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Sexual Abuse and Harassment: Time to Check on Policies and Procedures

In the spring of 2011, the investigation of Yale University for violation of sexual harassment prohibitions under Title IX of the Education Amendments of 1972 made national headlines. Other investigations of other Ivy League and prominent institutions of higher education followed soon thereafter. In April of 2011, the Department of Education (DOE) issued a “Dear Colleague” letter to clarify the obligations of educational institutions. DOE instructions were very clear. When any school, college or university becomes aware of the occurrence of sexual harassment or abuse or sexual violence of any kind, it must respond “promptly and effectively” to eliminate its occurrence and address its impact – even if the victim of the action does not wish to file a formal complaint and even if there is an ongoing criminal investigation. Every educational institution that is a recipient of federal funds must comply with Title IX, including the obligation to have a Title IX Coordinator and a widely distributed Title IX policy.

This is an area in which the athletics department cannot see itself as operating in isolation. If anyone in the athletics department becomes aware of sexual harassment, sexual abuse or sexual violence of any kind, the case should be reported to the institution and handled according to established Title IX policy and procedures.

As national media attention is focused on this issue, the time is ripe for athletic department leaders to devote staff meeting time to reviewing Title IX policies and procedures and the definitions of prohibited activity. This situation should give every sport manager pause and a reason to examine athletics department practices. Here are some good questions that should be addressed now:

- Do we have an annual education program for all staff and athletes that addresses sexual harassment, sexual abuse, “quid pro quo”, Title IX policy and procedures, and the ethical responsibilities of all staff members and educators with regard to relationships with their students?
- Does every member of my staff understand his or her immediate obligation to report any instance of sexual harassment or abuse whether or not the victim wishes to file a formal complaint?
- Do coaches' employment agreements and athletics department policy clearly state that intimate relationships with students, even if they have reached the age of consent, are expressly prohibited and that in the case of violation of such policy, such actions are cause for termination

of employment?

Sexual harassment and sexual abuse are different.

- Sexual harassment is unwanted, often persistent, sexual attention. It may include, written or verbal abuse or threats, sexually oriented comments, jokes, lewd comments or sexual innuendoes, taunts about body, dress, marital status or sexuality, shouting and/or bullying, ridiculing or undermining of performance or self-respect, sexual or homophobic graffiti, practical jokes based on sex, intimidating sexual remarks, invitations or familiarity, domination of meetings, training sessions or equipment, condescending or patronizing behavior, physical contact, fondling, pinching or kissing, sex-related vandalism, offensive 'phone calls or photos, and/or bullying on the basis of sex.
- Sexual abuse often occurs after careful grooming of the athlete until she believes that sexual involvement with her abuser is acceptable, unavoidable or a normal part of her training or everyday behavior. It may include exchange of rewards or privileges for sexual favors, groping, indecent exposure, rape, anal or vaginal penetration by penis, fingers or objects, forced sexual activity, sexual assault, physical or sexual violence, and/or incest. (WomenSport International, 2007).

Unfortunately, the world of sports has been riddled with sexual abuse and harassment of young athletes by their powerful and publicly respected coaches (respected for producing performance results) for many decades, across all sports, regardless of sex. While there is no consistently collected data on the prevalence of these transgressions, there is reason to believe that news reports represent the proverbial “tip of the iceberg”:

- “Over the past decade, 159 coaches in Washington have been fired or reprimanded for sexual misconduct ranging from harassment to rape. Nearly all were male coaches victimizing girls. At least 98 of these coaches continued to coach or teach.” (Seattle Times, 2003)
- “Even after getting caught, many men were allowed to continue coaching because school administrators promised to keep their disciplinary records secret if the coaches simply left. Some districts paid tens of thousands of dollars to get coaches to leave. Other districts hired coaches they knew had records of sexual misconduct.” (Seattle Times, 2003)
- USA swimming has had some equally disturbing statistics. They released a report in May 2010 that listed 46 coaches that have been handed down a lifetime ban from the sport mostly for sexual misconduct. (ESPN, 2010)
- Additionally, in this same report, USA Swimming did not include two coaches who served jail time, two coaches who were arrested, and a coach fired from a Division I university. They weren’t part of the 46-person list, published in May 2010 by the USA Swimming NGB amid accusations of lax background checks and minimal safeguards to protect youth. (Colorado Gazette, 2010)

Athletes are often drawn into keeping the secret against their better judgment for the sake of protecting the team from public embarrassment (WSF Coach/Athlete relationships, 1999). Or, athletes may not understand the “quid pro quo” nature of athlete/coach relationships. Quid pro quo sexual harassment occurs when submission to such conduct is explicitly or implicitly made a term or condition of the victims’ participation in the sport, or is used as the basis for decisions affecting that individual. In the coach-athlete relationship, some examples of quid pro quo harassment are when a coach grants or

withholds benefits (such as coaching attention, a scholarship, starting position or playing time) as a result of an athlete's willingness or refusal to submit to the coach's sexual demands, whether this expectation is obvious or not. As a result, such athlete silence due to these factors reduces greatly the amount data available to truly understand the scope of the problem.

Like schools, colleges and universities (and their athletic departments), sports organizations, from privately owned local sports clubs and teams to national sport governing organizations and national coaches associations, have not been very effective in responding to this issue. While many sport organizations have policies in place that prohibit such conduct, it appears that very little success has occurred with regard to (1) taking action against coaches who violate these policies, (2) implementing consistent programs that educate athletes and parents about sexual harassment and abuse and how to deal with such situations, and (3) creating a climate in which athletes feel safe in reporting such incidents.

Thus, these crimes and abuses of power of the teacher/coach often go unreported. When they are reported, few coaches are terminated from employment or banned from the profession for violation of professional rules of conduct and, in the case of criminal acts, brought to justice from a legal standpoint. This failure to stop such unethical or criminal coach activity is due to a myriad of factors such as:

- Lack of education of athletes and parents so they understand the nature of sexual abuse and harassment and the fact that such conduct is unethical or criminal
- Athlete embarrassment
- Lack of physical evidence
- Time lapses in reporting
- Coaches owning their own sports clubs and no oversight body to receive such complaints
- Young athletes who seek attention and approval of their coaches and/or who do not understand the “quid pro quo” nature of sexual abuse by a teacher, coach or someone in authority
- Parent denial
- Lack of effective reporting and investigatory mechanisms
- Conflict of interest – coaches being asked to judge their colleagues or institutions who would rather protect the reputation of their institution than the safety of the athletes they are serving. (Starr, 2011)

The result is athletes across all sports becoming victims of sexual exploitation as consenting or non-consenting minors or adults and coach/perpetrators caught only after numerous transgressions and/or continuing to coach after deals are struck to protect the organization.

"It is probably the biggest problem confronting sport today," says Professor Celia Brackenridge, who has been researching sex abuse in sport for more than 15 years. 'Everyone talks about the perils of doping, but if there were 100 drugs cases under investigation in football, or 60 in swimming, or 40 in tennis, there would be uproar. Yet that's the scale of the problem with sex abuse today.'(Observer Sports Monthly April 2002)

While sports governance organizations and clubs have either added a “code of conduct” to their policies (see USOC Coaches Code of Conduct), implemented policies that require coaches to pledge to not engage in intimate relations with athletes, or established policies that outright state that no such relationships are permitted, these efforts have not stopped the occurrence of coach-athlete sexual abuse

or harassment. (see Sandler, 1996; Women's Sports Foundation, 1999; U.S. Department of Education, 2011)

Even when strong policies exist, many organizations fall short on policy implementation. For instance, in the case of USA Swimming, its policy states that the Executive Director has discretion on whether or not to investigate the claim. In the case of a number of colleges and universities, the excuse of waiting for the results of a criminal investigation by local authorities has been used to delay action by the institution, in many cases resulting in the victim continuing to have to attend class or practice with an offending professor, peer student, athlete teammate, or coach.

Generally, national sport organizations rely on local authorities to carry out investigations. By the time a situation reaches the attention of a national association, too many athletes have suffered such abuse. Or, even if USA Swimming or any national sport governing body (NGB) bans a coach from working in open amateur sport club programs, that coach could become a high school coach and the NGB ban would not become known, even if school performed a background check, unless the coach was previously charged with criminal conduct.

Sexual harassment and abuse are serious matters that deserve the careful attention of the sports manager. Given the media's current focus on this issue and their ongoing interest in all matters related to sport program integrity, now would be a good time to take a careful look at how your sport program deals with this issue.

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References

1. Colorado Gazette. (2010) Lawyers want US Swimming Banned List Expanded. Available at: ht tp://www.gazette.com/articles/lawyerswantmorecoachesonusaswimmingbannedlist-99785--.html
2. ESPN: (2010) 46 Coaches on the Banned USA Swimming List. Available at: http://sports.espn.go.com/oly/swimming/news/story?id=5220940
3. Observer Sports Monthly. Downes (2002). Every Parents Nightmare Available at: http://observer.guardian.co.uk/osm/story/0,,678189,00.html
4. Sandler, B.R and R.J. Shoop, ed. (1996), Sexual Harassment on Campus: A Guide for Administrators, Faculty and Students. Boston: Allyn and Bacon.
5. Seattle Times. (2003), Coaches Who Prey: The Abuse of Girls and the System that Allows It. Available at: http://seattletimes.nwsource.com/news/local/coaches/news/dayone.html
6. Starr, Katherine. (2011) Confronting Sexual Abuse and Harassment by Sport Coaches: A Need for a National Effort. Unpublished position paper.
7. United States Department of Education Office for Civil Rights. (2011) "Dear Colleague Letter on the Sexual Harassment of Students as Prohibited by Title IX of the Education Amendments of 1972. (April 4, 2011). Available at: http://www.whitehouse.gov/sites/default/files/dear_colleague_sexual_violence.pdf
8. United States Olympic Committee. (2000) Coaching Ethics Code. Available at: http://www.usacoaching.org/resources/Coaching%20Ethics%20Code_new.pdf
9. Women's Sports Foundation. (1999) Sexual Harassment - Sexual Harassment and Sexual Relationships Between Coaches, Other Athletic Personnel and Athletes: The Foundation Position. Available at: http://www.womenssportsfoundation.org/Content/Articles/Issues/Coachin

g/S/Sexual-Harassment--Sexual-Harassment-and-Sexual-Relationships-Between-Coaches-Other-Athletic-Personn.aspx
10. WomenSport International. (2007) The Sexual Harassment Task Force: Brochure on Sexual Harassment and Abuse in Sport. Available at: http://www.sportsbiz.bz/womensportinternational/taskforces/harassment_brochure.htm

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