



FOR GENDER JUSTICE



STATE POLICY AGENDA

# STOP SEXUAL HARASSMENT IN YOUR STATE

As the Me Too movement has made clear, [sexual harassment is widespread](#), affecting working people in every state, in nearly every kind of workplace setting and industry, and at every level of employment. The COVID-19 economic crisis has increased the risk of harassment, discrimination, and retaliation at work, especially for those historically most marginalized by workplace harassment—[low-paid workers](#); Black women and other women of color; LGBTQ people; immigrant women; and women with disabilities—many of whom are [working on the front lines of the crisis](#). [High unemployment rates](#) have left many working people more desperate to keep a paycheck and less willing to report workplace abuses.

In addition, sexual harassment, which includes sexual violence, doesn't just happen in the workplace, and it doesn't just affect adults. Too many students experience sexual harassment in [elementary and secondary schools](#) and [in college](#)—both on campus and, as we have increasingly seen during COVID-19, online. And patients experience sexual harassment at the hands of [health care providers](#). In each of these contexts, sexual harassment holds women and girls back, including trans and cisgender women and girls, as well as gender-nonconforming people, threatens their safety, health, and economic opportunities, and excludes them from public life. For women of color, immigrant women, women with disabilities, and LGBTQ people, harassment perpetuates inequality along multiple dimensions.

Our communities want policies that prevent and redress sexual harassment so everyone can succeed in school, get good jobs, and lead healthy and productive lives. The demand for change has never been more urgent; the Me Too movement has sparked immense energy and momentum to transform our laws, institutions, and culture and the economic recession unleashed by COVID-19 has increased workers' vulnerability to harassment and retaliation

at work. Recent polls show that [83% of voters](#) surveyed agree that policymakers should focus on ending sexual harassment at work and in school, and [68% of voters](#) think addressing sexual harassment and assault should be a major or top priority for elected officials.

## WOMEN AND GIRLS NEED POLICIES THAT WILL ALLOW THEM TO LIVE, LEARN, AND WORK SAFELY AND WITH DIGNITY

Sexual harassment stands in the way of equal opportunity and economic stability and the right to live with dignity and autonomy. Sexual harassment in school and at work makes its targets, the overwhelming majority of whom are women and girls, feel unsafe and unwelcome, interferes with their ability to be productive and successful, and hurts their short- and long-term mental and physical health. Sexual harassment—and schools and employers failing to address harassment or retaliating against victims—contribute to women and girls being pushed out of school and out of their jobs. And it can lead women and girls to avoid or leave a field of study, profession, or industry altogether—often higher-paying, male-dominated fields—which perpetuates the gender wage gap.

Sexual harassment and assault by health care providers can result in physical and psychological harm and prevent patients from accessing the health care they need. This is particularly true for Black and Native American women and LGBTQ people who are more likely to experience discrimination when seeking out care, more likely to avoid care due to fear of discrimination, and more likely to suffer health disparities.

Gaps in state and federal laws have left many of those most vulnerable to sexual harassment without meaningful legal

protections. And the legal protections that do exist have frequently been inadequate to incentivize schools, employers, and health care institutions to take steps to prevent and promptly address harassment. Too often, harassers are not being held accountable by schools, employers, or health care institutions. Instead, the survivor suffers retaliation for reporting the harassment and is pushed out of school or work or left unable to access health care. This leads to people not reporting harassment.

A legislative agenda that addresses sexual harassment at school, at work, and in health care can harness the energy of the Me Too movement to make real, lasting change. To prevent sexual harassment at work, we must start by addressing it in schools since the treatment and behavior students experience from their peers, teachers, and administrators ultimately shapes workplace norms about gender, race, respect, and accountability. Harassment also can hurt girls' ability to succeed at school, which, in turn, hurts their future economic opportunities, reinforcing gender and racial inequalities in the workforce and making them more vulnerable to harassment at work.

**Policies that will work together to combat sexual harassment and increase equality and opportunity for women and girls include:**

**Stopping Workplace Sexual Harassment:** Everyone deserves dignity, respect, and safety at work. But sexual harassment is widespread—at least [25%](#), and as many as [85%](#), of women surveyed report having experienced sexual harassment at work. Long-standing gaps in federal and state laws, and judicial decisions undermining existing protections and their enforcement, have stymied efforts to address and prevent persistent workplace sexual harassment. These gaps put certain workers—particularly those in low-paid jobs, women of color, people with disabilities, and immigrants—at increased risk of harassment and retaliation with little or no legal recourse. [States can take the lead](#) in protecting more workers, increasing victims' access to justice, promoting accountability, and preventing harassment. These reforms should expand anti-harassment protections to independent contractors and employees of small employers; extend the statute of limitations for bringing harassment and discrimination claims to three years; improve victims' ability to hold employers and individual harassers accountable; redress the harm caused by harassment by improving recovery of monetary damages; restrict employers' efforts to impose secrecy regarding harassment, such as through nondisclosure agreements; and emphasize prevention strategies, including mandatory anti-harassment training and ensuring tipped workers are entitled to the same minimum wage as other workers, so workers do not have to tolerate harassment as the price of tips.

**Preventing Sexual Harassment and Assault in PK-12 & Higher Education:** [Prevention is key](#) to stopping sexual harassment and violence before it becomes an issue. Learning whether students feel safe, welcome, and valued in school is key to identifying what a school

is doing right to prevent a hostile environment and where there is room for improvement. Students should be taught about consent and healthy relationships from an early age, as research has shown that PK-12 students who receive sexual health and consent education are less likely to be a victim or perpetrator of sexual harassment and violence. And because victim-blaming norms may be ingrained in educational institutions, educators must be taught to unlearn certain behaviors and biases. States can help schools prevent harassment and assault by promoting the use of regular school climate surveys, requiring age-appropriate consent and healthy relationship education in PK-12, and requiring educators to receive ongoing training to recognize implicit biases and implement trauma-informed approaches in the classroom.

**Ending School Discipline Practices That Blame Girls for the Harassment They Experience:** No student should have to put up with harassment to get a good education. Yet too many schools maintain policies that have the effect of punishing students for reporting harassment or that seem to hold girls responsible for preventing others from harassing them. For example, dress codes that regulate clothing based on the assumption that girls' bodies are a "distraction" to boys not only send the message that what students look like is more important than what they think, but also that students who dress a certain way are somehow "asking" to be harassed or assaulted. [States should](#) require schools that choose to have a dress code to implement a universal, inclusive, and gender-neutral dress code that does not perpetuate discriminatory stereotypes. States should also ensure schools apply amnesty policies for students who may fear reporting harassment or an assault when doing so would reveal they violated a student code (e.g., underage drinking, engaging in consensual sexual acts at school) and for students who violate a school code because of the harassment or assault they faced (e.g., missing school to avoid a harasser, acting out in an age-appropriate way due to trauma). Finally, states should ensure harassment investigations and disciplinary hearings are fair and equitable for both those alleging harassment and those who are the subject of complaints.

**Ensuring Patients Are Protected From Sex Discrimination, Including Sexual Assault and Sexual Harassment:** All patients should be able to get the care they need free from discrimination, which includes being free from sexual harassment and sexual assault by their health care providers. But across the country, patients continue to experience sexual assault and harassment by health care providers, which is devastating to patient health and well-being. States should explicitly prohibit health care providers from sexually harassing or assaulting their patients and pass or enhance other protections for patients.