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Recent U.S. Supreme Court Cases in Sexual Harrassment May Provide Implications For Athletic Departments and Physical Education Programs

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ABSTRACT

Athletic departments, coaches, and physical educators may face potential problems concerning sexual harassment. With recent U.S. Supreme Court decisions this past year, sexual harassment has been redefined with broader applications to Title VII and Title IX law. This article discusses these recent decisions and discusses the possible impact it may have on professionals in sports and physical education.

Sexual harassment is a violation of federal and state laws. Research on the social issue of sexual harassment has shown it to be widespread in every level of education (American Association of University Women Educational Foundation, 1993; Clark, 1993; Fitzgerald, 1992; Middleton, 1980; Pichaske, 1995; Stein, 1995; Till, 1980). Supervisors and educators have the ability to impose their position of power on subordinates or students to receive sexual favors (Till, 1980). Sexual harassment is not a new problem in athletic departments or physical education (Carpenter, 1989; Masteralexis, 1995; "Mooned trainer," 1997; Velasquez, 1996; Wishnietsky, 1991; Wishnietsky & Felder, 1989; Wolohan, 1995). For example, the University of Florida fired its swimming coach because of allegations that he sexually harassed several of his swimmers (Sandler, 1994). Additionally, a former women's basketball coach at Duquesne University sued her athletic director for refusing his sexual advances (Wenniger, 1994). Just recently, an incident of sexual harassment involving a female athletic trainer occurred at the University of Tennessee ("Mooned trainer," 1997; "Trainer's settlement," 1997; Keim, 1997).

Over the 1997-98 term, decisions by the United States Supreme Court have changed the definition of sexual harassment and the way employers must qualify for protection from sexual harassment civil suits. These recent decisions will not only have an impact on business and blue-collar workers but also on all levels of education, including athletics and physical education programs.

This paper will cover several important areas. First, a definition of sexual harassment will be provided along with a review of the term's quid pro quo, and hostile environment harassment. Next will be to see how Title VII and Title IX are applied to sexual harassment law. Further there will be a review of past sexual harassment cases brought before the U.S. Supreme Court. In addition, the sexual harassment decisions reached by this high court during the 1997-1998 term will be discussed. And lastly, to discuss and stimulate thought as to the possible and potential implications these new decisions may pose for administrators of physical education programs and athletic departments.

THE U.S. SUPREME COURT AND SEXUAL HARASSMENT LAW

Various studies have characterized the process of defining sexual harassment as complicated and confusing because there is no common definition broad enough to cover the wide range of sexual harassment behavior (Webb, 1994). According to the Equal Employment Opportunity Commission (EEOC) sexual harassment is defined as the unwelcome sexual advances, or requests for sexual favors, and any other verbal or physical contact of a sexual nature (EEOC, 29 C.F.R., Section 1604.11). In addition, the EEOC uses three guidelines to establish whether the behavior is regarded as sexual harassment (see Table 1).

The definitions used by the EEOC were influenced by U.S. Supreme Court decisions of the 80's and early 90's. All sexual harassment lawsuits will allege either Title VII or Title IX violations against an employer or educational institution.

Title VII

It is unlawful under Title VII of the Civil Rights Act of 1964 for an employer to discriminate against any individual based on that person's gender. (Civil Rights Act of 1964; Conte, 1990). In addition, it's stated in Title VII that an employer may not deprive any individual of employment opportunities or affects the employee's status based on gender. Over the years, the U.S. Supreme Court has examined the role of Title VII and listed two general categories into which sexual harassment falls. The first **Quid Pro Quo harassment**, in which an employer or supervisor will offer an employment benefit such as a job, promotion or salary increase, to an employee, in exchange for a sexual favor. It is also Quid Pro Quo when an instructor offers a grade change or some benefit in exchange for sexual favors.

The other category is the **hostile or offensive working environment** in which no benefits are offered for the return of sexual favors. **Hostile or offensive working environments** may be a work place or educational setting in which unwelcome behavior or comments of a sexual nature can occur, or sexually suggestive books or pictures are on display. This type of abuse can occur on a day after day basis, and can take the shape of physical or verbal abuse (Civil Rights Act of 1964; Payne, 1991; Riggs, Murrell, & Cutting, 1993). The initial basis using Title VII is that the sexual harassment of a female employee by a male supervisor would be discrimination based on gender.

Quid Pro Quo Sexual Harassment

Meritor Savings Bank v. Vinson (1986) was the first landmark case to come before the U.S. Supreme Court. Meritor identified **Quid Pro Quo Harassment**, and determined that sexual harassment involved a violation of Title VII. In the Meritor case, a bank employee submitted to her supervisor's sexual demands out of fear of losing her job. Three important issues were seen in Meritor that would affect not only business but educational institutions as well. First was that the U.S. Supreme Court recognized two forms of discriminatory sexual harassment (*quid*

pro quo & hostile work environment). Second, the Supreme Court recognized that a sexual harassment experience must be sufficiently severe or pervasive enough to create a *hostile environment*. If the sexual harassment were linked to promotion or benefits, it would support a *quid pro quo* definition. Third, the Supreme Court recognized that the sexual harassment is unwelcome and considered offensive by the employee. As part of this third issue, the Supreme Court in examining the work environment observed that in a hostile environment, sexual advances were unwelcome and rejection of these advances created the hostile environment. If the advances were unwelcome, whether participation in a sexual relationship was voluntary or not, sexual harassment had occurred.

Hostile Environment Sexual Harassment

Harris v. Forklift Systems Inc. (1993) is another landmark decision in which the U.S. Supreme Court began to broaden the definition of sexual harassment. Harris involved a claim of a female employee who was constantly subjected to sexist comments and vulgar jokes. At issue in this case was the definition of ìhostile environmentî sexual harassment. Harris was not asked for sexual favors in exchange for job related benefits. At no time was Harris subjected to physical abuse or threats of a sexual nature. Harris contended that she was subjected on a daily basis to jokes and comments of a sexual nature that made it difficult if not impossible to work in the company office. Given the standards established by Meritor, the U.S. Supreme Court concluded that the ìhostile environmentî need not include just physical abuse or threats but also the psychological well being of the employee (Harris v. Forklift Inc. 1993).

Title IX

Title IX of the Educational Amendments of 1972 prohibits sex discrimination against students. The Office of Civil Rights (OCR) administers Title IX and in 1981, the OCR developed guidelines to address sexual harassment. The foundation of using Title IX defines that sexual harassment is conducted based on a person's gender. The basis of using Title IX to seek protection from sexual harassment is that sexual harassment is seen as a form of sexual discrimination in that the harassment is conducted based on 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 (Title IX, 62 Federal Register 12038).

Sexual Harassment and Title IX

Franklin v. Gwinnett County Public School District (1992) is one of the first cases to reach the U.S. Supreme Court on the basis of violating Title IX. In Gwinnett, an economics teacher (who was also a coach) sexually harassed a female high school student in the Gwinnett School District. During the years of 1987 and 1988, the teacher/coach requested and received sexual favors from Franklin. At some point in 1988, the school principal was informed of the actions of the teacher/coach and when Franklin attempted to file a complaint, the principal tried to convince her not to pursue the matter. In March 1988, the Gwinnett School Board started its investigation into the allegations made by Franklin. At the end of the school year, the teacher/coach resigned, the principal retired, and the Board ended its investigation without any final resolution of the complaint. Franklin filed a complaint with the Office of Civil Rights, U.S. Department of Education, claiming that the Gwinnett County Public School District had violated her rights under Title IX. The basis of Title IX, is that an individual is denied the benefit of working (or receiving an education) in an environment free of offensive or hostile behavior (Conte, 1990; Fitzgerald, 1992; Title IX of the Education Amendments of 1972; Webb, 1994). The OCR agreed that a violation of Title IX had occurred when she was subjected to physical and verbal sexual harassment and interference when she was pressured to drop her complaint. Franklin sued in 1998 requesting monetary damages under Title IX. The Supreme Court found that Gwinnett County School Board had a duty not to discriminate against its students based on gender. Using the general rule on interpretation of sexual harassment law developed from Meritor that when a supervisor (the teacher),

sexually harasses a subordinate (or student), because of the subordinate's sex that discrimination based on gender did occur. This decision by the Supreme Court allows individuals to collect punitive as well as compensatory damages in private law suits against educational institutions and other individuals under Title IX.

RECENT U.S. SUPREME COURT CASES INVOLVING SEXUAL HARASSMENT

During the 1997-1998 term the U.S. Supreme Court heard four cases involving sexual harassment. Of these cases one involved same-sex sexual harassment. The question immediately arises; can a male sue another male for sexual harassment? Another case the court was asked to address involved a female employee who alleged sexual harassment, although she suffered no negative effects for refusing sexual favors. Was she the victim of sexual harassment? In addition we will look at the case of a female lifeguard who alleged the city should be responsible for the acts of it supervisory employees who ran the Park & Recreation Department. How far does the city's responsibility go toward the alleged acts of the supervisors who manage city departments? The last case presented involves Title IX and a high school teacher. Could a school district be responsible if it had no knowledge of the sexual harassment?

Case #1 Oncale v. Sundowner Offshore Services Inc. (1997)

Joseph Oncale was a member of an eight-man crew working on an oilrig off the coast of Louisiana. Oncale informed his supervisors twice that he was sexually assaulted, battered, touched and threatened with rape by his direct supervisor and a second supervisor, both who were males. Another male coworker was also accused of taking part in one alleged event. With no action taken by his employer, he quit and later filed a lawsuit based on Title VII. The Fifth Circuit citing Garcia v. Elf Ato Chem North America (1994) held that, as a male, he had no cause of action for sexual harassment under Title VII, since the alleged action was from other males. In addressing this question, the Supreme Court examined the matter of whether workplace harassment violated Title VII when the harasser and the victim are of the same sex. In its ruling, the Supreme Court found that Title VII prohibits discrimination because of sex (gender) and this would include sexual harassment of any kind including same sex/gender sexual harassment. Using the behavior Oncale alleged occurred, this would meet the requirements of a quid pro quo and/or hostile environment definition of sexual harassment. Another finding was that the basis of sex (gender) requires not the absence of sexuality in the workplace but that the behavior was so offensive as to interfere or alter the victim's employment. The Supreme Court concluded that sex discrimination including same-sex sexual harassment is actionable under Title VII and remanded this case back to the Fifth Circuit. Oncale clearly defines that sexual harassment and discrimination under Title VII is not gender specific and that on-the-job abuse can be illegal sexual harassment even when the offender and victim are of the same sex.

Case #2 Burlington Industries, Inc. v. Ellerth, (1998)

Kimberly Ellerth was employed as a sales representative for Burlington Industries. After 15 months of employment, Ellerth quit her job after she allegedly had been subjected to constant sexual harassment by one of her supervisors. To obtain liability against Burlington Industries, this case was based on the verbal threats to Ellerth's employment and promotion which would be an example of a quid pro quo rather than the hostile environment notion. Tried before the District Court, summary judgement was granted in Burlington's favor. This judgement was granted because under the definition of a *quid pro quo* sexual harassment, Ellerth had not suffered any consequences by refusing the sexual advances from her supervisor, in fact she had been promoted. Ellerth appealed to the Seventh Circuit Court, and the lower court's decision was reversed. On examination by the Circuit Court there was no consensus for applica-

tion of current sexual harassment law of a quid pro quo in combination with the hostile environment notion. Upon appeal to the U. S. Supreme Court, the Court held under Title VII, that an 'employee who refused the unwelcome and threatening sexual advances of a supervisor, yet suffers no adverse, tangible job consequences, may recover against the employer without showing the employer is negligent or other at fault for the supervisor's actions.' (Burlington Industries, Inc. v. Ellerth, 1998). At issue are not that quid pro quo claims existed, but whether Burlington had vicarious liability (based on the supervisor being an agent of the employer, since he had the power of promoting). Additionally, the Supreme Court applied the terms quid pro quo and hostile environment to have joined in a ìlimited utilityî or application to this case. Ellerth's claim involved unfulfilled threats of loss of employment and loss of promotion, and showed a hostile environment existed since the threats continued over a time, thus proving sex discrimination under Title VII.

Case #3 Faragher v. Boca Raton, (1998)

Beth Ann Faragher worked as a part-time ocean lifeguard during the years 1985 through 1990 for the City of Boca Raton, Marine Safety Section of the Parks and Recreation Department. In 1990, Faragher resigned after many incidents of sexual harassment by her immediate supervisors. Faragher sued under Title VII and Florida law, claiming that her supervisors created a sexually hostile atmosphere by subjecting herself and other female lifeguards to unwelcome physical contact and verbal abuse. Judgement was against the supervisors and the City of Boca Raton. On appeal, the Eleventh Circuit Court argued the City of Boca Raton had no constructive knowledge of the harassment, (although a male employee in a supervisory role knew of the alleged sexual harassment). In addition, it was argued, the two supervisors were not acting within the scope of their employment when they engaged in the sexual harassment. Referring to Ellerth, the U.S. Supreme Court held the immediate supervisors acting as agents of the employer had supervisory authority over the alleged victims. On further study, it was found that the City of Boca Raton failed to carry out the sexual harassment policy in the Marine Safety Section of the Parks and Recreation Chain of Command. In addition, another male supervisor had knowledge of the harassment allegations. This revealed that the City of Boca Raton's administration, which supervised the Marine Safety Section of the Parks and Recreation Department, should have known that the supervisors were sexually harassing the subordinate employees. Based on this failure to ìexercise reasonable care to prevent and correct the sexual harassment problem promptly,î the Court found the city liable (Faragher v. City of Boca Raton, 1998).

In both Faragher as well as in Ellerth, the Supreme Court held that employers are vicariously liable for the actions and discrimination caused by their employee- supervisors. The Supreme Court held that supervisors are agents of the employer and their ability to harass or create a hostile environment stems from the authority of being a supervisor.

Case #4 Gebser v. Lago Vista Independent School District, (1998)

This case involved the sexual harassment case of a female high school student seeking a claim for damages under Title IX. Gebser at the time of this legal action, was an underage student in the Lago Vista Independent School district near Austin, Texas. She had a sexual relationship with one of her mentor/teachers, which began in the spring of 1992. Gebser did not report this relationship to the authorities until the couple was discovered in January of 1993 having sex in a park and the teacher was arrested. The teacher was subsequently tried and convicted and the Lago Vista school district ended the teacher's employment. Before this, no school official, students or parents knew of the alleged affair in which Gebser was involved with her teacher. In 1992, the U.S. Supreme Court defined sex between a teacher and an underage student as sexual harassment (Franklin v. Gwinnett County Public Schools, 1992), and included this definition in Title IX's ban on sex discrimination in educational programs. Initially Gebser was brought before the Federal District

Court, and the court granted summary judgement for the Lago Vista School District and Gebser appealed. At question in Gebser was the responsibility of the school district under Title IX. Here, the Supreme Court held that damages may not be recovered for a teacher-student sexual harassment in an implied private action under Title IX, such as Franklin v. Gwennett, unless a school district official knew of the alleged sexual harassment (Gebser v. Lago Vista Independent School District, 1998).

DISCUSSION

In reviewing the legal implications for athletic departments and physical education programs, the terms *quid pro quo harassment* and *hostile environment sexual harassment* will continue to be defined by the courts as further legal action is taken. This will result in the courts extending or limiting the interpretations of Title VII and Title IX. Administrators of sports or physical education programs, coaches and athletic trainers will need to face this existing problem and take precautionary actions such as reviewing their own sexual harassment policy. This will also be important for universities preparing future physical educators and coaches to learn about this vital social issue.

Same-sex Sexual Harassment

Oncale v. Sundowner Offshore Services Inc., (1997) clearly defines that sexual harassment and discrimination under Title VII is not gender specific nor male to female only. This is of special concern to coaches of same-sex athletes. Oncale, for the first time identifies that sexual harassment can be a form of discrimination and can be male against another male or female against another female. In addition, the Supreme Court has reinforced the notion that a sexually hostile work environment exists when individuals are subjected to unwelcome behavior that affects the conditions of their employment, or in the case of student athletes, their education. Here, the conduct of coaches and sport program supervisors will not be based solely on sex or gender, but the offensive behaviors being perceived discriminatory in nature. Coaches and administrators of sport programs should examine the type of environment created by their individual coaching style or the coaching style of their assistant coaches under their supervision. As seen in Harris and clarified in Oncale, sexually explicit jokes or the use of sexually abusive language and/or threats of sexual abuse may give basis for the "hostile environment" definition. In addition, Oncale has set a precedent clearing the way for same-sex sexual harassment lawsuits. An example would be the "hostile environment" created by a gay or lesbian coach to pressure an athlete to adopt the coach's lesbian or gay sexual orientation.

Acts of Supervisory Employees

In addressing Burlington Industries, Inc. v. Ellerth, Kimberly Ellerth suffered no negative results from refusing the sexual advances of her supervisor. Although she was even promoted, she showed that the hostile environment and the constant behavior of the Burlington supervisor was offensive and discriminatory and caused unfavorable conditions that affected her employment.

In applying the same principles from Ellerth, this situation could occur in a classroom or team sport. For example, a student athlete who refused the sexual advances from a coach or teacher may not receive unfavorable treatment. The student athlete may continue to make passing grades or receive on the field/court playing time and team honors. The student athlete however, may be constantly subjected to sexual advances or talks of a sexual nature. As seen in Ellerth, the subjection to a hostile environment although the student athlete does not suffer any negative results from refusing the sexual advances is still sexual harassment.

Reviewing the case of Faragher v. City of Boca Raton, Beth Ann Faragher, a lifeguard for the city of Boca Raton who was constantly subjected to sexually harassing behavior from her immediate supervisor. Although the supervisor was found liable, the city was also responsible due to the fact it failed to carry out an approved sexual harassment policy and one city employee in a supervisory position failed to inform the city administrators of the alleged sexual harassment.

A situation very similar to that experienced

by Faragher could also occur to a student athlete. An institution-wide sexual harassment policy should be in place and implemented to all athletic department staff, coaches and athletes. If a supervisor (assistant athletic director or coach) knew that sexually harassing behavior was occurring and failed to take appropriate action or inform the upper levels of administration, as seen in Faragher, the institution would be liable for the actions of the offending party. This would be an example of "should have known" and "failure to properly exercise reasonable care to prevent and correct" the problem of sexually harassing behavior. Athletic directors and physical education administrators need to implement sexual harassment policies according to their institutional guidelines and see that all employees including assistant athletic directors, coaches, and staff are informed of the sexual harassment policy. In addition, procedures must be in place for those in supervisory positions to inform upper level administration of sexual harassment allegations and to document the actions taken. It is the legal responsibility of those in positions of authority or supervision to inform the upper levels of administration of all sexual harassment allegations.

Table 1. Equal Employment Opportunity Commission 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:

1. Submission to such conduct is made explicitly or implicitly a term or condition of an individuals employment.
2. Submission to or rejection of such conduct by an individual.
3. Such conduct has the purpose of effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Title IX Clarification

Knowledge of a sexual harassment allegation must be reported. As seen in Franklin v. Gwinnett, a school official had learned of a sexual harassment incident and failed to take appropriate action. Further, this school official tried to convince her not to file a complaint. In Franklin, this made the school district libel for punitive as well as compensatory damages under Title IX. In Gebser v. Lago Vista Independent School District an underage student was involved in an unwelcome affair with an adult teacher. Since no school official had knowledge of the sexual affair between the teacher and the student, the Lago Vista School District was not held liable. When the allegations were discovered, the school district took proper action and terminated the teacher's employment. This case illustrates that school districts and educational institutions are protected from liability only if administrators or school officials (including athletic department staff) had no knowledge of the alleged behavior. Lastly appropriate action needs to be taken against the perpetrator once the facts are known.

CONCLUSION

The legal cases reviewed demonstrate just some of the possible implications that could affect athletic departments and physical education programs. The recent decisions handed down by the Supreme Court further illustrate the importance of having sexual harassment policies in place and seeing that they are carried out properly. In light of recent litigation, university administrators and school boards should carefully review their sexual harassment policies. If these institutions do not have a policy in place, they must develop one. Under federal law, educational institutions are required to have grievance procedures for students to report sex discrimination, including sexual harassment (Title IX, 62 Federal Register 12038). Liability will most certainly result from a failure to have a sexual harassment policy in place with procedures for filing complaints. These policies must be visible

in the student and employees' handbooks, and openly displayed and discussed in faculty, staff, and student meetings. Upper-level administrators at the collegiate and secondary levels must insure that athletic directors and physical education program directors that oversee the actions of coaches and physical educators carry out policies. Implemented and enforced sexual harassment policies protect not only the student athlete, but the educator/coach and institution from liability.

REFERENCES

American Association of University Women Educational Foundation, (1993). Hostile Hallways: The AAUW survey on sexual harassment in Americas schools. American Association of University Women Educational Foundation, Washington, D.C. ERIC Document, ED 356-186

Burlington Industries, Inc. v. Ellerth , 118 S. Ct. 2257 (1998).

Carpenter, L.J., (1989). Sexual harassment. Journal of Physical Education, Recreation, and Dance 60, (4) 18-20.

Civil Rights Act of 1964, 78 Statue 253, amended, 42 U.S.C.ß 2000e *et seq.*,

Clark, J. K., (1993). Complications in academia: Sexual harassment and the law. SIECUS Report, 21, (6), 6-10.

Conte, A., (1990). Sexual harassment in the workplace; law and practice. John Wiley and Sons, New York.

Equal Employment Opportunity Commission, 29 C.F.R., Section 1604.11.

Faragher v. City of Boca Raton, 118 S. Ct. 2275 (1998).

Fitzgerald, L.F., (1992). Sexual harassment in higher education: Concepts and issues, National Education Association, Washington, D.C., (ERIC Document Reproduction Service, No. ED 365-194.

Franklin v. Gwinnett County Public Schools District 112 S. Ct. 1028 (1992).

Garcia v. Elf Ato Chem North America, 28 F. 3d 446, 451-452 (Ca5 1994).

Gebser v. Lago Vista Independent School District, 118 S. Ct. 1989 (1998).

Harris v. Forklift Systems Inc. , 510 U.S. 17 (1993).

Keim. D., (1997, August 24). It wasn't for the money, Trainer finds life a whirlwind after UT settles claim. The Knoxville-News-Sentinel, pp. A 1, A 9.

Masteralexis, L.P., (1995). Sexual harassment and athletics; Legal and policy implications for athletic departments. Journal of Sport and Social Issues 19, (2) 141-155.

Meritor Savings Bank v. Vinson , 477 U.S. 57 (1986).

Middleton, L., (1980). Sexual harassment by professors: An increasingly visible problem. The Chronicle of Higher Education 21, (4) 1, 5.

Mooned trainer makes $300,00. (1997, August 16). The Hattiesburg American, p. 3 B.

Oncale v. Sundowner Offshore Services Inc., 83 F. 3d 118 (1997)

Payne, K., (1991). The power game: Sexual harassment on the college campus. Paper presented at the Annual Meeting of the Southern States Communication Association, Tampa, FL. April 3-7. (ERIC Document Reproduction Service ED 332-248).

Pichaske, D.R., (1995, February 24.). When students make sexual advances. The Chronicle of Higher Education 41, (24) B1-B2,

Riggs, R. O., Murrell, P.H., and Cutting, J. C., (1993). Sexual harassment in higher education: From conflict to community, ASHE-ERIC, Higher Education Report Number 2. Washington, D.C., The George Washington University, School of Education and Human Development.

Sandler, B.R., (editor), (1994). About women on campus 3, (1-4). Center for Woman Policy Studies, Washington, D.C., National Association for Women in Education. (ERIC Document Reproduction Service, ED 377-804).

Stein, N., (1995). Sexual harassment in school: The public performance of gendered violence. Harvard Educational Review 65, (2), 145-162.

Title IX, 42 U.S.C. ß 1983.

Till, F. J., (1980). Sexual harassment: A report on the sexual harassment of students, Report of the National Advisory Council on Women's Education Programs, Washington, D.C.

Trainer's settlement involved more than Manning's mooning. (1997). Augusta Chronicle, The Augusta Chronicle web site. (available on the Internet at http://augustachronicle.com/stories/082097/spo-manningmooning.html).

Velasquez, B.J., (1996). Study of sexual harassment issues in physical education and athletics at colleges and universities (Doctoral dissertation, Middle Tennessee State University, 1997). Dissertation Abstracts International, 57, 9700903.

Webb, S.L., (1994). Shockwaves: The global impact of sexual harassment. MasterMedia Limited, New York.

Wenniger, M.D., (editor), (1994). Women in higher education, (3) (1-12), (ERIC Document Reproduction Service ED 378-926).

Wishnietsky, D.H., (1991). Reported and unreported teacher-student sexual harassment. Journal of Educational Research 84, (3), pp. 164-169.

Wishnietsky, D.H., & Felder, D., (1989). Coaching problems: Are suggested solutions effective? Journal of Physical Education Recreation, and Dance 60, (1), 69-72.

Wolohan, J.T., (1995). Title IX and sexual harassment of student athletes. Journal of Physical Education Recreation and Dance 66, (3), 52-55.