



Definitions & Statutes/Policies

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Embrace Civility in the Digital Age

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What is Bullying?

Unfortunately, the answer is not at all clear and this lack of clarity presents a problem. Most academic literature and information for educators presents one definition. Most surveys assess based on another definition. Neither definition is in accord with statutory definitions that provide the basis for the policies that schools must enforce.

One issue is clear, however. Students involved in bullying should not be called “bullies,” “victims,” or “bully/victims.” The terms “bully” or “victim” should not be used as a disparaging noun. Bullying is behavior. The term “bullying” and its variants should be used as verbs or adjectives. “A student who engaged in bullying.” Or, “The bullied student.”

Traditional Academic Definition

The traditional academic definition is common in materials provided to educators. The Centers for Disease Control and Prevention (CDC), ED, and the Health Resources and Services Administration (HRSA) partnered with bullying experts to develop a uniform definition of bullying for research and surveillance. In January 2014, the definition that was released was

Bullying is any unwanted aggressive behavior(s) by another youth or group of youths who are not siblings or current dating partners that involves an observed or perceived power imbalance and is repeated multiple times or is highly likely to be repeated. Bullying may inflict harm or distress on

the targeted youth including physical, psychological, social, or educational harm.¹

This definition seeks to exclude more minor altercations, as well as situations involving conflict.

Some surveys seek to measure students experiences with bullying based on this definition. This approach presumes that students are able to effectively sort out issues of “imbalance of power,” which is doubtful.² Sometimes this is explained that one student is bigger or more popular than the other student. What if one student is bigger, but less popular or smaller and more popular? It also appears that students do not think in these terms when asked to define bullying.³

School administrators likely also have difficulties interpreting the concept of “imbalance of power” based on social or physical characteristics. If they are dealing with a situation that involves a tall, physically fit lesbian basketball player and a petite homecoming queen, and one has been hurtful to the other, is there an imbalance of power? Who is more powerful and why?

Hurtful Acts

A review of the surveys compiled by CDC, entitled *Measuring Bullying Victimization, Perpetration, and Bystander Experiences: A Compendium of Assessment Tools*, reveals that most surveys assess bullying by providing youth with a list of hurtful behaviors and asking if they have experienced any of these actions.⁴ Thus, these surveys essentially define bullying as a “hurtful act.” This is likely in accord with the common

perception of bullying as “someone is being hurtful.” This is not bullying.

Sometimes these surveys ask about repetition. They rarely ask about severity of the resulting impact. A hurtful act as measured by these kinds of surveys could also be a minor incident or conflict.

Statutory Definitions

Then there is the statutory definition of bullying. Or to be more precise, the forty-nine different state statutory definitions. These definitions provide the basis upon which schools must enforce policies against bullying.

A 2011 U.S. Department of Education (USED) report, *Analysis of State Bullying Laws and Policies*. (USED *Analysis*), noted, in a significant understatement, that the lack of consistency in use of terms in these statutes “contributes to confusion over how a specific incident should be treated.”⁵

Most of the statutory definitions, however, are based on federal case law. This includes the Supreme Court cases of *Davis v. Monroe* (discriminatory harassment) and *Tinker v. Des Moines* (free speech), as well as a key Circuit Court case, *Saxe v. State College* (school anti-bullying policy).⁶ These cases will be discussed in Chapters 2 and 3.

The essential language of most state statutory definitions is: Pervasive or persistent hurtful acts directed at another student that have caused, or can reasonably be forecast to cause, distress resulting in a significant interference with the ability of the student to receive an education or participate in school activities.

“Imbalance of power” is demonstrated based on objective evidence of the harmful impact, rather than trying to sort out the relative strength of various student characteristics. If a situation is pervasive or persistent and causing distress, and the targeted student is unable to get this to stop, there is an “imbalance of power.”

The statutory definition is the most objective, focuses on the harmful impact, and is the standard schools are required to enforce. If schools are assessing bullying incident rates, which is highly recommended, they should assess based on the statutory standard. Instruction to educators, especially principals who are enforcing policy, should also be based on this definition.

Statutory & Policy Provisions

As a general statement, many state statutes look as if they are written by advocacy groups or by legislators for the primary purpose of providing language they can refer to in the next election. Line after line of commentary on the harms associated with bullying and how schools should stop this are not going to play any effective role in accomplishing these objectives. The more crisp and clean the statutory and policy language, the better.

As noted, most of the statutory definitions for bullying, are based on federal case law, including *Tinker* and *Davis*, the standards of which were combined in the *Saxe* decision.⁷ This is a direction that should be encouraged. Recommended language is set forth at the end of this Chapter.

Confusion Regarding Harassment

The *USED Analysis* identified significant confusion in how the term “harassment” is defined in state statutes.⁸

Many state laws currently use the terms “bullying, harassment, and intimidation” as essentially one concept. Other states refer to “bullying” exclusively, whereas a couple of states laws prohibit “harassment” without any mention of “bullying.” Other states use both “bullying” and “harassment,” and define the terms separately.

The definition for “harassment” is sometimes is not based on either federal or state civil rights case laws standards that specifically reference protected classes. Further, the state bullying prevention statutes generally fail to specifically reference the state civil rights statute.

Given that schools can be held financially liable for failure to effectively respond to discriminatory harassment under both federal and state laws, state bullying prevention statutes should provide a clear definition of harassment that is in accord with the civil rights case law standards for their respective states, with reference to those statutes.

“Distinguishing Characteristics”

Some states include language in their statutes that address “distinguishing characteristics” of the target.

The *USED Analysis* outlined these categories as: race, disability religion/religious practice, sex or gender, national origin, sexual orientation, ancestry/ethnicity, gender identity or expression, association with groups/individuals, marital status, socio-economic status,

family status, physical appearance, and academic status.⁹

Note that this list includes characteristics that refer to protected classes under federal or state civil rights laws, such as race or disability, along with other characteristics which do not receive such protection, such as family status or physical appearance. Often this listing is then followed by an “any other characteristic” catch-all.

The failure to distinguish between discriminatory harassment, based on violation of civil rights laws, and these “distinguishing characteristics” can cause confusion with respect to what constitutes discriminatory harassment.

Unclear Terms

Unfortunately, some state statutes have included more expansive language within the definition of bullying using terms such as “teasing,” “social exclusion,” “embarrass,” “insult,” “demean,” and “annoy.”¹⁰

Use of such non-objective terms raises concerns of constitutionality, along with inconsistent interpretation. If the term “offensive” was deemed to be unconstitutional in the *Saxe* case, these kinds of terms would likely not withstand a constitutional challenge.

Statutes also often reference physical assault. Bullying behavior could include physical assaults. But many times, an assault is an assault, not bullying.

The biggest challenge with the use of such unclear terms comes into play when a principal must interpret such terms in the context of a situation.

Treating All Hurtful Acts as “Bullying”

The use of unclear terms can also have a seriously damaging impact on students who are accused of engaging in “bullying,” in more minor incidents.

While it is very important to move away from the “kids will be kids” perspective in more serious situations, it is also quite accurate to say that sometimes “kids will be kids.” Sometimes they say things that are not kind. They will get into altercations, arguments, and conflict. Someone will do something hurtful to them and they will do something hurtful back. These students need correction, assistance, and instruction.

But they do not deserve to be labeled as having engaged in “bullying,” when all they have done has been to be hurtful, angry, or simply did not think things through clearly. Further, they clearly do not deserve to receive a permanent disciplinary report that they engaged in

bullying in the context of these kinds of more minor incidents.

Clarity of definitions in accord with the case law standards will assist in avoiding inappropriate allegations of bullying in situations where these more stringent standards have not been met.

Stringent Standard

On a flip side of the last comment, the most common statutory definition is based, in part, on the *Davis* standards that could lead to liability against a school. This includes the concepts of severe distress, pervasiveness and/or persistence, and significant interference.

Schools must also be able to respond to situations where students are disparaging others in a way that does not reach the level of severity, pervasiveness, or persistence, or substantial or significant interference that constitutes a hostile environment, but, if not stopped, could.

Recall the Court’s focus in *Zeno* was on the failure of the school to address the “culture of bias” that was supporting the ongoing harassment.¹¹ This “culture of bias” included ongoing disparaging speech that did not rise to the level of severity that it was noticed or reported.

Additional reinforcement for the importance of focusing on such disparaging speech is found in the 2010 OCR *Dear Colleague Letter* where this key statement was made:

*Harassing conduct may take many forms, including verbal acts and name-calling; graphic and written statements, which may include use of cell phones or the Internet; or other conduct that may be physically threatening, harmful, or humiliating. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.*¹²

It is critically important that schools restrict student speech that disparages and reinforces a “culture of bias” against certain students, even when such speech does not yet meet the standards that would be considered bullying or discriminatory harassment or is not necessarily directed towards a particular student. As was addressed in Chapter 4, in doing so, it is also important that the school protect students’ right to free speech.

It is advisable for schools to add provisions to their policy that address disparaging speech that has not reached the level of bullying or harassment. To do so, it

is critically important that schools have local data indicating the cumulative harmful effect of such disparaging speech. Further, it is best for schools to respond to these kinds of situations in an instructional manner that does not result in a formal disciplinary report, unless the student persists.

Focus on Reports of Incidents

The underlying focus of state statutes are policies against bullying and mechanisms to facilitate student reports of bullying. This approach is based on the assumption that if students or their parents will report bullying, the school staff will make everything better.

As the data clearly indicates, the majority of students think reporting to school staff will make things worse. Further, one study demonstrated there is only a 1 in 3 chance that reporting to the school will make things better and an equivalent 1 in 3 chance that reporting will make things worse.

Likely many educators, as well as state legislators, think that setting up reporting mechanisms and encouraging students to report will solve the problem of bullying.

Nothing could be further than the truth.

Concerns Associated with Required Public Reports

Some state legislatures are taking a new approach to ensure attention to the concern of bullying by requiring all schools to make an annual public report of incidents. The unintended negative consequences of this approach are significant.

There is a natural tendency for any institution, schools included, to seek to limit publication of data that could unfairly damage its reputation. As we know, the majority of students who are bullied do not report this to an adult.¹³ Schools that improve their effectiveness in responding should see an increase in reporting because more students would feel that it is safer to report.

But higher or increased reports of bullying will be translated as a “black mark” on schools. Thus, schools could discourage students from reporting bullying or classify incidents as “not bullying” to avoid this kind of negative reputation.

By way of example, in New Jersey under the Anti-Bullying Bill of Rights Act, a reporting requirement was added to the state’s bullying prevention statute.¹⁴

After the passage of this law, an Anti-Bullying Task Force was established to address difficulties associated

with the implementation of the annual reporting requirement. In January 2013, the Task Force issued an Interim Report, which noted that the lack of clarity regarding the distinctions between bullying, problem behaviors, and social conflict, was creating significant challenges for school personnel in determining which incidents required investigations and reporting.¹⁵

The annual report for 2012-13, provides insight into how New Jersey schools responded to these concerns.¹⁶ A colleague at Rutgers University in New Jersey provided the following data analysis from this report:

- Percentage of Schools Reporting Zero Incidents of HIB: 44%.
- Percentage of Schools Reporting One Incident of HIB: 13%.
- Total percentage of Schools Reporting Zero or One Incident of HIB: 58%.¹⁷

Despite the fact New Jersey schools have implemented bullying prevention programs, it is highly unlikely that the number of actual bullying incidents in 58% of New Jersey schools has been reduced to zero or one.

Looking more closely at the *Commission Report*, a key reason given for the decline in reports is set forth in this statement:

(A) continued emphasis by districts in training personnel to better understand that only incidents meeting all of the criteria of the HIB definition under the ABR are to be reported on the EVVRS¹⁸

This legislative approach is akin to suggesting the military address the problem of sexual assault solely by requiring all unit commanders to investigate and publicly report how many reports of sexual assault they received. The military wisely assesses both survey data of assaults and the number of such assaults that are actually reported.¹⁹ The objective is that the number of assaults reported on the survey will decrease and the number of reported incidents will increase.

To avoid mislabeling those schools as “bad schools” because students feel safer reporting relationship problems will require that schools be judged on their effectiveness using multiple measures, not just reported incidents. In addition to incident reports, these measures should include an annual survey that measures school climate and student reports of bullying or harassment incidents, measured in accord with the statutory definition. The combination of data will provide greater clarity and accountability.

Cyberbullying Definition & Off-Campus Speech

The *USED Analysis* revealed that while thirty-six states included some form of restriction against cyberbullying, the definitions for this also widely varied.²⁰ Further, only thirteen states have added language that specifically allows for school disciplinary intervention if a student's off-campus speech has caused a hostile environment at school for another student.

It is unadvisable to provide a separate definition for cyberbullying. Cyberbullying is simply bullying using digital means. The focus should remain on the hurtful acts, by whatever means, and the resulting harmful impact.

As was discussed in Chapter 5, schools do have the authority to formally respond to off-campus hurtful speech if that speech has caused, or foreseeably could cause a substantial disruption at school or interference with the rights of another student to receive an education.

However, it is important to provide notice to students to avoid failure of due process. Inclusion of the school's authority to respond to off-campus speech that has created a hostile environment at school in the state statute and, even if not in the state statute, in the school district policy is advised.

Definitional Clarity

Fully recognizing the challenge that there are "49 horses already out of the gate," the following definitional approach is recommended.

Bullying Definition

A recommended definition is:

Pervasive or persistent hurtful acts directed at another student that have taken place at school, while traveling to or from school, during school activities, or while off-campus, that have caused, or can reasonably be forecast to cause, distress resulting in a significant interference with the ability of the student to receive an education or participate in school activities.

Discriminatory Harassment Definition

A recommended definition is:

Discriminatory Harassment is bullying, based on the prior definition, that is directed at students based on their actual or perceived membership in a

protected class, as defined by federal or state civil rights statutes.

Disparagement

A recommended definition is:

Intentional verbal or written expression of: A) a derogatory term; B) a symbol that has historically been associated with the oppression of a group of people; or C) a statement that communicates an opinion of the inherent inferiority of a student, group of students, or group of people which may include students, that the school has reason to believe could cause a significant interference with any other student's learning or participation in school activities.

It is not necessary that disparagement be directed at any particular student. Disparagement will be addressed in an educational manner. If it persists, this will be elevated to bullying or harassment. This provision will not restrict students from expressing views on potentially controversial issues, as long as the expression of those views does not disparage others.

Objective investigation Questions

The objective investigation questions to determine bullying, discriminatory harassment, or disparagement would be:

Bullying

1. Has the student been the target of hurtful acts by another student or students?
2. Have the hurtful acts been pervasive (widely spread), or persistent (continuing)?
 - a. How significant have the acts been? How many people have been involved? How many times has this happened?
3. As a result of these hurtful acts:
 - a. Is the targeted student emotionally distressed? Is this distress reasonable under the circumstances? And has there been a significant interference in the ability of the targeted student to receive an education or participate in school activities?
 - Key indicators of emotional distress would include: feeling anxious, scared, or really sad; wanting to retaliate against people or to hurt

oneself; headaches; problems sleeping; stomach pain; avoiding people; and the like.

- Indicators of interference with learning could include: skipped school one or more days; skipped a class one or more times; difficulties concentrating in class; hard to complete assignments; received lower grades; or did not feel comfortable participating in class discussions or class activities; and the like.
- Interference with activities at school could include avoiding: riding the bus; certain areas of the school building; using the bathroom; using the locker room; going into the cafeteria; participating in school clubs; participating on a school sports team; attending school activities, like school dances or games; and the like.

b. Or given the severity, pervasiveness, or persistence of the situation is such significant interference reasonably foreseeable?

- Objective standards will be required to support this foreseeability, such as a recent incident or the insight of a knowledgeable school administrator.

If the answers to questions 1-3 are “yes,” then this constitutes bullying.

Harassment

4. Is the targeted student a member of, or perceived to be a member of, a protected class as defined by federal or state civil rights laws?
5. Are the hurtful acts related to targeted student’s membership, or perceived membership, in this protected class?

If the answers to questions 1-5 are “yes,” this constitutes discriminatory harassment.

Disparagement

1. Has the student used a term that is known as a derogatory expression applied to a person or group of people? (The “n” word and the like.)
2. Has the student used a symbol that has historically been associated with oppression of a group of people? (Swastika, Confederate flag, and the like.)
3. Has the student used a term or statement that states or implies that a student, group of students, or group of people which may include students are

inferior? (Note, this could be in conjunction with some “distinguishing characteristic.”)

4. Does the school have local data that provides evidence that it is reasonably foreseeable that the term, symbol, or statement used by the student has, and therefore reasonably could, contribute in a cumulative manner to an environment that creates a substantial disruption or significant interference with any student’s ability to learn or participate in school activities?

If the answer to any of these questions 1, 2, or 3, plus 4 are “yes,” then this constitutes disparagement that the school should have the legal authority to respond to.

Other Forms of Peer Aggression

In an investigation, it is necessary to identify situations that are brought to the attention of the principal as alleged bullying, but either do not meet the more stringent standards or may involve other issues. Obviously all of these kinds of situations will require an appropriate response by the school.

The following are among the types of situations that may come to the attention of the school.

Hurtful Altercation

A hurtful altercation falls into the category of “kids being kids,” which means sometimes they are hurtful. This kind of a situation lacks persistence or pervasiveness and likely has only caused temporary distress or interference with learning. An investigation may need to determine why this student was hurtful. Actions should be taken to ensure the discontinuation of the hurtful acts and to remedy the harm.

Physical Assault or Threat Thereof

A physical assault or threat thereof to a student or his or her property should be considered a physical assault or threat thereof. This situation is likely to cause distress and interference. But this would only constitute bullying or harassment if the other elements of persistent or pervasive actions are also present.

Conflict

Conflict involves situations where both students may be engaging in hurtful actions, where no one student can be identified as dominating in the hurtful acts or has significant physical or social power over the other student. Students may refer to this kind of situation as “drama.” These situations should be resolved through a

conflict resolution approach, including possible use of peer mediation.

Retaliation

In retaliation situations, the student who is perceived to be engaging in aggression is acting in retaliation or an effort to get hurtful acts directed at him or her to stop. Careful investigation is necessary to get to the bottom of all situations. Retaliation is different from conflict, because the student who is retaliating likely has much lower social power. This student has been unable to get the bullying or harassment to stop, likely has not reported this, or if it was reported the school's intervention failed to stop the ongoing harm. Thus, this student has ultimately resorted to hurtful actions to try to get the harm directed at him or her to stop.

Punishing a student who retaliated against another to try to get a bullying situation to stop, and not addressing the overall situation, only rewards the original aggressor and will ensure the continuation of the bullying.

In this kind of a situation, both students who have engaged in harmful acts should be held accountable. However, it is also likely that the student who retaliated will also require additional remedial support.

Personal Relationships & Dating Violence

A significant amount of what is referred to as bullying is grounded in the efforts of teens to sort out issues of sexuality and intimate personal relationships. This is often a form of sexual harassment.²¹ This can also include fights about who is, or can be, in a relationship with whom. Intimate partner violence may occur between two young people who are, or once were, in a relationship.

Resolving these situations will require a more in-depth approach that addresses the underlying relationship challenges.

Hazing or Group Harm

A group, which could include an athletic team or other extracurricular organization, may use embarrassing or dangerous activities to initiate new members. Or members of a team or organization could be collaborating in other forms of peer aggression. Hazing and other forms of group-based harm must be proactively addressed in the extracurricular activities policy and should, in many situations, result in a group intervention.

Gang Related

Any of the above kinds of situations could be related to gang activity in the school and will require special attention, working in collaboration with local law enforcement pursuant to a gang prevention program and activities.

Considerations

This overview of the challenges associated with definitions obviously raises the question of what schools can and should do now, given the current status of statutory and policy language in respective states. The following are suggestions:

- Consider the state statutory language the foundational standard for a school policy, thus allowing for the addition of language that is not inconsistent with the statutory provisions, but extends the policy to address issues that are not addressed.
 - Upon approval of the district's legal counsel, it should be possible to add language to the district policy that addresses discriminatory harassment and reference to the civil rights statutes, disparagement, and off-campus speech.
- If the statutory definition is similar to the one set forth above, even if it includes unnecessary additional verbiage, the above investigation questions can be used to identify and document which incidents should be considered bullying.
 - Even if it is not currently possible to modify policy language in accord with the above definitions, these questions are in accord with the case law standards related to harassment, and will be helpful in investigating these situations.
- Regardless of the language in any state statute, schools must effectively respond to instances of discriminatory harassment.
 - Therefore, considering the five questions outlined above (bullying combined with protected class), can be used to identify those situations that if not attended to properly could lead to litigation or an agency enforcement action.
- Even though state statutes do not currently address the issue of disparagement, or do not do so clearly, school districts already likely

incorporate some aspects of disparagement in the context of dress code provisions.

- ▶ Consider the addition of a section to the bullying and harassment policy that also addresses disparagement.
- ▶ Alternatively, instances of disparagement could be considered a lesser form of bullying, falling under language that references the possibility that acts that are “reasonably foreseeable” to cause a significant interference, but has not yet met the standards to be considered bullying or discriminatory harassment.
- ▶ As noted, it is necessary for a district to have local data that supports its claim that certain forms of speech raise concerns that such interference with student’s right to receive an education is reasonably foreseeable.
- Ensure inclusion in the policy of the authority of the school to respond to off-campus speech that has caused, or foreseeably could cause, a significant interference with another student(s).

Achieving greater consistency, objectivity, and clarity in the definitions of bullying, discriminatory harassment, and disparagement should help to increase the effectiveness of schools in better supporting all students in forming positive relationships and reducing all forms of peer aggression.

1 Vivolo-Kantor, A & Gladden, R.M. (2014) What is Bullying? A New Uniform Definition for Research. StopBullying.gov. <http://www.stopbullying.gov/blog/2014/02/10/what-bullying-new-uniform-definition-research/>.

2 Ybarra M.L., Boyd D, Korchmaros JD, et al. (2012) Defining and measuring cyberbullying within the larger context of bullying victimization. *J Adolesc Health* 2012;51(1):53-58. DOI: 10.1016/j.jadohealth.2011.12.031. (Asked students about bullying in a variety of ways, including a format similar to YRB, then asked a follow-up question whether this involved someone with greater power or strength. Only 59% of the students who said they were bullied based on this definition, then indicated this involved someone with greater power or strength).

3 Vaillancourt, T, McDougall, P, Hymel, S., Krygsmana, A, Millera, J, Stivera, K, & Davis, C, (2008) Bullying: Are researchers and children/youth talking about the same thing? *International Journal of Behavioral Development*, 32 (6), 486–495. (Asked students to describe “bullies.” Students referenced factors that could be interpreted as “imbalance of power” 26% of the time.)

4 Hamburger ME, Basile KC, Vivolo AM.(2011) *Measuring Bullying Victimization, Perpetration, and Bystander Experiences: A Compendium of Assessment Tools*. Atlanta, GA: Centers for Disease Control and Prevention, National Center for Injury Prevention and Control, 2011.

5 Stuart-Cassel, V, Bell, A. & Springer, J.F. (2011) *Analysis of State Bullying Laws and Policies*. U.S. Department of Education. <http://www.ed.gov/news/press-releases/us-education-department-releases-analysis-state-bullying-laws-and-policies>.

6 *Tinker v. Des Moines Ind. Comm. Sch. Dist* 393 U.S. 503 (1969); *Davis v Monroe*, 526 U.S. 629, 633, 650 (1999); *Saxe v. State College* 240 F.3d 200 (3d Cir. 2001).

7 *Tinker*, *supra*; *Saxe*, *supra*.

8 Stuart-Cassel et. al., *supra*, p. 17-18.

9 Stuart-Cassel et. al., *supra*, p. 27-29.

10 This terminology is from the Florida and New Jersey statutes, Fla. Stat. Ann. 1006.147(3) (2010) and New Jersey Statutes Annotated §18A:37.

11 *Zeno*, *supra*.

12 USED-OCR, 2010, *Dear Colleague Letter*, *supra*, at 1.

13 Robers, et. al, NCVS-SCS, *supra*.

14 New Jersey. The Anti-Bullying Bill of Rights P.L.2010, CHAPTER 122 http://www.njleg.state.nj.us/2010/Bills/AL10/122_.PDF.

15 New Jersey Anti-Bullying Task Force. (January 26, 2013) *Interim Report*. www.state.nj.us/education/students/safety/behavior/hib/task/ report.pdf

16 New Jersey, Department of Education, *Commission Report*, (2013) *supra*.

17 Analysis of data from the Commission reported provided by Michael B. Greene, Ph.D., Senior Fellow, School of Criminal Justice, Rutgers University, January, 2014.

18 New Jersey, Department of Education, *supra*. p. 5.

19 Steinhauer, J. (November 7, 2013) Reports of Military Sexual Assault Rise Sharply. *New York Times*. http://www.nytimes.com/2013/11/07/us/reports-of-military-sexual-assault-rise-sharply.html?_r=0.

20 Stuart-Cassel et. al., *supra* at 24.

21 Hill, C., & Kearl, H. (2011) *Crossing the Line: Sexual Harassment at School*. American Association of University Women. <http://www.aauw.org/resource/crossing-the-line-sexual-harassment-at-school/>.