

Performance Task 2: Independent Written Argument

AP Seminar

1 April 2021

Zero Tolerance for Sexual Harassment

Introduction:

Throughout many athletic organizations there is a major sexual harassment issue. Theodore Roosevelt states that “that character counts for a great deal more than either intellect or body in winning success in life” (Roosevelt 1). Many coaches let sports get in the way of their character. Phumzile Mlambo-Ngcuka states the claim that “in the past, athletes, coaches and officials have turned a blind eye to sexual harassment” (Mlambo- Ngcuka 2), in performance sports specifically. Performance sports is used to describe sports where the “games” are performances, for example Dance, Gymnastics and Cheer. Johnathon Halbeslesben, PhD in workplace contentmentmen studied that 44% of female employees experiences sexual harassment. However only 6% formally reported the behavior. Vivian Krauchek, head coach at the University of Calgary claims that 20% identified sexual harassment, 54% had experienced, but many of these women refused to speak out. Finally Chanel DaSilva, professional Dancer for the Harvard Dance Project states that “countless cases of sexual misconduct survivors being ignored, dismissed, punished for speaking up” (Dasilva 1). So what is the best way to address sexual harassment in performance sports? To understand the complexity of this topic it is important to study it from the view of coaches and athletes and a socio/cultural lens. Through this exploration it will become clear that a “zero tolerance” policy is the most effective solution because it

addresses the imbalance in dominance leading to harassment, holds the perpetrator accountable and provides protection for the whole institution.

Boys will Be Boys Culture

Several theories have been proposed that there is a “boys will be boys” culture amongst sports. “Boys will be boys” culture is explained as a society that allows men to do whatever they want, without consequence. Sylvia Burrow, professor of autonomy at Cape Breton University suggests that there has been a lot of women being diminished through sports; it has given men a sense of “authority” (Burrows 18) over women. Diminishing women by using terms like “america's sweetheart” and “pin up girls” (Burrows 5). Building on this idea of a boys will be boys society, Andi Ziesler co-founder of a feminist media organization has emphasized that “many high-profile men”(Zeisler 2) have been “yielded [of] a critical mass of allegations and evidence” (Zeisler 2). Few have seen “consequences”(Zeisler 2). The sort of culture that organizations have created have also resulted in many people developing a pluralistic ignorance. Pluralistic ignorance where a group will privately reject a societal norm. Pluralistic ignorance can stretch from “misreading behavioral cues”(Halbesleben 2) or implicit biases. Mlambo-Ngcuka again states that the authority and the power that men gain through sports has been “reinforcing the boys will be boys culture” (Mlambo- Ngcuka 2) which leads to harassment and abuse.

Boundaries between athlete and coach

Having established the idea that sports can create a “boys will be boys” culture this review will next consider how boundaries between athletes and coaches are blurred. Luke Jennings, a professional critic for dance in the Observer states that specifically in dance

education and gymnastics “Boys see themselves as individuals from the start, but girls quickly learn how replaceable they are” (Jennings 1). From that it has given women in performance sports the idea that they need to get as close as they can to not be replaced. Kari Fastings, professor of sport at the Norwegian University explains that this boundary is measured in the “athlete to coach relation” (Fastings 1). Now there are three types of coach to athlete relationship. “the flirting coach, the seductive coach and the authoritarian coach” (Fastings 1). All of these are equally as susceptible to becoming a “sexual harassing coach” (Fastings 1). This sense of power that is given to men is also one of the creators of the “boys will be boys” culture. Now that men have been given this sense of power they have the right to showcase their athletes as they want to be seen. J.C Bennet professor of psychology at the University of New Mexico presents a specific example of how cheerleaders “must appear to be exactly as educators wish them to” (Bennett 3). Meaning if the coach wants them to be too close with them they have to because they must follow instruction. Now concluding from this many of the performance sports have created an ideology in which boys can be boys and not suffer consequences and that they are allowed to create unhealthy relationships with their athletes which in turn puts the athlete in danger of being sexually harassed.

Overlooking sexual harassment in society

Another line of thought on the topic is that societally many sexual harassment cases are overlooked. There is a movement called the #MeTooMovement that is “inspiring” (Economist 1) other women to speak up against their oppressors. It makes reference to a female in China

who was harassed by her coworker. At the time the #MeTooMovement was “spreading elsewhere” (Economist 1). What is flawed about this movement is that people do not have to listen to the oppressed. Robert Woody professor of Psychology at University of Nebraska states that “women have shown negative responses to their harassment”. Many have described their symptoms as “psychological and physical distress” . Developing the idea even more only a “minority have sought psychological services” (Woody 4), the other majority have yet to seek help or are hiding their feelings. J.C Bennet describes the sexual harassment in performance sports as “resembling the secrecy” a sexually abusive father creates when telling his daughter to "be a good girl" and not tell anyone what he has done”(Jennings 7). Much of the secrecy used in performance sports being ignored or overlooked stems from the normalcy of a boy's culture and the boundaries being blurred between coach and athlete.

Solution

Considering all the causes that lead to sexual harassment in performance sports a zero tolerance policy is the most affective way to address this issue. A “zero tolerance policy” is a group of legislation already created being reinforced to actually be effective. This policy will not only work for performance institutions but also for organizations in general. Instating corrective justice and sexual harassment education, while enforcing the OTSHI scale, The Copyright Act, the The Equal Employment Opportunity Commission (EEOC) and Chapter 951 with the inclusion of The Violence Against Women's Act. Restating these laws have already been instituted but have yet to be enforced. Going in order as listed the, Elizabeth Shi, professor of the University of Melbourne in employment law explicitly states that corrective justice allows to “correct wrongs or wrongful losses” by “depriving the wrongdoer of any gain” and “restoring the

victim of the wrong to his or her initial position” (Shi 2). Shi also brings up the Equal Employment Opportunity Commission. Even though it has employment in the name it does work in the context of a performance sport institution because it is still an occupation. The Equal Opportunity Act allows a “persons subject to discrimination law obligations have a positive duty to eliminate sex discrimination, including sexual harassment” (Shi 2). Professor of Psychology at Washington University provides a weak but considerable solution to the entire policy, they claim That addressing the Psychological climate of sexual harassment. Although it is not as sound as the other legislation it is still considerable to put into the policy. Edward Lee, professor of law at IIT, states that a new kind of reform tailored to “sexual harassment in the creative industries” and that includes a new set of remedies to deter such harassment, including the ultimate penalty of the forfeiture of the copyright for a work with a “requisite nexus to the sexual harassment or any subsequent retaliation”(Lee 8). This copyright act will protect the individual performers instead of the entire institution. Next is Chapter 951. Trisha Mannie professor at the McGeorge School of Law presentes that “Chapter 951 reinforces that people in powerful positions will be held accountable for engaging in sexual harassment” (Mannie 7). Finally the Violence Against Women's Act, Harini Raghupathi professor of law at University of Iowa explains that the act is simply an “act to protect women in creative and other industries against violence” (Raghupathi 1). The most effective solutions to addressing sexual harassment in performance sports is a “zero tolerance” policy. The “zero tolerance” policy will address the imbalance in dominance the boundaries between athlete and instructor and finally the overlooking of sexual harassment. By doing this institutions create a more equal and aware culture around them.

Addressing the boys will be boys culture

One of the many benefits of performance sports institutions instating a zero tolerance policy is that it will put an end to “the boys will be boys” culture. The “zero tolerance” policy’s main goal is to end “boys will be boys culture” which is a leading cause of sexual harassment. As previously mentioned many of the legislation will hold any and all “perpetrators” (Shi 4) accountable. Chapter 951 puts sexual harassment under “the list of civil rights concerns” reinforcing “that people in powerful positions will be held accountable for engaging in sexual harassment” (Mannie 7), also proven to be “one step towards decreasing, and eventually eliminating, sexual harassment” (Mannie 9). Agreeing with Mannie, Estrada believes that by addressing the psychological climate of the sexual harassment in an institution it has been proven to “that greater intolerance of sexual harassment will be associated with higher levels of job satisfaction and organizational commitment” (Estrada 5). Taking all these reasons into account a hierarchy that has been created will be eliminated by the zero tolerance policy.

Creating boundaries between coach and athlete

Another leading cause of sexual harassment that is going to be addressed through the new policy is the boundaries between coach and athlete. There are three different categories coaches can fall under but the hope is to create a new category coaches can fall under. With the policy coaches will now be aware of the “red flags” in their coaching behaviors. A section under the “zero tolerance policy” is instating sexual harassment training. Many dancers and gymnasts believe that before people are put in coaching positions it should be taken into account how to practice consent. An excerpt from Sydney Skybetter, a professor of Dance at Brown University , states that “focusing a great deal of classroom time on establishing a practice of consent” (

Skybetter 3) will be beneficial to eliminating future harassers. This idea of educating coaches and other athletes has been developed by Nyle Sky. His claim says that “participation should be motivated primarily by education”(Sky 32). This most importantly addresses healthy boundaries which will solve the boundary issue that causes sexual harassment.

Bringing awareness to the issue

Finally and potentially most importantly the “zero tolerance policy” will bring awareness and justice to victims. In today’s society many of the sexual harassment cases are overlooked. Now they will be handled by the institution itself and the law first hand. By instating corrective justice this will again deprive the wrong doer of any gain. If other people see this happen around them they are less likely to become “repeat offenders” (Shi 2). Another line of thought on bringing awareness to sexual harassment is copyright reprogramming. This will individually copyright the athletes themselves and the performers in creative industries. Edward Lee professor of law IIT reports that this will “deter sexual harassment” (Lee 8). Also will cause many institutions of “forfeiture” (Lee 8). This instates a “fear for other institutions” (Lee 8). The final section that will be discussed is the re-enforcement of the violence against women act (VAWA). Harini Raghupathi that the “law was ratified by Congress” (Raghupathi 3) and should allow “laws to surface on the bench” (Raghupathi 5). By allowing the VAWA to surface in courts this provides an opportunity for more awareness and effectiveness of preexisting acts. Which is the end result of a zero tolerance policy.

Limitations and Implications

So as effective as the “zero tolerance policy” will be it does come with some limitations. For example the VAWA has failed in the past. It was passed by the supreme court but has yet to

be enforced. Also much of the legislation would need to be enforced by the institution itself rather than the law or government. Continuously the OTSHI scale in the past has downplayed a person's harassment experience, this can create an obstacle on the path to justice for these victims. Taking into consideration this solution is still a feasible option for ending sexual harassment.

Conclusion

The goal of alleviating any kind of fear and concern stemming from sexual harassment is not out of reach. There is a way to help these athletes, there is a way to let them continue to perform without the burden of being harassed. Although this solution will come with a lot of trial and error it is the best way to provide some safety for athletes. Through much more research and trials with this legislation there is a solution to this ever so pressing issue.

Word Count: 2171

Works Cited

- Bennett, J. C. "The Secondary School Cheerleader and Ritualized Sexual Exploitation." *Clearing House*, vol. 64, no. 1, Sept. 1990, p. 4. EBSCOhost, doi:10.1080/00098655.1990.9955791.
- Burrow, Sylvia. "Trampled Autonomy: Women, Athleticism, And Health." *International Journal of Feminist Approaches to Bioethics*, vol. 9, no. 2, 2016, pp. 67–91. JSTOR, www.jstor.org/stable/90012239. Accessed 24 Feb. 2021.
- DaSilva, Chanel. "Stop the Silence: It's Time to Confront Sexual Misconduct in Dance Education." *Dance Magazine*, Dance Magazine, 2 Feb. 2021, www.dancemagazine.com/sexual-abuse-dance-2650067784.html?rebellitem=2#rebellitem2.
- "Refusing to be silent; Sexual harassment." *The Economist*, 19 Dec. 2020, p. 75(US). Gale Academic OneFile, link.gale.com/apps/doc/A645312982/AONE?u=mclin_s_veyhs&sid=AONE&xid=5b33e06c. Accessed 23 Feb. 2021.
- Estrada, Armando X., et al. "Evaluating a Brief Scale Measuring Psychological Climate for Sexual Harassment." *Military Psychology (Taylor & Francis Ltd)*, vol. 23, no. 4, July 2011, pp. 410–432. EBSCOhost, doi:10.1080/08995605.2011.589353.
- Fasting, Kari. "Coaches, Sexual Harassment and Education." *Sport, Education & Society*, vol. 14, no. 1, Feb. 2009, pp. 21–35. EBSCOhost, doi:10.1080/13573320802614950.

- Halbesleben, Jonathon R. B. "The Role of Pluralistic Ignorance in the Reporting of Sexual Harassment." *Basic & Applied Social Psychology*, vol. 31, no. 3, July 2009, pp. 210–217. EBSCOhost, doi:10.1080/01973530903058284.
- Jennings, Luke. "Sexism in Dance: Where Are All the Female Choreographers?" *The Guardian*, Guardian News and Media, 28 Apr. 2013, www.theguardian.com/stage/2013/apr/28/women-choreographers-glass-ceiling.
- Lee, Edward. "Can Copyright Law Protect People from Sexual Harassment?" *Emory Law Journal*, vol. 69, no. 4, Jan. 2020, pp. 607–686. EBSCOhost, search.ebscohost.com/login.aspx?direct=true&db=asn&AN=143867556&site=ehost-live.
- Mlambo-Ngcuka, Phumzile. "Empowering Women Through Sport." *Olympic Review - Issue 110*, International Olympic Committee, 2019, olympicreview.touchlines.com/110/1-1.
- Mannie, Trisha. "Chapter 951: A Step Towards Ending Sexual Harassment." *University of the Pacific Law Review*, vol. 50, no. 2, Jan. 2019, pp. 201–216. EBSCOhost, search.ebscohost.com/login.aspx?direct=true&db=asn&AN=137767528&site=ehost-live.
- Raghupathi, Harini. "Sexual Harassment and Violence against Women: Developments in Federal Law." *Berkeley Journal of Gender, Law & Justice*, vol. 20, May 2005, pp. 304–308. EBSCOhost, search.ebscohost.com/login.aspx?direct=true&db=asn&AN=17686830&site=ehost-live.
- Roosevelt, Theodore. *Theodore Roosevelt's Letters to His Children: "Proper Place for Sports,"* 1919, www.bartleby.com/53/29.html.
- Shi, Elizabeth, and Freeman Zhong. "Addressing Sexual Harassment Law's Inadequacies in Altering Behaviour and Preventing Harm: A Structural Approach."

- Skybetter, Sydney. "Ending Sexual Abuse in Dance Education." *Dance Magazine*, vol. 95, no. 2, Feb. 2021, pp. 31–33. EBSCOhost, search.ebscohost.com/login.aspx?direct=true&db=asn&AN=148048475&site=ehost-live.
- Sky Nyle. "Taking College Esports Seriously." *Loading: The Journal of the Canadian Game Studies Association*, vol. 12, no 20, 2019, pp 35–50.
- Woody, Robert Henley, and Nancy Walker Perry. "Sexual Harassment Victims: Psycholegal and Family Therapy Considerations." *American Journal of Family Therapy*, vol. 21, no. 2, Summer 1993, pp. 136–144. EBSCOhost, doi:10.1080/01926189308250912.
- Zeisler, Andi. "The Book of Laughter and Not Forgetting." *The Women's Review of Books*, vol. 36, no. 6, Nov.-Dec. 2019, p. 27+. Gale Academic OneFile, link.gale.com/apps/doc/A606944666/AONE?u=mclin_s_veyhs&sid=AONE&xid=2aa180b9. Accessed 23 Feb. 2021.