**Sexual Harassment in the Athletic Training Room: Implications for Athletic Trainers**

BENITO J. VELASQUEZ, DA, ATC, LAT, and JAN DRUMMOND, EdD • University of Southern Mississippi, Hattiesburg

**Key Points**

- Sexual harassment consists of unwelcome comments or behavior.
- Sexual harassment can include unwelcome physical contact or verbal comments.
- Sexual harassment can be male to male or female to female.
- Sexually harassing behavior can come from coworkers, associates, or students.
- Both men and women are at risk of being sexually harassed.

**Key Words:** Title VII, Title IX, Canadian Human Rights Act, Provincial Human Rights Commission

Laws in both the United States and Canada have defined sexual harassment as inappropriate behavior that infringes on the rights of individuals to work or learn. Athletic trainers and therapists might face potential problems concerning sexual harassment in both the educational setting and the clinical setting. Sexual harassment is not a new problem in athletic departments or to athletic trainers and therapists. In the mid-1990s the University of Florida fired its swimming coach because of allegations that he sexually harassed several of his swimmers, and a former women’s basketball coach at Duquesne University sued her athletic director for sexual harassment. In 1997, the University of Tennessee settled a sexual-harassment complaint with a female athletic trainer employed in the men’s athletic department.

**What Is Sexual Harassment?**

Any type of sexual behavior that is unwelcome, as well as verbal requests for sexual favors or any type of unwanted physical contact, could be acknowledged as sexual harassment (see the side bar at right). Sexual harassment can have a negative effect on an individual’s job performance (for both the recipient of the harassment and the accused harasser). In the United States, sexual harassment violates both Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972. In Canada, it violates the Canadian Human Rights Act, involving federal jurisdiction and the Provincial Human Rights Codes, which protect 90% of employees in Canada. Both countries embrace similar definitions of what behavior constitutes sexual harassment. According to the U.S. Equal Employment Opportunity Commission and Canada’s Provincial Human Rights Codes, sexual harassment is defined as requests for sexual favors, unwelcome sexual advances, or any other verbal or physical contact of a sexual context. In addition, both the United States and Canada use three basic guidelines to establish whether the behavior is regarded as sexual harassment (see the side bar at center right). The United States’ Title VII states that it is unlawful for an employer to discriminate against any individual on the basis of gender. In addition, Title VII prevents an employer from depriving anyone of employment or educational opportunities or changes of status on the basis of gender.

Over the years, the U.S. Supreme Court has examined the role of Title VII and listed two general categories of sexual harassment. An employer or supervisor offering an employment benefit (i.e., salary increase, a job, or pro-
motion) in exchange for a sexual favor would be an example of quid pro quo harassment. Another example would be an instructor who offers a grade change or some benefit (letter of recommendation) in exchange for sexual favors. The other category is the hostile or offensive working environment, which is not associated with an offer of benefit in return for sexual favors. A hostile or offensive working environment might be a workplace or educational setting in which unwelcome behavior or comments of a sexual nature occur or sexually suggestive books or pictures (posters) are constantly on display. This type of harassment can occur on a daily basis and can take the form of physical or verbal abuse. The definitions used by the Equal Employment Opportunity Commission were influenced by Supreme Court decisions of the 1980s and early 1990s. All sexual-harassment lawsuits in the United States allege either Title VII or Title IX violations against an employer or educational institution. Title IX of the Educational Amendments prohibits sexual discrimination against students. The basis of using Title IX to seek protection from sexual harassment is to claim that it represents a form of sexual discrimination, because its occurrence relates to a person’s gender. In addition, individuals who are sexually harassed are denied the benefit of working (or receiving an education) in an environment free of offensive or hostile behavior.

One thing that is clear in both the United States and Canada is that sexual harassment can be a single incident or a series of incidents over a period of time. Sexual harassment can occur in a variety of employment settings, and the offender can be a peer or a student (see the sidebar below). Requests for sexual favors and other unwelcome verbal or physical conduct of a sexual nature constitute sexual harassment when submission to or rejection of this conduct directly or indirectly affects an individual’s employment or education, interferes with job performance or grades, or creates an intimidating, hostile, or offensive work or educational environment.

**What is Sexual Harassment?**
- Unwelcome sexual advances toward the victim
- Sexually suggestive remarks or displays of offensive pictures or posters
- Threats, intimidation, or verbal abuse toward the victim
- Unwelcome physical contact, pinching, or fondling

**Definition of Sexual Harassment**
Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when
- An individual’s submission to such conduct is made explicitly or implicitly a term or condition of employment or promotion.
- Forced submission to sexual advances or rejection of sexual harassment by an individual results in loss of employment or other job benefits.
- Harassing conduct has the purpose of interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment.

**Facts on Sexual Harassment**
Sexual harassment can occur in a variety of circumstances, including but not limited to the following:
- Men, as well as women, can be victims of sexual harassment.
- Same-gender sexual harassment can occur.
- A sexual harasser can be the victim’s supervisor, a coworker, an agent of the employer, a supervisor in another area, a nonemployee, or a student.
- The victim does not have to be the person harassed but could be anyone affected by the offensive conduct toward another.
- Unlawful sexual harassment can occur without financial injury to, or dismissal of, the victim.
- The sexual harasser’s conduct and behavior must be unwelcome.