes the student's educational opportunities.

The *quid pro quo* category may appear to adequately cover teacher to student harassment inasmuch as teachers are persons in recognizable

positions of authority and power over students and can, through their actions, cause students to incur the tangible losses the courts count as legal loss such as diminishment of a grade or poor letters of reference. However, *quid pro quo* does not cover such losses as self-esteem, comfort level, social status, or emotional well being which the receiver of sexual harassment may experience. So, a teacher, without threat or promise might make sexual advances, suggestions or comments to a student, causing them embarrassment, creating a sense of betrayal or shame, loss of confidence, and anxiety during class. But if there is no loss of grade, sufficient discomfort to force the student to drop the class, or some other tangible loss, there would be no grounds for a case under *quid pro quo*.

Teachers can also be charged with creating a hostile environment for students, but the standards for such a charge must be significant. In *Patricia H. v. Berkeley Unified School District* (N.D. Cal. 1993), a teacher who had been suspended for three months for the molestation of a student resumed his teaching position at the school where the student was still in attendance. Although criminal charges had been dropped at the time of his resumption of teaching duties, the California District Court did rule that the mere presence of this teacher constituted a hostile environment for this student.

The dichotomous categorization of all sexual harassment into either "*quid pro quo*" or "hostile environment" means that by default, all student to student harassment falls into the hostile environment category because students are considered peers, i.e., of equal formal standing within the school. No student has formal power over another and students are not generally recognized as having the power to cause tangible legal loss for another student. But the hostile environment category is also problematic in an educational setting for two reasons. First, it is not as straightforward as *quid pro*

quo. There are four criteria which must be satisfied for the courts to determine that a behavior(s) creates a hostile educational environment: (1) the harassment must be based on a person's gender; (2) the action must be deemed unwelcome to the victim; (3) the offensive behavior must be severe or pervasive enough to alter conditions in the school to the point of hostile, and (4) the school officials must have known or should have known about the hostile conditions and failed to intervene or take effective remedial action (Shoop & Edwards, 1994, p. 80).

As Shoop and Edwards point out, the determination of hostile educational environment is confusing for educators as it is less tangible, less discrete, than an act covered by *quid pro quo*. The behaviors can occur over a period of time, include a variety of incidents and possibly, a large number of actors. It is equally confusing for students who, by this definition, must recognize and distinguish between behaviors that are unwelcome and severe enough to constitute a hostile environment, and those behaviors which have historically been viewed as normal, acceptable ways for males to interact with females.

In cases of *quid pro quo*, one person becomes identified as responsible for initiating offensive behavior, and that person is also deemed to be in a position to inflict some tangible, economic harm which makes the offensive behavior not only unpleasant, but threatening. Such clarity is missing from cases of hostile environment. A plethora of comments, activities, insinuations and practices may combine to create a general atmosphere which is disrespectful of females, as a gender, but no one specific actor can be held accountable for the creation or continuation of the environment. Employers and school are given the responsibility to maintain non-hostile environments although the exact parameters of such responsibility remain in dispute and may

vary among legal jurisdictions. In cases of student to student harassment where one or several actors have engaged in insulting, harassing and even assaultive behaviors toward a specific person, it may not be clear to any of the actors that such behavior exceeds the norm and even less clear as to the school's liability regarding the incidents.

With this legal category as well, then, behaviors which make students feel insulted or uneasy, which create sufficient discomfort to cause students to avoid certain hallways or bathrooms or school activities, or to refuse to enter a lunchroom may not be sufficiently severe or pervasive to satisfy the legally recognized parameters of sexual harassment. In short, the only legal category, hostile environment, applicable to student to student harassment also suffers from the defect that it fails to clearly identify what, from an educational point of view, would be regarded as significant harm as legally actionable.

In addition to their questionable and difficult applicability in an educational setting, legal categories demand a higher threshold of harm than what many of us would regard as educational harm to move the policy into effect. Legal categories and policies are too blunt an instrument for educational settings; much of what we as educators want to attend to falls outside their jurisdiction. Yet at the heart of the matter there exist even more fundamental difficulties with a legally oriented approach.

The most disheartening finding is, as mentioned before, that policies appear to fail because (a) administrators, teachers and students do not recognize sexual harassment when it occurs, i.e., they cannot name it; and (b) even when they do recognize it, the research indicates that many who suffer it are reluctant to claim redress; and, finally, (c) students themselves distrust the policies (Strauss, 1992; Stein, 1994).

The 'naming and claiming' provision appears to be empowering, logical and straightforward. That is ignored, even scorned, by the very people for whom it seeks to support requires further examination. Rather than blaming students for their hesitancy to use the policy, we might gain more understanding by examining the assumptions underlying legalistic policies. In particular, we need to consider two assumptions: (1) the Reconfiguration Presupposition, i.e., the assumption that students and staff will have no difficulty in naming normalized patterns of behavior as wrongs; and (2) the Equality Presumption: that all student actors, male or female, have equal standing within social relationships, i.e., that all students have both the agency to act in their own behalf and community permission to do so. Both, I argue, are highly questionable presumptions in middle school settings.

In the next chapter I begin an investigation of the first assumption, what I refer to as the Reconfiguration Presumption. In particular, I argue that one reason girls do not name behavior as wrongs nor claim their rights is they cannot distinguish sexually harassing behavior from 'normal' male behavior. Adults also may fail to make this distinction so are in no position to be helpful to the girls.

CHAPTER THREE

THE RECONFIGURATION PRESUPPOSITION: NAMING THE OFFENSE

Legalistic policies assume that legal definitions and lists of examples of forbidden behaviors are sufficient to allow both staff and students to identify and eliminate sexual harassment in their schools. This assumption takes for granted that there is a cultural consensus on naming what is "sexual," "offensive," "harassing," and "unwelcome." But when we are dealing with student to student sexual harassment among early adolescents in a middle school setting, the single most significant obstacle to the employment of legalistic policies, remarked on repeatedly by researchers, is the difficulty staff and students have in distinguishing offensive, even aggressive or assaultive, behaviors such as those covered by sexual harassment policies from "normal heterosexual behavior" (Larkin, 1994; Stein & Sjostron, 1994; Strauss, 1993; Shoop & Edwards, 1994, Orenstein, 1994; Mann, 1994).

Sexual harassment policies address behaviors which are inseparable from the entire web of social customs and enculturated beliefs which define us as male and female. Much of the behavior which the policies make "illegal" and wrong has become normalized heterosexual behavior in the eyes of students and staff. We cannot expect it to be easily recognized as illicit and eliminated by edict. Even in the adult arena of the workplace the issue of what constitutes acceptable sexual behavior is far from clear; seeking unambiguous guidelines for adolescents who are chronically testing, pushing and defining limits in all

areas of social interactions presents a challenge to students, parents and educators.

In this chapter, I examine several sources of information and influence which affect our ability to distinguish between unacceptable, harassing behavior and what might be held to be normal acceptable manifestations of sexual behavior, conforming to expected gender roles. First, I review some current sexuality education curricula in which gender and sexual expectations are formally, intentionally taught. Secondly, I examine some of the ways in which our culture demonstrates some level of acceptance, even expectation of violence within sexual relationships. Finally, I consider the roles and meanings attached to our physical bodies, based on expectations of normative gender roles within our culture.

Sexuality Education

In order to understand how sexuality education works to set up conflict for girls' ability to name offensive behaviors and claim their rights, we need to examine the curricula more closely. A review of some currently and widely used curricula reveals some assumptions of and, indeed, expectations for clearly defined and differentiated roles for males and females with the strong implication that such differentiation has a biological basis. Our review also shows an apparent contradiction within curricula regarding the female role. Specifically, girls are presented as relatively weaker, more emotional, and more vulnerable, yet are often both explicitly and implicitly given the major portion of responsibility for controlling male sexual aggression.

Michelle Fine, in examining current literature in sexuality education and from her own ethnographic research within public schools, concludes that current practices and language in this field "...combine to exacerbate the vulnerability of young women whom schools...claim to protect" (Fine, 1988,

p. 29). Her data yield four "prevailing discourses of female sexuality." The first one she describes as "sexuality as violence," which assumes that any discussion of adolescent sexuality is dangerous and best left alone.

The second discourse which Fine characterizes as "sexuality as victimization," which focuses on warnings and instructions, primarily for young women. As this category of sexuality education is the most widely used in public schools, I will return to it for discussion in more detail. The third discourse Fine labels "sexuality as individual morality" because it emphasizes ideals such as self-control.

The fourth discourse, "a discourse of desire, remains a whisper inside the official work of U.S. public schools" (p. 35). We will later discuss Fine's claim that , "Such a discourse would release females from a position of receptivity, enable an analysis of the dialectics of victimization and pleasure, and would pose female adolescent as subjects of sexuality, initiators as well as negotiators" (p. 35-36).

Although most curricula formally state a goal of supporting responsible behavior, increasing knowledge and self-esteem, and respect for all people, most, in fact, provide limited biased information, fail to mention alternative perspectives, assume heterosexual marriage as the only appropriate arena for sexual activity, and center solely around traditional male need and desire, while giving them relatively little responsibility for control. The teacher's guide to one very popular curriculum, ironically entitled, "Sex Respect: The Option of True Sexual Freedom," advises teachers to stress the "psychological differences in the way males and females respond to their sexuality," pointing out these differences:

- A. Females tend to mature earlier physically.
- B. Males tend to respond more strongly to visual stimulation.

- C. Many males focus primarily on genital activity, while females tend to focus primarily on warmth, closeness, and security.
- D. Males are usually more aggressive than females about acting out sexual desires.
- E. Males are generally more easily and quickly aroused by physical intimacy (Mast 1990, cited in Klein, 1992, p. 309).

The student workbook which accompanies this curriculum uses an imaginary "Dr. Wise" (a white male) who describes males as "experiencing a natural desire for sexual intercourse." Males also, according to Dr. Wise, "aggressively seek sexual release with whatever person they can persuade or force to accommodate them" with an urge so strong, so purely genital that a male "can experience complete sexual release with a woman he doesn't even like" (Mast cited by Klein, p. 309). Girls, he explains, simply enjoy feeling close and are much more interested in non-genital activity. This is fortunate, he advises, as it is this (biologically rooted) difference that allows "girls to cope with the sexual aggressiveness of boys" (p. 309). Claiming that female hormones render girls less impulsive, it is assumed that it is only natural that they be in charge of controlling male behavior. In fact, women's liberation is mentioned as a cause of problems, disrupting the natural order of things. "The liberation movement has produced some aggressive girls today" with the suggestion that an aggressive female may cause males to feel threatened sexually--a condition that (naturally) leads to escalation of male violence (p. 310).

Dr. Wise expresses concern that girls do not realize how easily males become sexually aroused and often fail to halt male aggression soon enough. He notes: "I have counseled dozens of young males who have beaten or raped girls. In every case, the male's excuse was that she 'led me on.' Ignorance of

the steps of physical intimacy have serious, even fatal, consequences" (Mast in Klein, p. 310).

The student workbook continues to explain that females can sublimate sexual energy as their sexual drive, rather than being physical, which is, indeed, "disguised desire for acceptance, love and security." This claim appears in the 'updated' 1990 edition of the curriculum (Klein, p. 311). Much of the rest of the curriculum details the dangers of sexual activity. Although sexually transmitted diseases are risks for both sexes, risks are mentioned as particular to females i.e., pregnancy. All these potential problems magically disappear if sexual activity occurs in heterosexual marriage. This appears strange as the same text also notes that a person can contract a sexually transmitted disease even if he or she has had only one sexual partner, as that partner may not have been similarly chaste. The references to homosexuality, and here there are many, appear only in the discussion of AIDS.

Another popular sexuality education curriculum, "Values and Choices" offers a separate, 'optional' video which addresses homosexuality, but in the main texts, videos, and illustrations, assumes heterosexual marriage to be the universal goal. While at times attempting to speak of 'human sexuality,' this curriculum designates the sexes as 'opposite' and depicts females exercising the control of male desire. Again, the warnings about sexual activity are directed to females who are also responsible for keeping themselves safe from the natural urges of males. Abstinence is the only method of birth control given the curriculum's nod of approval. If, however, a female does become pregnant, she is encouraged to select adoption, marriage, or becoming a single parent. There is no mention of fatherhood (Klein, 1992).

Kathryn Morgan's research reveals that sex education, as it is now presented in schools, does not provide an arena where females may explore

their sexual subjectivity. It emphasizes all sexuality as centering around male pleasure, prerogative, and power, perpetuating the "compulsory heterosexual socialization patterns designed to produce dominant men and subordinate women..." (Morgan in Diller *et al*, 1996, p. 177).

Another curriculum, considered outrageously radical, "Mutual Sharing, Mutual Caring," discusses sexuality in a positive light for both males and females. This curriculum rejects the stereotype of a passive female who, feeling no desire of her own, can concentrate on controlling the naturally rampaging male sexual aggression. It is noteworthy that this curriculum, winner of the National Health Promotion Award, is no longer being distributed and remains under heavy attack from political conservatives (Klein, 1992).

Kathryn Morgan focused an appraisal on two very popular sexuality education resources aimed at children and very early adolescents: (1) the book and video called Where do I Come From? and (2) "Discovering Yourself" a pamphlet distributed to girls in schools nation wide by Kimberly-Clark (no date), the manufacturer of feminine hygiene products. Both these publications reinforce the notion that sexual pleasure is a male prerogative and advises females to be supportive, but refrain from being provocative. "As the man's cerebral superiority becomes clouded by dangerous sexual passion, it becomes incumbent upon the girl or woman to act as the restraining brake in a situation in which the initiating action and sexual acceleration is assigned to the man," Morgan notes. She concludes that, "Merely being in a position of saying 'no' to a sexually aroused man is not a position of optimal or even equal power. It would be farcical to regard it as a choice" (Morgan in Diller, 1996, p. 172).

Morgan searched these two publications for any mention of female sexuality or even body parts. She found few, mis-leading mentions of the clitoris which was described as "little penis," "tiny penis," or "miniature penis."

The Kimberly-Clark pamphlet describes the clitoris as "a small organ which is especially sensitive" which is protected by soft folds of flesh (Kimberly-Clark, p. 6, cited in Morgan, p. 174). Morgan concludes that a girl would have to really stretch her imagination to link the clitoris with a center of sexual pleasure from this description. In both publications, climax is defined as the moment when the male ejaculates semen into the vagina. The Kimberly-Clark pamphlet clarifies that this climax is called 'orgasm' for both male and female even though the female has no definite marker event such as ejaculation. It is small wonder that males and females conclude that sexuality is predominately a male experience.

As Fine observed, the notion of female desire remains "a whisper"; the discussion of sexuality from the standpoint of female as subject rather than object or compliment may happen among students, but is not officially recognized. Audre Lorde summarizes the result of a lack of a forum where women can consider our own sexuality:

We have been raised to fear the yes within ourselves, our deepest craving....The fear of our desires keeps them suspect and indiscriminately powerful, for to suppress any truth is to give it strength beyond endurance....When we live outside ourselves, and by that I mean on external directives only rather than from our internal knowledge and needs, when we live away from those erotic guides from within ourselves, then our lives are limited by external and alien forms, and we conform to the needs of a structure that is not based on human need, let alone an individual's. But when we begin to live from within outward, in touch with the power of the erotic within ourselves and allowing that power to inform and illuminate our actions upon the world around us, then we begin to be responsible to ourselves in the deepest sense. For we begin to recognize our deepest feelings, we begin to give up, of necessity, being satisfied with suffering and self-negation, and with the numbness which so often seems like their only alternative in our society. Our acts against oppression become integral with self, motivated and empowered from within (Lorde, 1984, p. 57).

Sex and Violence

Separating violence from 'normal' sexual practices remains difficult for adults, and may be especially indistinguishable for developing adolescents who look to adult models in real life and in the culture's media for clarification. Courts have struggled to distinguish rape from consensual intercourse, teachers express inability to distinguish normal flirtation practices from harassment, and students, exposed to daily doses of television, movies, and music which mix the degradation, dominance and even mutilation of women with erotica and sexual desire have little clarity on the subject.

Catharine MacKinnon who has led the way for feminist perspective in the legal arena claims,

I think the fatal error of the legal arm of feminism has been its failure to understand that the mainspring of sex inequality is misogyny and the mainspring of misogyny is sexual sadism....the popular denial that sexual violation is a sexual practice.....Rape, battery, sexual harassment, sexual abuse of children, prostitution, and pornography, seen for the first time in their true scope and interconnectedness, form a distinctive pattern: the power of men over women in society" (MacKinnon, 1987, p. 5).

MacKinnon refuses to separate sex and violence as though two distinct categories, citing that our culture supports the notion that some level of domination, violence, coercion is accepted as part of sexual arousal for males, that vulnerability in females is deemed sexy, attractive and desirable, and that the resulting gender inequality appears consensual and 'normal.'

Given the deeply entrenched belief that males need to be sexually aggressive, that females welcome and enjoy such aggression, it is not surprising that boys have severe difficulty in determining what sorts of attention might be welcomed and that girls are at a loss to clearly define sexual overtures as unwelcome. Males in our culture are expected to be initiators of sexual activity and if not encouraged, at least given permission to use aggression to

the point of violence. Females have been cautioned to be passive, non-initiators, and to accept some level of male violence as a normal part of courtship behavior (Klein, 1992; Fine, 1992; Morgan in Diller, 1996). That adolescents have considerable confusion distinguishing between acceptable and non-acceptable levels of violence or aggression is understandable as such a line is not clearly drawn in adult arenas.

Edwin Schur, writing extensively about sexual beliefs and practices in the United States, charges that Americans have depersonalized and commoditized sex to such an extreme, that violence is inevitable:

Given the depersonalizing and commoditizing of sexuality, is it really surprising that the violent or coercive 'taking' of sex has become a common occurrence?We live in a violent society, and one that is characterized by high levels of socioeconomic inequality and interpersonal exploitation. Furthermore, most American males have been socialized to be sexually aggressive, to ignore female protests and overcome female resistance. It remains a central norm instilled through male sexual training that one always tries to take as much sex as one can 'get'. Under all these circumstances it may be quite understandable that we find high frequencies of rape, harassment, and other types of sexual coercion (Schur, 1988, p. 12).

We can see how even scholarly sex manuals intertwine sex and violence without fine discrimination. The first Western manual on the joy of sex is generally credited to Ovid written around 18 AD. Ovid assumes the coercive sexual activity is an integral part of lovemaking, expected and enjoyed by the female as well as expected of the male.

Perhaps she will struggle at first....yet she will wish to be beaten in the struggle....You may use force; women like you to use it; they often wish to give unwillingly what they like to give. She whom a sudden assault has taken by storm is pleased, and counts the audacity as a compliment (Ovid, *Artis amatoriae*, i, 665-675).

Dolf Zillmann in his study of the connection between sex and aggression notes that the belief that women enjoy brutality and sexual invasion has changed very little in the intervening centuries of Western thought. Indeed,

Freud, writing in the 20th Century, claimed that not only is aggression a healthy component of the sexuality of men, but "the repression of aggressive impulses is altogether unhealthy and causes illness" (cited in Zillmann, 1984, p. 8).

Zillmann observes, "In more or less all known cultures there were and are institutions such as today's young men's bull sessions...that have promoted and promote beliefs about male and in particular, female sexuality that are essentially those implicit in Ovid's recommendations. All such institutions, it seems, have encouraged, if not created, callous, exploitative, aggressive attitudes and dispositions toward women--dispositions that serve one goal only: *sexual access* (Zillmann, 1984, p. 2).

Zillmann claims that sexual aggression including rape has been celebrated as "the ultimate expression of sexual freedom," noting that da Sade viewed rape as basic and a common human desire, Marcuse urged that "the pleasurable yielding to violent sexual impulses be recognized as a civil liberty, if not as an inalienable human right" (p. 3). Freud suggested that the mixing of sex and aggression may merely reflect an earlier time in the development of humans before clear communication skills were available, and viewed the linking of sex and aggression as a characteristic of male sexuality.

Freud attributed aggressive sexuality to males only, believing that males had effectively converted their aggression against death into the service of *Eros*, and thus were more likely to enjoy mental health than females, who too often let themselves become the victims or targets of males' "self-destructive impulses" (Zillman, 1984, p. 3).

In definitions of sexual harassment, rape is universally cited as the most extreme form of it (Stein & Sjostrom, 1994; Strauss, 1992 ; Klein, 1992). Many policies present a continuum of levels of sexual harassment ranging from suggestive comments and persistent requests for dates to assault and rape.

Although rape, fortunately, is much more rare than other instances of sexual harassment between students in public schools, an examination of rape and rape myths provides some insight regarding the problem young women face when dealing with any level of sexual infringement, verbal or physical. When even in the most extreme case, rape, the victim's sense of shame, possible culpability, confusion, and lack of cultural support for resistance is startling. Understanding this, I believe, gives us clues as to the level of confusion which characterizes other, less invasive forms of sexual harassment which are perceived by the target as in the same category, perhaps a prelude to, rape.

A myriad of surveys and studies investigating attitudes regarding rape have been sponsored by universities, magazines, and research organizations reveal consistently that both men and women have some level of acceptance of what is termed "justifiable" rape (Warshaw, 1988, pp. 24-35). At various levels, many males and a lesser number of females confirmed that rape might be excusable depending on the dollar amount a male had spent on a date, the provocativeness of the female's attire, if the woman does not resist strenuously, or if alcohol or drug use had been part of the experience.

Warshaw discusses the underlying communication problem which contributes to rape. Claiming that when surveyed, males consistently rated various dating behaviors, types of dress, and dating activities as signals for sex more often than females did. "Indeed, many men only ask a woman out after they've decided that they'd like to have sex with her, whereas many women view dates, especially the first few dates, as opportunities to socialize and learn more about the man" (p. 30).

Schur claims that there are three distortions of American sexuality: "depersonalization, commoditization, and coercion" explaining that these distortions are interactive, "they appear in combination and have an impact

cumulatively...(they) influence each other....once these patterns of sexuality, once strongly and widely established, feed back to reinforce their (non sexual) roots in the culture at large" (p. 25-26).

Jane Roland Martin notes:

Some might think it amusing that in an age when boys and men do so much violence, our cultural images portray girls and women as the ones who are less than fully human. While billboards, bus placards, store windows, and public art....comic books, pop music, films, videos, and the multibillion-dollar pornography industry have turned each person's psyche into a vista filled with images of female bodies and body parts....A purist will say that a causal connection has yet to be established between the degrading imagery and the abusive treatment of girls and women(however) A realist is compelled to reply that violence toward girls and women is to be expected in a society unwilling to acknowledge its own misogyny, let alone admit that it is perpetuated in school (Martin, 1992, pp. 100-101).

Not only do adolescent women have difficulty recognizing sexual harassment in the form of invasion of personal space, verbal comments or gestures, they have almost no cultural consensus to support their ability to recognize coercive sex such as rape, especially 'date rape.' Although the stereotypic notion of rape involves assault by a stranger, most sexual assault occurs between acquaintances (Buchwald, Fletcher & Roth, 1993).

Consider this incident, recorded by Robert Shoop and Debra Edwards:

Rhonda was popular with the boys and girls in her sophomore class. On Friday night she went to the home football game with a group of male and female friends. On the way back from the rest room four boys grabbed her and pulled her to the ground. They pulled her sweatshirt and bra up around her neck and wrote their names on her breasts with markers.

Later she told her parents that the thing that bothered her the most was that the boys were her friends and they said they were just having fun.

The boys were suspended from school for two days, and Rhonda was told not to attend any more football games unless she was with her parents (Shoop & Edwards, 1994, p.11).

This case reflects the notion that boys are essentially prone to aggressive behavior for which they are not held accountable. The solution rests in restricting

the female's movements under the guise of safety. The boys in this incident were not restricted from attending football games in the future, were not charged with assault, and were not mandated to make any form of restitution or even apology to Rhonda. They were cautioned that they had "gotten carried away" with their adolescent prank. Rhonda, on the other hand, was not only physically assaulted, abused and humiliated by people she considered to be friends, she was restricted from her activities. She and her parents were assigned more consequences from the incident than the persons who clearly violated her rights.

In this incident, Rhonda was able to identify the males' behavior as unwanted and offensive and she reported it, expecting that her right to attend a public school event without assault on her person or dignity would be supported. The response of the school clearly compromised her right and indicated that the behavior she labeled offensive was not so far out of the boundary of normal male behavior to cause severe offense. Other girls, hearing of this event and the hundreds like them, may very well be confused about their ability to appropriately name offensive behavior and have little confidence that the community at large supports their right to restrict male access.

Sorting out actions and messages into clear categories such as 'sexual or non-sexual', 'harmful or harmless,' 'normal or unacceptable' is difficult if not impossible, yet that is exactly what receivers of harassment must do in order to assert their rights. Even when a girl complains of a behavior and claims that it has been offensive to her, she may well not be believed if the cultural norms do not support her individual judgment. Especially in the case of young children, we, as a society, are loath to recognize expressions of human sexuality, especially when sexual expressions become not means of conveying affection, but means of wielding power over another.

In October of 1996, a six year old first grade boy kissed a girl classmate during recess. She complained to the teacher, who witnessed the kiss, saying that the kiss was unwelcome. The boy (who allegedly had been warned about this exact behavior previously on several occasions) was disciplined by missing recess and was not allowed to participate with the class in coloring and later in the day, an ice cream party.

The parents of the boy complained to a power more influential than local school authorities--the mass media. Soon television crews, newspapers and national wire services were broadcasting the event. Although school officials could not discuss the case as to do so would violate the confidentiality of all the persons involved, their silence was taken by the press and other media as hostile. A national news magazine reported the story as follows:

On one side is a blond-haired, bespectacled six-year-old whose only crime seems to be having got too affectionate with a little girl in his class. On the other is a band of uptight school bureaucrats so rigid about their rules that they punished the kid and accused him of sexual harassment....In fact it was hard to tell just what Jonathan had done to draw the punishment, since school officials refused to talk about details of the incident, citing privacy laws in disciplinary matters. But spokeswoman Jane Martin asserted that 'this kiss was unwelcome', and added, 'We know that children at that age cannot comprehend sexual harassment. We teach them what is welcome behavior and that everyone should report behavior that is unwelcome.' (Time, Oct. 7, 1996, p. 64).

The media could have been a powerful voice to legitimize and promote the idea that persons of any age or gender have the right to freely inhabit their personal space without violation or intrusion from another, regardless of the intent of the intruder. However, this incident portrayed the school personnel, acting in behalf of the young girl, as irrational, hysterical, and oblivious to the innocence of the young boy's intention. The boy's family is currently negotiating for the movie rights to the story and the school has been the target of ridicule and at least one bomb threat.

After I discussed this news story in a college classroom, three young women, now in their twenties, responded by recounting personal experiences of being chased and kissed by male classmates when they were in first grade. They reported being annoyed, confused and bothered at the time, but were all advised by their teachers that this was harmless, affectionate fun for the boys. The message that boys deserved to engage in whatever activity they defined for themselves as fun or friendly or acceptable was received by all three girls, loud and clear.

To initiate most school sexual harassment policy provisions, girls are advised to communicate clearly to their harassers that an action is unwelcome. Regardless of the clarity of the communication, there is no confidence that the message will be accepted as credible. Warshaw speculates that:

Many men simply discount what a woman is saying or reinterpret it to fit what they want to hear. They have been raised to believe that women will always resist sex to avoid the appearance of being promiscuous...and will always say 'no' when they really mean 'yes', and always want men to dominate them and show that they are in control. Further, many men have been conditioned to simply ignore women--whether those women are responding positively to sexual interactions or pushing, fighting, kicking, crying, or otherwise resisting them (Warshaw, 1988, p. 30).

In a culture where males have deemed that a feminine "no" is the same as "yes," where even rape is presented and often legally confirmed to be "normal male sexual aggression," where girls are socialized to 'be nice,' accommodating, and attractive to males it is not surprising that early adolescent women cannot distinguish welcome from unwelcome behavior on the spot.

In countless homes and elementary playgrounds the scene follows a script such as this:

Girl, running to the teacher or parents: "Johnny is running after me, tripping me, hitting me and taking my ball away."

Parent or Teacher: Oh, honey, that's how boys show they like you.

Later, in adolescence when the level of vulnerability reaches new heights for both boys and girls, the following sorts of conversations take place:

Girl to teacher or parent: "That boy is staring at me. He gives me the creeps."

Parent or Teacher, perhaps with exasperation in the voice: "Don't you know yet that means he likes you?"

The connection and enmeshing of sexuality and violence, love and fear, desire and shame is neither new nor confined to adolescent confusion, but the confusion and ambiguity of the larger culture is acutely obvious in middle school. Socially insecure and with limited repertoires of behaviors to use during courtship rituals of adolescence, both boys and girls may resort to crude or inept attempts to gain the attention of one another. Girls express their confusion to researchers, citing many such bids for attention as engendering fear or anxiety. Yet the girls are uncertain about acting on their own emotional responses, fearing that they are over-reacting, mis-reading the signal, or in some way, have been inappropriate themselves (Larkin, 1994; Mann, 1994; Orenstein, 1994).

Reports of males exposing themselves or grabbing themselves, making masturbatory gestures to girls are common in the studies of student to student sexual harassment in school settings (Stein & Sjostrom, 1994; Larkin, 1994; Eder, 1995; Strauss, 1992). Such incidents are universally reported as being 'frightening.' One young woman reported the following: "I was in the middle of a soccer game, and someone called me from the stands. I looked over and this guy in the stands grabbed his crotch with his hands and moved it in the up-and-down motion."

What made this even more unsettling was that this student did not know the male, but he had called her name. She found it difficult to continue to play well as her mind was on this event. She says all she could think about was "What if he tries to follow me home?" (cited in Larkin, p. 90).

The notions that normative male sexuality includes aggression, violence and degradation of women and that female sexuality is inherently shameful, dangerous and exists only in relationship to the dominant male's needs must be addressed by educators, students and parents. Lack of discussion and effective intervention is viewed by the students as adults' acceptance and approval of the status quo. Or, as several girls suggested, "They (teachers and parents) are afraid, too" (Larkin, 1994; Eder, 1995; Mann, 1994 ; Orenstein, 1994).

Girls are painfully aware of boys' sense of entitlement to observe, rate, comment and discuss the clothing and bodies of girls. They are also aware of their embarrassment, shame and sense of powerlessness, but cannot withdraw their consent without support.

"It's like happened to me," a seventh grader tries to explain sexual harassment, "I don't know what to say. I know it--like when you are sexually harassed--it makes you feel mad, but you're also embarrassed....I don't know what to say. I know it happened, They know it ,too, and you don't know what to do. It's like *there*" (Mann, p. 165).

Gender and Bodies

Sexual harassment, by legal definition, is discrimination based on gender. Just how and why the attribute of 'gender' becomes the defining issue, the fulcrum for discrimination or abuse of power requires a view of gender that encompasses much more than biological characteristics of 'male' or 'female.' We know that most researchers conclude that the variations of traits, abilities, and characteristics within a sex are much greater than the overall differences

between the sexes, yet from the moment of birth, each sex is treated differently, and experiences the environment with a degree of difference which is not accounted for by biology. By the age of two, children identify themselves as either a 'girl' or a 'boy,' can usually correctly identify others, and are assimilating information from the world about them, directly and indirectly, about what sorts of behaviors and characteristics are considered desirable for their gender (Mann, p. 40-44).

Sandra Bartky asserts that, "We are born male or female, but not masculine or feminine. Femininity is an artifice, an achievement....[which requires] disciplinary practices that produce a body which in gesture and appearance is recognizably feminine" (Bartky, 1990, p. 65). The social construction of gender not only marks differences in appearance, dress, habits and mannerisms, but also with difference in prerogatives, initiatives, freedom of movement, ease of access and role expectations.

"Sex-identification intrudes into every moment of our lives and discourse, no matter what the supposedly primary focus or topic of the moment is....One *never* can ignore it" (Frye, 1983, p. 19). She reviews the myriad ways in which gender is marked by our speech, our social customs, our patterns of interrelating, and notes that knowing the gender of one another is of primary importance in all our social lives. Ambiguity about one's gender is highly suspect and often punished. "Sex-marking behavior is not optional. It is as obligatory as it is pervasive," Frye warns (p. 21).

From birth onward, our gender identification becomes an essential part of our selves. Although knowing and announcing oneself to be either male or female certainly has practical uses, the lines of demarcation exceed any practical application. For example, classroom discourse often begins with the teacher, innocuously greeting the class, "Good morning, boys and girls."

Classroom management itself, from assignment of chores, to choosing sides for a spelling contest, to lining up for lunch divides along gender lines. If any teacher selected another characteristic such as race, eye color, ethnic group or religion by which to create groups, charges of discrimination would certainly be made. That discrimination based on gender when gender is in fact irrelevant such as forming lunch lines, goes unnoticed reflects the deeply entrenched belief that gender is, as Frye notes, *always* relevant. Barrie Thome, in her ethnographic study of elementary students, notes that the constant distinction between male and female creates and supports the children's thinking that there are two separate, distinct and unequal cultures. An eleven year old girl tried to explain the situation to Thome by saying, "It's like girls and boys are on different sides" (Thome, 1994, p. 63).

Thome notes that:

...the contrastive framework has outlived its usefulness, as has the gender ideology that it builds on and perpetuates. The view of gender as difference and binary opposition has been used to buttress male domination and to perpetuate related ideologies ...We need, instead, to develop concepts that will help us grasp the diversity, overlap, contradictions, and ambiguities in the larger cultural field in which gender relations and the dynamics of power, are constructed (Thome, p. 108).

That children recognize the two-tier system and acknowledge the advantages of male over female becomes obvious in the research conducted during the past twenty years by Myra and David Sadker. They posed the question: "Suppose you woke up tomorrow and found you were a member of the other sex. How would your life be different?" They have gathered thousands of responses which indicate that, indeed, children recognize differential treatment based on gender that favors the male. I have posed the Sadker question to college students whose responses reflect markedly similar stereotypical notions about both genders, ascribing more authority and privilege

to males while assuming that females are primarily concerned with their physical appearance, grooming, clothes, and weight.

To realize the impact that sexually harassing comments inflict on women --and why it is so difficult for women to resist such comments, we need to appreciate the force and comprehensiveness of the disciplinary practices women have inculcated into our bodies.

Susan Bordo claims that:

the body--what we eat, how we dress, the daily rituals through which we attend to the body--is a medium of culture....The body is not only a text of culture. It is also....a practical, direct locus of social control....Through the pursuit of an ever-changing homogenizing elusive ideal of femininity--a pursuit without a terminus....female bodies become docile bodies--bodies whose forces and energies are habituated to external regulation subjection, transformation, improvement....Through these disciplines, we continue to memorize on our bodies the feel and conviction of lack, of insufficiency, of never being good enough (Bordo, 1993, p 165).

Sandra Bartky asserts that "...women cannot begin the re-vision of our own bodies until we learn to read the cultural messages we inscribe upon them daily..." (Bartky, 1990, p. 82). She describes the many rituals and disciplines women are exhorted to perform upon our bodies in a futile effort to render them acceptable (for the male gaze or evaluation):

I must cream my body with a thousand creams, each designed to act against a different deficiency, oil it, pumice it, powder it, shave it, pluck it, deplete it, deodorize it, ooze it into just the right foundation, reduce it overall through spartan dieting or else pump it up with silicon....There is no 'dead time' in my day during which I do not stand under the imperative to improve myself (Bartky, 1990, p. 40)

Even with all these measures, Bartky asserts, all the images presented to us in advertisements, films, magazines, and such remind us that "we fail to measure up" (p. 40).

I believe it is this element of shame, this acknowledgment of some degree of failure to achieve an acceptable level of femininity, that provides the

context in which women of all ages experience sexually harassing comments with humiliation and embarrassment, tolerance, and submission instead of with anger, indignation or demand for redress. Within our culture, females are encouraged to consider our bodies as inferior, always in need of improvement, yet of critical importance in defining ourselves as female. Consider the following incident which represents dozens of similar episodes from my own school experience:

A middle school team of teachers were discussing Carla, a girl on their team, and expressed concern that she seemed to be the target of teasing from other students. She tended to stay in with a staff member during lunch or recess, and that she looked really unhappy. Carla was a rather large girl, not fat, but already at 13, becoming voluptuous and, if she improved her posture would be strikingly statuesque. Dressed in baggy clothes, Carla shuffled her way through the school day, head down, hair covering her face, and always carried her large notebook like a shield in front of her. Although in conversations with teachers, she was articulate and even witty, Carla presented herself in the classroom as the picture of misery. Carla usually had lunch in the room of one of her teachers, Ms. Jones, and I arranged to join them the next day. We chatted and then broached the subject of our suspicions that Carla might be the object of teasing, even harassment. Carla said, "Oh well, yeah, everyone teases me, especially Tom and Randy. But it's not their fault--it's these stupid fat boobs of mine."

Further conversation revealed that, indeed, Carla had been the object of verbal assaults from both boys and girls ranging from mooring sounds as she passed to obscene vulgar comments made by Tom and Randy. Carla, even in a crowded hallway, walked alone, and had repeatedly been shoved against the wall by these two boys who then rubbed against her and grabbed her breasts.

Even at a distance, these boys would get her eye and make gestures as if they were fondling her breasts or licking her. Often such gestures were accompanied by the mooing noises. Carla believed that most of her classmates found these incidents amusing. Carla had no close friends, but once one of the popular girls told Tom and Randy to "Knock it off." The boys broke into hysterics laughing and howling comments such as "That's a good one--Knock knock knockers! Knock her up, you mean...," creating even more embarrassment for Carla. The popular girl had turned to Carla and shrugged and said. "They are such jerks" and then she, too joined the giggling group which seemed to admire the antics of Tom and Randy.

Was Carla the target of legally defined sexual harassment? Most certainly. Carla knew the legal definition and also knew that the behaviors she was being subjected to constituted sexual harassment. She clearly defined these behaviors as unwelcome--they made her miserable, robbed her of her peace, safety and ability to function well both academically and socially. Would she have ever reported these behaviors? Not on her own. Carla knew she was persecuted, but she felt she deserved such treatment because of the total unacceptability of her body. She could not name the actions as "wrongs."

Carla would never have come to me, the assistant principal in charge of discipline. She felt she had no right to protest as the abusive treatment was only a logical response to her presentation of such an ugly body. Further, she had no supportive friends to help her in any resistance. Fortunately, she did feel close to her teachers and accepted me into the conversation on her favorite teacher's recommendation. Carla's greatest fear about including me in the lunch-time conversation was that I would "get those guys in trouble." Her status was already so low, she could not bear to also be the "bitch that ratted on Tom and Randy." The boys were, in Carla's perception, just responding to her

obvious flaws, so while their behaviors made her miserable, she did not see them as "wrong" or egregious, much less legally actionable.

I assured Carla, with the teachers' support, that while I was concerned with discipline, I was more concerned with the larger issue of her well-being, safety, and happiness in school. With Carla's knowledge, I called her parents. Carla's mother, Ms. Smith, came in to see Ms. Jones and me. Ms. Smith, a petite, immaculately groomed woman, explained that her husband, while concerned, felt this situation was best handled by her as a "woman's thing." He was angry at the boys, however, and if needed, would "go speak to them man to man." As we explained our concerns to Ms. Smith, she appeared to be close to tears. "Oh dear," she sighed, "I remember being teased so because I am (note present tense) so flat chested." She related some incidents from her junior high experiences which centered on her being skinny, short and underdeveloped.

"Well," she said through her tears, "I just don't know what to do. I guess boys haven't changed and we girls just have to put up with it. I know it does get a little better in high school. (pause) But I'm still teased at work about being so little. I just wish I could help Carla. She is such a big girl."

When we explained our policy on sexual harassment, Ms. Smith's first response was, "Oh no, I think 'pressing charges' will just make things worse. Maybe my husband should just talk with the boys' fathers?"

Understanding and acknowledgment of the role and meanings carried in our physical bodies in both the larger and the middle level culture are critical for us to conceptualize an effective approach to sexual harassment. It is well documented that males and females are both held to cultural standards about ideal masculine and feminine physics, but that the failure to conform to such standards brings greater shame and punitive reaction for women than for men (Bartky, 1990; Faludi, 1991; Brownmiller, 1975). The range of acceptable

appearance is so narrow for females that failure to some degree is unavoidable (Wolf). Both Wolf and Faludi charge that (men) in the fashion and beauty industry along with the mass media manipulate beauty and fashion standards for their own profit. Naomi Wolf asserts, "The beauty myth is not about women at all. It is about men's institutions and institutional power" (Wolf, cited in Halprin, 1995, p. 43). Sara Halprin explores the sorts of beauty myths which constrain all women, especially non-white women saying, "The myth of the beautiful white woman has been used to drain all women of power in the world and ownership of our own sexuality...." (Halprin, 1995, p. 43).

Girls are fully aware of the importance of appearance for their popularity and acceptance in middle level schools. Should they not conform to expected standards, adults as well as classmates will remind them in powerful ways.

Donna Eder chronicles cheerleader tryouts at a middle school:

"She (the teacher who organized the tryouts) also told them (the judges) to pay attention to the person's weight, saying, 'If you don't like the way they look, you wouldn't like them to stand in front of you.'" (Eder, 1995, p. 104). Eder continues to note that "one year some girls who were considered overweight were selected. The judges suggested that they be put on diets, preserving the idea that thinness is an important aspect of cheerleader's appearance" (p. 106).

In schools researched by Eder, Orenstein, and Larkin, acceptable appearance for girls was the subject of much conversation among girls themselves, boys and staff. A common activity in these and other schools is that of 'rating' of girls by boys. The following example illustrates Halprin's contention that all women are subject to degradation based on appearance and that women of color especially so: "The guys would play this game. They would all have...a number and (they would score) girls who passed by them in the hallway. If it was a pretty girl they'd say, 'Ten, right on, you've got her!' If a

Black girl walked by they'd go, ' Oh my God, she's got such a big ass...' They'd give her a low score" (Larkin, 1994, p. 92).

Larkin's observations and interviews suggest that girls of all social status internalize evaluative remarks from boys and do not refute the judgments. Tara, a popular, athletic student told Larkin about one instance:

It was hot out. We had just finished playing ball. We came in and we were soaking wet and there was a line of guys down in the locker bay and they all had these numbers and when you'd walk by they'd hold up a number for you, like you were a three or a ten or whatever, but they never said anything. They just held up the number and put it down and when the next girl walked by they'd hold up the number and put it down....I don't have very much self-confidence in myself. And it's even worse when a guy is rating you. Because if you get a low number you feel bad (Larkin, pp. 80-81).

When Larkin discussed the rating activity with a staff member, she admitted that they were common in the school, but thought it unremarkable. She told Larkin that she "had watched women being paraded before judges in beauty pageants for years, all striving for a perfect score: that illusive 'ten.' Why wouldn't boys in schools rate girls on a similar scale?" (Larkin, p. 80).

Shoop and Edwards note that as early as 1978 Margaret Mead raised objections that parents and teachers were teaching boys to respond to girls in inappropriate ways. They cite the following example as evidence that adults do indeed, continue to socialize and set expectations for girls to be seen as sexual beings above all other attributes:

A mother of a six year old girl reported to Shoop and Edwards that 'My daughter's birthday is right on the cut-off for getting into kindergarten. When I took her to school to ask the teachers and principal for their suggestions regarding enrolling her or holding her out, the male principal said, in front of my daughter, ' I would hold her out. She is pretty small and if you enroll her now her breasts will not be as developed as her classmates when she begins to go to junior high school.' (Shoop & Edwards, 1994, p. 48).

Middle school girls monitor one another's physical development and weight in a manner which emphasizes the concept of a self-disciplinary gaze.

Eder notes that:

Even when girls are by themselves, their conversations are often dominated by cultural standards and male perspectives that highlight the importance of good looks....While (sometimes) these girls got reassurance from their friends that they were neither too fat nor too thin...many girls were likely to remain self-conscious and insecure about their body type and weight (Eder, 1995, p. 109).

Susan Bordo, Kim Chemin, and Mary Pipher have all written extensively about eating disorders, compulsions and the general unhealthy measures in which adolescent women engage to alter their bodies, striving to meet unreasonable demands (Bordo, 1993; Cherin, 1985, 1994; Pipher, 1994). Male students quickly learn that either the calling of a female classmate fat or flat-chested will deliver a powerful insult, although they may truly not understand why this is so, nor accurately estimate the amount of damage such insults potentially carry. Many times I have met with sincerely confused young men who claim relative innocence saying, "She could call *me* fat if she wanted to--I wouldn't mind because I'm not. She's not either, really, so I don't know why she is so upset. I just called her that because it makes her go crazy--I don't know why." This young male, who is representative of many, is clear that he has the power or ability to inflict insult and humiliation by hurling the label "fat" at a girl regardless of her actual body size. He also knows that he is immune to the same sort of insult as he would base the comment on his perception of his body as "not fat ." He may not know why the balance of power tips in his favor in the matter of insults, but he does know he can use it at will.

In this chapter, we have argued that there is, indeed, a basis for the confusion and conflict students and adults experience when they seek to distinguish sexually harassing behaviors from those which have been

socialized and accepted as normal, expected or even desirable heterosexual behavior. The formal and informal instruction regarding sexuality education, the expectation, even desirability of some degree of aggression within a male-female relationship, and the roles and meanings attached to gender and to our gendered bodies intertwine in a network of beliefs, values and norms. Sexual harassment policies may well appear to contradict and challenge many of these beliefs, values and norms, creating significant tension and anger as well as confusion. In the next chapter, we examine the additional problem of reconfiguring the terms and definitions of sexual harassment within the overall context of middle school.

CHAPTER FOUR

THE RECONFIGURATION PRESUMPTION--MAKING MEANING IN CONTEXT

The legal highlighting and delineation of specific, discrete actions, comments, gestures or behaviors has been helpful in lifting them from the surrounding context and making them apparent and visible. MacKinnon (1979) applauds legal intervention as breaking the silence, calling attention to the invisible, inaudible actions of sexual harassment, and in breaking the taboo which has kept women from objecting to discriminatory, prejudicial, degrading treatment.

However, I argue that it is not enough to provide students and staff with a list of forbidden behaviors, even with specific definitions, and expect that they will be able to recognize the behaviors when they happen within the cultural context of middle school life. That is, a legal policy which defines discrete behaviors in the abstract may not be, in fact, intelligible, understandable or useful to the target population who move and live within the boundaries and belief system of their sub-culture, unless and until members are able to reconfigure the external abstractions into actions recognizable within context. This argument rests on three premises: (1) a group's adoption or agreement to specific names for behaviors does not imply that all members of the group will interpret or ascribe the same meanings to the names; (2) even in situations where all the actors do agree on the meaning of specific ideas and procedures stated in a policy, individuals and groups may still interpret the policy differently depending upon circumstances; and (3) some of the provisions, definitions and

prohibitions of an external, legalistic policy may, in fact, be in direct opposition to embedded cultural norms, beliefs and practices.

Dwight Boyd alerts us to the danger of confusing naming with meaning (Boyd, 1996). For example, we might be able to get a consensus that honesty is a worthy value in relationships, but that does not preclude people from allowing themselves and others exceptions without feelings of wrongdoing.

Justifications for the social lie, the polite lie, the expected lie, or the withholding of the full truth by silence or omissions exist rather comfortably in the minds and beliefs of people who, if asked directly, would ascribe a high value to the abstract idea of honesty.

Compiling a list of defined behaviors which may constitute sexual harassment is a relatively easy task. It is also fairly easy to get consensus on the names for discrete pieces of behavior. It is another project altogether to make clear the connection between the defined terms and the everyday behaviors which may require alterations. In instances of sexually harassing behaviors as well as others, people are apt to define or categorize their own behaviors based on their intentions rather than either the content or the consequences of the behavior itself. Consider an example of two middle level boys sent to the assistant principal's office by a teacher for 'fighting':

It wasn't yet 7:30 am and two seventh grade boys were seated in my office, one holding an ice pack to his swollen lip, the other holding a cloth to stop his nose bleed. Their clothes were muddied and torn, their faces flushed, and both were breathing heavily. "So," I began, "Mr. Adams said you were fighting outside before school?" Both boys looked at me and shook their heads no. Ricky, apparently speaking for both of them gave his account. "We weren't *fighting*--we were just fooling around and then Sam grabbed my book bag and threw it in the mud and then *that* made me mad, so I grabbed his bag, and then

he pushed me, and I fell and when I got up, I pushed him and then he hit me so I had to hit him back and then Mr. Adams and Ms. Rice come over and sent us in here, but we weren't *fighting* !"

In this case, both boys were well aware of the policy about fighting, including the automatic suspension penalty. They also conceded that the teachers viewing their behavior might indeed, be confused and believe that the boys were fighting. However, because the action started as mutually enjoyable rough-housing and neither boy intended to inflict harm on the other at the beginning, and because they were friends, the term 'fight' did not apply in their understanding. The fact that the content of the episode included physical assaults and that the consequences included physical injuries were not as significant in their definition as the original intent.

In daily social interactions, intent does matter. One reacts differently to an inadvertent contact in a crowded elevator than one does to a purposeful shove. Yet, a person's intent is difficult to document and not always relevant. In cases of sexual harassment, the intention of 'being funny' or 'having fun' on the part of the offender does not prevent a comment or action from being received as offensive, intrusive, intimidating or assaultive. Given the human propensity to view and define our behaviors from the perspective of our personal intention, there is likely to be a gap in student's connecting a list of behaviors prohibited in a policy to their own behaviors.

Students and staff can have a cognitive understanding and agreement about a list of names, but naming in the abstract does not lead to recognition nor account for interpretation which is mediated by specific circumstances.

Even in the previous example of a straightforward, clearly defined policy such as a fire drill which is taught and practiced, there is the possibility of confusion or individual interpretation depending on circumstances. The policy

clearly states that all persons must exit the building upon hearing the fire alarm. Yet, I have had staff who were eating lunch or chatting in the faculty lounge protest their needing to leave, citing that they were not with students and knew that the fire alarm was a drill, not a signal for a real fire. Similarly, students who were in the building before or after school question whether they must exit the building as school was not in session.

Individual interpretations, influenced in large part by the surrounding cultural interpretations, may vary greatly from the explicit legal definitions of behaviors which appear on a list in a policy statement. And, further, the cultural interpretations may be so widely accepted and practiced that no one within the cultural setting will be aware of any discrepancy between the legal definition and the local interpretation. Let's examine an example.

Bra snapping appears on nearly every list of prohibited behaviors in published sexual harassment policies, yet it remains omnipresent in middle school settings (Stein, 1993; Strauss, 1992; AAUW, 1993). I have discussed this behavior with scores of young men and their parents who appear to be at a loss to understand that anyone would classify what they perceive to be a harmless, playful 'greeting' gesture as objectionable. Their confusion does not reflect lack of cognition about the definition of bra-snapping, but from the context. Both students and parents know, for example, that it is not an acceptable 'greeting' for grandmother, adult staff member, or for a stranger at the shopping mall. Yet, their interpretation of it as a way to say 'hi' or gain momentary attention of a female classmate remains firm. Fathers often shake their heads and echo the students' viewpoint, saying, "I remember doing it at this age--everyone does." Mothers recall being subjected to it and also tend to accept it as a middle level school phenomena; one which may be classified as a mild annoyance or as a rather positive sign of male interest.

The adult staff may also contribute to the confusion between the naming of an action, and the meaning which becomes inscribed upon the action. When teachers in a faculty training session on sexual harassment discussed bra snapping, there was consensus about what the behavior was and that it constituted a violation of the person. Still, several staff indicated that if/when they witnessed the action during the course of a class, they might not intercede if (1) the girl did not appear to object or (2) if dealing with the action would create a major interruption of the class in progress.

A student may appear to be consenting to an action when she is only conforming to what she believes to be social expectations. The teacher's assessment based on quick observation of a lack of protest is insufficient to assess the quality of consent. Further, if/when a girl knows a teacher has witnessed an action such as bra-snapping and does not intervene, the girl will have no confidence that her perception of being violated will be validated and may, therefore, continue to give passive obedience to the custom, assuming that her own perception of being unjustly discomforted is inaccurate. If a girl does protest under such circumstances, she may be cited for creating a class disruption (Larkin, 1994; Eder, 1994) or be ostracized by her peers for faulty social skills and an inability to accurately interpret a male gesture (Larkin, 1994). In short, the offended girl has no way to access the official sexual harassment policy without accepting the possibility of negative consequences for herself. If, after a period of time, this student does complain that a specific male classmate has repeatedly snapped her bra, refused to stop after being requested to do so, and, in effect, begins the legal process of filing a grievance, she is likely to be asked what took her so long to complain and again, come under suspension herself as a co-contributor to the problem.

Finally, the definitions and procedures outlined in a sexual harassment policy may not only be open to individual interpretation based on a notion of intent, and mediated by individual's and groups' understanding of specific circumstances, they may also be in direct opposition to the norms, values and beliefs of a cultural setting.

Researchers who have focused on sexual harassment in schools note many sanctioned customs which communicate that females should play a subordinate, supportive role to males who are expected to be accomplished and hold the center of attention (Shoop & Edwards, 1994; Stein, 1994; Eder, 1995; Orenstein, 1994). One activity which is universally cited is the common practice of schools having all-female cheerleaders to support all-male sports teams. There are no male cheer leading squads to cheer for girls' teams. Moreover, the cheer leading system often includes duties beyond leading the crowd in cheers. In many schools, the cheerleaders are required by custom to decorate the lockers of male athletes or engage in fund-raising activities for male teams. Such gestures are not reciprocal. Shoop and Edwards conclude, "The central concept of female cheerleaders for male sports is that boys are responsible for achievement and girls are responsible for supporting the boys" (Shoop & Edwards, 1994, p. 45). One teacher reported to Shoop and Edwards a fund raising practice in her school called 'slave day.' During this event boys bring dog collars and leashes to school and lead the girls around as they carry the boys' books and do their bidding. The girls wear signs telling who their master is. The researchers conducted a survey of 200 girls in which the slave day practice was described. The girls were asked to rate the level of offensiveness they found in such a practice. On a scale of 1 (inoffensive) to 10 (very offensive) the girls gave the practice a rating of 7.7. Still the practice, and others similar in design, continue (p. 46).

Nan Stein's research reveals that many schools sanction various public performances in which male students, impersonating cheerleaders and other girls, 'entertain' with sexually suggestive and mocking antics (Stein & Sjoström, 1994). She gives one example which demonstrates the intensity of the clash between legally defined notions of sexual harassment and culturally embedded values.

As part of a weekly school pep rally, members of a male sports team dress up in drag, don wigs and skirts, and insert nerf balls into their shirts. The boys then write the names of various girls on their shirts. This activity is school-sponsored and held in the high school. It was not until several female editors of the student newspaper in 1990 and 1991 articulated their objections to this long-standing tradition, concurrent with the arrival of a new principal, the school's first female principal, that the custom was challenged. At first, certain members of the school board threatened to fire the principal if she terminated the activity. Despite their threats and other hostile gestures directed towards her at school and at her home, the new principal put an end to this public and officially sanctioned harassment of young women in school. However, within two years she was fired from her job. The kickline has since resumed (Stein & Sjoström, 1994, p. 53).

The large-scale acceptance of a variety of social customs, rituals and practices, some of which may involve the very behaviors listed as potentially sexually harassing, confounds and confuses all those who would try to match the names of behaviors listed in policy statements with interactions in social reality.

What we need is not a longer or clearer list of sexually harassing behaviors, but rather a framework which permits us to perceive sexual harassment in context. We need a lens which allows us to distinguish behaviors and common practices which are contributing to sexual harassment, but may not be specifically addressed by a list. We need to examine the cultural beliefs and practices which create the climate of sexual discrimination including harassment. Relying on a list of behaviors termed 'sexual harassment' may blind us from viewing the wider context in which the behaviors occur, and gives

us no lens through which we might sort out discrete acts from the surrounding background.

Marilyn Frye, pondering on the conceptual analysis of 'sexism,' articulates eloquently the heart of the problem of analyzing 'sexual harassment.' Both concepts, inter-related, are so deeply woven into the fabric of our culture, affecting all our thinking and expression that, while we can see the most blatant cases, we fail to see the entirety. She writes, "The locus of sexism is primarily in the system or framework, not in the particular act" (Frye, 1983, p. 19).

A system of male dominance depends on the maintenance of several key practices and beliefs: not the least of these is the notion that males by virtue of being male, are accorded access to females--our bodies, emotions, sexuality, and to our resources and talents. If male aggression, rudeness, and lack of apology for same is 'normal,' then it cannot be censured, curtailed nor even addressed in any terms unless we bring such normalcy into question.

Frye, in her discussion of 'oppression' uses the metaphor of a birdcage. When one examines only one wire of a cage, even with full attention and careful recognition of the wire, one cannot see how a wire could confine or immobilize the bird in the cage. "It is only when you step back, stop looking at the wires one by one, microscopically, and take a macroscopic view of the whole cage, that you can see why the bird does not go anywhere; and then you will see it in a moment" (Frye, 1983, p. 5). Sexual harassment also must be viewed as a manifestation of a larger framework, not a separate entity comprised of a finite number of behaviors. It is part of the larger framework of oppression which subordinates females to males in a complex, deeply enculturated system of patriarchal compulsory heterosexuality. Identifying and extinguishing component behaviors is helpful only as far as doing so illustrates, highlights

and brings into our awareness the total system and gives us clues about changing the system.

Before girls can name sexual harassment as a wrong and claim redress, the terms and meanings need to be reconfigured within the local context. However, as we have indicated earlier, the reconfiguration presumption is not the only troubling factor in the attempt to manage school sexual harassment with legalistic policies. Like the law, legalistic school policies on student-to-student sexual harassment both assume and assert equality among those to whom it applies. The policies, to their credit, are designed to establish or bring about among other goals equality of educational opportunity. Ironically, however, it is the policies' presumption of equal standing among students which threatens to undermine its purposes. In the next chapter we take a closer look at the equal standing presupposition. Employing a specific conception of power, we investigate the ways in which their unequal standing makes it difficult for girls to name the wrong of sexual harassment and claim redress as legalistic policies formally entitle them to do.

CHAPTER FIVE

THE EQUAL STANDING PRESUPPOSITION

If we assume equal standing between and among all the actors in student-to-student sexual harassment, then the application of a legal policy should be sufficient. That is, anyone who experienced an unwanted sexual invasion of their personal space, either verbally or physically, would recognize and could name such invasion and begin the process of claiming their rights. The first step outlined in virtually every school sexual harassment policy requires the offended party to ask or tell the offending party to stop the offensive behavior. If this request is not heeded, and the invasive, harassing behaviors continue, the offended student then begins the more formal process of reporting to a higher authority for support in the claiming of rights.

If, however, there are differentials in power between the actors, then any policy which ignores such differences may be clearly written, widely publicized, explicitly detailed, and well-intentioned, yet not accessible nor useful to the very population in need of the policy.

The term the Courts and most school policies use to refer to sexual harassment which occurs between and/or among students is 'peer' harassment. The term, 'peer,' according to Webster's Unabridged Dictionary denotes "an equal; one of the same rank, value, quality, ability, ...a companion; a fellow; an associate..." (p. 1322). The possibility of operant power differentials between and among students is obscured the designation of 'peer.' Monica Shere, writing in the University of Pennsylvania Law Review about student-to-student

harassment directs our attention to the issue of power and its influence in the larger culture as we examine the incidence of sexual harassment among adolescents in school settings. She notes, "One aspect that adult observers tend to overlook is the difference in power between the parties involved" (Shere, 1994, p. 2131). The possibility that there, indeed, exists power differentials among the 'peers' in cases of what the courts define as 'peer harassment,' mandates that we examine the notion of power as it exists in our larger culture, influencing our behavior without our consciousness of the fact.

While the law can and does distinguish power differentials in addressing sexual harassment between employers and employees, or staff and students, it seems appropriate for the law to assume equal standing among members of a class such as students. Such an assumption reflects the ideal. If such an ideal is not yet a realization, it behooves us to direct our attention on making the ideal an enacted reality rather than urge the law to accommodate lack of equal standing among members of a class.

Here, however, we need to recognize two important differences between the functions of the law and of education. Laws emerging from an adult arena seek to define what is legal and illegal in terms that can be applied universally--rather a one-size-fits-all approach. Unlike adults in the workplace, middle level students exhibit a wide range of developmental levels, physical, social, emotional and sexual. And unlike workplaces, schools are contexts we create for the explicit purpose of fostering learning, growth, development of understanding and skills in critical thinking and decision making.

For this examination, 'equal standing' as presumed in legalistic policies means that all students have both the agency or ability to recognize and name violations against them, and the community's permission and expectation for them to claim redress for violations which constitute sexual harassment. We

have seen that the socialization and education regarding normative sexuality and gender roles delineates differences between male and female. Now we need to further examine the question of whether these differences are inherently connected with or result in a lack of equality of standing, rendering females less likely to experience agency in the 'naming and claiming' critical to accessing the legal policy of sexual harassment. Do females, in short, have less power to act in their own behalf? For this we need to consider the construct of power.

Many theorists analyze the construct of power, but I find the analysis of David Nyberg to be most useful in addressing this question for three reasons: (1) he examines power within the framework of public education; (2) he places power at the center of relationships as a social construct; and (3) he offers a unique acknowledgment of the role of consent as a critical component of power. We are examining a public school policy which seeks to provide boundaries, protection and definitions to a facet of social relationships. And the assumption of every student's ability to give or withdraw consent to sexual behaviors, comments or requests is evident in the legal sexual harassment policies in both the definition of sexual harassment as behavior which is deemed unwanted, and in the procedures outlined for seeking redress. Nyberg's concept of power, while not specifically directed toward gender-related concerns, is able to provide insights about the 'equal standing' assumption.

Power, according to Nyberg, is not a separate entity, owned or obtained by an individual, is an integral component, functioning in all social relationships. "Power is inherent in all social life....Whenever at least two people are related in some way relevant to at least one intended action, power is present as a facet of that relationship" (Nyberg, 1981, p. 40). Nyberg claims

that we cannot choose that power be present or absent, we can only choose whether or not we wish to acknowledge it, consider it and understand it.

Power, in the Nybergian view, may take any of four forms:

(1) **Force.** Described by Nyberg as a primitive, unstable form which is costly, inefficient and tends to produce hostility and rebellion. Still, in our culture power is often equated with force and appears in the form of sexual violence and assault.

(2) **Fiction** which is the power of the story-teller in whatever form, who can, by words and images, convince people to believe and act in support of the story-teller's plan. Included in fiction are cultural legends, histories, rumors, narrative accounts including textbooks and other educational curricula, and messages delivered by the media.

(3) **Finance** or the use of money, privilege or position to get others' consent to a plan. The category includes rewards such as grades and prizes and most symbols of status within a community.

(4) **Faalty**, the voluntary, even cheerful compliance of others who believe and trust that the plan which the powerful person desires is of mutual benefit, morally correct, or desirable is the form of power most often confused with another construct such as love. This form of power involves two or more people who not only share the same plan, but who share all information relevant to that plan and who trust one another. Such an arrangement tends to be stable and efficient as time, energy and resources are directed to the mutual task at hand without need for external enforcement. That people in such a relationship, which could describe a professional association, a club or a marriage, experience feelings of satisfaction or well-being does not eradicate the presence of power. Nyberg views happiness or love as a possible

consequence of such relationships, but claims the central organizing construct is one of power.

All power in every form is dependent on consent.

The relation between the one's intention to act and the other's consent to that intention is close to the heart of power theory. This relation suggests another fact of power, namely, that it always exists in connection with a state of relative powerlessness. One consents to the other, and transfers power with that consent (Nyberg, 1981, p. 40-41).

Just as there are forms of power, there is a range of types of consent which Nyberg places on a continuum reflecting degrees of willingness and quality of consent (pp. 45-50). The lowest form of consent, generally associated with the first form of power, is described as "Acquiescence under threat of sanction." If one is making a choice between physical threat, violence, or extremely unpleasant consequences, one's consent may be given, but not be reflective of one's authentic intent or will.

"Compliance based on partial or slanted information" is the form of consent often given to the form of power called fiction. A belief that a custom or practice is a normal, expected, part of a specified ritual may gain large scale compliance without anyone reflecting or challenging the belief or norm. Nan Stein identified several customs such as defined times allowing boys to lift girls' skirts as part of 'Friday Flip-Up Day' which, while clearly meeting the legal definition of sexual harassment, failed to be defined as such by staff and students.

The third level of consent Nyberg labels "indifference due to habit and apathy." Nyberg observes that people go along with or seem to agree to plans of action when disagreeing or objecting requires more action or energy than compliance. Group leaders and mail order clubs count on some level of general apathy for consent by phrasing their plans as "Anyone not in favor of

this meet with me later" or "If you don't want to purchase the book, fill out this card, supply a stamp, and mail it back by a certain date."

"Conformity to custom" is the fourth level of consent and, according to Nyberg, perhaps the most common form and may potentially be the most dangerous and difficult for education to address. Nyberg notes that, "Having been raised in a certain tradition is sometimes enough to ensure continuous consent to that tradition and the demands of its arbiters" (p. 48). Similar to consent to fiction, conforming to custom implies more wide-spread, culturally integrated, thus more difficult to discriminate, practices such as gender roles which incorporate a measure of male aggression, even violence as part of accepted custom.

The highest level of consent is "Commitment through informed judgment." This type of consent is the goal for educators and the ideal underlying democratic theory. Systems seeking such consent provide legitimate processes or procedures for reflection, presentation of alternative ideas, and active decision making, such as elections. The ideal is for all people affected to have an opportunity to understand the plan for which they are giving their consent.

Nyberg acknowledges that in general, educators dislike discussing power, preferring words which they view most positively such as leadership or influence. Yet, he exhorts educators to grapple with the presence and consequences of power as a primary goal. Left unattended, unexamined, passive consent can become so pervasive that people are left vulnerable to oppression. "Passive consent to the way things are soon becomes absolute obedience; it is the tyrant's best friend, whereas education about the nature of consent, freedom, and power is his greatest enemy" (p. 54).

To answer our question, "Are male and female students peers?," we need a way to assess whether they have equal power. Nyberg argues that "The person who has a plan and someone else who can help carry it out is more powerful than the person who has only a plan" (Nyberg, 1981, p. 45). Not explicitly stated but logically assumed is that one without even a plan is particularly vulnerable or relatively powerless. Our review of sexuality education reveals a cultural plan for gender roles which assumes the relative passivity and powerlessness of females as a 'natural' attribute. Using Nyberg's framework for forms of power and consent, we can gauge the sort of power which is operative within student-to-student sexual harassment, and assess the quality of consent which supports the system.

Category 1--Power from Force. Consent in response to threat or sanctions. As June Larkin (1994) notes, the line between sexual harassment and physical assault is far from clear. Girls nationwide report being grabbed, kicked, poked, fondled, slapped, pinched, rubbed against, and kissed while walking in hallways, eating lunch, and even during classes (Larkin, 1994; AAUW, 1993; Stein, 1994; Orenstein, 1994). Larkin recounts the story of Beatrice who, for a period of three weeks, was held against the lockers and kicked by a male student. She endured without reporting the behavior as he had indicated that telling would escalate the violence. She hoped that if she did not report the kicking, he would stop sooner (Larkin, p. 85).

In fact most girls giving accounts to researchers agreed that they were reluctant to report assaultive behavior for fear of escalation. They had no confidence that school officials, even in schools with sexual harassment policies, would be effective in either providing protection for them or for applying consequences to the offender which would deter further assault.

In addition to fear of physical reprisals, students who attempt to stop sexually harassing behavior, verbal or physical, fear being labeled abnormal. Girls report what Larkin terms "lesbian baiting." The charge that if a girl refuses male attention, regardless of how violent, crude or unwelcome, she is not a normal heterosexual female. Being labeled homosexual is also a threat for males who refuse to participate in sexual harassment of females. Larkin notes "The threat of being labeled gay or lesbian drives many young women and men into rigid and inherently unequal heterosexual roles in which male power and status is built up by cutting females down, and sexual harassment is one of the primary ways this gets done" (Larkin, p. 73).

It is little wonder that students do not have confidence that school officials will be effective in providing protection or intercession as they report that teachers, administrators and other adults often reinforce sanctions within the classroom. The following incident, related by a mother regarding her daughter, reveals that adults as well as other students can and do retaliate against a student to who tries to withdraw consent, even from sexual humor:

During one of her (the daughter, Linda) classes the teacher said, 'Today we are going to talk about the difference between wants and needs. For example, Linda may want me, but she might not need me. Which is it, Linda, do you want me or do you need me?' Many of the students, particularly the boys, laughed.

Linda came home and was very upset and told me what happened. I went to the school's principal and told him how upset Linda, her father, and I were about what we thought was inappropriate behavior.

At first the principal said, 'Oh, that's just that teacher's sense of humor. You shouldn't get so upset because I'm sure that the teacher did not mean anything by his comments.' When I made it clear that I did not care what the teacher's intentions were, the principal agreed to speak to the teacher.

The next day the teacher began the class by saying. 'Class, I've been told that I must apologize to Linda. It appears that she and her mother don't have much of a sense of humor. I guess we are not going to be able to joke around in here anymore because of Linda' (Shoop & Edwards, 1994, pp. 49-50).

Sanctions are also applied to males who refuse to consent to the prevailing custom of casting women as sexual objects. In this example, a teacher announced to his all-male class that he was conducting an experiment to see who was 'normal.'

...the teacher announced, 'There's a naked woman running across the playground.' All but one boy rushed to the window. As the boys were returning to their seats, the single boy who had remained seated objected to the experiment as sexist. The teacher announced to the class, 'Now we know who isn't normal.' The teacher and class ridiculed the student and the other students physically abused him outside the classroom (p. 99).

The threat of being labeled 'abnormal' and having doubt cast about one's femininity or masculinity is a highly effective form of sanction for anyone, and extremely effective on adolescents who may be struggling with issues of identity.

Category 2--Power of Fiction. Consent in compliance to slanted or partial information. Several dangerous fictions prevail regarding male-female relationships. One type has become known as the "rape myths" which rest on the fiction that normal heterosexual women want and enjoy rape and that, furthermore, rape can be justified depending on circumstances (Brownmiller, 1992; MacKinnon, 1987; Buchwald, Fletcher, & Roth, 1993). In what Andrea Dworkin and others have termed 'a rape culture' females have almost no cultural consensus to support their ability to recognize and withdraw their consent from coercive sex.

Although the stereotypic notion of rape involves assault by a stranger, most sexual assault occurs between acquaintances (Buchwald, Fletcher, & Roth, 1993). The 'fiction' that sexual assault is acceptable and assumes consent begins quite early.

In a survey of 1700 students grades six to nine, 65% of the boys and 57% of the girls agreed that it was acceptable for a man to force a woman to have sex if they had been dating for more than six months; 51% of the boys and 41% of the girls agreed that a man had a right to force a woman to kiss him if he had spent more than ten dollars on her (Larkin, 1995, p. 95).

If, indeed, this and similar surveys accurately reflect prevailing public opinion, it is unlikely that a young woman, seeking peer approval and confronting her own developing sexuality, would have the insight, courage and support to claim unequivocal rights to her body.

Another fiction to which young women comply is that normal heterosexual females should strive to make themselves attractive to men. As Sandra Bartky outlines, striving to maintain the perfect body, hair, clothes, walk, voice, manners and facial features is an inherently frustrating effort, doomed to failure. Susan Bordo (1993) and others cite research that seeking and failing to present a perfect physical appearance may endanger physical health, and leaves young women vulnerable to shame and humiliation, unable to defend their right to appear as less than perfect. Consider the case of Carla who endured daily insults and assaults without protest because she assumed responsibility for a less than perfect body. Her mother, who sympathized with her daughter, still confirmed that such abuse is expected if one is too large or too small.

Adults who caution girls that cheerleaders must be pretty and slim, teachers who make comments about the female body, and the media which presents airbrushed images of perfection collaborate in this fiction that females not only need to strive for unattainable perfection, but that males have the right to evaluate the results. Beauty pageants and the systematic rating of girls in schools reinforce the fiction so powerfully that it is unlikely that females can resist consenting and trying to comply.

Category 3--Power of Finance or Reward and Consent by Passive Acceptance. Let's examine the conditions which appear to prevent women of all ages from both recognizing and withdrawing consent to a plan which violates their personhood. A college student, responding to an article about sexual harassment, recalled her own experiences in eighth grade, commenting, "Not just in the classroom, but in the hallways and the playground and the lunchroom, all of us, girls and boys, were struggling with our budding sexuality, and somehow in the midst of it we girls were losing touch with dignity and power because we were beginning to look more like our mothers" (unpublished student paper).

The resignation to the continuance of a system in which women were subordinate, available, and inferior to men--the sort of system in which girls see adult women--expressed by this student is echoed by girls in every study, survey or inquiry about sexual harassment. Girls reported to Larkin, "The joking and the touching (happen) every day. Like today I was just standing there and some guy came up and slapped me on the butt. I didn't know who it was" ; more girls in a variety of ways, explain to her, "Gestures, jokes, grabbing, pinching and stuff like that happen at school once or twice a day, two or three times maybe," with Mary adding, "That's life" (Larkin, p. 68 -69).

Such resignation to "the way things are" may be close to what Nyberg describes as consent which rests on habit or apathy. But such apathy may indeed be the result of the girls' accurate assessment of the sorts of sanctions which, though more subtle than physical force, still operate to keep them from withdrawing consent. In Larkin's study she reported several incidents where individual females objected directly to a male student harasser or reported the harassment to an adult. Larkin concludes, "The backlash suffered ...warned others they could be subjected to similar treatment if they tried to do the same.

As a result, those students who did speak out often felt isolated because other young women were too intimidated to offer their support" (Larkin, 1994, p. 118). While silence which may be taken as consent might provide some measure of safety, it did not diminish or deter future harassment. In workshops, Larkin and others have worked with students to devise effective strategies for confrontation, de-escalation and protection. Larkin notes that when girls felt supported by peers and adults, that is, safe, they would openly object to harassment.

So what might appear to be compliance due to habit or apathy may more accurately be fear of sanctions and the lack of an effective process which would legitimize withdrawing of consent. If, indeed, young women seek perfect normative femininity they will expect that being compliant and kind will bring some reward. Carol Gilligan and Lynn Brown record how young girls define how society describes the "perfect girl" as: "a girl with no bad thoughts or feelings, the kind of person everyone wants to be with; worthy of praise and attention, worthy of inclusion and love....the girl who speaks quietly, calmly, who is always nice and kind, never mean or bossy" (Brown & Gilligan, 1990, p. 16). However, the hope that silence or lack of response will bring the reward of cessation of harassment is generally unfounded.

The following incident happened during a high school commencement exercise. It was reported in the local newspaper and re-played on local cable television for several days. The speaker, a popular teacher who had been requested by the students, had been delegated power by general consent of the senior class.

At one point in his address the teacher asked all women and girls in the auditorium to stand. He specifically asked mothers to hold infant daughters and for women of all ages to stand. All complied, including the women officials sharing the platform with the speaker. He then extolled the accomplishments of

women and congratulated them en masse for achievement. He claimed that indeed, women will control the world. Their silent compliance with his request so far had yielded the reward of recognition and praise.

Then, while the women were still standing, laughing and cheering the speaker's remarks, he spoke into the microphone in a low conspiratorial tone and said, "And men, see how easy it is to control them?" Loud uproarious guffaws and crude cheering by the males filled the auditorium and lasted for several minutes. The women, stunned and humiliated, sat down in silence. Their reward had turned to humiliation as they bore the brunt of the speaker's 'joke.'

If any other group, such as Jews or African Americans, had been singled out for such degrading humor, one would expect outcries, protest and a public apology from the speaker. None of this happened. A few women protested to the Superintendent and were belittled, informed that "everyone loved the joke," and accused of a lack of sense of humor. No further protest was made and several women acknowledged that the force against them was too strong, requiring too much energy and time for a reasonable expectation that continued protest would yield positive results.

The women in the audience clearly consented to participate in the speaker's request for them to stand. Their inability to withdraw consent when the exercise became not one of reward but of betrayal reflects the lack of any readily available or legitimate means to do so. Later, when confronted with the fiction that this constituted acceptable humor, the women withdrew as the task of protesting appeared to be too large, too arduous, too futile and the possibility of receiving reward for their efforts appeared small.

Category 4--Consent Based on Conformity to Custom. This type of consent Nyberg claims is the most common and often appears, at least, to be based on rational understanding. This appears to be the case for much of the social customs associated with normative sexuality and gender roles. Indeed, most of these customs are overtly taught and recommended by public school curricula and practices. Although compliance with the system as taught is not overtly intended to result in sexual harassment, I argue that such is the rather predictable result.

Consider the custom of acceptance and encouragement of male aggression and female compliance as natural in heterosexual relationships. In sexuality education materials reviewed earlier, texts speak authoritatively of the natural physical aggression of males seeking sexual satisfaction and the female's responsibility to provide satisfaction to the male while also keeping his aggression in check. This perception creates two problems for females in sexually harassing situations: (1) it creates confusion about what behaviors constitute violations as opposed to normal aggressive acts and (2) it sustains the doubt about who is responsible for the behavior, the male for exceeding the boundaries of acceptable, or the females' for failing to control the male's aggression?

Sexual drive is presented as a male need; females are described as preferring emotional closeness and feeling of belonging. Her need for belonging is presented as one satisfied by support, compliance and connection with a male. This sense of belonging can be seen in a literal translation common among adolescents that girls are properly the sexual property of males. As such they can be used, abused, defended and betrayed with impunity. When both males and females consent to this cultural custom, they engage in and accept sexual harassment as a prevailing norm.

Not only does the official curricula lay the groundwork for acceptance of these customs, the practices and policies of the institution, the role models provided by surrounding adults, and the popular media confirm and expand these notions. The structure and form of normative heterosexual relationships assume that males and females will conform to these cultural beliefs and values. As Lindsey and her group observed, they had to consent to a certain degree of sexual teasing and harassment, or they would have no one to dance with.

The language itself supports and augments the custom of women as sexual property who are suitable objects for scorn if they violate the sexual rules which stipulate dichotomous role for male/female as aggressor/target; active/passive; sexual subjects/sexual objects. Females who by words or action express sexual desire are 'sluts' or 'whores'; females who reject male's sexual advances are 'lesbian' or 'frigid' (Larkin, 1994; Eder, 1995). Dale Spender, in 1980 had counted 220 words in the English language for a sexually promiscuous woman and 20 for an equally promiscuous man. She asserts that the "antiwoman bias in our language not only reflects the culture of rape, but encourages it, because it portrays women as sexual objects, ... (cited in Buchwald, Fletcher, & Roth, 1993, p. 103).

Marilyn Frye claims that, "Differences of power are always manifested in asymmetrical access", and gives examples, i.e., the President of the United States, the super-rich, the boss can contact anyone, while remaining relatively inaccessible themselves. The powerful summon others and expect compliance. She concludes that, "Total power is unconditional access; total powerlessness is being unconditionally accessible. The creation and manipulation of power is constituted of the manipulation and control of access" (Frye, 1983, p. 103).

Our review of public school sexuality education programs reveals that in general, males are expected, even encouraged, to seek sexual access to females. Messages from the media confirm that females are objects of normal male pursuit and that that pursuit may include some level of violence. These messages are rarely explicitly contradicted by educators nor are students, male or female, encouraged to discuss alternative plans or to consider their consent to this plan.

The notion of male sexual access to females with permission or expectation of violence as part of the sexual practice does not begin in middle school. Consider the kindergarten 'game' witnessed by teachers who made no effort to intervene:

"Katie and Brad walked hand-in-hand to the kindergarten play area. As the other children began playing on the playground equipment, Brad turned to Katie and said, "Let's play rape. You start to run and I will chase you."

Katie turned and started to run across the playground. Brad gave her a head start then he started running after her yelling, "You better run fast! If I catch you, I'm going to rape you."

One of the supervising teachers shook her head in amazement and said, "Brad has been watching too much television" (Shoop & Edwards, p. 10).

By adolescence, girls have come to expect that boys will assume the right of access to their persons, personal space, and sense of well-being. They even acknowledge that in many instances, they are objectified even further by being used as props in male rituals to gain status.

When a group of girls was interviewed by June Larkin, they were explaining why they tried to avoid a certain hallway where a group of boys seemed to 'rule.' Any girl passing this section of hallway could expect to be physically prevented from passing through while the boys made comments,

about the girls' bodies, rated on sexual attractiveness and grabbed and touched. Larkin's interviews led her to conclude that the girls viewed sexual harassment as a natural expression of male behavior, and a way for males to gain status with other males. "The harassment seemed to be more about the young men jockeying for position within their own group than it was a real expression of their contempt for the young women" (Larkin, p. 98). One student, known as Tara, explained that "treating girls really badly is one way marginalized male students get to be part of the 'in-crowd'" (p. 97).

Larkin acknowledges, "The period of adolescence can be a trying time for males as well as females, but we need to question why young women are considered to be the legitimate recipient of the belligerence caused by males' frustrations" (p. 97). Student Mary Berth answered, "Guys sexually harass females because they can" (p. 99).

Donna Eder and her associates, in conducting an ethnographic study of middle schools, found considerable evidence of the prevailing fiction or custom of deeming girls sexual property. Defending girlfriends aggressively became, in Eder's observations, "another type of rivalry in which boys compete with other boys for conquests. Within this framework, it is acceptable for boys to make sexual advances toward other boys' girlfriends, since it is up to the boys whose property has been invaded to defend their territory" (Eder, 1995, p. 85). The following episode is enlightening:

Perry and Richard walked over behind Tammy, and Perry acted like he was grabbing her bottom. Richard went ahead and actually did it. She turned around, but didn't retaliate in any way. They came back over to the table and retold what had happened. The point they stressed was that Carl (who was going with Tammy) was standing there when they grabbed her. After Richard grabbed her, Carl took a step toward Richard and said his name. Richard stuck his chest forward and said, "What?" Carl just backed down. Consensus was that Carl was a pussy. Hank and Joe were the most outspoken about this. [Steve's notes] (p. 85).

Tammy did not actively object to Richard's assault. Indeed, she was not considered by any of the group to even be an actor. The prevailing custom called for her boyfriend to protect her from other males or at least protest in her behalf. The ritual involved status seeking among the males and relegated Tammy to the status of an object. No one, including Tammy, assumed that she had any agency to act in her own best interest.

Category 5--Fealty and Consent through Informed Judgment. Nyberg envisions the highest form of power and consent to be found in mutual, respectful, trusting relationships where all parties share common interests, activities, goals and decisions. Consent given between parties is based on understanding, reflection, discussion and planning towards mutually beneficial ends. Partnerships and marriages can reach this level, but many do not. Barbara Houston notes that "it is relatively easy to get people to agree to a plan of action which is not in their best interest" (Houston, 1981, p. 21).

When a male and female are in a relationship or in middle school terms, 'going together', people outside the relationship may assume that all activity between the two is consensual. In fact, one partner may be allowing the other more access than is comfortable just because they are in such a relationship. Physical and sexual abuse among dating couples, many in their early teens, is far from unusual (Fine, 1992; Jones, 1994). The woman is the usual receiver of such assaults, and feels unable to object either to the man or to others as to do so would be betrayal of her partner and an admission of failure on her part to be sufficient as a romantic partner (Fine, 1992; Jones, 1994; Buchwald, Fletcher, & Roth, 1993). Although many women accept the blame or responsibility as well as the abuse and degradation because of an understanding that this is part of a romantic relationship, it can hardly be said that they are giving informed consent.

The institution of marriage comes to us with a long history of legal and socially accepted violence toward women. Naomi Wolf notes that, "In the nineteenth century, when a judge ruled that a husband could not imprison and rape his wife, the London Times carried the story which began 'One fine morning last month, marriage in England was suddenly abolished.'" Today in the United States, women have less protection from assault by her husband than from a stranger..." (cited in Buchwald, Fletcher, & Roth, 1993, pp. 361-62). Amy Jones in researching physical and sexual assault within relationships, concludes that women are viewed as responsible for being battered, raped or degraded by their partners both by their failure to be good partners and for their failure to either stop the assaults or leave (Jones, 1994).

Even middle school relationships echo this sentiment. Often when a girl is being ignored, assaulted, insulted or harassed by a boyfriend, she explains that it is her fault, she has displeased him, he is just jealous or quick tempered, or excuses him by listing all the reasons why, in reality, he is a worthy boyfriend, such as his athletic skill, his good looks, his dancing ability, or the fact that he is really popular (Orenstein, 1994; Mann, 1994).

In a relationship which truly embodies Nyberg's notion of fealty, consent would be informed, reflective and not given under either duress or in response to a social fiction or biased norm. Each person in such a relationship would have the expectation and support of full agency, empowered to act for her or his own best interests as well as for the mutual interests of the partnership.

Nyberg concludes that, "Both the ideal educated democratic citizen and the individuals in an ideal power relationship require the same things for consent of a purposeful nature--information, understanding, and judgment--and the provision of these is the ideal aim of education..." (Nyberg, 1981, p. 90). Our traditional socialization and education regarding sexuality, gender roles and

male/female relationships presents biased information, partial understandings, proscribed, not reflective, responses, and offers no expectation or support of individual judgments outside of culturally dictated norms. In short, our males and females enter relationships with fictions and customs in which they do not have equal standing, equal expectation or support for agency to act in their own best interests, or experience in making individual judgments necessary for informed consent. The plan of social relationships provides for passive consent, often under duress, and fails to provide avenues or strategies for the withdrawal of consent to the plan. Male and females do not enter the arena of sexual harassment with equal standing; they do not have equal agency or support to act in their own best interests.

In summary, in this section we have seen that legalistic policies alone are inadequate to effectively address student-to-student sexual harassment. In Chapter Two we identified two assumptions: (1) the reconfiguration presumption which assumes that meanings can be defined externally and applied within a context; and (2) the equal standing presumption which assumes that all students have equal agency to both name wrongs and claim redress. In Chapter Three we argue that one obstacle which prevents students from naming sexually harassing behaviors as wrongs is their inability to distinguish them from behavior which has become accepted as normal sexual behavior. In Chapter Four we assert that not only names, but meanings must be understandable within a social context before anyone can confidently name sexually harassing behaviors or articulate a complaint. Finally, in Chapter Five, using Nyberg's conception of power, we suggest that when boys and girls construct their relationships to conform to socialized gender roles, one result is that they have unequal standing. Such inequity makes it difficult for girls to

name the wrong of sexual harassment and claim redress as legalistic policies formally entitle them to do.

We are not claiming that the law is, in itself, at fault. By its nature the law cannot fully address the idiosyncrasies of each situation: the intertwining of personal relationships, the confusing messages about sexuality prevalent in the culture, the disparate and fluctuating shifts in social standing among students, and so forth. The law needs to be set out in reasonably simple, definitive terms which people can understand, and it needs to be a one-size-fits-all policy for it is meant to govern and prescribe conduct for all sorts of people, most of whom are strangers to legal authorities and to one another.

Legalistic school policies make a strong positive contribution to mitigating the problem of sexual harassment in two important ways. First, by naming, providing definitions, and making legally actionable many insidious behaviors which have been hitherto discomforting, embarrassing, and offensive, yet not easily identifiable, they give validation and importance to the perceptions of those who have endured the behaviors, and they make available a sanctioned platform from which to discuss them. Second, legalistic policies have made it clear that the power of determination of an action as violating or unwelcome rests with the one receiving the action, regardless of the actor's tacit or stated intentions. For vulnerable persons this is a significant shift in determining who controls access to one's person. Regardless of whether the objectionable action is a verbal comment, a gesture, a look, or a touch, the receiver of the action determines its acceptability.

The law is a powerful tool. But the business of the law is to define what is legal; it cannot define for us or for students what is right. We need to acknowledge the contributions of the legal system, and understand that the force of law can be of considerable use in establishing a new set of norms in

schools, but keep our focus on the actual context of schools as we design a new system that is less concerned with punishing sexually harassing behaviors and more concerned with making changes in the practices and beliefs that support a culture of harassment, discrimination, and domination.

School personnel regularly assume that if girls understand the terms and conditions of a legalistic policy, and if staff are committed to the enforcement of same, then girls will use and trust the policy. Such an assumption disregards the presence of the ethical dilemmas girls face when, in their perception, accessing a legalistic policy is in direct opposition to their strong desire to fit in with local cultural norms and practices and to maintain social relationships. In the next section we explore these ethical dimensions focusing on two areas of conflict which arise from the application of legalistic policies. In Chapter Six we look at the conflict between the norms of the middle school culture and the legalistic definitions of sexual harassment. In Chapter Seven, we address the perceived conflict between the notion of rights and the nature of relationships. Both of these conflicts can have a paralyzing effect on girls, severely limiting their ability and willingness to name sexually harassing behaviors as a wrong, and to claim redress.

SECTION TWO--ETHICAL DIMENSIONS OF THE PROBLEM

CHAPTER SIX

CONFLICT WITH CULTURAL NORMS

There is conflict when the legal sexual harassment policy defines as offensive and objectionable, behaviors, or practices ritualized and condoned by official and unofficial practice and attitude. In one sense, all policies will come into conflict with existing behavior as their function is to change some piece of behavior and monitor and enforce such change. In the case of sexual harassment, however, the disparity between what is labeled legally wrong and what has been socialized, accepted, normalized and practiced is especially problematic. Sexual harassment policies appear to add both confusion and contradiction to socialized patterns of expressing normative masculine and feminine behavior just at the developmental stage when adolescents are socially vulnerable, having limited experience and understandings of adult roles yet also having an intense need to be seen by themselves and others as 'normal'.

A girl who objects to what is generally believed to be a normal practice risks becoming the object of ridicule and may be persuaded that it is she, not the perpetrator who is behaving inappropriately. June Larkin notes that the chief difficulty in dealing with student-to-student sexual harassment is that practices which constitute sexual harassment are believed to be normal and appropriate "...because women are supposed to want sexual attention from men

it's assumed that a certain amount of males' sexual bantering is welcomed, unless, of course, a woman is extremely up-tight or lesbian (Larkin, 1994, p. 72). Donna Eder's (1995) research also notes that girls who objected to boy's sexual comments or advances ran a considerable risk of being labeled lesbian --a label that inevitably led to increased harassment, scorn, and social isolation.

We need to understand that sexual harassment is not merely a manifestation of poor manners which can be remediated by some externally imposed prohibitions and simple corrections. It is a rather predictable result of deeply entrenched prejudice and historically accepted discrimination against women. Because stereotypical notions about gender-linked attributes and discriminatory practices which reflect such notions are so pervasive and normalized, neither students nor staff may frame such practices as constituting or contributing to prejudice.

William Taylor (1984) in his study of the culture(s) of universities, discusses many of the problems inherent in attempting to analyze any particular phenomena within a cultural setting:

Arguments about the meaning of culture and attempts to pin it down by means of conceptual analysis and clarification reflect not so much confusion as the essential complexity of the phenomena to which it relates....In studying culture we are constantly aware of its psychic character. Such study involves a tension between analysis and holistic perception.... (Taylor in Sergiovanni & Corbally, 1984, pp. 126-27).

So, while appreciating Taylor's warning that "... to wrench a single element from the unity of cultural experience is inevitably to distort it, to deprive it of the framework of history and action necessary to its meaning and significance" (p. 126), we do examine embedded beliefs and practices within the school culture. Viewing these beliefs and practices through the lens of gender prejudice instead of normative gender role expectations allows us to understand the context for student-to-student sexual harassment in a new way.

Gordon Allport's (1954) investigations into the nature and stages of prejudice provide a framework in which we may be able to focus specifically on the way prejudice and stereotypical thinking regarding gender permeates the school culture. Although Allport's discussion of his analysis of prejudice did not address any gender issues, Shoop and Edwards have linked Allport's stages specifically with sexual harassment (Shoop & Edwards, 1994, pp. 24-26).

Stage One: Antilocution--speaking in negative terms about a targeted group. In our society, disparaging jokes, ribald humor, sexist name-calling, and general devaluation of women can be heard as comedy on national television as well as in the more traditional 'locker room' banter. Eder, Orenstein, Larkin and Thome among others, all note that the insult most effective to boys is to be connected with or referred to as female or not masculine. "...names such as 'pussy,' 'girl,' 'fag,' and 'queer,' associate lack of toughness directly with femininity or homosexuality" (Eder, 1995, p. 63).

Researchers have documented that speaking to and about females in terms of derision and ridicule, and making sexually suggestive and degrading remarks is not confined to students in a school setting (Larkin, 1994; Shoop & Edwards, 1994; Eder, 1995). Not only are teachers and administrators cited by students and female staff for engaging in such speech, male staff admit to the practice. One administrator stated that, "We are begrudgingly tolerant of the lounge chatter about the sexual attributes of a school's girls-women...Sexist? Probably, So be it. Men talk about women" (cited in Larkin, 1994, p. 38).

Stage Two: Avoidance--the conscious effort to avoid members of the targeted group. Barrie Thome and other researchers have found such distinctive division of play activities, physical space and vocational pursuits based on gender that there is speculation about boys and girls inhabiting 'different cultures' (Thome, 1994). Adults and school personnel reinforce the

avoidance theme by segregating activities, duties, and ascribing characteristics according to gender when, in fact, gender itself has no bearing. Thorne documents the 'game' of "cootie tag" and other "rituals of pollution" where the adult structure accepts and acknowledges the children's assumption that playing with the "opposite" gender is dangerous and involves a special risk to boys who receive "cooties" (invisible germ-like creatures) from girls.

While girls and boys may transfer cooties to one another, and girls may give cooties to girls, boys do not generally give cooties to other boys. Girls, in short, are central to the game. Either girls or boys may be defined as having cooties, but girls give cooties to boys more often than vice versa (Thorne, 1994 , p. 74).

Thorne has gathered documentation of varieties of such games/rituals as 'cooties' throughout the United States, some called "girl touch," or "girl stain."

She concludes that:

"...there is also notable gender asymmetry, evident in the skewed patterning of cooties; *girls as a group are treated as an ultimate source of contamination*, while boys as boys--although maybe not as Chicanos or individuals with a physical disability--are exempt. Boys sometimes mark hierarchies among themselves by using 'girl' as a label for low-status boys and by pushing subordinated boys next to the contaminating space of girls" (p. 74).

Thorne speculates that these "pollution rituals," accepted as normal acceptable play activities, reflect the cultural prejudice of females as unclean by virtue of their sexual functions, menstruation and reproduction roles. Thorne asserts that females are viewed primarily as sexual beings and that contact with them poses a severe threat to males (p. 76).

Stage Three: Discrimination--the active exclusion of all members of the targeted group. Even with the enforcement of Title IX's prohibition of discrimination based on gender, we still find academic and vocational classes, athletic activities, and other organizations excluding females, sometimes masking the attempt in order to avoid legal charges. In schools as in the adult

workplace, sexual harassment escalates when a female is perceived to be invading male territory (MacKinnon, 1979; Stein, 1993; AAUW, 1993). Girls and women who take classes and jobs in construction trades, generally better paying than more traditional jobs available to women, often experience harassment, sometimes to the point of physical assault or injury. Shoop and Edwards give the following example of sexual harassment of a female in a non-traditional class:

Kelly is a student in the auto body repair class. Her teacher told her to move a 100 lb. box of parts. She wanted to prove that she could do it. She knew that all the boys were watching her. After several failed attempts she gave one more try. She ripped open her intestines and was rushed to the hospital. After surgery and an extensive recovery period she learned that none of the boys would have lifted the box (Shoop & Edwards, 1994, p. 57).

June Larkin reported that the single female in diesel shop in one school was the only female in the cafeteria because of the schedule. After enduring slaps, punches, name-calling and sexually explicit comments and threats, the young woman simply stopped eating lunch. In another shop class, there were two females. For mutual protection, they established an agreement that if one of them was not attending school, she would call the other. The dangers involved in being the only girl in the class were too great (Larkin, 1994, p. 42).

Nan Stein has documented scores of instances of sexual harassment of girls in non-traditional classes ranging from the display of pornography, name-calling, threats, sabotage of projects, and physical assaults (Stein, 1994). These accounts are remarkably similar to the cases of sexual harassment of women in the workplace documented by Catharine MacKinnon, some of which have resulted in court cases (MacKinnon, 1979; Strauss, 1992; DeMitchell, 1996).

Stage Four: Physical attack--using some form of violence against persons of the targeted group. Whether verbal or physical, sexual harassment

inflicts some level of violence upon women regardless of the intention of the offender. The prevailing threat of physical assault or rape, the extreme of the sexual harassment continuum, keeps women constrained and fearful. In Larkin's study, girls universally claimed that part of the problem with being targeted by name-calling, comments, gestures and leers was that they were afraid to protest for fear of the incident escalating into physical violence. "So women watch men watching them and are wary of what may happen next" (Larkin, 1994, p. 89).

Stage Five: Extermination--murder. While this is off the scale on the sexual harassment continuum, slasher movies, pornography which depicts the murder and/or dismemberment of women as part of sexual activity or the lyrics of popular music which fantasizes about rape followed by murder abound in our society. Expressions of these ideas have become, to a large degree, accepted as normal themes for entertainment, and are not subjects of critical reflection or review.

Some eighth grade girls came to me reporting that two boys were singing a "disgusting" song to them. When the girls had objected directly to the boys, they had protested that they were merely singing a popular song which happened to be going through their minds at the time. When I met with the boys, they gave me the tape which contained the song, the refrain of which included the phrase, "I'm gonna fuck you till you die, bitch." Both the boys and their parents objected to what they perceived as my interference with their First Amendment right of free speech as I supported the girls' claim that being subjected to these lyrics made them uncomfortable and intimidated.

Shoop and Edwards, referring to Allport's investigations, agree that with sexual harassment, as with other forms of prejudicial behavior, people often move from stage to stage. They assert that "*activity on one level makes the*

transition to a more intense level easier" (Shoop & Edwards, 1994, p. 26).

Shoop and Edwards (1994), Eder (1995), and Larkin (1994) provide multiple examples of students explaining how low-level teasing can quickly escalate into physical assaults. These researchers note that often groups of males will insult females not based on any personal animosity toward the females, but to demonstrate their 'masculinity' to other males. The young women in Larkin's study realized this as a male 'game', but one which could be quite dangerous to females.

Women are never sure when harassment will escalate to a more extreme form of abuse. This is why seemingly minor incidents of harassment can feel so threatening. The students I interviewed were often wary of the stares and ogling they received from males. As Beatrice explained, 'You never know what might happen next' (Larkin, 1994, pp. 24-25).

Shoop and Edwards claim that "what we call cultural conflict causes trouble in relationships between men and women. These cultural conflicts relate more to the structure of our society than to any personal enmity. Underlying these cultural conflicts are preconceptions about 'the way things should be'" (p. 26). Sandra Bartky claims that women have accepted our culture's widely held belief of women's inherent inferiority and resulting lack of autonomy, not as a conclusion from an open discussion or personal conflict, but as inevitable. "...the limits of my culture are the limits of my world. The subordination of women, then, because it is so pervasive a feature of my culture, will (if uncontested) appear to be natural--and because it is natural, unalterable" (Bartky, 1990, p. 25).

Girls echo Bartky's charge repeatedly to researchers Eder (1995), Larkin (1994) and Orenstein (1994). In a variety of ways, girls interviewed by these researchers report daily instances of being touched, insulted, maligned, blocked from free passage, sexually evaluated, and in other ways, constantly

reminded that they were viewed as sexual objects. Even though many students described some strategies for resistance or avoidance, the stated goal was to contain the harassment from escalation, not a demand for it to cease. Girls from all across the United States reported to researchers that such behavior, while unwanted, bothersome, sometimes even intimidating was just a natural part of the school landscape. In my own experience, I have heard mothers and fathers who sincerely love and wish to protect their daughters advise them to shrug off sexually harassing comments and behaviors with humor and grace in hopes that the harassment (which again, is seen as inevitable) will be contained at a low level. Direct confrontation or legal action in these cases are viewed as potentially physically dangerous, and, more to the point, certain to endanger social standing and relationships. No one, it seems, wishes to be cast as hating males, being too assertive, or not being able to "go with the flow" of social interactions.

Adults may be unaware of or desensitized to the prejudicial, harmful nature of the myriad, constant, daily social games or rituals which characterize student patterns of interaction. Such interactions are so ubiquitous they acquire a characteristic of invisibility. Both the pervasiveness and the ordinariness of such student social games or rituals make it unlikely that any girl will easily resist or complain if/when such interactions are sexually harassing.

When I discuss middle school 'rituals' with college classes, they, upon being introduced to the concept, tend to roll their eyes imagining some tribal dance situated in a foreign country. However, if I demonstrate by turning off the room lights and ask what this means, they all respond, "You want us to be quiet." This, I explain, is a common formal school ritual. Then I ask if they remember in junior high or middle school if any particular color on a certain day had significance. The students who span two or more decades in age,

universally respond with 'queer color' stories. Specifics vary, but generally yellow or green worn on Thursday or Friday indicated that the wearer was homosexual. The informal ritual dictated that anyone wearing the designated color on the designated day was fair game for any and all abuse. Very few students objected to being taunted if they were careless enough to wear the 'wrong' color; the blame, in their view, was theirs, not the tormentor's.

In the school where Carla was suffering silently, blaming herself for an unacceptable body, it was a common practice for boys to 'moo' at any girl whose breasts were to any degree noticeable, but nearly always at any girl who was large breasted or dressed in a way that accentuated her breasts. The fact that 'mooing' appears in several court cases as part of alleged sexual harassment involving schools across the nation suggests that this practice is ubiquitous, but generally accepted as 'normal' male behavior (Strauss, 1992; Stein, 1993, Shoop & Edwards, 1994).

Often, sexual harassment among students occurs openly in front of adults who, unless they are both sensitive and proactive in their observations, may be oblivious of the nature of the social interaction. A middle school teacher in a school where I was an administrator mentioned to her teaching team that she was seeing several boys playing with miniature tools--toy hammers, pliers, screwdrivers and the like, during class. She further noted that when the boys took their toys out of their pockets, they did not 'play' with them, really, but flashed them to other members of the class. As the team shared their observations, each teacher had witnessed this behavior and some had noticed that the display of a miniature tool by a boy seemed to cause quite a disturbance for the girls. Although this team was experienced in the ways of middle schoolers, no one had an explanation for this behavior. One teacher said the boys had told her they were all fans of "Tool Time" (a popular television

show), but the accompanying looks and giggles made her suspicious that something else was involved in this game. As several girls from the team ate lunch in the classroom, two of the women teachers suggested that they would ask the girls, informally, about the situation. I arranged to drop by for coffee during the proposed meeting. The following story unfolded:

Two students in the class, Steve and Cathy, had been 'going together.' Even though this relationship lasted only days, they had been sexually intimate. Upon breaking up, Steve told his friends that Cathy was a 'real tool.' (She could be (sexually) used and put down--like a tool. Steve told them what all she had (allegedly) done with and for him, and claimed that she would be glad to service anyone's else needs. His reasoning was that if she performed sexual service for him, she was equally available to any male. The other boys had started calling Cathy a tool when passing her and then began to bring in the miniature toy tools, displaying them throughout class time, watching and laughing at her discomfort. Cathy was not part of this group's conversation, but the girls present explained that the situation had be on-going for some time and that they had at first, laughed, but were, in fact, embarrassed and felt bad for Cathy. They did express their opinion that Cathy had been foolish to ever go with Steve, because everyone knew he was not trustworthy, but felt that the situation was now out of hand.

It is noteworthy that the girls were not surprised at their teachers' asking them about the behavior, but had been wondering how long it would be until the teachers intervened. Even though this was a sort of coded ritual, the students expected adults to know what was happening and took their non-intervention as acceptance. Fortunately, in this case, the teachers did suspect that something damaging was happening, and took the initiative to seek insider-knowledge.

In the example above, Cathy accepted the on-going sexual references and group teasing as a logical consequence of her previous participation in a sexual relationship. While she viewed herself as the target for unwelcome, humiliating and offensive comments, she did not see herself as an innocent victim. Indeed, the very notion of "victim" is problematic in a social framework that constructs gender as a dominant-subordinate relationship between boys and girls, men and women. While being acknowledged as a victim is supposed to be helpful in recognizing that the target of sexual harassment did not cause and is not responsible for the actions or violations of others, and places legal responsibility on the actor who violated the rules, the target person still needs to develop a sense of her own agency to respond, access the policy procedure, and for claiming her rights. But, as Susan Wendell notes, "Victims can and frequently do take the perspective of the oppressor. The victim with this perspective usually feels guilty for her or his victimization and takes all or most of the responsibility for it" (Wendell, 1990, p. 24).

The embedded assumptions, beliefs and practices within the school setting then present a set of values which make it difficult for both girls and adults to recognize much sexually harassing behavior and language as wrongs creating confusion and conflict for all participants who may seek to access a legalistic sexual harassment policy. The terms and prohibitions of the written policy do not match the tacit expectations of the larger culture. Girls who recognize that they are being violated may risk becoming a social isolate for articulating resistance or for even objecting to a socially accepted practice. Even if a girl should decide to take this risk, she faces two more problems: (1) reporting sexual harassment violates the "tattling taboo" which prohibits students telling adults about other students' behavior; and (2) adults may not take the complaint seriously and fail to provide protection or intervention.

Complaining to adults about offensive behavior is made most difficult by the 'tattling taboo,' documented by researchers from the pre-school level through secondary school settings (Thome, 1994 ; Mann, 1996; Larkin, 1994). Thome describes 'tattling' as carrying a negative meaning such as "the telling of tales, of secrets, and thus the betrayal of one's kind....(however) the less powerful, or those not trained to be physically aggressive, have little recourse except to complain to adults" (Thome, 1994, p. 77). She continues to explore how students develop codes about lodging complaints with adults and construct ways to discourage the practice. In the younger groups, Thome documents taunts such as, "Only tattletales tell" (p. 77). In older groups, more direct physical threats were employed to keep girls from reporting sexual harassment (Larkin, 1994) along with threats of spreading sexual rumors about anyone who objected to sexual advances (Mann, 1996).

Even if or when girls do tell adults about sexually harassing behaviors, researchers at all levels of public school settings note that adults often minimize or deny girls' complaints or charge them with having equally participated in the offending behavior. Thome cites playground aids who, hearing complaints from girls about boys hurting them, advise them that they should know better than to play with boys or dismiss the charge as acceptable ways for boys to show positive attention. The implication is that the complaining girl has not adequately learned appropriate social skills (Thome, 1994, p. 78). In settings of older students, Larkin discovered that the girls met a similar trivialization of their complaints about other students, and that their complaints about male staff were also brushed aside (Larkin, 1994).

The lack of support from adults, further reinforces the taboo of telling and gives students no reason to expect that should they break this taboo, positive results will happen. The 'name and claim' provision of a legal sexual

harassment policy places students in a position of needing to break a strongly embedded taboo and gives no assurance of protection or support for such a counter-cultural move.

It can be especially hurtful when other students echo "the blame the victim" reaction. A girl reported to Orenstein that while managing the boys basketball team she had been grabbed:

And this boy Fred walked up during practice and he just reached out (she extended both arms) and he grabbed both of my tits. And this other boy standing there said 'Did he just touch you?' I said 'Yeah' and he said, 'Fred you shouldn't do that.' Fred said, 'I didn't do anything!' and walked away. Then this guy turns to me and says, 'Next time you really should watch yourself.' 'Like it was my fault!' (Orenstein, 1994, p. 262).

Such judgments create an environment where it becomes unlikely that the target of harassment will feel justified and supported in claiming her rights. She will not feel empowered to effect a change or develop a plan to change the prevailing customs of harassment when she cannot count on either adult or peer validation.

Neither will girls be likely to choose to use a legalistic policy if doing so is perceived to be an action which disrupts and damages social relationships. In the next chapter, we examine the primacy of social relationships and the tension girls experience when they feel forced to choose between claiming their rights and preserving their relationships.

CHAPTER SEVEN

RIGHTS WITHIN RELATIONSHIPS

Social relationships are the essential purpose of life for most middle school students. Their reasons for attending school have less to do with compulsory attendance laws or educational aspirations than for making and maintaining their social relationships. For example, a child with chills and fever, headaches and nausea will argue to attend school or a school function to see friends, or failing to win permission to attend, will spend hours on the phone to remain in contact.

Legalistic policies on sexual harassment do not recognize the crucial importance of this maintenance of the social network which precedes, follows, and surrounds an occasion of sexual harassment. Most sexual harassment in schools occurs among classmates and friends. If, or when, a "victim," does claim her rights she must manage to do so while maintaining daily relationships with the "perpetrator" and his friends for, unlike a case of being mugged by a stranger on the street, the target of an attack in school cannot avoid returning to "the scene of the crime." The need to maintain friendships, be accepted by peers, and not be labeled as a snitch, a rat, or "the girl who got Bobby in trouble" often overrides the wish to defend oneself or one's rights.

Both the strain one experiences for snitching and the struggle to maintain relationships in spite of conflict surrounding a sexual harassment incident is apparent in this typical note sent by a girl to her "best friend" who had complained about a popular boy touching her (picture this written in fuchsia marker, covering two full pages):

Hey, Bitch--I don't know why you got Bobby in trouble. He is a really good kid. Now he's mad and is really going to beat your butt. I don't know why you did that--he's wicked cute. You better tell Ms. Chamberlain you made it up or we'll tell everyone that your [sic] a ho and what you did with Steve. Smarten up, bitch. [signed,] "your best friend 4eva [sic] PWB (please write back), Sally. P.S. Want to go to the mall after school? [with small boxes to be checked yes or no].

A female who resists or challenges the male's *de facto* right to embarrass, touch or tease her risks rupturing relationships not only with the male(s) charged with harassment, but also with other females who are struggling to maintain heterosexual relationships.

Earlier we heard seventh grade girls articulate their belief that if they asserted their rights to be free of sexual teasing, taunting, physical invasion, and degrading rumors and humor, they would be in a position of then "having no one to dance with." The fear that if one claims one's rights, one will destroy one's relationships is indeed a legitimate fear if/when relationships are structured and maintained by a pattern of dominance and subordination.

The legal recognition of sexual harassment as wrong confers significant rights on those targeted in sexual harassment: the right to define and defend her own personal space; the right to limit access to her body and clothing; the right to act one's own feelings of violation; the right to maintain her own reputation against sexual rumors or graffiti. In short, the right to be treated with respect, not as a sexual object.

The importance of such rights should not be minimized. Patricia Williams reminds us:

For the historically disempowered, the conferring of rights is symbolic of all the denied aspects of their humanity: rights imply a respect that places one in the referential range of self and others, that elevates one's status from human being to social being (Williams, 1991, p. 153).

More generally, one could say that the chief virtue of legalistic sexual harassment policies is that they aspire to express the value(s) of justice. Legally oriented policies which codify rights based on a normative ideal of equality, and assert the values of rectificatory and procedural justice are significant. It would be a mistake to wholly reject them; and it would also be a mistake to think that such policies are adequate. From an educational perspective they remain insufficient, and from an ethical perspective, unsatisfactory.

The law and cases of sexual harassment first developed in adult workplaces address the reality-based fear that women who claimed the right to object to and/or refuse sexual advances would destroy their employment relationship and experience an economic loss. When we focus on a discussion of rights among children in a public school setting, a discussion inherent in the implementation of a sexual harassment policy, additional factors tend to confuse and confound us.

Public schools are what I term 'hybrid' institutions. That is, they are, indeed, public institutions, supported by and accountable to government agencies, local tax payers, and are subject to laws and regulations from several layers of government. However, they also differ from other public institutions in significant ways, and function more like families than other formal institutions.

The very work of schools, nurturing, educating, guiding, and protecting young people, is an extension of the work traditionally centered in families. Indeed, schools often intentionally encourage an image of themselves as 'family.' A sense of belonging to a special group, group pride in achievement of individuals and the expectation of loyalty to the school as a whole is encouraged as is a sense of obligation to support the activities and programs of a specific school. Students and staff wear the colors and symbols of their

school, compose songs and cheers in praise of their school, and in other ways mark themselves as members of a particular school community.

Children have little more choice about public school attendance than they do regarding their entry into families. That they attend school is mandated by law, that they attend a particular school is mandated by geographical location, local district attendance patterns, and financial and other factors which preclude the option of home schooling or private education. Children in schools, as in families, are in a subordinate position to adult authority and have a vested interest in maintaining positive relationships with adults to ensure they will get their needs met (Houston, 1993).

Schools, also like families, often experience conflicting goals. As we discussed previously, teachers may understand and agree to enforce a sexual harassment policy, but if an incident, such as the ubiquitous bra-snap, threatens to disrupt an otherwise smoothly progressing class, teachers may choose to ignore the incident and keep the focus on the academic pursuit.

Students, who are in the same school or class, are predisposed to view one another as friends, or at least friendly members of the same school/family. Michele Fine and Pat Macpherson conducted extensive interviews with adolescent women who described a variety of forms of coercion in their lives. In order to conform to the prevailing social order, they accepted constriction of their personal rights including the right to be free of physical assault from boyfriends. They were aware of the existence of their rights in the abstract, but could not envision a heterosexual relationship which would/could accommodate the enactment of their rights (Fine, 1992).

The belief that the introduction of a discussion of individual rights will create disruption and conflict in an otherwise agreeable atmosphere is often expressed by educators. They fear that a focus on rights will impede

cooperative relationships among students, restrict spontaneity and harmony, and in general, make a school environment impersonal, cold and lacking in warmth. Administrators may fear that students will become "little lawyers" and that a plethora of unreasonable, unfounded allegations will create havoc for a school (Shoop & Edwards, 1994). Teachers express concern that a discussion of rights will diminish the establishment of a feeling of family or community within their classrooms, undermining efforts to promote collaborative learning experiences (Streitmatter, 1994). Students express bewilderment about how to even conduct conversations with one another when they have become conscious of respecting rights. One boy, who had been disciplined for sexually harassing a female classmate, expressed his confusion about what to him were new and strange rules. He told Peggy Orenstein, "I'll just wait until high school, and talk to the girls then" (Orenstein, 1994, p. 128).

The law has generally been reluctant to enter into the private domain of the family (MacKinnon, 1983; Jones, 1994). Even private social agencies such as the church have generally thought the family, usually represented by the male head of household, to have immunity from intervention or regulation (Buchwald, Fletcher, & Roth, 1993; Jones, 1994). Sara Ruddick notes that inequities and the possibility of resulting "unfairness" are seen as part of the "fragile character" of family obligations, and are thought to require no consent from members, who "construe (inequities) as beyond consent, a given consequence of relationship" (Ruddick in Held, 1995, p. 210). Family obligations such as tending to the sick during the night, feeding the young, sheltering the elderly, even including the relatives who lack any social graces at festive occasions, are not dependent on any notion of reciprocity or fairness, but accepted as part of the nature of relationship. Similar assumptions about the inappropriateness of consideration of rights within male-female student

relationships are evident in the thinking of students, their parents and staff, making it difficult for them to utilize a legalistic sexual harassment policy. As we have noted, parents and staff may advise girls to learn strategies for minimizing occasions of sexual harassment, but are reluctant to advise them to claim their right to have such harassment cease. Girls themselves develop avoidance strategies, but reveal to researchers some level of tolerance and acceptance is mandatory to maintain a social network.

Ideally in both families and classrooms, all participants have sound reasons to enjoy relationships based on trust, mutual affection and positive regard. In such arrangements, individuals may voluntarily act in ways which enhance the growth and well-being of all other members individually and which will benefit the unit as a whole, even when such actions constitute a restriction of personal rights or freedoms. In such relationships, the Aristotelian claim that the external administration of justice or enforcement of rights becomes unnecessary is plausible. The assumption that this ideal reflects general practice is dangerous.

Minow, addressing family law specifically, states:

The introduction of legal rights to family members highlights the injustice of treating people the same if they are situated differently; the history of domestic violence and brutality demonstrates the dangers of carving a separate family sphere in which some members are subjected to the unrestrained authority of others. The problem seems in part that liberal rights were never extended fully to the family, and formal legal statements to that effect now simply obscure continued patterns of inequality and vulnerability unchecked by legal restraints (Minow, p. 226).

We need to remember that we do have good reasons for not wanting to wholly abandon policies which draw attention to students rights. The family-like intimacy of schools and the compulsory attendance which requires continuing proximity of students both create conditions of high vulnerability for students. Harms ranging from sexual violation and intimidation to special emotional

stress can become constant and pervasive for students who are trapped in a social network from which there appears to be no escape. We ought to ensure that students have at least the same protection other citizens have. Additionally, it is an important part of students' education that they learn the language of rights and grasp their meaning.

Minow, Williams and MacKinnon agree that the discussion of rights does not cause or create conflict, but provides language and a forum for the pre-existing conflicts to be named, articulated, and translated (Minow, 1990; Williams, 1991; MacKinnon, 1983). To assume that the acknowledgment of rights is disruptive one must believe that the ongoing situation, to be successful, rests on a suppression of rights. Minow states, "The language of rights may give voice to what would have been silence, but not consensus" (Minow, 1990, p. 292).

Claiming that we must locate the concept of rights within relationships, not view them as external abstractions, Minow elaborates: "They (rights) arise in the context of relationships among people who are themselves interdependent and mutually defining...Rights thus are simply the articulated legal consequences of particular patterns of human and institutional relationships" (Minow, 1990, pp. 277-78).

Rights are critical for the protection of the most vulnerable in society and serve to recognize a person's full humanity. They recognize human needs, provide ground rules for human interactions, and confer dignity and respect on all individuals (Williams, 1991). None of these functions contradicts the premise of caring relationships among friends and family. Rights may indeed restrict actions within a relationship, but the ethic of care also restricts any action which would disenfranchise or debase another. Rights expand the possibilities within relationships, enhancing the growth and development of

each participant; a condition also consistent with an ethic of care (Noddings, 1984).

What is genuinely problematic is not the adoption of policies which acknowledge rights, but rather the absence of what Minow calls "the only precondition" for the exercise of one's rights, namely, "...that the community be willing for the individual to make claims and to participate in the defining and redefining of personal and social boundaries" (Minow, 1990, p. 301).

A sexual harassment policy which seeks to be effective in prevention and intervention in student-to-student sexual harassment must do more than merely formally extend rights to all students. Giving permission to object to sexual comments or invasion of one's personal space or body is not empowering to one who cannot be clear about what constitutes violation or invasion or who has compelling reason to believe that claiming rights in response to violation will result in humiliation, isolation and continued, even escalated, intimidation.

A sexual harassment policy which defines rights and seeks to operationalize justice by clearly delineating the parameters of individual rights, but which does not acknowledge the importance of relationships among students, may well have no real applicability. A policy which, in attempting to infuse a measure of care, empathy, sympathy or some sensitivity regarding the context in which a policy is to be enforced, may still ignore existing power differentials among students and may neglect the acknowledgment of conventional assumptions or traditional understandings deeply embedded within a cultural setting, and thus, also be ineffective either legally or socially. For example a school may divide the playground area equally between boys and girls in hopes of providing everyone with equity and safety. Underlying such a move, however, is the unexamined belief that boys and girls cannot be

expected to inhabit the same physical space in such a way as to preserve both equity and safety (Thome, 1994).

It is not contradictory nor impossible to defend both rights and relationships if we can escape a dichotomous, either/or framework of thinking and emphasize the relationship between people and recognize the needs for rights within all relationships. Fortunately, we have another ethical perspective available to us. In the next chapter, we examine the ethic of care perspective as it guides us out of the ethical dilemmas arising from the application of legalistic sexual harassment policies within the social network of public middle schools.

CHAPTER EIGHT

THE ETHIC OF CARE PERSPECTIVE

We have seen the need to find some way of reconciling rights and relationships. In this chapter I argue that the ethics of care afford us a way of talking about rights within relationships. It also helps us to understand the moral dilemma that girls sometimes experience when they try to deal responsibly with sexual harassment. But the ethics of care is not without its critics and in this chapter we also consider some of the objections that might arise when we employ the ethic to solve what is both a social and political problem as well as a moral one.

The ethics of care (Noddings, 1984, 1992; Gilligan, 1982), focuses on relationships and places the emphasis on needs and response to needs rather than on rights. This ethical perspective instructs us to maintain and enhance caring relations, relations marked by attention to individuals, their legitimate needs and their ethical well-being. The ethics of care begins with the ontological recognition that we are always person-in-relation; and it appreciates the obvious but sometimes neglected fact that relationships are vital to our well being and critical for all our life activities. The fact that we are always person-in-relation is endowed with ethical significance: the work entailed in maintaining and enhancing quality relationships needs to be valued. While it is true that we are always interdependent, the quality of our relationships cannot be taken for granted. The ethics of care help us to focus on conditions which make for better relationships. In particular, it emphasizes the need for developing individual

capabilities for participating in caring relations with others--how to attend to and feel with the other person, how to engage in dialog and interpersonal reasoning.

A particularly useful feature of the ethics of care is the way it organizes our attention so that we attend to and give primacy to the particularities of persons as well as the specificity of contexts. In contrast to the impartialist views which underlie most theories of justice and rights, the ethics of care propounds a distinctive primary moral commitment to particular persons which is expressed in a certain responsiveness to them. Self and other are conceptualized in their radical particularity rather than as instances for the application of generalized moral notions--for example as abstract bearers of rights.

There are several ways in which the introduction of this other ethical perspective, a care perspective, can assist in developing more ethically satisfying and educationally effective sexual harassment policies, and resolve the ethical dilemma girls experience when forced to choose between claiming their rights and preserving relationships.

First, we can see how the ethics of care would have us pay greater attention to the particularities of the persons and situations for which school sexual harassment policies are designed: more attention to *what* we are trying to accomplish and *how*, for *whom*, in what *setting*, and with what *attitude*. It would prompt us to notice that we are dealing with youngsters, adolescents, who are in the midst of their social development, who are still learning how to be with others, how to establish relationships with others. Further, it would have us pay attention to the fact that we are discussing policies for adolescents in *schools*, i.e., a context in which one expects mistakes and subsequent learning from them, in social institutions which are or ought to be committed to educating students even about caring relations. This means that coercion may not be

ruled out, but we will want to make sure that any coercive force for compliance with legal rules or policies will not be contradictory to a caring, educational process.

Second, the ethics of care better explains some of the students' difficulties with sexual harassment policies. When girls and young women resist using the formal procedures available to them to name a wrong and seek redress, when they are hesitant to exercise their rights because they "don't want to make trouble for him," or because they still want to "have someone to dance with," they may well be caught in what from the ethics of care perspective we can recognize as an *ethical dilemma*, not either a passive acceptance of the status quo, nor a lack of understanding of the legal policy. On one hand they want to care for themselves and their sense of violation; on the other hand, they feel the obligations of friendship and do not want to rupture valued relationships with peers. If we fully appreciate the dilemma as an ethical one, involving competing moral values, we are more likely to be moved to change the conditions that place them in conflict rather than construe the situation as one in which girls simply lack interest, skill, or courage in asserting their rights. Although Stein (1995) has reason to urge school administrators to become more diligent and adept in implementing sexual harassment policies, and Gilligan (1991) rightly documents the silencing of adolescent girls' voices, unless and until we appreciate the ethical conflict girls experience, it is unlikely that any legalistic policy, no matter how well it is implemented, will be effective.

Another consequence of introducing an ethics of care perspective into the discussion of school sexual harassment policies is that we can gain a different perspective about rights. The relational approach of the ethics of care can help us and our students, to cease viewing rights as external abstractions, and assist us to locate the concept of rights within relationships (Minow, 1990).

The crucial tenets of a relational approach to rights are to recognize that they have human authorship and that rights pattern our relationships with each other (Houston, 1992).

When we take a relational perspective, such as that of the ethics of care, that recognizes our interdependencies, we realize, as Nel Noddings notes, that:

Our regard for human beings is not derived from a concept of 'respect for persons', rather, it furnishes the foundation for such a view. There are strictly speaking, no natural rights, only rights which we confer upon each other out of natural inclination and commitment (Noddings, 1984, p. 120).

In short, the ethics of care has us recognize that rights are grounded in the process of communication and meaning making rather than in some abstract legal foundation. A relational perspective will have us remember that "Rights provide a language that depends upon and expresses human interconnection at the very moment when individuals ask others to recognize their separate interests" (Minow, 1990, p. 296).

But rights are not the only critical tool we can use to challenge relationships of unequal power. The ethics of care can also serve this function. Before exploring this aspect, however, I turn to the consideration of what critics claim are obstacles to the employment of an ethic of care within public institutions such as middle schools.

Problems Associated with a Care Perspective

Two problems are frequently mentioned as being both related and inherent in any attempt to apply an ethic of care in a public, political institution: (1) the lack of accountability within the ethic itself to determine what constitutes appropriate care; and (2) the ethic's inability to focus on social structures and its consequent limited scope of moral influence.

Alison Jagger (1995) raises the concern that there is no provision within the ethic of care to ensure that people, attempting to act in a caring fashion, will

be accountable for providing an appropriate response. She claims, "So long as care thinking focuses exclusively on the carer/cared for dyad, it cannot reliably assess the adequacy and appropriateness of responses that claim to be caring" (Jagger, 1995, p. 192). Indeed this problem is illustrated when we see, as in previous examples, caring parents or staff advise girls to avoid or graciously accept with humor sexually harassing behaviors in order to preserve their social standing. A mother may counsel her daughter to learn to "laugh it off" or accept sexually harassing comments or gestures as complimentary, typical of male behavior and socially acceptable believing she is providing the best possible advice. She is not ignoring her duties, nor is she being cruel or insensitive. Her advice is aimed at giving her daughter a repertoire of responses necessary to becoming a normal socialized adult female in this society. Fathers too, who condone sons charged with engaging in sexually harassing behaviors, in their minds are caring for their sons by reinforcing such behavior which they define as normal, appropriate, and perhaps even desirable heterosexual behavior. The question which Jagger would raise is whether such responses, motivated by the genuine desire to care, can be subject to censure or challenge in the ethics of care.

This question leads us to the second and more significant objection critics mention regarding the ethic of care: its alleged inability to focus on social structures, and its consequent limited scope of moral critique. Jagger, among others, objects that by focusing attention on specific situations and individuals and relationships, the care ethic cannot also deal effectively with the larger framework of social structures which surround and influence the particular individual or situation. For example, in cases of sexual harassment, focusing on particular girls and what they experience may well help us to see the effects insensitive, rude and harassing behavior can have on them but "...it can also

divert moral attention away from the social structures of privilege that legitimate such behavior" (Jagger, 1995, p. 195). The worry is that the care perspective will fail to appreciate the need to solve problems institutionally or prevent occurrence through social change.

To address these worries, we return to our examples of sexual harassment, for then, it is easy to see that just as there are normalized male sexual behaviors we would want to reconfigure, so too there are normalized care patterns that need reconfiguring. The allocation of responsibility for care is frequently genderized within a culture. For example, the girl who experiences what she originally receives as an embarrassing and unwelcome action such as having her bra snapped, may have several care concerns: she may care for her own feelings, but this may be less important than her sense of obligation to care for her relationships with other students, both boys and girls. If she complains or tells a staff person, she runs a high risk of being out of relationships with all her peers. Should a teacher reprimand the boy and send him to the office the girl may feel she bears the responsibility to excuse his behavior to preserve his good standing. When offered the protection of school policy many girls have essentially told me, "Oh he's really such a good kid, nice guy! I don't want to make trouble for him." She is also advised tacitly and explicitly by both boys and girls to "not get him in trouble." If she pursues her complaint through official channels she will be a target for anger, gossip, and insults from her "friends" of both sexes. She may also cause embarrassment for her parents and may be "kidded" by insensitive staff.

It is by social convention her duty to protect relationships, remain in good standing with peers and adults, be seen as forgiving, tolerant, and good natured. She is not only subject to violation and embarrassment, she is held accountable for making repair to the relationship affected. In the reality of

middle school life it is the offended party who often apologizes to the offender for overreacting, for getting him in trouble, or misunderstanding his action. The student who, usually with adult support, refuses to make amends, apologize or take responsibility for the incident may extract "justice" but will not receive affection or care from her peers. It is too dangerous for other girls who have also experienced harassment and perhaps rage to openly support the girl who maintains her quest for justice. The social retribution heaped upon such girls especially in middle school environment where everyone is socially insecure and desperate to fit in is not pleasant.

The general point is that a care ethic implemented in a milieu of unequal power can seem bound to fail. The person with the lesser status will be obliged to care for others to the exclusion or detriment of self; the higher status holder will, without intentional malice, assume his needs are pre-eminent and his responsibility to care is primarily towards himself. His obligation to care for female students may take the form of protection from other males, but does not obligate him to protect her from himself if such protection would be in opposition to his own need fulfillment. The most central and worrisome question the critics of the ethic of care pose is this: Can caring identify and resist existing forces of genderized oppression? To answer this, we need to explore the relationship of the ethic of care to social and institutional policies. Such an exploration moves our thinking about the care ethic from the private personal realm to the political arena.

The Ethic of Care as Political Action

I believe the critics underestimate the radical political potential of the ethics of care both to describe and to resist the ways in which structural forms of sexism shape the meanings we make in our attempts to care. The concern

most often voiced is that care focuses too much on individual behavior to have the tools for describing and resisting social and political roots of oppression.

It is true that Noddings presumes caring is dyadic and individualistic, not something that can be done by institutions. Thus, it may appear that she dismisses from the outset ways in which caring can function socially and politically. But while she carefully circumscribes the nature of caring as something that occurs between persons who are proximate and able to respond to one another, Noddings is clear that the ethics of care has a strong political commitment to reshape social institutions to establish conditions in which care can thrive. The ethic also has an equally strong commitment to moral education to ensure that students themselves are both cared for and can themselves learn to care (Noddings, 1990). The ethic of care is committed to discovering and tackling whatever obstacles there are to establishing conditions conducive to caring relations.

The criticism that care can support only a limited moral critique rests on assumptions about the ethics of care which are questionable. First, the criticism seems to assume that the fact that the ethics of care starts from actual life experience of women means that the experience must be accepted or valorized. But there is no reason why we need to accept this implication. The ethics of care can also criticize ways of life that confine girls to certain social positions and subject them to sexual harassment. Even starting with girls' experience we find that the experience includes both participation in and resistance to such practices (Noddings, 1990, p. 167).

Second, the criticism assumes that the ethics of care is committed to viewing all actions only from an individual or particular set of circumstances. Certainly the ethics of care begins with and insists upon the primacy of particular persons and their experiences, but this insistence is an ethical one,

i.e., that our relations with people take priority over our explanations and assessments of their behavior. It does not conflict with the view that other analyses, political or social, would be helpful in understanding the situation. It does not mean, for example, that the ethics of care does not or cannot have recourse to feminist theory or other political analyses. There is nothing in the ethics of care that precludes drawing upon other analyses to assist in both understanding and morally assessing actions. Joan Tronto suggests that one reason the ethic of care is thought not to have political implications is that people assume that politics is about conflict of *interests* rather than an assessment of and a meeting of *needs* (Tronto, 1993, p. 164).

Tronto makes a strong case for claiming that care is a political idea, that it can be a powerful tool of political analysis, and that it can, furthermore, in some cases, better reveal and address inequalities than other more standard political notions. She claims that:

By analyzing care relationships in society, we are able to cast in stark relief where structures of power and privilege exist in society. Because questions of care are so concrete, an analysis of who cares for whom and for what reveals possible inequities much more clearly than do other forms of analysis (Tronto, 1993, p. 175).

She continues to argue that descriptions of patterns of care:

allow us to see more thoroughly ways in which power is distributed and not distributed in our society. We can recognize the powerful because they are the care demanders in contrast to subordinates who provide care to others and turn to their own caring needs only after the needs of the powerful are met (p. 174).

In the context of sexual harassment in schools, if it is true that the moral responsibility for maintaining human relationships is genderized, with girls either shouldering the greater burden or perceiving that they need to shoulder the greater burden of relational responsibility, then we can expect a care approach to reveal this imbalance. And if it is the case, to deny the ethical value

the girls themselves place on human relationships would be demoralizing. However, to let such an unequal distribution of the burden of carrying the responsibility for relationship maintenance continue would also be demoralizing. The ethics of care, in having us pay attention to who is caring for whom at what cost can lead us to face questions about a more appropriate, fairer distribution of the benefits and burdens of relationships they both value. In short, we can see how an ethics of care approach can sort out facts about patterns and burdens of caring which may then be judged in terms of justice considerations.

Is All of This Enough?

The question arises as to whether, by using both legalistic policies which attempt to operationalize justice by condemning sexual harassment as a violation of individual rights, and using an ethics of care to perceive and attend to the needs of individuals seeking to maintain both rights and relationships, educators can adequately address student-to-student sexual harassment within schools. Jagger considers both justice and care to be inadequate, claiming:

neither care nor justice reasoning as ordinarily construed, constitute the kind of hermeneutical moral thinking capable of questioning conventional definitions of assault as well as of exploring the complex assumptions about sexuality, aggression, and gender that make...[sexual harassment] not only thinkable but predictable and even normal (Jagger, 1995, p. 198).

After observing the powerful normalizing role of social conventions, I concur with Jagger's insistence on the need to keep a focus on structural problems, but am less pessimistic about the potential of both the ethics of care and justice than she, as I believe there are elements in both which can help. Assuming that all members of a school community have need for both personal rights and for satisfying relationships, we can begin to create the conditions for

dialog among all members of a school community regarding how both conditions might be met.

The ethics of care has an educational answer to the reasonable worry the critics press. Can an ethics of caring reveal and resist the sort of structural inequalities we have noted that limit opportunities and determine the meaning our actions have in particular social contexts? For example, the critics might ask, what in the ethics of care would foster an acknowledgment of and a resistance to the ways in which girls and women are continually sexually objectified; an insight into how male dominance entails a sense that males are entitled to access to females; and how the excuse 'boys will be boys' normalizes the exercise of that "privilege." What in the ethics of care, the critics might wonder, would help students to both see and resist the ways in which women's and girls' caring is naturalized so that it is assumed that girls will be supportive of boys, but not vice versa.

The answer can be briefly stated. The ethics of care places a great emphasis upon education and, in particular, upon moral education. Noddings herself claims that the *primary* aim of education is to produce good people and she is not naive about what this might entail. She states clearly, "This is a huge task to which all others are properly subordinated. We cannot ignore our children--their purposes, anxieties, and relationships..." (Noddings, 1992, p. 10). She places great emphasis on a radical rethinking of education that includes revision of the curriculum, subjects taught, and pedagogy, insisting on direct and indirect instruction about initiating and maintaining relationships, enhancing the ethical ideal of one another, and engagement in vigorous dialog about cultural patterns, stereotypical thinking, the resolution of conflict. She exhorts educators to provide experiences in which students can practice how to become caring of one another and of others.

Our students are in many ways embodiments of culture--culture as it affects their lives, bodies, beliefs and practices. Susan Bordo (1993) calls us to imagine alternative cultural perspectives, to go outside of the vantage points imposed by the existing cultural beliefs and knowledge by entering into alliance and conversation with persons who have been silenced, repressed and held in disregard. She is not suggesting simply inverting the dual power structure which now exists, but is exhorting us to construct a "revisioning" of a system. Such imaginings, Bordo asserts, would reflect the "embodiment" of culture as it actually affects lives, bodies, beliefs and practices.

The ongoing production, reproduction and transformation of culture is not a conversation between talking heads, in which metaphysical positions are accepted or rejected wholesale. Rather, the metaphysics of a culture shifts piecemeal and through real, historical changes in relations of power, modes of subjectivity, the organization of life (Bordo, 1993, p. 41).

She continues to assert that to deconstruct a power dualism in a culture, we must listen to, legitimize and nurture the voices and experiences of the people who have been "pushed to the margins" under current power constructs. Only by empowering those who have been without voice or agency can a cultural shift accommodate change and become truly embodied.

Both rights and care can be tools to establish an effective strategy for the prevention and intervention with respect to sexual harassment when we provide forums where girls and boys can speak their truths without fear, understanding that each may be speaking from rather different perspectives, possibly using different languages, and each will be reflecting his or her own understanding of the norms, beliefs, expectations of the wider culture. In the next section I explore the process of cultural change in Chapter Nine, and, in Chapter Ten, develop and present a framework for an embodied, enacted policy which

includes but goes far beyond the parameters of a legal, externally enforced written statement.

SECTION THREE--POLICY AND PRACTICE

CHAPTER NINE

AN ENACTED POLICY--THE PROCESS OF EMBODIMENT

Once we take seriously the ethics of care's imperative to maintain and enhance caring relations in addition to the need to provide a framework of rights within relationships, it is clear that a simple legal edict or statement of prohibitions of certain behaviors will be inadequate. If we are to have policies which make schools a safe place for girls, educate students about what is wrong with sexual harassment, foster trustworthiness among all members of the community, the entire school community, including teachers and administrators will have to do their own self-reflection and participate in the process. Public dialogue will have to occur in which everyone comes to know what they need to know if the policy is to fairly represent an agreement among all members.

In the end, school sexual harassment policies must go far beyond the parameters of a legally oriented written policy. We need to develop sexual harassment policies which are embodied, enacted and educative, i.e., policies that are expressed throughout the norms, beliefs, values and practices of the entire culture within the school. In short, it must be a policy that is *performed* not merely articulated. No paper-only policy will empower Carla, and the legions of others in similar positions, to claim her right to her body, her space and her dignity.

In this chapter, I consider the process of change involved as schools move from an external, dictated, legalistic policy about sexual harassment to the

formulation of an enacted, embodied policy which permeates the school culture. In Chapter Ten, I explore the elements involved in such a policy, and in Chapter Eleven, discuss some of the implications such an educative policy has for curriculum, pedagogy, and the preparation of teachers and administrators.

We are not without models of embodied policies. Consider the policy which dictates that in the United States all drivers drive on the right side of the road. All the traffic icons and signs re-enforce this rule. All roads are constructed and designed to accommodate the 'right drive' policy. Drivers quickly establish habits which underwrite the custom and may assume this rule is only 'natural' as most people are right handed. Driving on the right side of the road not only reflects the dominance of the right side, but while driving, drivers have their right arms and hands available for such fine motor skills as tuning the radio, reaching in the glove box, and touching their passengers. The habit is so strong that when United States drivers venture to drive in Great Britain or Bermuda, where driving is done on the left, they have extreme difficulty adjusting to this aberration. So strongly is the right side driving custom that even passengers, when riding in a left hand drive car or bus cringe, draw back and constantly expect to see traffic approaching them only from the left. In recalling the strange experience of driving or riding in an area where the right side drive rule is violated, people consistently remark, "It just doesn't feel right."

Preference for right-hand drive is not 'natural' or biologically based. Other cultures prefer other practices in transportation. The restriction on our driving behavior is deeply embedded in our culture and feels 'natural,' but only after it has been taught by example and rules, cultivated, and reinforced by practices and daily routines. It is performed automatically and any disruption in the performance creates considerable, physically experienced discomfort.

A re-visioning of our social environment where women are not objectified, are not viewed as appropriate subjects for jokes, derision, or insulting banter, where male to female assault is viewed as aberrant, unnatural and unacceptable rather than confused with normal sexual activity, where rape scenes are not routinely part of television and movies as entertainment would require a major shift in the very construction of our social life. Nearly every common social practice, our speech, our media, our advertising, our law enforcement system, our families, the most basic practices of our culture, would require alteration. Such a re-visioning would certainly not be experienced as 'natural.' It is against this backdrop of cultural conditioning, however, that strategies to address student-to-student sexual harassment are positioned in our schools, and many of the restrictions on behavior outlined in legal policies may be experienced as unnatural, uncomfortable, and even foolish.

For years, Andrea Dworkin has been asking people to re-vision a society in which sexism is eradicated. In a 1983 speech presented at the Midwest Regional Conference of the National Organization for Changing Men, she challenged the men present to organize a "twenty-four-hour truce during which there is no rape," adding

...I dare you to try it. ...And on that day, that day of truce, that day when not one woman is raped, we will begin the real practice of equality....we will for the first time in our lives--both men and women --begin to experience freedom (Buchwald, Fletcher, & Roth, 1993, p. 21).

In this same speech she posed the question, "Why are you so slow to understand the simplest things; ...Simply that women are human to precisely the degree and quality that you are" (p. 14). Dworkin's words remain as timely when published in 1993 as they were in the original presentation ten years earlier.

Re-visioning cultural practices and implementing changes in them will indeed require time, commitment and a good deal of discomfort. Yet, public schools cannot wait until the prevailing larger culture supports practices which would eradicate or challenge the daily experiences of student-to-student sexual harassment; schools must address the problem amidst conflicting messages from the media. This certainly makes the task more difficult, but not impossible.

Policy to Practice

A school community embarking on a comprehensive examination of student-to-student sexual harassment with the goal of prevention and effective intervention will encounter many obstacles. Such an examination, as we have seen, requires that we consider and challenge the very framework in which we consider male/female relationships, a framework supported by our collective conscious and unconscious acceptance of social norms regarding sexuality, gender roles and the nature of male and female.

The process of any change within schools is problematic; a re-visioning of fundamental structuring and practice of human relationships within schools presents a monumental challenge. Michael Fullan (1991), who has studied the implementation of changes within schools, quotes an anonymous minister of education who, upon his departure from office, told a colleague, "Well, the hard work is done. We have a policy passed; now all you have to do is implement it" (Fullan, 1991, p. 65). School districts throughout the United States generally have policies which addresses sexual harassment, and may conclude that the hard work is done. Fullan warns that it is common for school districts to declare "victory" upon the articulation of a policy, especially when such a policy is in response to imposed legislation, but that "one should never underestimate how long it can take for the spirit of victory to become appropriately manifested in practice" (Fullan, 1991, p. 111). "The pressures (for change) seem to subside

with the act of adoption (of a policy) followed by the appearance of implementation" (Berman & McLaughlin, 1979, p. 1).

It is to the process of effecting change that we now turn our attention. Seymour Sarason (1990), a change theorist, claims that educators are not lacking in good ideas, but that we have difficulty in focusing our efforts toward improvement primarily because we underestimate the extent to which we must work with the culture of local systems. He notes that "the process of implementation requires that you understand well the settings in which these ideas have to take root. And that understanding is frequently faulty and incomplete. Good intentions married to good ideas are necessary but not sufficient for action consistent with them" (Sarason, 1990, p. 61).

In the following pages I explore a plan which is directed specifically to the effective prevention and intervention of student-to-student sexual harassment. The plan rests on four key notions: (1) a policy which has the force of legal mandate complete with definitions of terms and rights, grievance procedures, and avenues for accountability and redress is essential and must also provide for education about relationships if such a policy is to move beyond the abstract external form to become enacted, embodied and adopted into the local culture; (2) the transformation from written policy to enactment and embodiment involves a change of cultural norms, values, beliefs and practices and must address the members of the local culture in a meaningful manner; (3) such change is a process, not an event--complex, not simplistic--and remains dynamic, not static, progressing through time without a discrete end point; and (4) the process is to some extent unique in each setting, reflecting the idiosyncratic properties of each school community. As such, it cannot be pre-packaged either as a curriculum, a written handbook, nor as a training seminar.

As we have discussed, the interest and intervention of the law concerning student-to-student sexual harassment have provided several benefits. Most notably, legal statements prohibiting sexual harassment have: (1) conferred rights; (2) clarified terms; (3) lifted discrete behaviors from the surrounding context and made them more visible, increasing awareness and cognizance of their existence; (4) provided the expectation of accountability and procedures for redress; and (5) provided pressure and impetus for schools to examine and change discriminatory practices which may result in an environment which is hostile and contributory to sexual harassment.

Sexual harassment, however, is more than a legal issue; it is an educational issue. The law, in defining what is legal and what is illegal, may provide a starting point for educators to consider an issue such as sexual harassment, but the law cannot and does not do the work of education. An educational policy on sexual harassment needs to incorporate the legal mandates, prohibitions, grievance procedures, and avenues for redress, but must also consider the population and culture in which it is to be enacted if the policy is to be embodied. Simply having and even understanding a legal mandate does not result in school environments incorporating or responding effectively to such a mandate. Indeed, Arthur Wise (1977) claims, "When policy makers require by law that schools achieve a goal which in the past they have not achieved, they may be engaged in wishful thinking....because schools, like any social organization, do not operate in a rational vacuum" (Wise, 1977, p. 45). Michael Fullan agrees and adds that such wishful thinking ignores or misunderstands the reality of an existing culture within a school (Fullan, 1991).

The Challenge of Change

On one level, educators already know how to effect a policy change, how to change the performance of daily interactions without resorting to punitive legalistic interventions with threats of dire consequences. An examination of a relatively simple change is useful for us to see the elements which combined to make the change successful. As an administrator in an old, too small building, I was concerned about crowding on narrow stairways as large numbers of adolescents changed classes. The sight of one hundred students going down the same stairs that another hundred students were attempting to climb made me shudder as I considered the possibilities for injury as well as the opportunities for intentional grabbing, rubbing, bumping and insulting among the students. The staff agreed with me that we should designate one stairway to be used for traffic descending and the other stairway, located approximately one hundred feet away, for ascending traffic. Large arrows and signs were quickly made and put in place. Announcements to students were made school wide and in small groups for several days. Then, adults were posted at each stairwell during traffic times to direct students to the 'right' stairs. Within days, the majority of students were complying with the new traffic pattern. When an adult saw a student going the 'wrong' way, he or she would stop the student and ask, "What is the new rule about stairs?" Usually with this prompt, the student would remember and correct herself or himself. Sometimes, a student looking directly at a sign with two-foot letters indicating 'up' or 'down' would shake his or her head and reply, "Rule?" Staff were coached to not respond with anger or disrespect, but simply apply Nel Noddings' approach and assume the best possible motive. The staff might say, "Oh, you may have been absent recently, now the stair rule is...", and direct the errant student to the correct stairs.

The marker point for this change was when students could be observed walking, talking, laughing and generally not paying attention to their route, yet, even when headed toward the 'wrong' stairs, would, without adult intervention, execute a 180 degree turn and walk the necessary distance to the 'right' stairs. The traffic pattern was becoming unconsciously performed. It was indeed amusing during a parent open house to hear students explain the upstairs/downstairs arrangements to their parents. When I heard an exasperated student (who had been rather slow himself to get the new routine) say to his parent, "Dad, can't you see the arrow? These are *down* stairs," I declared victory on the change.

It is important to note that all during the change of traffic flow, no penalties were involved. Students using the wrong stairs were reminded of the new rule, asked to repeat the rule, and then directed to the correct behavior. Direct instruction without punitive overtones must precede any enforcement by penalty. As the change was starting, staff knew and understood that some students, even those who had been informed verbally and who could read the signs, would not truly 'know' about the change. This seeming lack of attention or acknowledgment of rules is not necessarily an indicator of defiance, but of rather normal adolescent preoccupation with other things, like their hair. I doubt that I am the only literate adult who has asked a retail clerk for information that was, indeed, prominently displayed on a near-by sign. I know that if the clerk smiles and gives me the information without indicating that I should already know it, I feel respected and positive; if the clerk looks at me as though I were stupid and silently points to the sign, I feel humiliated and plan some sort of revenge such as leaving the store, never to enter again. Students do not have the option of leaving the school physically, but they certainly may elect the

option of revenge by disruption, conscious flaunting of the rule, or by leaving the school mentally.

The change of traffic patterns was executed rather easily and without student revolution or a flurry of detentions. The notion of one-way traffic was not foreign to students; they were familiar with one-way streets and drives. Still, this simple change which did not clash with cultural values required direct instruction, non-punitive monitoring, and clear verbal and written prompts for it to become a performed policy. As new classes entered the school, the one-way stair policy was from the start, part of the 'way we do things around here' and was thus an embodied, performed policy.

In contrast, schools have attempted to establish policies about sexual harassment--a concept that brings into question some of our most deeply held cultural beliefs about sexuality, gender roles, and the central role of our bodies--without education, reflection, or an examination of the norms and practices which lead to and support sexual harassment. Simply wielding a legal policy and threats of severe penalties to people who do not understand what is happening leads to anger, defiance, discouragement and rejection. If we can appreciate that a seventh grade student can honestly stand in front of a sign in the shape of an arrow indicating direction and still not connect that sign with his or her action, how much more should we be able to appreciate that this same seventh grader will be even more adrift when presented with a list of commonly occurring behaviors which are now forbidden?

In the example about the stairs, the goal of the new rule was clear. The benefits to the students as they experienced safer passage with less crowding was soon evident. The rule made sense to them. Further, the rule did not call for any value judgment: it did not involve a moral issue. Even so, rather extensive measures were put into place in terms of staff time and a conscious

'script' for staff to use to enact this simple policy. The goal was to change traffic to a safer pattern and still not alienate students, cause them to rebel, or to blame them for the need to change the rule. Yet, when we attempt to force a legal prohibition of sexually harassing behaviors without any educational groundwork, relying on strong negative consequences and threats, we are ignoring the moral issues and judgments inherent in the policy, we confuse and alienate the very students we are attempting to protect and teach, and we assume a blaming stance that students themselves are responsible for such a policy becoming necessary.

A Case Review

Although a pre-packaged solution for sexual harassment such as a written legal policy, a proscribed curriculum, or a guaranteed training program for staff and students may be seen as desirable, such a remedy is an unrealistic goal or expectation. The effective implementation, adoption and enactment of a policy which effectively addresses, prevents and intervenes student-to-student sexual harassment requires that educators take up the task of significant cultural change within individual school communities. This task is neither easy nor fast. Fullan notes that, "Cultural change requires strong, persistent efforts because much of current practice is embedded in structures and routines and internalized in individuals...*Yet, cultural change is the agenda*" (Fullan, 1991, p. 143).

As indicated in the example of changing the flow of stairway traffic, instituting behavioral changes, even those which do not infringe on people's deeply held beliefs and value systems, requires attention to the local prevailing cultural norms and practices. Now let's look again in more detail at a sexually harassing practice which seems to be nearly universal within middle schools throughout the United States and which has been part of the 'way we do things

around here' long enough for several generations to have been involved in the practice--bra-snapping.

I return to this example for several reasons. First, it is a particularly gender-marked behavior. In my twenty years in middle schools in a wide range of settings, boys snapping girls' bra straps seems to be ubiquitous, common to the point of invisible, and nearly universally accepted by students, staff and parents. Boys may rather routinely, pull at the underwear of other boys (giving 'wedgies' or 'snuggies') both in male-only areas such as locker rooms and in more public areas such as hallways and playgrounds.

But even though girls may also engage in towel-snapping and physical horseplay in their locker rooms or other all-girl environments, I have never known of girls to snap one another's bra in any arena; it is a boy to girl only behavior. Breast development is a highly sensitive concern for all young women. Both early and late developers (there does not seem to be a self-named category of 'normal') agonize about this. Perhaps this sensitivity surrounding breast size explains lack of girl to girl bra-snapping. Girls do engage in other forms of same-gender harassment, but breasts are no joking matter.

Secondly, bra-snapping represents uniquely middle school ritual or custom. Parents, staff and students of both genders readily agree that the same behavior would not be acceptable in another situation, such as between strangers at a shopping mall, or between adults. On many occasions a young man in my office has admitted to snapping some girl's bra, but protests that, "Everyone does it--it's no big deal. Girls expect it." When I note that I have been in the school for several years and no one has ever done it to me, I get a shocked reaction. With a look of disbelief that I would even say such a thing, the student replies, "Well of course not. That would be wrong."

Parents often readily accept the practice as benign and usual with mothers recalling that it happened to them at this age and fathers admitting doing it at this age. However, mothers agree that they would be upset if the behavior had happened to them now, say, while standing in line at the bank, and would call the police. Fathers acknowledge that such behavior would be considered assaultive in such circumstances.

Third, although it seems to be an ubiquitous behavior, it remains largely invisible to others. When I approach a staff member and report that girls have complained that a certain boy "always" snaps her bra during this teacher's class, the teacher is honestly surprised. "How can I see all these things and teach, too?" is a common response. Truly in any classroom there will be times when the teacher's attention is focused on another student, the board, or lab experiment, and a bra-snap takes very little time.

Even when staff do see the behavior, they may not intervene for one of several reported reasons. All too often a staff person has mentioned to me that someone did snap someone's bra but both students seemed to be engaged in proverbial 'courtship or flirting' behavior and "she didn't seem to mind." Regardless of "seeming to mind," the behavior remains unacceptable. Teachers may not react to a bra-snap during class either to not disrupt the flow of the class or to avoid further embarrassing the girl. The fact is that class was already disrupted for the girl involved. When students see a staff person observe the behavior and not intervene, they understand that to be adult acceptance and condoning of the behavior. Even though 'bra-snapping' is generally listed as an 'intolerable behavior' in the legal sexual harassment policy which is posted in the classroom, if it is not addressed by the adults in the area, the students do not take that part or any of the policy seriously. Such an unenforced policy becomes just one more piece of paper that adults hand out,

but do not model. It is not likely that students will have confidence that other parts of the policy will offer them protection or censure.

As students and staff reflect on the sorts of ingrained practices which need attention as part of a total sexual harassment intervention/prevention plan, this custom which has been nearly invisible and apparently accepted will be overtly targeted for extinction. A zero-tolerance stance can be stated and all community members held accountable. Regardless of circumstances, staff will respond; regardless of the larger circumstances, all students will be held accountable.

Students may decide to adopt a "no one can touch anyone's underwear" rule. This removes girls as the exclusive target and spreads discussion over all, with a bit of humor. A more general "No unauthorized touching " or a "Hands off" rule could be adopted and signs reminding everyone, perhaps using the universal picture with a slash mark across it, could be posted throughout the building. Staff--all staff--would remind students of the rule in much the same way as in the traffic flow example, straightforwardly and with good will. No jokes, teasing, insinuations, sarcasm, threats or discriminatory remarks should be attached to the information. A standard phrase such as "no unauthorized touching" or any such response that students and staff have coined, can become a neutral but effective response which students can use with one another without backlash.

Boys may say that they just snap a bra to "say hi," or to get a girl's attention. Other means to accomplish this need to be suggested. For example, they could just say "hi," or even "will you notice me, please?" Indeed, practicing such 'scripts' may lead students to discover new phrases which, in acceptable ways, convey their interest and which may become the 'new' custom.

As with all aspects of this policy, parents and district administrators must be part of conversation. Proactive inclusion of them in the process may prevent the school's making the front page of the local paper with the story of an enraged taxpayer complaining to the School Board, "that with all the money schools cost and dropping test scores, I can't believe our children and teachers are spending their days discussing bras and underwear....."

Addressing Gender Discrimination

As mentioned earlier, adults may find discussion and reflection about gender, gender roles and subsequent discrimination and prejudice, sexuality and normative sexual practices most difficult. Still, these issues must be clearly articulated and available for discussion. Even when a school community actively seeks to implement an ethic of care, well-intentioned persons may unwittingly perpetuate practices which support discrimination and sexual harassment. With the intent of providing appropriate care or protection, many parents and school officials have restricted the activities and opportunities for females. Barrie Thome provides detailed examples of adults imposing such restrictions on girls engaged in play activities with the express purpose of protecting them from potentially harmful interactions from boys. Although the adults articulated care and concern for the girls, none had considered the possibility of a structural re-visioning of appropriate play for all children (Thome, 1994).

So, gender dynamics must be specifically addressed in a school reform or re-visioning which seeks to prevent or curtail sexual harassment. While no school program, policy or systematic effort can be expected to completely eradicate all forms of sexual harassment, educators do have a responsibility to engage in the effort.

It may appear logical to assume that an approach to school reform which frames schools as communities, sub-cultures in which relationships are of primary importance and where an environment of care and respect is conscientiously sought would also result in improvement in gender equity in general and male/female relationships in particular (Sergiovanni, 1994; Martin, 1992; Fullan, 1991). I believe there are problems with such an assumption, however.

A generalized goal of establishing a norm of mutual respect for all persons without specific notice of gender discrimination allows people to continue to tacitly accept discrimination, intolerance, prejudice and harassment as natural, not disrespectful, immoral or illegal. Our culture has a long history of claiming to honor women, especially on special occasions such as Mother's Day, while tolerating escalating violence to women. Although statistics vary, the Federal Bureau of Investigation confirms that a woman is assaulted by a male every twelve seconds; a woman is murdered by a husband or boyfriend every nine days (Jones, 1994, pp. 6-7). There are no reliable statistics regarding the frequency of sexual harassment women experience from elementary school through adulthood, but researchers (Stein, 1993; Larkin, 1994; Eder, 1994; MacKinnon, 1979) reveal that such harassment is part of the daily lives of women. For many people, males and females, sexual harassment is not a conscious consideration of the construct of 'respect', it is just the ways things are.

Further, there have been many historical precedents of articulated concern for 'human rights' where women's rights have been overlooked, undervalued, unrecognized or denied. Many women were strong advocates for the passage of the Fourteenth Amendment, yet were excluded from it by language and by Supreme Court interpretation. Indeed, the word 'woman'

does not appear in the United States Constitution until the Nineteenth Amendment, passed in 1920 (United States Constitution, Amendment XIV, 1).

In 1971, the Supreme Court for the first time ruled that the Equal Protection clause of the Fourteenth Amendment could be applied to women in *Reed v. Reed*. Such delay in incorporating women into a generalized policy gives reason to remain clear and precise in the articulation and implementation of sexual harassment policy.

The Tenants of Change

Michael Fullan (1991, pp. 105-107) lists ten assumptions about change in schools. Although his discussion of change is general, I explore nine of Fullan's assumptions as they relate to the specifics of a sexual harassment intervention program.

(1) Intrinsic to successful change is the need for those involved to "work out their own meaning." Fullan refers to this as a "*process of clarification*" and cautions that change does not follow as a result of this process, but is part of the process. "Clarification is likely to come in large part through *practice*."

As Dwight Boyd reminds us, agreeing on the names of behaviors or values does not imply that there is a consensus regarding the meaning of behaviors or values (Boyd, 1996). Translating sexual harassment definitions and prohibitions into terms which are recognizable and understandable for the target population involves a process which allows people to practice viewing everyday behaviors through a new lens of understanding.

(2) "Assume that conflict and disagreement are not only inevitable but fundamental to successful change....Smooth implementation is often a sign that not much is really changing."

It, indeed, would be foolish to presume that all members of a school community will agree to examine and change practices and beliefs which are

implicated in sexual harassment. Many are unaware of the consequences or potential damage caused by such practices and beliefs; others deny any negative consequences. There is much disagreement that sexual comments, evaluations of another's appearance, insults, and even assaults constitute a major problem. MacKinnon (1983), Larkin (1994) and Mann (1995) consistently report that what girls and women report as threatening, embarrassing, diminishing, and painful is often seen by adults and institutions as 'normal' male behavior. Larkin notes that, "Guys can sexualize their interactions with young women because the dual code of sexual ethics gives them permission to do so" (Larkin, 1994, p. 99). A discussion about this alleged double standard and what constitutes 'normal' male and female sexual behaviors will most certainly provoke conflict and disagreement.

Knowing that the topic of sexual harassment will elicit controversy, proponents of change must plan for the provision of safe arenas for discussion. Safety in this case goes far beyond freedom from physical danger. For women in our society to express our experiences and bring our concerns into a rights-claiming forum, we must break through the fear which has bound our silences. Dr. Christine Northrup, writing of total care for women and our physical and mental health, notes:

When a woman enters into the work ...of speaking her truth, she must break through the collective field of fear and pain that is all around us and has been for the past five thousand years of dominator society. It is a field filled with the fear of rape, of beating, of abandonment....Breaking through the silence takes courage. I know of no woman who has tapped her inner source of power without going through an almost palpable veil of fear....It is little wonder, given the collective history of women, that we are afraid....I don't know of any way around this fear except to go through it with the help of others who've also experienced it and come out on the other side (Northrup, 1994, pp. 646-647).

Yet, as bell hooks reminds us, we live in society, male and female, and must find ways to have safe, honest dialog for our mutual benefit.

Relationships of care and intimacy often mediate contact between women and men within patriarchy so that all men do not necessarily dominate and oppress women. Despite patriarchy and sexism, there is potential among men for education for critical consciousness and there is possibility for radicalization and transformation. ...Sexism is unique. It is unlike other forms of domination--racism or classism--where the exploited and oppressed do not live in large numbers intimately with their oppressor or develop their primary love relationships (familial and/or romantic) with individuals who oppress and dominate or share in the privileges attained by domination. Hence, it is all the more necessary that women speak to men in a liberated voice (hooks, 1989, p. 130).

The establishment of safe arenas is key for both adults and students who are embarking on a comprehensive plan to address the complexity of sexual harassment. This is both a task and a process. There is no magic formula which results in the production of a safe arena, but the central characteristic of such an arena is a willingness to hear voices from a multiplicity of perspectives with respect and good-will.

(3) "Assume that people need pressure to change" but they need assistance, time and space to react and support for change. Fullan posits change as essentially an educational endeavor adding, "...relearning is at the heart of change."

This assumption should be obvious to educators who know from daily interactions with students that both motivation and a supportive environment aid learning new ideas. Yet, Fullan mentions it and I include it, because we too often forget to allow ourselves the same provisions that we seek for our students. All members of a school community need time and opportunity to catch the vision of the benefits to everyone of a caring, harassment-free environment.

(4) "Assume that effective change takes time....Persistence is a critical attribute of successful change." Although this assumption appears to be too obvious to warrant mention, it is one that is commonly ignored by schools who seek to address the issue of sexual harassment in a single action.

Intervention and prevention of student-to-student sexual harassment is not a likely result of a single workshop, student assembly, or the posting of a policy. A policy which becomes enacted and embodied within a population is the result of prolonged, multi-faceted efforts by many, sustained attention on the issue, and on increased raising of general awareness. Shoop and Edwards (1994), Larkin (1994), and Stein (1993) all point out that sexual harassment cannot effectively be addressed in a scheduled meeting, an assembly or training workshop, nor by adding a unit about the topic to the current health curriculum. Staff, students, parents, Board members and people from the wider community need to engage in long-term dialog and planning which considers a multiplicity of strategies.

(5) Resistance cannot be ascribed to only one factor. Fullan cautions that resistance to change may not indicate resistance to the underlying values embodied in the change, but may reflect inadequate time, support systems or education.

Re-thinking and re-visioning practices, beliefs, and customs involving relationships require people to question some of their assumptions perhaps for the first time. The tendency to ignore, trivialize or deny that long-held beliefs may be discriminatory, prejudicial, untrue or undesirable is a strong human reaction and one which will not yield easily. A wide network of education, discussion, support for new practices and a continuous commitment to the change process will be necessary.

Ann Diller, speaking in another context about multicultural conflicts, points out that when we undertake to examine beliefs and practices in the prevailing culture, in this case, a middle level public school, we experience strong feelings of discomfort.

This feeling of discomfort helps to explain the strong resistance most of us experience when faced with honest, and often angry, cross-cultural encounters....another deeper fear that blocks us from full engagement in listening and hearing another culture on its own terms. This is the fear that the 'rightness' of our own position may be undermined, that our grip of certainty on our own beliefs may be loosened. So long as we are preoccupied with justifying and defending the superiority of our own beliefs we are caught in this fear (Diller et al, 1996, p. 165).

(6) "Do not expect all or even most people or groups to change," but Fullan, advises, keep the goal of increasing the number of people involved in the change process and it continues.

Many people will comply with legal mandates without whole-hearted enthusiasm. Indeed, this is the level of compliance accepted, even expected, by the Internal Revenue Service which is still able to collect the majority of taxes in a timely fashion. As people practice compliance with legal mandates, they may or may not become more involved in appreciation for the spirit as well as the letter of the law. In any case, a base level of compliance with the dictates of a school-wide sexual harassment policy can be the beginning of major change.

A tension characterizes the implementation of a sexual harassment policy in schools in that change happens on two levels; some surface changes are legally mandated, and may be quickly established to avoid legal consequences, but more intrinsic change which requires a slower process is sought.

(7) **Effective change requires planning.** When a school community recognizes the need to examine its practices regarding gender discrimination, sexism and sexual harassment, members will need to consider not only what practices should be eliminated or changed, but also the sorts of practices which need to be instituted and reinforced. Cultural rituals serve a purpose; one does not simply eliminate them. Careful consideration and collaborative planning may reveal a myriad of ways the function of rituals can be maintained in ways which do not promote sexism, discrimination and harassment.

For example, a school may be reluctant to eliminate cheer leading, but may seek to provide cheerleaders for all teams sports, both male and female, or to have mixed-gender cheer leading squads. Social functions are important, but schools might seek to sponsor social activities which do not have such strong heterosexual traditions as dances.

(8) **"Assume that no amount of knowledge will ever make it totally clear what action should be taken."** Fullan continues to acknowledge that knowledge is necessary, but needs to be supplemented by what he terms "political considerations, on-the-spot decisions, and intuition." Considered risk-taking seems essential to the process.

Fullan's point here is well taken--no one can ever, in good conscience, claim to know all there is to know about male/female relationships, the exact nature of rights within relationships, nor what sorts of situations may be perceived as hostile to any given individual. This sort of uncertainty often results in paralysis. Students, staff and administrators fail to respond to incidents of sexual harassment, claiming that they were not sure just what to do. The confusion is not merely a matter of not being familiar with the legal policy, but a perceived uncertainty about their perceptions and interpretations of the action in context, and a lack of a repertoire of practiced, familiar, readily

accessible responses. The ethics of care helps with this, encouraging us to remain focused on how to meet the needs of a particular person in a particular situation.

(9) "Assume that changing the culture of institutions is the real agenda, not implementing single innovations." Fullan admonishes us to consistently keep this focus and pay attention to the general picture even while making smaller alterations in practices.

June Larkin, specifically addressing student-to-student sexual harassment advises, "Although a policy is a statement of institutional support and offers redress to those who are sexually harassed, the ultimate goal of educators should be to change the attitudes that perpetuate sexually harassing behavior" (Larkin, 1994, p. 135).

An Obstacle to the Change Process

We are often caught in a dichotomous pattern of thinking which presumes that benefit for one group automatically results in loss of another. The process of change can be hampered by an assumption that a policy which may benefit a marginal or minority group will be detrimental to the dominant or majority group. That is, any change which specifically addresses the needs of girls may be suspect and encounter resistance. Anyone engaging in a comprehensive examination of student-to-student sexual harassment will hear the question early and often, "What about the boys?" The assumption within the question appears to be that any program, consideration or attention to a problem from a feminist perspective is, by definition, detrimental to males. Although such an assumption is false, it becomes problematic not only because it is generally tacit, merely implied, but also because we are unaccustomed to articulating how addressing a social issue from one standpoint, especially a marginalized one, does benefit the whole group.

The creation of a school environment based on an ethic of care has as a central focus the primacy of relationships among all students and staff. In such a context students of both sexes could learn to structure relationships, sexual and otherwise, without the stereotypes and prejudicial thinking which underwrites harassment of both boys and girls.

CHAPTER TEN

ELEMENTS OF AN EMBODIED SEXUAL HARASSMENT POLICY

In this chapter, I develop and discuss six components of the change process through which a sexual harassment policy is embedded, enacted, and embodied within a school community. It is critical to remember that although the elements are discussed separately, they are concurrent aspects of one process, inter-dependent on one another. None is sufficient by itself. The elements include: (1) Expansion: The legal guidelines represent only the minimum acceptable response required of schools. We seek to go beyond this minimum. (2) Explanation: We need to explain, discuss, and directly teach students, staff and community people the sorts of changes outlined in legal policy, working together to arrive at consensus regarding the meanings of the prohibitions named in policy. This requires that we have forums or arenas where honest, safe discussions and reflection can happen. (3) Example: No amount of direct instruction or explanation of policy will be effective unless adult leaders, the curricula, and classroom practices provide examples of the policy in action. (4) Exploration: All members of a school community need to be engaged in exploring and examining the local environment, uncovering practices, rituals, or customs which operate in contradiction to the policy, and then explore ways to institute new practices within the system. (5) Experience: Members of a school community must have actual experience in non-sexist, harassment-free environments. Practice of new modes of behavior is essential for a policy to become embodied. (6) Evaluative reflexivity: The expectation of continuous

reflection, growth, development and alteration is intrinsic to the policy and mechanisms to promote such reflection and discussion is built into the policy.

Expansion

An effective approach to prevent and intervene in student-to-student sexual harassment cannot center on the policing action of a legal policy which identifies only a few actors and stipulates punitive damages for actions which have been reported and substantiated. Approaching student-to-student sexual harassment as a legal issue rather than as an educational issue with legal implications moves us into a framework of thinking which is too constricted. When a large group photograph of several people standing in a significant location is cropped to fit a small frame and focuses all attention on one or two persons separated from the background, the meaning communicated by the photograph is essentially changed. Similarly, the legal frame is too small to hold an accurate picture of sexual harassment as it occurs in public middle schools.

A school community which wishes to situate a sexual harassment policy within the culture in such a way as to promote full enactment and practice needs to expand and extend the legal guidelines. Shoop and Edwards encourage people to examine the school's climate,

Before you begin making policies and rules and regulations you must find out what is going on in your school or school district. Your policy should be responsive to the unique nature of your community, while at the same time ensuring that all students are protected from sexual harassment (Shoop & Edwards, 1994, p. 152).

The Federal Office of Civil Rights continually updates guidelines for schools constructing legally defensible policies. The following suggestions incorporate and expand those guidelines.

(1) The policy should be specific to sexual harassment and prohibit all forms of sexual harassment. It must clearly state that sexual harassment is illegal and intolerable. A separate discussion in the policy of student to student, adult-to-student, student-to-adult harassment encourages students and staff to recognize that sexual harassment is not confined to any one group of actors.

(2) The policy should detail and define specific actions that constitute sexual harassment. It may define a range or continuum of levels of harassment, giving examples for clarification.

(3) The policy needs to outline the penalties for violations. In addition to outlining a range of sanctions, the policy should also warn that persons are subject to other legal liability for acts of harassment from local law enforcement agencies and personal liability.

(4) The policy needs to establish the boundaries for which the policy is effective, naming specific areas which may be unclear to students such as before and after school programs, transportation areas, and school-related events which take place away from the physical plant.

(5) The policy must identify person(s) to whom sexual harassment should be reported. Although it may be legal for a district to name a central office person such as the superintendent as the coordinator for the policy, an effective policy will name persons who are in each building of the district and who have daily contact with students. Teachers or persons so identified must also be viewed already by students and others as approachable. A team may also be designated with a named leader.

(6) The language (translated into as many languages as there are in use in the community) of the policy must be clear and understandable to students and staff. As Fullan suggests, clarification is a process which must be

continually derived from actual practice. Starting with baseline definitions and terms, the practitioners of the policy may add, alter or augment the language to meet particular needs and situations. The students themselves have a primary role in this.

(7) The procedure for filing a complaint must be outlined clearly and in understandable language. The investigation procedures and timelines for the investigation process need to be stated. The procedure becomes more accessible to students when every member of the community, student and staff, view themselves as referral agents. Students, in particular, may need specific encouragement, direct instruction and particular support in assuming this role.

(8) An informal as well as a formal reporting process provides wider access for students and may be a less intimidating process to initiate.

(9) The policy must be posted prominently in accessible locations, included in student and staff handbooks, and should be shared with parents and the wider community, in all the languages used in a given area. It is incumbent upon school staff to initiate conversations and discussions of the policy with parents.

(10) Training is an essential component to insure that the language and procedures are, indeed, understandable and accessible to the target population. Students and staff need to understand the policy and also understand how to implement the policy in the context of everyday experience.

(11) The policy needs to include a feedback loop--a plan for continual re-assessment of efficacy. A sexual harassment policy which is enacted and embodied by a group will require adjustments, refinements, expansion, and revision on a constant basis. Change is a process. As students and staff uncover and change rituals or practices within the community, and explore more deeply the language and prevailing atmosphere regarding gender issues,

they need to revise the sexual harassment policy to reflect changes, additions or institute new provisions for reporting. A group composed of students, staff and administrators should be in place to continually revisit and revise the official policy, keeping it current and accessible throughout the changing context.

(12) An educational policy needs to provide avenues for reconciliation and re-entry of offenders back into the community. While such provision may also be desirable in policies in effect in workplaces, it is especially critical in a school community setting for two reasons. Barring extraordinary intervention, such as a geographical move or a change to private school, students are compelled to attend and remain in proximity with one another throughout the elementary and secondary school years, making it essential that students returning from a suspension or other disciplinary action have access back to positive relationships within the community. Secondly, one of the purposes of education is to teach people the processes involved in positive social interaction. Merely inflicting a time of suspension without providing understanding and practice in gaining or re-gaining social acceptance fails to fulfill this purpose. Students who have been harassed and students who have harassed all need to practice the making and accepting of apologies, restitution, and the establishment of improved understandings of acceptable social behavior.

Legal policies and mandates act to confer rights. Yet understanding of rights in the abstract is quite different from the ability to apply the notion of rights within relationships. This expansion of understanding requires direct explanation, discussion and practice.

Explanation

It seems ironic to exhort educators to provide direct instruction. After all, that is our forte, the basis of our profession, yet we eschew discussions about the nature of relationships, the logistics of maintaining relationships, the ways in which prejudicial or stereotypical thinking may invade and harm relationships, the need of interdependencies we as social beings experience, or specific ways in which we can enrich interactions with others, utilizing both the concepts of rights and of care.

Direct instruction in issues of gender, sexuality, rudeness, discrimination, rights within relationships, and norms of behavior does not translate to tedious moralistic lectures accompanied with warnings and judgments. Although there are packaged curricula which focus specifically on these areas, the topics can be addressed directly within academic areas. Discussions of issues in social studies, literature, science and mathematics are inherently connected with such topics. Such discussions, however, need to be interactive and reflective, not merely pronouncements and prohibitions.

The legalistic approach to dealing with student-to-student sexual harassment in schools has been what Daniel Goleman (1995) has labeled the "war" approach. Like the 'war' on poverty, drugs or teen pregnancy, framing complex, deeply rooted social issues in the simplistic terms of war, where there are clearly two, and only two, sides, good and evil, is ineffective. The legal model and language of sexual harassment policies continue this sort of framing by positing two adversaries, the perpetrator and the victim, as the only players in student-to-student sexual harassment. Such a 'war' framing insinuates that there are two clearly defined, clearly distinguishable opponents who are aware that they are engaging in some sort of combat. The war paradigm is not only ineffective, it obscures the complexity of the issue, fails to recognize any cultural

beliefs or practices which support and create the climate for sexual harassment, and does not provide any prevention strategies. Further, such a model is in essence inaccessible to the very people who are to engage in the 'war' as they do not recognize themselves as warriors, enemies, or clearly defined opponents.

Goleman notes that a public policy which seeks to "declare war" on a social issue focuses solely on a problem after the developing situation has gone beyond control. It is akin to "sending an ambulance to the rescue rather than giving an inoculation that would ward off the disease in the first place" (Goleman, 1995, p. 257). Goleman and others have studied children who seem to recover, endure and triumph over adverse conditions often associated with social ills such as poverty, harsh, punitive, even abusive parenting, drug involvement, and physical and sexual abuse, with particular attention to the sorts of intervention programs that appear to be most effective. His findings about programs which sought to deal with sexual abuse of children may provide some insights about effective programs centering on the prevention of sexual harassment.

Although statistics vary markedly depending on the parameters of definitions used, many experts would agree that between 20-30 percent of girls and about half as many boys are victims of sexual abuse by the age of seventeen. Schools, day care centers, and other youth organizations instituted programs to educate children so that they would be able to both avoid and report sexual abuse. Most programs sought to help children distinguish "good touch" from "bad touch," and definitions and discussions became progressively more specific and graphic with the age of the audience. All programs advised children to "tell" someone if or when they were victimized sexually. These

programs tended to assume that the perpetrator would be an adult, not another child or adolescent.

A national survey of two thousand children found that the typical basic training was little better, and in some cases, worse, than nothing. "Worse, the children who had only such basic programs and who had subsequently become victims of sexual assault were actually *half* as likely to report it afterward than were children who had not had program at all" (p. 257). But the children who were given more comprehensive training, including emotional and social competency skills, were "far more likely to demand to be left alone, to yell or fight back, to threaten to tell, and to actually tell if something bad did happen to them" (p. 259).

Goleman notes,

It was not enough for a child simply to know about 'good and bad' touching; children need the self-awareness to know when a situation feels wrong or is distressing long before the touching begins. This entails not just self-awareness, but also enough self-confidence and assertiveness to trust and act on those feelings of distress....and then a child needs a repertoire of ways to disrupt what is about to happen....the better programs teach children to stand up for what they want, to assert their rights rather than be passive, to know what their boundaries are and defend them (p. 259).

These would appear to also be the skills needed for students to deal with sexual harassment.

The W. T. Grant Foundation sponsored a five-year project where scores of researchers sought to isolate the "active ingredients" that seemed crucial to the success of intervention programs. The list includes self-awareness, identifying, expressing and managing of feelings, knowing the difference between feelings and action, impulse control, identifying alternative actions and their consequences before acting. Interpersonal competencies such as ability to read social and emotional cues, understanding what behavior is acceptable

in a situation, listening, being able to take another's perspective and being able to resist negative influences are all cited. Goleman notes that these competencies should be taught to all children regardless of the need to address a specific problem. These core emotional and social skills, indeed, could be considered the skills for life in any and all situations. Goleman's goal is for parents and educators to provide direct instruction in these areas, not as a cure for all social ills, but as necessary for healthy, competent adult living which will support other efforts to address complex social problems.

Staff Training

Many school districts which have established sexual harassment policies stipulate that students and staff receive notification and some level of 'training.' This is perhaps the most essential component of a school's approach to addressing student-to-student sexual harassment, and the most often neglected. Creating sensitive, aware, capable adult leadership within a school involves much more than a cursory mention of the district's sexual harassment policy and a brief review of some current legal considerations. Discussion of sexual harassment sandwiched in between staff discussion of detention policy and lunch schedules in a large group meeting does not prepare staff to perceive and respond to sexual harassment, and in fact, trivializes it and categorizes it as yet another administrative detail which they may or may not take seriously.

Viewing sexual harassment as a legal rather than educational issue is inadequate, but may provide the impetus for administrators and teachers to make time and space for more significant training on sexual harassment issues.

While many may initially attend sexual harassment training under duress, perhaps in response to an administrative edict, it is imperative that all do attend and that the School Board and District personnel are actively engaged in the

process. Especially during initial stages of training and awareness, it is likely that people will be rather defensive, detached or even scornful of the need for such meetings.

The goals of the initial training are both awareness and commitment to action. Both of these are mandatory for the adults to assume leadership in creating safe arenas for students; it is essential that the adults are in an emotional and psychological position to hear the student voices.

Because sexual harassment, when explored as an educational issue, leads people to consider some deeply held values and beliefs regarding sexuality, gender and power, it is expected that educators will need substantial time and space for reflection. No one is so secure about these issues that discussion will not provoke some anxiety; any will experience pain and resistance as they are confronted with past experiences, personal histories and remnants of their own past which have been 'forgotten,' buried or denied.

After an initial introduction, small, same-gender forums will allow staff to continue discussion in environments which allow more personal reflection. One middle school staff went on separate 'retreats' where, with outside leadership, men and women could address issues of gender, sexuality, their past learnings and experiences in same-sex groups. For many women, it is most difficult to fully identify with other women, even adolescent girls, because of our own insecurities about dealing effectively with the sexual harassment, general disregard and even abuse in our own lives, past and present.

Staff may, after the initial introduction to the district's plan to fully address sexual harassment, decide to read and discuss books on the subject, view video tapes or films dealing with the topic, and begin to conduct their own ethnographic investigations--observing student behaviors, speech and customs. It is important to see these familiar interactions "like a stranger,"

keeping assumptions and prejudices at bay during the observations. Having a focus, such as data collected during observations or a book allows even the wary to participate with minimal risk.

Training for Students

Daniel McLaughlin and William Tierney, writing about strategies of bringing silenced voices from the margin to the center in the process of educational change, offer insights about the nature of empowerment:

Actual empowerment requires more than making an individual aware of his or her life situation. It begins with recovering the past...it entails a twofold process developing voice: first, doing so as a form of publicly speaking out, then doing so as a form of protest against marginalizing, silencing arrangements in schools in particular and in society as a whole....it requires using the narratives to invite critical engagement, to enable others to decide for themselves whether the politics of knowledge and truth may not only be engaged and scrutinized, but also re-negotiated, reorganized, and retold....It requires genuine participant observation, long-term commitment, collaboration, problem solving, resistance, and risk (McLaughlin & Tierney, 1993, p.238).

Specific meetings such as small counseling groups or advisory groups may begin to do student ethnography. As students observe areas of the building or specific practices or customs which they see as problematic, they need a forum in which to discuss these with adults and one another. Specific and general problem solving can then become the focus of student/staff collaborative action.

Later we explore how the formal and informal curriculum and pedagogical style can support student narratives and their critical engagement in becoming reflective change agents within the school.

Example

Judy Mann claims:

Children cannot make the transition into a gender balanced society alone; it is a journey adults have to go on, as well. For we have to learn gender history so we can change the future, and we have to learn about all the poorly defined expectations lurking in our own heads so we can understand the harm they do, the limits they set (Mann, 1996, p. 285).

Sexual harassment is not just a school problem, nor just an adult problem. It is not merely a legal issue. It is a community issue for children and adults. Children do not learn to engage in critical thinking or to consider moral issues in isolation; they need guidance, support, and understanding from adult mentors. Such mentors or guides bear the responsibility of themselves having become observant, sensitive and reflective about gender discrimination within the cultural setting, and committed to the aim of enhancing the ethical ideal of each student.

The importance of calm adult women in the lives of adolescent girls is highlighted by Mary Pipher:

In the past, many young women were saved by conversations and support from a beloved neighbor, a kindhearted aunt, or a nearby grandmother. Many women report that when they were in adolescence, they had someone they could really talk to, who encouraged them to stay true to who they really were. Now, in our more chaotic fragmented world, fewer girls have that option available....calm outsiders who can be trusted with the truth of each girl's experience (Pipher, 1994, p. 284).

She continues to note that the reason the adult must stay calm is that calm people hear more. I would add that calm teachers in a middle school will not only hear more, but see more, and be more receptive to the voices of the students. Men as well as women must have access to places where they can reflect on the issues involved in sexual harassment, become clear in their own

minds about these issues, and become calm adult listeners for both girls and boys who, especially during adolescence, rarely experience an inner calm.

One critical way in which adults in a school community begin to establish credentials and trust with students is by our own behavior in both formal and informal settings. Adults must take responsibility for modeling non-sexist speech and behaviors and eradicate sexual harassment from our own lives. In short, adults who are committed to fostering caring relationships and the capacity for care among students must also be committed to becoming part of the process themselves.

Most administrators and staff have also conformed to and been influenced by the larger cultural messages regarding relationships between men and women. Habits, speech patterns and attitudes which are even unintentionally undermining of gender equity and respect bear close examination and all must exhibit a commitment to change.

June Larkin's interview with women teachers revealed that they are also subject to sexual harassment from both students and other teachers and administrators. One female teacher reported to her principal (male) that a male student had confronted her in her empty classroom, pretended to unbutton his pants and invite her to "taste what was inside". The administrator responded by saying that she should expect such behavior as she was young and attractive and boys of this age are "girl mad." He assured her that as she aged, that is, became closer to thirty, such incidents would not be a problem (Larkin, 1994, p. 37).

Although it is clearly illegal for teachers to engage in any form of sexual harassment with students, the practice continues, perhaps more subtly but harmfully. One student told Larkin of her teacher: "I know this one teacher, and he's very sexist. He makes comments about girls all the time, about the way

they dress, or what they shouldn't do, what they should do. Women should be barefoot, pregnant and everything" (Larkin, p. 56).

Other girls told Larkin about male teachers who would look at their chests when speaking with them, make comments about their apparel or hair or that they were pretty. One girl discussed a teacher whom she felt was "too friendly." He repeatedly suggested she stop by for extra help, but reports she would never do that because of the way he "let his eyes drift down to her breasts" when he made the suggestion.

In some cases females were intimidated not by teacher comments but by the lack of teacher intervention. In classes ranging from art to zoology, girls report teachers allowing male students to bring in sexist material as part of assigned work without comment. For example, dismembered female representations in art classes, semi-nude suggestive photographs of females in biology and consumer science classes investigating advertising, ribald poetry or stories in language arts (Larkin, 1994). While issues of censorship and academic freedoms need to be addressed, they do not override the rights of all students to respect and emotional safety within classrooms. The ethics of care would presume that speech or activity which threatens the ethical well-being of another or which violates the trust of the relationship would not be appropriate care.

Exploration

As mentioned, one of the ways in which a school can collectively rethink beliefs and practices which support an atmosphere accepting of sexual harassment is for both students and staff to, in Nan Stein's words, "be an ethnographer in school" (Stein & Sjoström, 1994, p. 23). She provides a checklist useful for students and staff to observe and record how people respond to one another, sites which seem to 'belong' to specified persons, and

parts of the environment that generally are not noticed such as signs, writing on walls, or pictures. She advises students that observing with a list of specific questions "help you see things that have been in front of you all along, but which you might not have really noticed before" (p. 23).

As students and staff bring to safe areas of discussion their findings or observations about when, where and how sexual harassment occurs, they will identify rituals and customs which now appear to be supporting the practice of sexism. Undoubtedly some of these practices will be special favorites for some people. It is important that discussion remain safe and that people actively listen to one another. Most rituals can be modified or replaced, but this requires group consensus; rituals abolished by fiat often resurface in an even more brutal form.

It is critical that when an area or activity is identified in safe discussion arenas as either provoking or underwriting undesirable behaviors, adult leadership attend to the problem immediately without rationalization or trivialization. Situations or practices which become identified must be acknowledged, interrupted, and changed.

For example, if the lunch room is cited as a chronic place where teasing to the point of harassment occurs, students and staff together can focus on possible solutions or changes. Such changes might include having more staff present during lunch. In many schools non-professional staff who may not even know the names of the students oversee this hectic period where adolescents, free from the confinement of class, go to socialize, move about freely, and have the opportunity to eat. The aim of such supervision is generally to control potential food-fights or acts of blatant vandalism, keep trash disposal at an acceptable level, and insure that no one steals from the lunch line. Their

presence is required to meet minimum health and safety requirements; there is not an educative agenda.

Although teachers may abhor the thought of 'lunch duty' and may, indeed, have contracts which specifically relieve them of such activity, the simplest, most effective way to enhance the lunchroom ambiance is for teachers to eat with students. This changes lunch duty from a police action to an educational component of the day.

Borrowing from the common practice in private, preparatory schools, one school administrator changed the designation of the common eating area from 'cafeteria' to 'dining room' and encouraged teachers to sit with their students and model both appropriate conversation and table etiquette. Not only did the general atmosphere of the dining room change, teachers and students enjoyed their conversations. The message from staff to students changed from, "Here, kids, this is your time and space to do with as you please" to "Our time together is valuable and we seek to have enjoyable, pleasant and relaxed time with you as well as specified lesson time."

Especially as more and more students report that the experience of family dinners--all members of a family group sharing a meal at the same time and place--is a rarity, the notion that meals also serve a social, bonding, educational function may be an important part of a child's total educational experience. Beyond 'policing,' staff sharing mealtimes with students is a response which incorporates care and commitment beyond the walls of a classroom.

Another area which the amateur ethnographers may designate as habitually unsafe are hallways, especially stairwells, alcoves or the 'blind' corridors which often result from physical additions being connected to existing buildings in the most economical way possible. Generally, the bureaucratic

response is to, again, add more policing action--hall monitors or patrols. Rather than giving students a message of safety, such policing adults are generally seen as a challenge and often the level of rudeness or even violence escalates.

One middle school which recognized that hallways were the site of not only rude and dangerous crowding behavior but also of sexual harassment and even assault started an "Adopt a Hallway" program. Each homeroom became responsible for a section of corridor, a stairwell, or other adjacent area. Colorful murals soon adomed the walls, trash disappeared from the floors, and students were empowered to 'claim' the right to monitor student behavior in 'their' hall. Students who had been engaging in cornering or block of other students were told, " Not in my hall, you don't," by their classmates and responded with compliance and good humor. After all, they had their own section of hallway to monitor.

Certainly adult presence in the hallways is still necessary. However, there is a great difference between a hired hallway patrol walking through the halls as a preventive force, and teachers standing in the hallway near their classroom doors greeting students as they enter or saying good-bye to students who are leaving their classes.

Another area which may well be the place mentioned as unsafe by students is on the school bus. Several cases of both student-to-student and adult-to-student sexual harassment have been reported on busses. It is not surprising when one considers the possibilities for misbehavior when one adult who has responsibility for safely driving in all sorts of weather and road conditions is also responsible for maintaining safe behavior from one to ninety children at the same time.

Many districts or bus companies have installed electronic surveillance cameras for the safety and protection of both students and drivers. Again,

adding more 'police presence' even electronically, may appear to be an adequate solution, but students may well suggest better ones. The addition of another adult on each bus, especially the larger busses, would give a stronger message of protection and less of detection and would also serve as a deterrent to any inappropriate behavior by the driver. As an administrator I would occasionally hop on a bus leaving the middle school after making arrangements for someone to pick me up at the end of the run. Students were surprised, but generally pleased, when I said I was curious about this particular section of the district, where each one lived, what the conditions on the bus were or any other response I gave in answer to their question, "What are you doing here?" As this became more frequent, children no longer questioned my presence and took some pleasure in pointing out to me just how long or how bumpy the bus ride was. One student, when I got on the bus said, " Oh good, you're coming tonight. Now it will be a nice quiet ride." Soon students were inviting me to "Ride *my* bus, tonight."

Other middle school students started a program of "Bus Buddies." Generally each of the upper-grade students became a buddy for one younger student on the bus. Even those who had themselves been previously accused of inappropriate behavior both protected their charges and modeled better behavior for them. "Don't talk like that in front of my buddy" was an acceptable and accepted thing for an eighth grade boy to say to another. Framed as protector, the boy did not have to compete with his peers for saying the most outrageous things, and could, indeed, monitor his peers' behavior as he strove to be the most courageous buddy on the bus.

Experience

Students, boys and girls, need protection of legal policy, direct instruction and explanation to translate the policy provisions into understandable guidelines for behavior, examples of adults practicing and enforcing these guidelines of respectful, non-discriminatory behaviors, encouragement to explore their surroundings and make changes in their environment, and they need a multiplicity of experiences in practicing enjoyable activities in positive relationships.

It is not enough to write and post a policy prohibiting sexual harassment. Encouraging our girls to report incidents without providing some basic shifts in understanding of all the people within a community and without cultural support systems is not only futile, it is a 'set up' and potentially debilitating for girls. bell hooks notes, "Naming the pain or uncovering the pain in a context where it is not linked to strategies for resistance and transformation created...the conditions for even greater estrangement, alienation, isolation...and grave despair..." (p. 32). "Awakening women to the need for change without providing substantive models and strategies for change frustrates, creates a situation where women are left with unfulfilled longings for transformation, but lack a sense that these desires can be addressed...." (p. 33).

Carol Gilligan exhorts us to create spaces where adolescent girls can "speak in one's own voice," Gloria Steinem calls it "healthy rebellion," and bell hooks calls it "talking back." Mary Pipher claims that, "Resistance means vigilance in protecting one's own spirit from the forces that would break it" (Pipher, 1994, p. 264).

In the following pages, I offer examples of ways educators can provide the environment for students to experience, practice, enact and embody the sorts of positive relationships which result from mutual respect and

acknowledgment of personal rights. These examples are not universally applicable, nor are they meant to be prescriptive. They are offered as a means of moving our thinking from agreeing to such abstractions as the need to provide safe arenas for honest discussion to more concrete ideas of implementation.

Safe Arenas--While we might get consensus that classroom and other school settings ideally provide students with opportunities to discuss ideas without fear of rejection or domination, the actual structuring of such an environment requires planning and clear ground rules.

In one middle school, a language arts teacher developed a strategy of 'flagging' which was soon adopted and adapted by all the staff on her teaching team. Students drew and constructed paper flags depicting symbols for racism, sexism, classism and lookism. During class discussions, if any student heard or perceived a comment or part of the text which the student determined illustrated one of these 'isms', she or he raised the flag with that symbol. This signaled to the teacher and the class that the student wanted to direct the class's attention to the issue. This practice began as a way to explore themes in literature and to allow students to note and become aware of them. It turned into a widespread practice during other discussions. Such a practice allowed students to use an acceptable method to speak about issues which warranted attention without seeming to be out of step with peers. The practice empowered both students and teachers to delve into issues that, by themselves, can be intimidating, with a network of support.

Myra and David Sadker (1994) have spent over two decades documenting gender inequity in public schools all across the United States. Their research consistently reveals that males at all grade levels receive more teacher attention, more instructional time, and more air time in classroom

settings. Part of creating classroom settings in which girls feel emotionally safe and socially of equal power involves establishing, in actual practice, that girls are equal contributors in classroom discussions. Again, confronting the issue directly and empowering students to practice solutions is effective.

One teacher, concerned with issues of gender equity in terms of 'air time' in class, simply stated her concern to the class and asked that everyone participate in creating a fair distribution of time. The students suggested a variety of methods to keep track which would not disrupt the entire classroom's focus. After trying several techniques, such as keeping a tally on the chalkboard, timing one another, alternating questions and comments on the basis of gender, and others, the class settled on appointing one student for each class session to keep a tally and report briefly to the class if the distribution tilted favor of either boys or girls. At first, the tally-keeping person had a full time job in the classroom as boys overwhelmingly spoke out, answered more teacher questions, and spoke to one another frequently. When this happened, discussion about the plan, the purpose of establishing equal air time and shared examination of what was happening interrupted the academic discussion, but briefly. Soon, the tally-keeper position became unnecessary as the class engaged in self-monitoring.

Another teacher expressed to her classes her intention to use inclusive language and led a discussion about all that implied. She confessed that she realized she had developed the habit of referring to students of both genders as 'guys,' and solicited their help in breaking this habit. They were happy to comply with quick reminders. With good humor and acceptance from the students, the teacher dropped the term from her vocabulary, and noted that the students did likewise. As a bonus, the use of the male pronoun when referring to both genders also fell into disuse.

In these examples, students became aware of a situation and were both invited and empowered to take action to remediate it. Teachers both led the discussion and listened to the students. Changes in "the way we do things around here" need to have space and time and guidance to be practiced before they become enacted and embodied in the larger culture. Teachers need to model the desired changes, discuss them collaboratively with students, and provide the mechanisms by which the changes can occur.

The arts have provided humans with a form of safe arenas. The arts can illustrate and reflect thoughts, ideas and emotions that we have been too reluctant to express or which have been beneath our conscious desire to express. A play, a painting or a poem can express the essence of a construct such as sexism or racism at a distance which allows us to understand without personal risk. Sometimes we experience a leap to understanding, unmediated by words, through the message of art forms.

Besides viewing, reading or listening to artistic performances, we can participate in them with a measure of protection which is liberating and allows for our own growth of understanding. When working with students on such complex controversial issues as those embedded in sexual harassment, utilization of the arts as a medium is most helpful in beginning to bridge the gap between old unquestioned beliefs, and new information.

Simple role-playing within safe arenas provides a beginning for students to see and experience commonly occurring situations from the point of view of another. Such a strategy may be used by individuals in small a group, such as an advisory group, to consider the multiplicity of ways male and female students could catch one another's attention. As an exercise in empathy, there is nothing quite like literally putting oneself in another's role.

Many teachers at the middle level, acknowledging the nearly universal enthusiasm of this age for costumes and play acting, encourage students to dress like the protagonist or the author of the book for oral book reports. As the student becomes the character, the book and the report becomes lively and interesting for both performer and class.

One teacher in Orenstein's ethnography had an assignment in which students needed to 'become' an important person in history for a day, dressing the part and sharing information about him or herself. This teacher noted that while girls choose both male and female characters, males, nearly without exception, choose only males. The assignment was altered stipulating that each student must select two persons, one male and one female, and give two performances. This not only necessitated a class scramble to expand the curriculum materials from the traditional textbook sources and greatly enhanced the general fund of knowledge. Since everyone was compelled to do the assignment, the risk of humiliation or embarrassment in 'dressing like a female' was eliminated. This teacher had firmly established ground rules about respect for presenters and a no tolerance policy for any gender-biased remarks prior to this exercise. The boys reported to Orenstein that actually, the assignment was fun and they learned that "lots of women are really interesting" (Orenstein, 1994, p. 259).

In another middle school, an entire class researched women who have made contributions to society during the past century. Again, the reports were oral and to be done in costume. Everyone participated in 'discovering' people who were not necessarily famous, but who had, indeed, made major contributions in all areas from athletics to science. On the day of the class presentations, a younger student came running up to me and exclaimed, "Ms. Chamberlain, come quick. There's girls in the boy's room." I explained to him

while watching 'Hillary Clinton' emerge from the boy's bathroom, these were boys who were dressing as important 20th Century Women for a class assignment. "Oh," he looked puzzled, "Are they cross-dressing?" "Well," I wondered aloud, "What do you call it when people dress up to play a part?" The child laughed and said, "Oh, it's theater." "That's the word," I agreed. He was too young to read Judith Butler's theory of gender as performance, but he, and the other students, could easily grasp the notion in action.

Many behaviors named as potentially sexually harassing, such as blocking, touching, rubbing, bumping, and intimidating physical closeness, involve violation of someone's personal space. Designing experiences which give students opportunities to become aware of personal space may be necessary to provide the groundwork for understanding some of these violations.

Adults as well as students have some difficulty defining or describing what constitutes personal space. One middle level teacher during a discussion on student-to-student sexual harassment noted that it was difficult, sometimes impossible, to determine the nature of the situation just from observing adolescents in a group setting. "It's like watching a basketful of puppies," she commented, "They are all over each other, but seem to be playing." Other staff agreed that this was an apt description, adding that, "Unless one of them snarls, no one knows something has happened." Indeed, if we socialize our females to "not snarl" when her space is invaded, we will be unable to intervene on her behalf. With some imagination, adults can help students experience the construct of personal space and its importance.

When discussing personal space and its sanctity with adolescents, staff need to be as specific and as concrete as possible. One young new teacher reported that her students were 'crowding' her, surrounding her both while she

was standing and at her desk. She was uncomfortable and wondered if they thought she was 'one of them.' She wanted to maintain friendly relations, but clearly be seen as the adult in the room. I advised her of my theory that one can never be too concrete with this age group and suggested she deal with the issue in a straightforward, business-like way, making no judgments, just stating the problem. After some discussion, she decided to use the image of a 'space bubble.' The next day, she informed her classes that she lived in a space bubble which was invisible, but quite real and important to her. She then, in the air, marked off the dimensions of her bubble. Many students immediately knew what she was talking about and said they too lived in space bubbles, but said people kept 'busting through them.' The class engaged in some discussion about the notion and purpose of personal space and agreed that each one was entitled to it. They further agreed not to invade each other's or the teacher's. From then on, if a student or students crowded this teacher, all she said was a light-hearted, "Oops, you're in my bubble." The students also used this phrase with one another and with students outside of this class who seemed to understand the meaning even without the prior discussion.

In another situation, the teacher also engaged her classes in discussion about personal space and that violation of it was intimidating or at least, uncomfortable, and could lead to sexually harassing behaviors. The class protested that the concept was too vague for them to be held accountable. The next day the teacher brought in hula hoops, assigning one to each student. The students, now vividly aware of the boundaries of the vague notion of personal space, wore them with good humor for the rest of the day. The following day students reported some interesting findings. Although other students still tried to violate their personal space, it was easier for students of both genders to resist violation with the hula hoop marking the boundaries.

Although the constant wearing of hula hoops is impractical, the experience seemed to establish a concrete marker for a previously vague concept. Other classes borrowed both the idea and the hoops to conduct similar experiences.

Schools need to provide a wide variety of 'niches' for students based on their interests and skills as people, not merely as sexual beings. Clubs and groups gathered for non-competitive exploration of computers, chess, music, art, theater or crafts which are not only open but welcoming to both genders may replace cliques based on clothes, looks or sexual activity. The production of plays, art shows, concerts, magazines or newspapers will yield artifacts of the culture which demonstrate that non-sexual and non-sexualized activity is valued. In these and all activities, girls need to see women as leaders, as participants and as valued contributors. Pipher claims that, "Girls need a more public place in our culture, not as sex objects but as interesting and complicated human beings" (Pipher, p. 289).

Community service projects are not only fun and rewarding for the volunteers, they encourage cooperative, goal-focused attention on groups outside of the middle school environment. It is good to remind students that "junior high is not all of life" (Pipher, p. 288). Plato gave to education the task of teaching children to find pleasure in doing the right thing. Establishing and practicing the habit of helping others is not only the right thing for the receivers, but a powerful lesson for children.

Students who 'adopt' an animal shelter, a day-care center, a nursing home, or an environmental project in the community can interact with one another as humans engaged in human activity. Such activities expands the world from the constricted norms and premises of a middle school and provides a larger framework in which to discover talents, abilities and interests not covered within the smaller setting.

Students and staff need to creatively explore new, acceptable, even fun rituals with which to replace ones which are problematic. Pipher encourages parents and teachers to "de-sexualize" school rituals.

As a culture, we could use more wholesome rituals for coming of age. Too many of our current rituals involve sex, drugs, alcohol and rebellion. We need more positive ways to acknowledge growth, more ceremonies and graduations. It's good to have toasts, celebrations and markers for teens that tell them, You are growing up and we're proud of you (Pipher, 1994, p. 291).

Activities which are not inherently demanding of sexualized relationships provide space and experience for students to work together as friends in a mutually enjoyable atmosphere. Instead of a 'traditional' dance, for example, students might organize a fun fest with games, food, and music playing as background. Students might be encouraged to provide an age appropriate party, say an ice cream sundae buffet, and games for younger children in the community.

Student Voices

In all phases of the process of creating cultural changes which bring the sexual harassment policy into the everyday lives of students, the voices, the preferences, the ideas and the issues students articulate are paramount. Adults may structure forums which encourages students to become aware of a problem; we may provide guidance to the process. The students, however, must make the problem their own before they will formulate their own solutions. Effective monitoring or changing the language students use, often to inflict insult to others, is too large a task for any one adult to do alone, but a sensitive, aware adult can provide the catalyst for change. To teach the performance of a sexual harassment policy, we as educators must have direct instructions for ourselves, and must provide the same for students and parents. We need forums in which we critically analyze the practices--both institutional and personal--which have

bearing on sexual harassment. We need to model the performance we hope our students will achieve. Then, we need to enforce and reward compliance with acceptable performance.

In one classroom, for example, the teacher Ms. Parker discussed the word 'suck' with her classes. She had noticed them using it often and objected to it. The students agreed that they used it often and argued that it was an acceptable word, one they often heard on television, seen on bumper stickers, and had heard adults use. Ms. Parker accepted that all the students said was true, but for her the word was not acceptable. She further explained the sexual connotations of the word, which was new information for many students, and asked them to refrain from using it. They replied that it was really a good word to express feelings about something they did not like. The teacher agreed that we all need words to express disapproval and challenged them to find a suitable replacement word. By the end of the day, a group of students returned to this teacher, grinning in anticipation. "Ms. Parker, they chorused, "We have a word!" They proceeded to demonstrate putting on faces of disgust and yelled, "This vacuums!" (strong emphasis on the first syllable), then looking at her for approval, asked, "Is that OK?" Laughing, she agreed to the new word. The students left practicing the word with the right delivery and Ms. Parker shared the story with other staff. Soon, "This really vacuums" could be heard as often in the faculty room as in the classroom.

Ms. Parker realized that students need to own their language, that their language must serve their purposes, yet was able to provide options for them to meet their needs while complying with her request for a non-sexual expression. It is important to note that she did not offer any of her words for their consideration, knowing that they would not be acceptable because they were hers. She empowered them to fulfill their need within her guidelines.

Insulting language and jokes which can lead to harassment may become part of students' language without their conscious realization of the power such verbal assaults can wield. Consider the following example.

One month the eighth grade health seminar was focused on the topic of AIDS. Speakers from a local agency who either had the HIV infection or a diagnosis of AIDS came to school and met with small groups of students. One woman, Ann, had been a middle level teacher and she had a son in eighth grade. After she spoke about several topics, she mentioned that her son, who attended a near-by junior high, was adamant that none of his friends knew of his mother's condition as the ridicule would be too much for him to bear in addition to his personal grief and anticipated loss. When she finished speaking, the entire group was silent and many were in tears. One eighth grade boy, who was not known for his great gentleness or sensitivity, asked with tears freely streaming down his face, "Is there anything we can do?" Along with the others in the room, I awaited her answer. What, I wondered, could she possibly say to this child? She quietly responded, "Yes. You could not tell AIDS jokes or not laugh if other people do." "We won't. We won't," they chorused--and for a long time after that day, they did not. In fact, they extended the rule to the current seventh graders, telling them that although they were too young to understand, no AIDS jokes would be allowed. "Next year, when you are in eight grade, you'll understand," was a message which was both powerful to the seventh grade and empowering for the eighth graders.

Middle level students enjoy playing with words. In one language arts class which had become a safe arena for students, a discussion developed about the word 'slut.' Girls protested that there was no corresponding word for sexually promiscuous males which had the same connotation. Over the course of several days, many words were found or invented which could serve this

purpose, but none was satisfactory to the students. The teacher finally posed the question of why any words which describe another's sexual behavior were necessary. This led to discussion at a more basic level to which I was invited. This particular class voted to abandon the word 'slut' in reference to either gender and while, acknowledging that the lack of an equivalent word specific to males did reflect the double standard of society at large, such a word was not necessary here as it could not be used, anyway.

In another middle school students expressed discomfort with being in the presence of other students who were engaging in public displays of affection. Although students could voice to staff in a safe arena that such behavior made them uncomfortable, they were at a loss about how to confront the offenders without appearing, prudish, jealous, or generally, uncool. A lively discussion over several days yielded a variety of possible solutions. The group considered and rejected several names for this behavior including 'PDA' (public display of affection) and 'making out' and invented their own term, 'gnafling' pronounced with a silent 'g'). The word was funny enough, startling enough, to appeal to the students and it was without previous history. It became immediately acceptable for students to say to other students, "Stop gnafling," or "I hope you two are not going to gnafle, that's so crude." Teachers could simply remind people, "No gnafling," and could be both understood and responded to without further discussion.

When forums for discussion of language, jokes, songs, and code words are provided, students will use them. When students have valid reason to trust adults with their concerns, worries, questions and suggestions, students will engage in discussion and reflection with intensity, enthusiasm, and will create solutions that work. A school community which accepts the challenge of teaching students to care for themselves, one another and the world about them

will provide multiple opportunities for students to discuss and practice caring relationships.

Evaluative Reflexivity

The adventure of creating conditions which support and encourage interdependent, caring relationships is never complete. A sexual harassment policy must be able to acknowledge and respond to the growth and development of adolescents and of the school community. As students become more confident in expressing their concerns, as staff and students become more engaged in the creation of an harassment-free environment, and as local norms and practices shift and take on new forms, there needs to be an established channel for new information to influence the policy. Unlike a legalistic policy which may be formally evaluated at the end of the year by an administrator who reports the number of 'cases', an embodied policy requires continual review and adjustment by the people who are actually practicing it.

Periodically, members of a school community can pause to notice speech, actions, or former school customs which are no longer prevalent. Staff may ask students directly, either verbally or with a written survey, about the changes in the environment that they have noticed, and receive suggestions about issues that are currently problematic.

One key indicator of an embodied policy is the way it is transmitted to the in-coming population. As in the previous example of changing traffic flow on the stairs, new information becomes the normative practice and is presented informally by students to succeeding populations by example with the assumption that people new to the environment will also adopt the prevailing customs. In-coming students begin to practice the sorts of interactions and communications which they see modeled by other students, not merely those required by a student handbook of rules.

These six elements--expansion, explanation, example, exploration, experience and evaluative reflexivity--work together to structure a school community's policy, stance, or position regarding sexual harassment, which is underwritten by both the values of care and the language of rights. The ethics of care would have us focus on the relationships in particular contexts in which we seek to have justice and equality realized. The ethics of care would seek to establish contexts and relationships in which students could learn to appreciate, discuss and evaluate the structure and nature of their own relationships. The concept of rights within relationships could constitute a useful challenge to the cultural patterns supporting student-to-student sexual harassment. Ideally, the ethics of care could develop skills, knowledge, understanding and discernment needed to act in accord with existing legal policies, but it would also cultivate relationships in which such policies would, in large part, be superfluous.

CHAPTER ELEVEN

IMPLICATIONS FOR PEDAGOGY AND CURRICULUM

We have argued for a sexual harassment policy which is embedded, enacted and educative, and have examined both the necessary process of change within the school culture, and the specific elements of such a policy. No educational policy, however, would be complete without a specific discussion of its implications for both pedagogy and curriculum, the *raison d'être* of the schools. In this chapter, I discuss curriculum as encompassing both formal and informal or unintentional instruction, and pedagogy as referring to the totality of the student-teacher relationship. Employing a pluralist model of education developed by Ann Diller, I show how such a model can be adapted to the gender pluralism we encounter in schools. I then go on to present examples of daily, common, sometimes overlooked classroom events which can become critical parts of implementation of an embodied, enacted sexual harassment policy.

Several researchers, most notably Myra and David Sadker (1994), have documented inequity in current practices for over twenty years including discussion of some of the practices which contribute to the continuation of inequities. A review of the sorts of beliefs about normative masculine and feminine roles and how such beliefs underwrite customs, traditions and practices within middle schools has been documented by numerous ethnographers and practitioners.

Many traditional classroom practices reflect an expectation of coexistence between males and females which can best be described as more or less unreflective tolerance. Boys and girls inhabit the same classroom space, but Sadker and Sadker (1994) document that distribution of that space is not equal. Both genders have access to playground areas and equipment although Barrie Thorne describes the access as, again, unequal. Opportunities for experience in athletics, leadership positions, special interest groups, even during the twenty years since the passage of Title IX, remain unequally distributed (Sadker & Sadker, 1994). Curriculum materials including library collections and computer programs contribute to the disproportionate attention given to males. Teacher attention, perhaps the most critical resource within any classroom, remains focused on males to the detriment of females (Rich, 1979; Mann, 1994; Sadker & Sadker, 1994 ; AAUW, 1993).

Ann Diller (1996) outlines a framework useful for educators to visualize how our classrooms and schools can accommodate and meet the needs of a variety of students, both male and female, with the aim of providing nurture, care, growth and expansion of learning for all participants in physical and emotional safety. A continuum based on Diller's framework would seek to move students from a base level of coexistence to active cooperation, to the more interactive stage Diller names 'co-exploring' to authentic mutual relationship defined as 'co-enjoyment' (Diller et al, 1996, pp. 161-169). Applying such a continuum to current educational practice brings us to the consideration of both pedagogy and curriculum.

Staying at the most basic level of coexistence fosters a tolerance for assumed 'natural' inequity. There is no impetus to reflect, discuss or challenge current practices. Such a mindset leads educators to shrug and say, in effect, "Well, that's how boys are, or girls are, or the way adolescents behave" when

challenged to deal with incidents of disrespect, inequity and sexual harassment among students.

Even in the most traditional of classrooms, educators generally strive to have a minimal level of cooperation among students. Group projects, class activities, and whole group endeavors require some level of interaction focused on a mutual goal. Generally, as Diller points out, for a group project, for instance, "the relations among persons need not be taken as ends-in-themselves but can be merely instruments. There is no intrinsic reason to care for each other" (Diller, 1996, p. 163). Nor is there a compelling reason to reconsider traditional gender roles, challenge male privilege or encourage girls to speak with a strong voice nor to claim their rights for equal status.

"Cooperative learning groups" which are much championed by many middle level educators, while useful, are frequently misunderstood (Carey, 1995; Johnson, 1990). Many educators have instituted group projects which require some level of cooperation, but assign roles within the groups, or allow students to select roles, which continue gender-marked traditions. For example, without specific instruction from the teacher, students conducting a group science experiment tend to assign note-taking responsibility to the female(s) of the group while the males actually touch and manipulate the equipment, make hypotheses, and engage in the scientific process (Sadker & Sadker; 1994; Mann, 1994).

The research of Mary Belenky and her associates indicates that the usual academic format of argument, debate, and attempt to both prove one's own point while discrediting others is uncomfortable and difficult for women. Women students report that they felt they faced a choice of mentally and/or physically withdrawing from the discussion or learning to speak "like a man" and enter the battle-like image of academic argument (Belenky et al. 1986). One of the

women Belenky interviewed recalled a typical class, "It was awful. ...They didn't know how to share ideas. It was always an argument; it wasn't an idea to be developed, to be explored" (p. 119). The researchers report that:

In general, separate knowers, found argument--reasoned critical discourse--a congenial form of conversation students assailing their opponents' logic and attacking their evidence, seems to occur rarely among women, and teachers complain that women students are reluctant to engage in critical debate with peers in class, even when explicitly encouraged to do so. Women find it hard to see doubting as a 'game'.... (p. 105).

Structuring classes in which ideas may be explored, problems analyzed from multiple perspectives, and which allows all participants to share in styles which accommodate their comfort levels is a goal for all educators who believe that learning is an active and interactive process. Fostering interaction between knowers and knowledge requires more planning and insight than making laboratory equipment equally available or expanding and diversifying curriculum materials. For males and females to co-explore, they will need to learn to communicate not only by speaking, but by really listening to one another. Such attentive listening requires the suspension, at least momentarily, of our quest to prove our own ideas, so we can examine another person's ideas as they are presented. Diller claims that:

The framework for co-exploring can shift to a pluralistic search for better relationships. As co-explorers we can then work together to achieve reciprocal understanding, we can pursue complex truths via shared inquiry, we can be attentive to each person's account of the terrain as each of us travels it..." (Diller, 1996, p. 166).

Diller proposes that, finally, friendships will evolve as students move from co-exploring to co-enjoyment. As boys and girls work together, collaboratively exploring and solving problems, discussing issues and creating knowledge, a respect for one another as humans complete with fears, hopes, problems, triumphs and joys will develop. She notes that schools, being composed of

small groups who remain fairly stable over time, are ideal places to institute practices which move students to a place of co-enjoyment. Her argument for this claim is based on the following assertions: (1) schools are traditionally already empowered to enforce standards of general safety and respect among students, the baseline for coexistence; (2) the influence of John Dewey remains strong in American public education and has fostered a general acceptance of cooperative learning practices which may move students to cooperation; (3) educational practices which require some measure of co-exploring across cultures, racial barriers, or language groups are often in place and could be expanded to embrace full co-exploration; and (4) co-enjoyment can be both a long term goal and immediately enveloped in current teaching strategies (Diller, 1996, pp. 167-168).

It must be noted, however, that teachers, by themselves, will have difficulty establishing classrooms for co-exploring or co-enjoyment; the prevailing school culture must also support tacitly and overtly the notion that all students are treated with respect, safety and equity. Sexual harassment in all forms silences, humiliates, and discredits females, making co-exploration impossible. Diller advises that two conditions must prevail: an environment which is safe psychologically, physically and linguistically and a willingness to expand beyond embedded thinking and beliefs to allow new and often "discomforting" ideas to be addressed.

Specific strategies to create such an environment are available in many sources, and the most effective sorts will be designed by teachers and students in individual settings, but some general principles guide the development of such strategies.

(1) Teachers need to be constantly aware of student-to-student remarks, gestures or actions which maintain sexual harassment and must

intervene and address inappropriate actions or language immediately, interrupting the process. In addition to the more blatant offenses, a bra-snap or a sexual remark, less immediately obvious forms of harassment such as referring to girls as a negative reference must be addressed.

Kathleen Weiler notes that:

...official classroom discourse is dominated by the intentions of teachers; they set subjects, assign texts, ask questions about texts, and assert their ultimate authority through testing. But the discourse of the classroom is not completely controlled by them. There is a 'sub rosa' discourse in classrooms, made up of both verbal and nonverbal communication among students....Teachers need to recognize the intentions of students and seek to legitimate those intentions through the expansion of official classroom discourse.... (Weiler, 1988, p. 129).

For example, if a male student groans when his group is assigned a female 'captain' and says, "A girl?", the teacher must confront and address the remark, not grimace and say, "Live with it," a response which acknowledges and validates the male's belief that having a girl as a captain is problematic. Direct intervention and instruction do not have to be without humor and good will. When the class as a group is empowered to monitor and adjust the 'sub rosa' communication, they will create unique and creative strategies.

Many insults, some of which become sexually harassing, begin when males want to either get a girl's attention, make her laugh, or in some way provide comic relief in a situation. "That's not funny" or "I am not amused" delivered without smile or laughter, but in a neutral tone, can be adopted as a 'class saying' to acknowledge and respond to a 'misguided joker' in a manner that the group has determined will be accepted at face value. Such a standardized dialog pattern allows the student to save face by saying, "My mistake," "OK," or even "Thank you." No offense was meant, none was taken, and the matter ends.

(2) Teachers need to be aware of the student response patterns and intentionally make space for everyone. This is more difficult and can be aided by making this a goal for the class so all take responsibility. Two greatest gifts a teacher can give students are attention and time. Sadker and Sadker (1994) have painstakingly documented the quantity and quality of responses teachers give to both boys and girls and find even aware teachers find it difficult to equalize their attention. Boys tend to talk out instead of waiting for permission to speak, and to interrupt both the teacher and girl classmates. In addition to having the students monitor the class themselves, another adult can observe and collect response pattern data to be shared with the teacher and the class. Videotaping of classes provides powerful, objective data and most adolescents find the process enlightening and fun.

In one class where I was observing as a supervisor, I noted that the teacher asked 109 questions during a twenty minute segment of the class. (This was not in a beat-the-clock review game.) Given the rapid pace it is not surprising that the teacher answered fully half of his own questions. But of the remaining half, most were answered by boys, both correctly and incorrectly. Some girls called out and some raised their hands and waited, but, for the most part, they were spectators. In reviewing the data, the teacher was both amazed and dismayed. He had asked for my ideas about why the class was not more responsive, and the data provided some important clues. He shared the data with the class and asked them to help him with two goals: (1) a minimum three seconds wait time between questions (this was a starting point) and (2) gender equity in responses. The class appreciated his awareness of the rapid pace and the girls expressed surprise that he had noticed the inequity. They created a number of ways to give feedback and joined the teacher in

meeting his goals. They also began to videotape the class periodically and asked other teachers on the team if they could videotape their classes as well.

(3) Teachers striving for co-exploration and co-enjoyment with and among students are advised to incorporate a wide range of activities, and invite students to initiate their own. The teacher mentioned above was sincere in his desire for wider class participation and also motivated to expose his classes to a rather large body of information during the course. He agreed to try presenting his concerns to the classes. He showed them the course material to be completed, but said he did not want to spend the entire term lecturing on the material. The students had many suggestions, some of which were quite successful. They formed groups and each group took responsibility for "teaching" a section of information in the textbook. As students and teacher together outlined criteria and logistics for the project, students became increasingly active in the planning. He reported that it was amazing to hear students tell one another, "Don't forget to use a lot of visuals," "You have to find at least three ways to present your information--not just one," and "No tricks--tell us everything you expect from us before the test." The students made conscious plans to include special needs students, addressed gender equity, classroom behavior, and constructed their assessment tools. The teacher expanded the environment in a most effective way, and we were all amused to hear students tell us, "Wow, teaching is really harder than it looks."

This sort of engagement moves students and staff from a position of coexistence through Ann Diller's continuum of cooperation, co-exploring, and well into the realm of caring relationships characterized by a sense of enjoyment.

Curriculum

Curriculum, likewise, will require expanded time and attention in teacher and administrator preparation programs to become inclusive, relevant and supportive of a non-hostile, non-discriminatory learning environment.

As pedagogy establishes the relationships between teacher and student and among students, curriculum provides the message. Addressing curriculum issues in the most inclusive sense directs attention to both the formal, official classroom materials and what is generally known as the 'hidden curriculum,' the tacit, informal messages within the learning environment.

Diller and Houston have written about the role of hidden curriculum, and suggest that the term 'informal curriculum' might be sufficient, but then re-consider:

...in the case of hidden curriculum of sexism, it could be argued that it is no longer hidden, it has been found and articulated rather clearly....But we shall purposely keep the term 'hidden' for two reasons: first, the existence of a sexist curriculum may be clear to some but there are many who are quite unaware of it still. Second, and more importantly, the term 'hidden' indicates a concern for recognizing that we have not agreed upon nor chosen to teach this 'curriculum' and students have neither been asked nor told about these learning outcomes (in Postow, ed., 1983, p. 261).

There appears to be substantial evidence that, indeed, our schools do somehow teach and reinforce gender-biased messages along with the intended or formal curriculum which may also be gender-biased (Sadker & Sadker, 1994). These researchers have led the field in investigating a myriad of forms of sexism in schools using objective coding instruments; they have conducted hundreds of workshops for practitioners, worked closely with government officials in the implementation of Title IX, and used every possible communication opportunity to discuss 'hidden' gender bias in curricula. After engaging in this work for more than two decades, they write, "(girls are) systematically denied opportunities...taught to speak quietly, to defer to boys, to

avoid math and science, and to value neatness over innovation, appearance over intelligence"(Sadker & Sadker, 1994, p. 1).

Barrie Thorne catalogues the informal rules and rituals which teaches girls to restrict their movements and use little space on playgrounds, and allows boys about 90% of available playing space and equipment (Thorne, 1994).

The formal curricula in many schools remain exclusionary and biased. Many educators augment, supplement and delete such text offerings and invite students to be part of that process. Girls and boys need to read about women in all academic areas as part of the courses, not a one-day special event or as a few atypical examples. Inclusion of women was the topic in one social studies department meeting where the men complained that there were no suitable materials. This was not surprising to them as they firmly believed that women just have not done much in history. The (female) department head produced a large box of books written by and/or about women in history and said, "Everyone pick at least one to use this term." End of discussion.

As we have previously noted, viewing education from the perspective of an ethics of care as articulated by Nel Noddings (1984, 1992) provides important insights regarding the sort of curricula likely to investigate, challenge and change sexist, discriminatory, harassing practices. Proponents of this ethic place significant emphasis upon education, particularly moral education. Noddings herself claims that the primary aim of education is to produce good people and she clearly appreciates the magnitude of such an undertaking. She states, " This is a huge task to which all others are properly subordinated. We cannot ignore our children--their purposes, anxieties, and relationships..." (Noddings, 1992, p. 10). Throughout Noddings' writings, she emphasizes the need for direct instruction, dialogue and discussions which address specifically the value, skills and processes involved in the maintenance of mutually

enhancing relationships in which care for the ethical integrity of all persons is paramount. She urges conversations about relationships, and the problems of conflict and inequity within relationships "...not to fix blame,It is to understand and perhaps to resist pressures that lead us as individuals and groups to perform outrageous acts" (p. 119). She continues to describe discussions which would "make me think about what I would do--with whom, to whom, why. This is the language of education for caring" (p. 119).

Jane Roland Martin, another educator with an ethics of care perspective, argues that we need to study care in relationships with special sensitivity to the role of gender, making the social patterns which often result in gender inequity a focus of study.

In her book, The Schoolhome, Martin provides several examples of how curriculum centered on the examination of such social practices might be incorporated into educational practices. For example, in one classroom, the teacher is having a discussion with the girls who are aware that they consistently provide help to boys in the classroom, often at some cost to themselves. This pattern of girls helping boys, without request or acknowledged appreciation from the boys, while boys do not reciprocate has been noted by the teacher and the girls. Martin writes:

...since they already know how to reach out to others, the girls are concentrating on their own issues. A group of them are in deep conversation with a teacher. They are asking her how to curb their tendency to help others at too great a cost to themselves. Whereas boys have to learn to substitute acts of kindness for deeds of violence, the girls have to learn to think about their own good. And while the boys' education will have to counteract our male stereotypes and stress their becoming givers and not just the recipients of care, the girls' instruction will have to reverse the emphasis....All this means that while the boys in the Schoolhome are learning to replace violence to others and themselves with positive acts of courage and self assertion the girls will have to learn to speak their minds and stand up for themselves. [Both will have to learn that] in content [both virtues] transcend our gender stereotypes (Martin, 1992, p. 112).

Student-to-student sexual harassment is not wholly a problem of individual students; they, themselves are part of a pattern and caught in social circumstances which they need to understand. It seems expedient and beneficial to bring students into conversations which help them understand such social patterns and circumstances. Martin provides another example of such a conversation among older students. In Martin's imagined classroom a boy and girl have performed the scene about the sun and moon from Act IV of Shakespeare's The Taming of the Shrew in which Petruchio demands that Kate say the sun is the moon.

The teacher asks them why Petruchio forces Kate to say what is patently untrue. One of the onlookers in the class mutters, "No problem. He's a practical joker." But the boy who is going to play Petruchio in another scene of the play says, "I am not. I'm trying to get her to obey me." 'You're right,' one of the girls interjects. Petruchio says, "I will be master of my own." "She is my goods, my chattel," the students recite in unison. Then the teacher asks, "What happens to people if you constantly tell them that what they see isn't really there?" "They think they are crazy," a girl says. "My father does it to my mother all the time." "When this happens to someone," the teacher asks, "can she speak her mind?" "She doesn't even know her mind," the girl answers. The ensuing silence has more meaning for the students than any words (p. 11).

The students in this example continue to discuss the issues raised in this play and design their own rendition of this play which is often considered an inappropriate selection for study in schools. Martin responds to this allegation stating that, "In a universe where children may have never seen women beaten or humiliated or driven crazy by men, the policy of shunning the play might make sense," and if we want to insist that sexual politics is a personal problem "unworthy of curricular attention" then it would indeed be wise to avoid it. But,

In [the] safe atmosphere where students can talk about the domestic violence in the play's action and the misogyny in its language, sense Petruchio's sadism and Kate's pain, Taming does not represent an embarrassment that must be gotten round. The very features that in other contexts make it problematic make it an especially effective

educational vehicle here. Like other Shakespeare's plays it illuminates some of those big questions that all of us must confront. Its' special virtue is that it raises questions that girls and boys in our culture face here and now: What is it to grow up female or male at this time and in this place? What happens to women who speak out? What are masculinity and femininity anyway? Can boys and girls, men and women live and work together without the one sex being dominant and the other submissive? (pp. 115-116).

Mary Pipher claims that:

Junior highs are not user-friendly for adolescent girls. Most of what girls read in schools is written by men and about men. We need more stories of women who are strong, more examples of women in a variety of roles....girls need a more public place in our culture, not as sex objects but as interesting and complicated human beings... (Pipher, 1994, p. 289).

Attending to both formal and informal, overt and hidden curricula while addressing the cultural structures and practices which constitute the norms and beliefs of the school's culture can create a more "user-friendly" place, and bring the voices of students into the discussion, challenge, and the change process.

Teacher and Administration Preparation Programs

Paulo Freire claims that authentic education, education as the practice of freedom, consists of dialogue, reflection, consciousness of relationships and is an actively evolving activity, not a static depositing of knowledge from one person to another. "The raison d'être of libertarian education...lies in its drive towards reconciliation" (Freire, 1994, p. 53). The process encourages, even requires that all persons reflect on themselves, on the world, and on the relationships. "As women and men, simultaneously reflecting on themselves and on the world, increase the scope of their perception, they begin to direct their observations towards previously inconspicuous phenomena...." (p. 63).

Student-to-student sexual harassment has been an "inconspicuous phenomena" and virtually unaddressed in teacher preparation programs.

Sexual harassment may be mentioned as one of several legal issues administrators must be aware of in an administration course, sandwiched between bus duty liability and establishing probable cause for locker searches. Student-to-student sexual harassment must be addressed in both teacher and administrator preparation programs as a critically important educational issue.

The sort of collaborative discussion, reflection, and discussion of sexual harassment proposed in this plan will require teachers and administrators who can engage in collaboration. The ethnographic observations which will lead staff and students to discover specific areas and practices which foster student-to-student sexual harassment in individual schools will demand that teachers and administrators be able to respond to student voices and concerns.

The successful enactment of a cultural shift which promotes gender equity and seeks to prevent all forms of student-to-student sexual harassment will require several sources of influence--teachers, administrators, parents working together over time. If only one factor or source of influence changes, the pattern of social relationships will not be significantly altered.

If pedagogy is to be viewed as being in relationship with students, appreciating and meeting their needs and modeling the sort of care relationship we would desire for the students to adopt, would-be teachers will need more extensive discussion than is usual in traditional methods classes. To move along Diller's continuum from coexistence to co-enjoyment, teachers will need more background than the essentials of classroom management, familiarity with overhead projectors, and the advice to include some group activities.

Educators who understand the critical importance of the values, practices, roles and assignments within the social relationships of a cultural setting will be better equipped to attend to hidden messages. But such

understanding alone is insufficient; educators must be moved to action based on their insight.

bell hooks offers an encouragement to all teachers and teachers in preparation: "To educate as the practice of freedom is a way of teaching that anyone can learn...To teach in a manner that respects and cares for the souls of our students is essential if we are to provide the necessary conditions where learning can most deeply and intimately begin" (hooks, 1994, p. 13). Indeed, providing the necessary conditions for students to enter into and practice relationships of care requires that our teaching, both content and method, demonstrates our own commitment to such relationships.

CONCLUSION

As the young woman walked the beach at dawn, she noticed an old woman ahead of her picking up starfish and flinging them into the sea.

Finally, catching up with the old woman, the young woman asked why she was doing this. The answer was that the stranded starfish would die if left in the morning sun.

"But the beach goes on for miles and there are millions of starfish", countered the younger. "How can your effort make any difference?" The wise old woman looked at the starfish in her hand and then threw it safely in the waves.

"It makes a difference to this one," she said.

Anonymous

The institution of public education both reflects prevailing cultural norms and social expectations and perpetuates them. Students acquire information about academics; they also absorb the beliefs, values and assumptions they see modeled or condoned by teachers in daily, ordinary continuous experiences. Teachers may sometimes feel powerless, pawns of the school board, servants to the larger community, and overwhelmed by the students. We may experience the frustration of being inadequate to meet the multiple, diverse needs of those we meet daily in the confines of a classroom; we may despair of coping with the results of social problems far beyond our control. Far from feeling that we are at the very center of social power, we may feel there is no hope and that our mission is destined for failure. Yet each day we are in a position to make a difference for someone entrusted to our care.

Sexual harassment is embedded in a larger culture of misogyny, violence and fear, and appears to be both ubiquitous and inevitable. The very

idea of establishing a small community where relationships are valued and caring for the ethical ideal of one another is of primary importance within such a culture may appear absurd and pointless. After all, even if a school could provide a haven of safety and encourage healthy growth and development socially as well as academically, students will still have to face a world in which sexual violence is presented as normal by magazine advertisements, movies, music, and even video games.

The larger culture does penetrate and influence school communities. This requires that educators remain vigilant, anticipating that some messages entering into a caring sub-culture will require acknowledgment and perhaps, rebuttal. However, the boundary is permeable from both sides—it is just as likely that values, beliefs, norms and practices will leave the school culture and be acknowledged, accepted and practiced by outsiders. As each student leaves the protected confines of such a community where relationships incorporate rights, care, and ethical development, she or he will carry at least some parts of that community into the larger world.

Seeking honest, respectful, authentic relationships between genders, among all persons, requires perseverance and some struggle. Adrienne Rich reminds us that, "Truthfulness, honor, is not something which springs ablaze of itself; it has to be created between people." And yet, she also reminds us, "...The possibilities that exist between two people, or among a group of people, are a kind of alchemy. They are the most interesting thing in life" (Rich, 1979, p. 193). I submit that the process of introducing adolescents to the complexities and possibilities of caring relationships is as noble a goal as one could set for a life's work.

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