



FOR GENDER JUSTICE



STATE POLICY AGENDA

STOP SEX HARASSMENT IN YOUR STATE

As the Me Too movement has made clear, [sex harassment is widespread](#), affecting working people in every state, in nearly every kind of workplace setting and industry, and at every level of employment. COVID-19 left many workers [more economically insecure](#) and thus more vulnerable to harassment, especially those historically most marginalized by workplace harassment—[low-paid workers](#); Black women and other women of color; LGBTQI+ people; migrant and immigrant women; and disabled women.

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

Workers and students are organizing and demanding better of employers and schools and our state policymakers must do the same. [Polls show](#) that 65% of people say the government is doing too little to address the problem of sexual misconduct. Our communities want policies that prevent and redress sex harassment so everyone can succeed in school, get good jobs, and lead healthy and productive lives.

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

Sex harassment stands in the way of equal opportunity and economic stability and the right to live with dignity and autonomy. Sex 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. Sex harassment—and schools and employers failing to address harassment or retaliating against victims—contributes 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.

Sex 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 Indigenous women and girls and LGBTQI+ 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 sex 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 sex 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 sex 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 shape workplace norms about gender, race, consent, and accountability. Harassment also can hurt girls' ability to succeed at school, which, in turn, hurts their future economic opportunities, reinforcing gender and racial inequities in the workforce and making them more vulnerable to harassment at work.

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

Stopping Workplace Sex Harassment: Everyone deserves dignity, respect, and safety at work. But sex harassment is widespread—at least **25%**, and **as many as 85%**, of women surveyed report having experienced sexual harassment at work. Longstanding gaps in federal and state laws and judicial decisions undermining existing protections and their enforcement, have stymied efforts to address and prevent persistent workplace sex harassment. These gaps put certain workers—particularly those in low-paid jobs, women of color, disabled people, and migrants—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 at least 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 Sex Harassment and Assault in PK-12 & Higher Education: [Prevention is key](#) to stopping sex 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 of harassment or a sexual harasser. 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.

Protecting Survivors From Defamation Lawsuits From Their Abusers: Harassers and abusers are increasingly [weaponizing defamation lawsuits](#) against victims of harassment to prevent them from speaking out, to retaliate against them after they have spoken out, or to further harass and control them in the wake of an ended relationship. Retaliatory lawsuits that aim to stop people from speaking out about misconduct are known as Strategic Lawsuits Against Public Participation (SLAPPs). People who file SLAPPs do not necessarily expect to win in court, but SLAPPs are still effective at silencing victims because defending against even the most baseless lawsuit can still require considerable time and money, and SLAPP filers tend to be wealthier and more powerful than their victims. States should enact anti-SLAPP laws or amend their existing anti-SLAPP laws to ensure that victims of sex-based misconduct are protected from SLAPPs when they speak out about the abuse, when they file complaints with authorities (including schools and employers), and when they sue their abusers in court.

Ending School Discipline Practices That Blame Girls for the Harassment They Experience: Students deserve to receive a high-quality education in an environment that is safe and affirming. 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 their education, but also that students who dress a certain way are somehow "asking" to be harassed or assaulted. [States should](#) encourage schools to [eliminate dress codes](#) and require schools that choose to have a dress code to implement a universal, inclusive, and gender- and race-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 another student conduct code (e.g., underage drinking, previously 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 Sex Harassment and Assault:

All patients should be able to get the care they need free from discrimination, which includes being free from sex harassment and sexual assault by their health care providers. But across the country, patients continue to experience sex harassment and sexual assault by health care providers, which is devastating to patient health and well-being. States should explicitly prohibit health care providers from harassing or sexually assaulting their patients and pass or enhance other protections for patients.