

**Perpetual Violence Is Not A “Best Practice:” the Intervention and Prevention of
Peer-on-Peer Sexual Harassment at Berkeley High School**

By

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Abstract

Sexual harassment at Berkeley High School, located Berkeley, CA., has sparked heated debate, particularly concerning Berkeley Unified School District's (BUSD) approach to intervention and prevention. Critics accuse BUSD of ignoring complaints, dismissing investigations, and failure to follow through with prevention methods. This thesis utilizes school board meetings, school/district websites, student testimonies, and personal interviews to explore BUSD's justification for the intervention that occurs and the skewed perception BUSD holds regarding their actual intervention. From this archive, the findings include BUSD's focus on racialized issues. This includes the disproportional rate that accused students of color experience, and the favoring of male students, of all races, while diminishing the female survivors. This displays BUSD base level understanding of race and lack of intersectional awareness. The second half of the discussion examines BUSD claimed intervention and prevention methods. The research finds their deficient use of Title IX, delayed complaint process, inadequate restorative justice methods, and failure to follow through with Green Dot. Utilizing these categories, BUSD is compared to another Bay Area district—Oakland Unified School District. Concluding, I look at how such choices have impacted BHS students, recommending that BUSD look closely at their claimed accomplishments and actually utilize the tools that they have invested in.

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From day one, this thesis has been dedicated to my mother. Mom, I wish you could see what I've accomplished. I'll love you forever.

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Introduction

Sexual violence has long been a prevalent, yet overlooked, issue in our society. Due, in part, to the “Access Hollywood” scandal during Donald Trump's presidential campaign, the trial of Bill Cosby, and recent uproar over Harvey Weinstein, press coverage and activist efforts have made sexual violence a common topic of household conversation. However, as a society, we do not often inquire where and when such violence is learned, or how it is institutionally permitted. In fact, sexual violence is often viewed as a strictly physical and adult behavior. Thus, the notion of sexual violence existing in the halls of schools is absent from our minds. Yet, sexual harassment, a form of sexual violence, occurs in many high schools. And, because it is so often ignored and misunderstood, it is not adequately addressed or actively prevented.

Since 2014, many female students at Berkeley High School (BHS), located in the Berkeley Unified School District (BUSD), have publicly come forward with accounts of peer-on-peer sexual harassment, including graphic emails, groping, name-calling, and other forms of physical, verbal, and technological harassment. Individual students, parents, and student organizations claim that encounters of peer sexual harassment have been ignored by teachers and other staff members, even after the females filed reports,¹ violating both Title IX and the school's mission statement. The perception of failure of the school district has raised concerns over their intervention and prevention tactics. There has been speculation over whether the school district is favoring the male students, who have harassed their female peers, due to concern over the achievement gap—students of color performing and graduating at lower rates—and the racial

¹ The experience and trauma of sexual harassment and violence is not limited to cisgendered females, but at BHS, the current focus is on such heteronormative cases—cis-males victimizing cis-females—which is why this paper will be centered on this particular narrative. However, research is needed on the experiences of LGBTQ+ youth and male survivors in relation to sexual harassment and violence.

disproportionality—larger percentage of male students of color being accused and suspended within sexual harassment suspensions—within the complaints. School board members and the East Bay Law Center have verbally supported the accused and continued to focus on racialized harassment and racialized inequalities. These differing perspectives have pitted gender and race against each other, and without an intersectional lens, the battle between the two will continue to be a problem and ignore the problem of racialized aspect of sexual harassment. The inadequate response of school officials has led to survivors and advocates speaking at school board meetings, the filing of a lawsuit, and an array of new preventive curricula. Yet, policy change and threats of negative press are not enough to erase the effects of sexual harassment, heightened by inadequate support, nor hide the social hierarchies and judgment calls that have engulfed the lack of intervention.

BUSD's emphasis on racial inequalities and lack of intersectional awareness pits gender and racial identities against each through the perpetuation of racial tropes, lack of the intervention and prevention, favoring of male students, and dismissal of female survivors. Through the lens of intersectionality and rape culture, this paper will utilize public comments and interviews to critique BUSD's response. To conclude, the paper will explore BUSD's methods of intervention and prevention, building a comparison between another Bay Area district.

Contextualizing Sexual Harassment at Berkeley High School

According to a most recent published report, Berkeley High School serves a diverse student body of about 3200 students between the grades 9-12 ("2014-2015 Profile"). While diversity exists within BHS, the high school has a white and middle to upper-class, "where the

household income exceeds \$80,000,” majority (“2014-2015 Profile”). BHS is structured differently from traditional high schools, as it is broken into six separate schools, with “...all schools support[ing] the school wide goal of having every student be successful in a rigorous academic curriculum” (“2014-2015 Profile”). The separate schools create smaller learning environments for students, placing them in various classes with the same grouping of peers for their high school career.

Sexual harassment, as defined by the Office of Civil Rights of the US Department of Education, consists of interactions that are “1. sexual in nature; 2. unwelcome; and 3. denies or limits students’ ability to participate in or benefit from schools’ education program” (Rahimi et al. 3), and the CDC defines “sexual harassment as a component of sexual violence” (Espelage 34). Gendered harassment further specifies harassment, “highlight[ing] the relationship between harassment and gender norms and expectations” (Liston et al. 89). The various incidents of sexual harassment at BHS meet all of these guidelines and thus require a response. According to BHS’s website, sexual harassment at BHS is “unlawful” and may manifest itself through: “welcome written, verbal, physical, and/or visual contact with sexual overtones...sending sexually explicit photos or text... or electronic postings with sexual overtones on” (“Bullying and Sexual Harassment”), all of which exist within the halls of BH.

A survey conducted by BUSD’s Green Dot Program at BHS during the 2016/17 school year revealed that sexual harassment is a prominent experience on campus. The survey was taken by a total of 2,574 out of 3,200 students, approximately 80 percent of students (“2016-17 Green Dot Survey” 72). Out of the respondents, 55 percent identify as female, 44 percent identify as male, and one percent identify as transgender and/or non-binary (“2016-17 Green Dot Survey”

72).² Almost 45 percent of respondents self-identified as white, with approximately 12 percent identifying as African American and 14 percent identifying as Latinx (76).³ The survey asked multiple questions about harassment and bullying on BHS's campus, including questions regarding the respondent's and their peers experiences. According to the survey, a shocking 45 percent of the 2,127 responding students have witnessed a fellow student experience unwanted, non-consensual sexual behavior (32). Of that sexual behavior, the violence has taken the form of verbal, virtual, and physical harassment. For instance, approximately 20 percent of 2,422 responding students reported having experienced non-consensual and inappropriate touch by a school mate (8), with 278 of 2,413 reporting students having been sexually intimidated through use of physical force (14). In addition, approximately 35 percent of 2,427 student respondents have been subject to in person "...unwelcome sexual comments, jokes or gestures" from their schoolmates (4), while approximately 20 percent of 2,420 respondents reported that they know someone who has "...sent [them] or posted unwelcome sexual comments, jokes or pictures by Snapchat, Instagram, text message, email, Facebook, or any other electronic means" (18). In all, a large population of the campus has been touched by sexual violence.

According to BUSD's website, "...the quality of the education program can improve when the district listens to concerns, considers differences of opinion, and resolves disagreements and complaints through an established, objective process" ("Complaint

² More female identified students responded to this GreenDot survey, with more than half of respondents (55 percent) identifying as female. In reality, just under 50 percent of the entire student body at BHS identifies as female. Hence, responses from male and genderqueer individuals is less represented within the survey.

³ White students are overrepresented within survey, as they only make up 38 percent of entire student body yet make up nearly half of respondents. Meanwhile, African American students and Latinx students are underrepresented. Both African American and Latinx students individually constitute 21 percent of the population, yet, they only consist, respectively, of 12 percent and 14 percent of respondents ("2014-2015 Student Profile"). A new survey is needed to correct this skewed representation.

Procedures”). This reflects BUSD’s suggested response to sexual violence and harassment, as they require that students file a formal complaint. The complaint process listed on the website is universal across the district and does not include a “school site” specific resolution, suggesting that complainants contact their school’s principal/vice principal to begin that process. The process for filing a complaint involves filling out a form and sending it to the district; after this, a District Compliance Officer will determine whether to investigate or dismiss. To conclude, BUSD explains that, “within 60 days, the DCO will issue the District’s written response to [the] complaint, and will also let [the complainant] know how [they] can appeal the decision if [they] are not satisfied” (“Complaint Procedures”). Understanding this process is vital to comprehending the claims and complaints of BHS Stop Harassing which will be covered throughout this paper.

This paper will rely on BHS Stop Harassing member’s direct contact and interactions with the BUSD school board, specifically recordings of meetings and interviews. According to *California School Board Association (CSBA)*, a school board is a body of publicly elected officials that govern the school district and are “...accountable for the performance of schools in their district” (“About California School Boards”). The school board is responsible for “...represent[ing] the community’s diverse beliefs and values,” while also managing the superintendent’s position and assessment, handling and approving budgets, approving and instituting policies, evaluating district and student success, and providing attentive care to public comments (“About California School Boards”). The *CSBA* stresses that the school board’s priority should be on serving their district and community, explaining that this is done through taking into account community ideas and concerns and maintaining accountability for failures

(“About California School Boards”). Currently, BUSD’s school board consists of five members: Ty Alper (President), Josh Daniels (Vice President), Beatriz Leyva-Cutler (Clerk), Karen Hemphill (Director) and Judy Appel (Director). In cases of sexual harassment at BHS, the school board serves a major role, as students, parents, and allies often air their grievances and request policy change at meetings. Board members are able to respond to comments and pass policies and budgets related to sexual harassment. BUSD hosts two board meetings each month. The meetings consist of both a closed session, which is attended only by educational leaders and an open session, where members of the community can attend. The open session of the meeting includes both public comments and board responses, which will be a primary focus throughout this paper.

BUSD and BHS clearly are challenged to keep up when it comes to responding to complaints. As of February 8th, 2017, a mounting pile of complaints filed by parents, staff, and students during 2014, 2015, 2016, and the first thirty-nine days of 2017 had yet to be addressed, including sexual harassment, bullying, racial harassment, teacher conflicts, and more. BUSD has a plethora of alleged current sexual violence and harassment prevention and intervention programming occurring at BHS—its primary high school. However, their primary programs are Title IX, Green Dot and restorative justice (Appel), all of which will be explored in the “BUSD Prevention and Intervention” section of this paper. The focus of this paper will be on the inadequacies and disregard in sexual harassment cases. Because my analysis will center on the testimonies and school board meetings that have occurred since 2017, the general history of peer-on-peer sexual harassment at BHS will be provided below for context.

Timeline of Events (see *Figure 1*. below):

- Oct. 2014: A freshman “Welcome Assembly” contains victim-blaming and “slut shaming” language (Goldstein and Levenson). *Berkeley High School Stop Harassing* forms as a “response to a comment during the annual Welcome Assembly that linked girls' inappropriate dress to sexual harassment” (*BHS Stop Harassing*).
- Jan. 2015: U.S Department of Education Office for Civil Rights (OCR) opens up an investigation into allegations from BHS students, regarding in the inappropriate handling of their sexual harassment cases (Shih).
- Feb. 2015: School Board addresses media attention over sexual harassment at BHS, explaining their current and future actions to prevent the harassment (Goldstein Nov. 2017).
- Feb. 2016: BUSD acquires their first Title IX Coordinator, who lacks relevant experience required for the position (Goldstein Nov. 2017)..
- March 2017: School board and superintendent release letter laying out a plan of action for the prevention of sexual harassment (Alper et al.).
- Feb. 2018: At a *Sexual Harassment Advisory Committee* meeting it is observed that BUSD has made minimal progress in their plans for intervening in and preventing sexual harassment, especially in regards to a preventive curriculum—Green Dot—and restorative justice (“SHAC Meeting”).

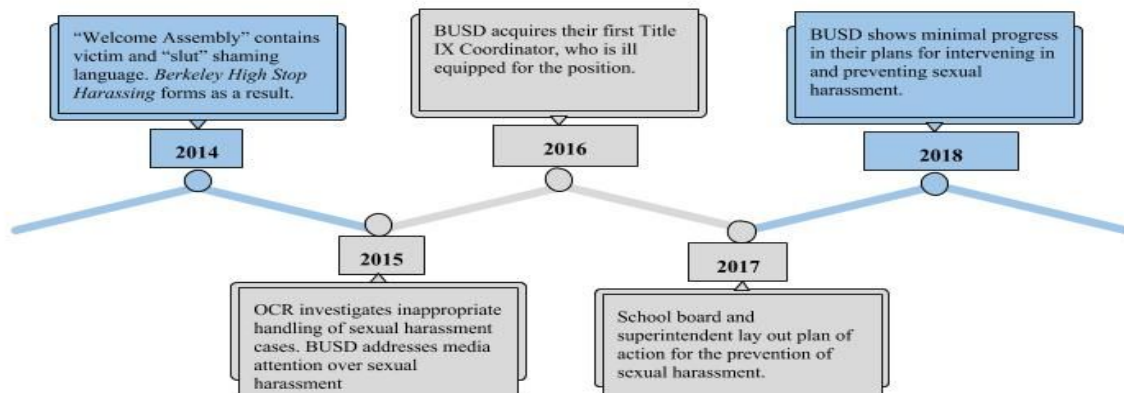


Figure 1. Timeline of BHS Sexual Harassment

BHS Stop Harassing came into existence in 2014 as a response to comments made at a BHS assembly that perpetuated rape culture, which will be defined in the “Literature Review” section. BHS Stop Harassing brings publicity to the sexual harassment occurrences and intervention/prevention experiences at BHS by providing students with a platform to share their stories. The organization, which is headed by adult advisors and students, provides resources to BHS students, including information on prevention and intervention and how to file a complaint (Goldstein Oct. 2017). BHS Stop Harassing is centered on an intersectional approach to confronting and deterring such violence, considering the experiences of students of color, LGBTQ+ students, and male students. Thus, their methods are not limited to a single trope of sexual harassment, such as cis-males violating cis-females (“Feb 22 2017 Berkeley School Board Meeting”). This organization continues to play a large role in the debate over sexual harassment

at BHS. While not the focus of the research presented in this thesis, the *Sexual Harassment Advisory Committee (SHAC)* is a committee—comprised of both adults and students—that is similar to Berkeley High School Stop Harassing and works closely with the school district to reform policy, develop curriculum, and intervene in sexual injustice (“BERKELEY UNIFIED SCHOOL DISTRICT...”). SHAC’s comments, particularly those made by SHAC member Peggy Scott, will also be mentioned throughout this thesis.

Methods

The analysis of this paper will be based on video recordings of school board meetings from October 2016 to October 2017, conversations with two school board members, an interview with Heidi Goldstein, a leader of BHS Stop Harassing, and Livier Gutierrez, a staff member of *Alliance for Girls*, and local news articles identified through topic searches. I analyzed the recordings of school board meetings by using close reading methods, looking at language, arguments/points, reactions, and actions of those present.

Furthermore, I interviewed two school board members. Two of the conversations with school board members—Judy Appel and Beatriz Leyva-Cutler—occurred during their public office hours. In addition, Appel also spoke with me over the phone, outside of her office hours. I conducted my interviews using different questions and approaches. For both interviews, I requested information about their current and future intervention and prevention strategies and resources, such as “What interventions has the district made? Have those interventions been successful in your opinion? What improvements or lack thereof did you notice?” Because Appel agreed to speak with me a second time and spoke more openly, I was able to ask her additional questions; for example, “In your opinion, does the race of the victim and/or harasser play a role

in the heightened problems of sexual harassment at BHS?” A copy of interview questions is available in the appendix section of this paper. Thus, they were asked similar initial questions, but Appel’s interview was more in-depth.

Furthermore, I interviewed Heidi Goldstein—an adult advisor of Berkeley High School Stop Harassing. My interview with Goldstein differed greatly from the interviews with the board members. For this interview, I utilized a semi-structured interview style, allowing our conversations to stray from the guiding questions. Due to the sensitive matter discussed within the interview, I actively sought to protect the anonymity of complainants by requesting that names, besides those who publicly disclosed, and information regarding individuals not be disclosed and if it was, I made sure to make note of its exclusion from my paper. Moreover, I actively reminded Goldstein of her ability to stop the interview, retract any previous responses, and refuse to answer any questions. In addition, I gave Goldstein, as well as Appel, a copy of my notes from her personal interview. Goldstein also met with me an additional time months later to share updates on BHS Stop Harassing and sexual harassment cases and prevention at BHS. This conversation was unstructured, and relied on Goldstein self-directing the conversation. This was done to allow for open-dialogue that was not necessarily directed at my research question but about the campus climate and sexual harassment as a whole.

I also attended a public SHAC meeting. For this meeting, I was a silent observer, making note of updates on prevention and intervention. In addition, I met with Livier Gutierrez from *Alliance for Girls*, where I asked questions regarding OUSD’s recent sexual harassment policy change. This interview was semi-structured, as I asked open-ended questions regarding the policy and campus climate and allowed Gutierrez to expand on those questions.

Specific data on the percentages of cases and demographics of the accused and complainant are not available, as these individuals are minors. While the actual statistics are not provided, a close viewing of school board meetings and conversations with school board members and members of BHS Stop Harassing reveals that white female students are the majority of complainants, while male students of color make up the majority of the accused. Furthermore, board members' comments, particularly that of Director Karen Hemphill, during school board meetings and the statistics provided by Kate Weisburd during a public comment segment, demonstrate that the accused are presented as primarily African American males. Thus, the narrative of sexual harassment at BHS emphasizes a trope that Black boys are sexually violating white girls, creating a binary within sexual violence on the campus.

Literature Review

Intersectionality

Sociologists often taxonomically place individuals into aspects of social structural distinction as separate, including race, gender, disability, class, citizenship, and more. However, women of color critique observe that such categories create the binary of either/or, such as the positionality of either being a woman or a person of color, leading to the experiences and needs of individuals whose identities transcend those categories to not be read (Crenshaw). In "Demarginalizing the Intersection," Kimberlé Williams Crenshaw addresses this concept, referring to it as intersectionality. Crenshaw explains that intersectionality requires that racism and sexism to be addressed simultaneously, which allows for the ways that women of color are subordinated to be adequately addressed (Crenshaw 140); in fact, for feminism and anti-racism to challenge the marginalization and explore the experiences/concerns of Black women, all

aspects of their identities must be addressed (141). Intersectionality is “[r]ooted in Black feminism and Critical Race Theory,” “...address[ing] the marginalization of Black women within not only antidiscrimination law but also in feminist and antiracist theory and politics” (Carbado et al. 303). To adequately consider and address intersectionality, individuals and institutions must examine the impacts of social structures and categorization on the oppression and marginalization of women of color.

In order to examine the racialized aspect of sexual harassment at Berkeley High School and critique intervention strategies, the lens of intersectionality is needed. Crenshaw uses intersectionality as a means of analyzing “how courts frame and interpret the stories of Black women plaintiffs” (Carbado et al. 142), which will be reflected in my analysis of how Berkeley High School handles sexual harassment as well as administrative reactions to female survivors of color. In her theory, Crenshaw explains that courts do not consider the ways that Black women can be discriminated against both as women and people of color, i.e. sexism and racism (Crenshaw 141). According to Crenshaw, this lack of understanding illustrates how both forms of discrimination exclude Black women, as racism has been crafted according to men of color and sexism has been defined by white woman (143). They are only protected from experiences that match that of white women and men of color. This is true in the framing of rape and sexual violence (Crenshaw 158). The notion of white women as the standard for both sexism and policies on rape, runs rampant at Berkeley High School, as the either/or thinking positions white cis-females as the targets of sexual violence and harassment; in fact, survivors are regarded as being privileged, white girls (“Feb 22 2017 Berkeley School Board Meeting”). Racism, at Berkeley High School, is also defined according to male students of color, as racial

discrimination is only addressed from the male and accused point of view. BUSD regards sexual harassment policies as targeting Black male students and placing them in the role of the predators. Furthermore, by exploring the ways “...in which social movement organization and advocacy around violence against women elided the vulnerabilities of women of color” (Carbado et al. 304), Crenshaw's theory of intersectionality grounds my claim that intervention and prevention programs need to take intersectionality into account are necessary for BHS.

Intersectionality will also be used to address the appearance of favoring accused men of color. Carbado et al., including Crenshaw, critique the urge of antiracist advocates, such as NAACP, to focus on the marginalization of African American men by “exceptionalizing” them and framing their identity as ‘endangered’ to address racism (Carbado et al. 310). In other words, because men of color occupy some of the most marginalized positions in society, i.e. they are perceived as being “...exceptionally burdened and marginalized” (310). As a result, they are treated as separate from women of color and in need of their own support and social justice. This creates further inequalities for women of color, in that their needs and interests are presented in a manner that is “less than” (310). This highlights the mindset taken by many educational leaders involved in the issues of sexual violence at BHS. Carbado et al. call for institutions “to embrace gender equity as a value in antiracist discourses, beginning with the presumption that Black women [and other women of color] should enjoy equal time and equal funding” (310), provides a framework for my critique of the school district's judgment calls and favoring of the accused students of color.

Campus Climate/Culture

Analysis of sexual harassment that occurs on high school campuses and preventative methods requires looking at both the prevention techniques and the campus and community climate. In her book, *Asking for It: The Alarming Rise of Rape Culture—and What We Can Do About It*, Kate Harding provides background information on sexual harassment and violence occurring on both high school and college campuses through the use of modern examples. She bases her analysis on the feminist theory of “rape culture,” examining how society fosters such abuse through policies, media, education, and interactions. Harding explains that rape culture is the concept that society encourages and supports sexual violence, such as shaming women for their sexual desires, blaming them for being sexually violated, and encouraging males to dominate women. This theory is fundamental to my analysis of sexual harassment. Of particular relevance, Harding finds that “slut shaming,” victim blaming, and suspicion of false reporting often lead to lack of intervention, cases of revictimization, and fear of reporting (11). “Slut shaming” is the act of socially punishing a female for engaging in sexual behavior that is perceived as promiscuous or acting/presenting in provocative ways, and victim blaming is the belief that a survivor is responsible for the violence enacted upon them. These are occurrences and practices that can be identified at BHS, as the following sections will explore. This climate is furthered by lack of administration intervention and prevention, which Harding identifies through examining campus policies and police reports (81). Furthermore, Harding also looks to media and how it perpetuates rape culture. After laying out a foundation of knowledge and findings, Harding offers suggestions for how we can change the climate of rape culture. Throughout her text, Harding covers prevention methods, such as Green Dot, offering insights into contemporary preventative measures. In addition, she advocates for the rights of the

accused, providing methods on how to support both sides of the sexual violence cases and methods to prevent reoffending.

Similarly, CJ Pascoe's text, *Dude You're A Fag: Masculinity and Sexuality in High School*, looks at campus culture and the naturalization of male dominance (7). Pascoe examines how school climate encourages the expression of heterosexuality and masculinity, which in turn fosters an environment of masculine dominance. Within this framework, male students prove their masculinity by dominating their female peers (97). This is accomplished through hooking up with them, spreading rumors about them, commenting on their bodies, and sexually harassing them. This climate of male dominance is fostered through male students' interactions with each other. This can be observed at BHS, where retaliation against complainants is often executed by the friends of the accused. Moreover, Pascoe finds that the school itself perpetuates the notion that violence against female peers, such as sexual harassment, is an essential part of adolescence. At BHS, this notion is promoted by faculty and school board members who dismiss the survivors' experiences and downgrade the harassment by calling it "bullying" and treating it simply as a form of bullying, rather than as a form of gender-based violence.

Discussion

Pitting Race and Gender Against Each Other

Public Schools in the United States are facing an impossible mission. They are expected to not only educate students and develop them into functional and beneficial citizens who are prepared to enter both civic and work life (Grubb and Laverson), but also to correct all of the social inequalities students face, especially female-bodied students and students of color (Rose). Berkeley Unified School District—particularly BHS—is facing such expectations, as they

grapple with racial inequalities and the achievement gap. The small-school structure of BHS does not fix the problem of the achievement gap (Fix). In fact, the schools are highly segregated with white students occupying the majority in the two high opportunity schools—“Berkeley International High School” (BIHS) and “Academic Choice” (AC) with 51.17 percent and 45.67 percent respectively—both encourage “Advanced Placement” courses and college-readiness, while pushing for students to apply to and advance towards a four-year university (Fix). Meanwhile, as *Figure 2* displays below, students of color make up the majority in the lower opportunity schools, placing students in subject-focused and non-college preparation driven courses (Fix). Students of color makeup 63.43percent of “Communication Arts and Sciences” (CAS) and 67.76 percent of “Arts and Humanities Academy” (AHA). Shockingly, students of color make up almost 90 percent of “Academy of Medicine and Public Service” (AMPS). CAS, AHA, and AMPS “...are often labeled the ‘easy’ schools,” while AC and BIHS are known for being academically challenging (Fix). The differences in curriculum have fueled stereotypes regarding the “type” of students who occupy the opposing sides. One student explains that on BHS’s campus, students “...assume that all AMPS kids are gonna be ghetto, illiterate, like animals almost. And then with AC and IB (BIHS) [we] have this assumption that they’re all smart, they’re all going to have 4.0s” (Fix). This stereotype, enabled by the segregation, furthers the notion of academic differences between white students and students of color, leading to disparities in achievement, which are noticeable at BHS.

Research conducted by school officials revealed that during the 2014 academic-year in BUSD, “...42 percent of African American third-grade students and 53 percent of Hispanic and Latino third graders read at grade level, compared with 89 percent of white third graders are

reading at or above expectations” (Wallace). In addition, while BHS maintains an above state average graduation rate—91.78 percent of the senior class—Conable finds that the graduation rate of white students exceeds that African American students by 17 percent, displaying that BHS is still experiencing racial disparities. School officials claim that the graduation rates are “...in part the product of the students’ interest in attending a four-year university,” which is heightened by college preparatory classes, such Advanced Placement courses and International Baccalaureate courses” (Conable). Yet, these courses are geared towards students in primarily white AC and BIHS. These differences are a major concern of the school board who devote meetings and reforms to intervening in the differential achievement and racial predictability, and the small-school structure has remained an “object of critique in Berkeley schools” (Wallace). Due to this, goals to end the achievement gap, that “...coincide with school’s goals of improvement, have been made” (Wallace).

While the focus on improvement is necessary and important, the problem of the achievement gap goes beyond BHS and BUSD as it is an institutional macro-scale inequity that requires a “culture and mindset” change for society, and reforms for public education in the US (Wallace). Though they cannot solve this systemic problem, with a previous principal—Sam Pasarow—even stating that they “... have been unable to interrupt predictable and inequitable outcomes for students based on race, ethnicity, and socioeconomic status” (qtd. in Wallace), they focus much of their attention on attempting to diminish its existence and minimize its impacts on students of color.

As a result of a racial inequality perspective, the sexual harassment and violence that occurs within Berkeley High School is often not brought to the forefront of administrators’

agendas, resulting in a seeming lack of response and support provided to survivors and the prevention of additional sexual violence. This section will explore BUSD’s attempt to lessen the racial inequalities and the further marginalization of male students of color that exist within their district by “exceptionalizing” (Carbado et al.) the actions—i.e. sexual harassment—of those students. BUSD’s focus on the role of male students of color as the accused—i.e. disproportionately represented and in threat of negative life impacts—crafts the image of male students of color as the sole accused of sexual harassment. The perpetuation of such a trope, men of color as perpetrators, releases white male students from their role in sexual harassment because it erases them from the narrative. In addition, this section will examine the discounting of survivors of color in sexual harassment.

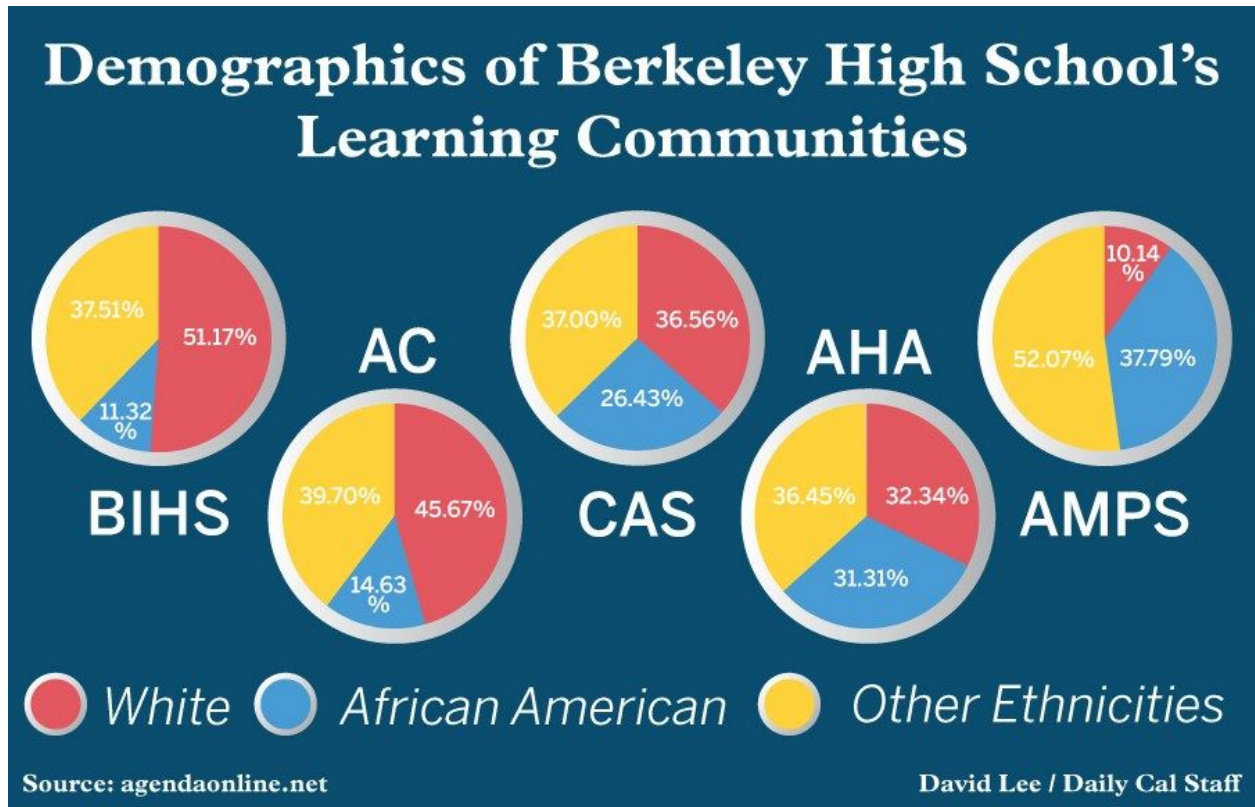


Figure 2. BHS Demographics (Fix)

Disproportionality within BHS Sexual Harassment

Disproportionality within school discipline is a major concern of BUSD (Wallace) and a point of conflict between the school board and survivor advocacy groups (“March 8 2017 Berkeley Unified Board Meeting”). In cases of sexual violence, brought to the attention of the school administration at BHS, a greater proportion of accused students of color become represented (Appel). During public comments at a school board meeting, Kate Weisburd, a lawyer who has worked closely with both survivors and the accused at BHS, explains that for any/all violations, African American students are more likely to be recommended for expulsion. In fact, despite African American students accounting for only “19 percent of the school [population], [they] make up the vast majority of suspended students” (“March 8 2017 Berkeley Unified Board Meeting”), though she does not mention the severity of what they are suspended or expelled for. Her findings reflect a nationwide trend for disproportionality of African American students being disciplined for severe violence in public education (Mendez and Knoff). Weisburd furthers her discussion of disproportionality by stating that all of the students she has represented from BHS for sexual battery have been African American males (“March 8 2017 Berkeley Unified Board Meeting”). Concluding, Weisburd states that the support of the survivors should not come at the expense of the accused (“March 8 2017 Berkeley Unified Board Meeting”), insinuating that for the advancement of sexual harassment policy to take place other students must lose. This presents the needs of the male students of color as more important than that of the survivors. Reflecting Carbado et al.’s points regarding the “exceptionalizing” of males of color, Weisburd’s argument presents the accused male students of color as being in need of

special treatment because of the disproportionality among the accused, thus excusing them from the legality of sexual violence. This erases any harm produced by the accused and removes space and energy away from supporting the survivors and preventing further harm.

The school board supports Weisburd's findings, offering her encouragement and praise during their public response ("March 8 2017 Berkeley Unified Board Meeting"), including Director Appel who furthers this by explaining that a student of color is more likely to be accused of sexual harassment than white students (2017), displaying how disproportionality—its causes and methods of elimination—within sexual harassment cases remains a top priority of BUSD. While claiming her own parental status as a reason for her passion about this topic ("March 8 2017 Berkeley Unified Board Meeting"), Weisburd is deeply connected to school board member Ty Alper and the study of youth defense. In fact, she works with him at UC Berkeley Law School on the "Death Penalty Clinic" (*BerkeleyLaw*). While Weisburd fittingly specializes in youth defending, Alper is an experienced post-conviction defense attorney (*BerkeleyLaw*). Thus, according to Goldstein, both Weisburd and Alper focus on the defense's, or accused's, side (Feb. 2018). Alper's focus and connection to Weisburd raises questions regarding his—and even his fellow board members'—personal interest in Weisburd's investigation of sexual harassment cases and her presence at the school board meeting. This reveals, once again, where the concerns and interests of school officials—racial disparities—shapes and limits the advancement of sexual violence policies.

Though disproportionality within educational discipline—especially the suspension rates of African American students—is clear, the causes of it are not (Mendez and Knoff 43). Director Appel hints at the heightened number of students of color being accused may be a result of

personal bias, explaining that “so many things are based on unconscious bias” (2017). Mendez and Knoff cite social problems, such as “cultural...misunderstanding, lack of teacher and administrator training..., school climate..., discrimination..., and socioeconomic status” (44), as potential reasons for disproportionality. Overall, there are a multitude of reasons that explain why disproportionality occurs within the acts and reporting of sexual harassment, many of which include the implicit racial biases that are prevalent within society and are a concern of BUSD board members (Appel). However, I am more interested in how the school district potentially supports and/or furthers disproportionality by taking on a perspective that “exceptionalizes” the data, setting up sexual harassment as directly targeted at male students of color who are in need of social justice to right this wrong, which in turn reproduces the stereotype—Black boys as predators—that they are trying to avoid.

Board members strongly believe that male students of color are not the only ones enacting sexual violence, including Appel, who states that the high rates of white perpetrators involved in sexual assault do not begin in college. This causes Appel to wonder why these white men are not equally represented in the accused at BHS (2017). Despite Appel’s contemplation, BUSD’s handling of sexual harassment does not present the possibility for such inclusion. BUSD presents sexual harassment as a battle between racial minorities and women, which does not provide space for the examining of white male involvement. Due to their social power, to address the sexual harassment brought on by white boys would require a conversation about sexual harassment as a whole, drawing more attention and potential discipline to the male students of color, who are already at risk of “harsher punishment” (“March 8 2017 Berkeley Unified Board Meeting”). Rather, the school boards framework focuses on the role of African

American males as the accused/perpetrators, setting them up as the primary aggressor and actor within sexual harassment. In turn, this releases white boys from their responsibility and role in sexual violence, letting them continue to enact violence without fear of retribution, and places Black boys in the role of predator, viewed by both the school and public as the only ones involved in the violence. Hence, the school board is not helping to shine light on sexual violence against women nor disproportionality in reporting, rather it is exceptionalizing and drawing attention to disadvantaged students.

Lack of Intervention and Prevention

To confront this problem and uphold their anti-racist views, BUSD has utilized ineffective tactics—similar to those introduced by Carbado et al.’s research choosing to favor the accused, including issues specifically relating to racism and the achievement gap in hope of alleviating the disproportionality and maintaining their public image by coming across as anti-racist. One ineffective approach is the use of downgrading wherein BUSD verbally reclassifies sexual harassment complaints to that of bullying, thereby lessening the severity of the harassment in the eyes of the public. For example, Director Hemphill pushes away from directly addressing or referencing issues of sexual violence, instead speaking of it as a form of “bullying:” her downgraded term for sexual violence (“March 8 2017 Berkeley Unified Board Meeting”). In addition, BHS combines the issues of bullying and sexual violence on their website, where they list definitions and provide instructions for dealing with such concerns. For example, they provide information for “[r]eporting bullying and sexual harassment” (“Bullying and Sexual Harassment”). Placing these vastly different forms of harm together fosters the notion that they are similar or even interchangeable (Pascoe). This is particularly concerning because

bullying is often regarded as a lesser offense and an essential or typical part of adolescence (Pascoe). This leaves room for the harm to be overlooked and viewed not as a lifelong trauma. Hemphill's reduction of sexual harassment promotes the practice in mainstream society of "reclassifying" complaints as lesser concerns to eliminate personal responsibility and reframe the institution's image (Harding 88), displaying undertones of rape culture. While this action attempts to reduce the severity of the male student's violence, it only serves to encourage further controversy by viewing students of color as "endangered" (Carbado et al.) and in need of leniency. In turn, this protects white men by limiting their visibility within sexual harassment cases at BHS, and endangers women of color by hypersexualizing and blaming them. Overall, BUSD's rape culture and exceptionalization of male students of color places all survivors and potential targets at risk by fostering dangerous behaviors and missing opportunities for counteracting sexual violence.

According to Pascoe, the climate of U.S public high schools fosters the notion that dominance and violence against women is a normal and essential aspect of male adolescence, resembling something more closely related to teasing than violence (84-155). This idea displays a potential reasoning behind Hemphill's reclassification, as to many adults, boys show their youth and affection by engaging in friendly bullying. In all, the district attempts to cleanse its image of racial inequality (Wallace) and fears that the labeling of severe violence will distract from such goals and further marginalize minority students, placing other forms of inequality, particularly gendered, in the position of the "abject." To fully acknowledge the needs and experiences of all students, employing intersectionality would be necessary, as the school district could acknowledge how sexism and racism impact students.

In addition, investigation processes have been skewed by delaying complaint review and examining only one side of the complaint (“March 8 2017 Berkeley Unified Board Meeting” and “May 17, 2017 Unified Board Meeting”), showing how BUSD favors the accused and their experiences in an attempt to intervene in the reporting disparities. Moreover, BHS avoids and neglects established sexual harassment and violence safety plans—such removal of the accused from the complainants classes and required distance on school grounds between complainant and accused—to allow for the accused's educational experiences to be unaffected. This can be noted in multiple student cases, such as Aniyah Williams, Talya Kroger, Torin Burns, Tara Blossom, and Charlotte Wesley, who all were forced to attend classes with their accused perpetrators (*YouTube*), with Burns even stating that BUSD “took school away” from her “...cho[osing] him over [her]” (“Feb 22 2017 Berkeley School Board Meeting”). This misuse of policy can be read as an attempt to avoid furthering the achievement gap and marginalization of an already disadvantaged group. This directly supports the district’s concern over their notorious male achievement gap—described in the beginning of this section—providing BUSD with the opportunity to mend their reputation. Showing a common fear of BUSD, Appel explains that “if [sexual harassment] gets reported, it limits so many opportunities” (2017), pointing out how being disciplined formally for sexual harassment can impact one’s educational and career opportunities, adding to the achievement gap. These intervention and prevention failures will be explored in more depth within the next section, but in short, to control the overrepresentation of non-white individuals being accused, BUSD has downplayed the accusations, limited repercussions, and, in all, favored the male students, ironically including white males.

As a result of their emphasis on African American male fragility, BUSD dismisses survivor's experiences. This is highlighted through BHS Stop Harassing claims of hostility from BUSD due to the racial demographics of its members, consisting of mostly white allies, students, and parents. According to Renee Revolorio, who is a student at BHS, school board members "say that BHS Stop Harassing is out of touch [and] that [they] are a group of privileged white kids whose parents shelter [them] and who cannot face the real world" ("Feb 22 2017 Berkeley School Board Meeting"). Similarly, Peggy Scott, a SHAC leader, states that she has heard board members "refer to parents, who are just trying to help, as privileged white women" ("Feb 8 2017 Berkeley Unified Board"). These comments perpetuate rape culture by insinuating that survivors who hold social privilege, such as being white, must accept sexual violence as a part of life and not resist or repeal the current campus climate. This viewpoint does not acknowledge that to prevent and intervene in sexual harassment would be beneficial to both the accused and complainant, allowing for the education of acceptable behaviors and interactions rather than expulsion or re-offending. The deep-rooted rape culture observed at BUSD and the trope of marginalized Black boys as sexually violent leads educational leaders to "...identify with the person accused, instead of the person reporting the crime" (Harding 3). In turn, this provides the "average, non-criminal" leaders with space to "scrutinize the [survivors'] stories...[while] imagin[ing] [them]selves in the terrifying role of Good Man [or] Falsely Accused" (Harding 4). This allows BUSD, particularly board members and BHS staff, to favor the accused and imagine what trauma the accused must be experiencing due to the complainant's public story, while contemplating how the stories will impact the district's image. Board members, who focus their comments on the accused African American students, identify with the accused and their

struggles, as these incidences also impact the outsider's impression of the school. Additionally, by favoring the accused, the school can be perceived by the public, and themselves, as helping the disadvantaged boys of color from the angry, "privileged white women" ("Feb 22 2017 Berkeley School Board Meeting"), who are intrinsically biased. In turn, the board builds the notion that they are anti-racist and making strides for an equitable education, attempting to blame the disproportionality and harassment on the white girls and their family.

If the above comments are factual, which BHS Stop Harassing believes they are ("Feb 22 2017 Berkeley School Board Meeting"), then the school board is not functioning in the way that the *California School Boards Association* claims it should be, failing to "serve" and "listen" to community members instead of belittling the concerns of BHS Stop Harassing and other survivor advocates in favor of blaming them for disproportionality. The school board appears afraid that the proper investigation and intervention of sexual harassment would only heighten a popular conservative and anti-feminist belief that sexual violence is an "...act committed by...deviant men (read: men of color, poor men, etc.)" (Wooten 33), causing them to favor the accused to limit further racial disparities. In fact, when female complainants shared that their intentions were not to have their accused harassers suspended or expelled, the usually indirect and denial driven school board responded directly to their statements, explaining that they are impressed by the students' not having a goal of punishment and that their statements "felt different...[displaying] how much they are really thinking about it" ("March 8 2017 Berkeley Unified Board Meeting"), yet when the survivors share intimate details of their violation, they are either ignored or met with simple sympathy, usually from Director Appel (*YouTube*). For example, after Torin Burns shared her story of being sexually violated by a group of boys who

groped her and receiving threats from those same boys, there is no direct mention of sexual harassment or Burns' experience from any of the school board members ("Feb 22 2017 Berkeley School Board Meeting"). Instead, Appel praises the "guts" and "vulnerability" of all students who came out and spoke ("Feb 22 2017 Berkeley School Board Meeting"). This insinuates that when the complainants embrace the school board members' stance of favoring issues of racial disproportionality, the school board members are more likely to recognize the survivors' needs. In all, these comments shed light on how tropes of sexual harassment at BHS—defining survivors as white privileged cis-females and the accused as male students of color—fuel an often hostile dynamic between the school board and the complainants, including the assumption that both sides (BHS Stop Harassing and BUSD) want to cause trouble for each other. By choosing to only acknowledge survivor's needs when it aligns with their anti-racist agenda, BUSD favors concerns over disproportionality, which in turn favors the male accused, resembling Carbado et al.'s ideas. An intersectional perspective would help resolve these issues, taking into account inaccessibility within the reporting and intervention process, for both the survivor and the accused, while providing a navigation process for issues of rape culture. It would also provide space for female survivors of color who, in addition to sexism, face racial inequalities (Carbado et al.).

Treatment of Students

BUSD's weak response to sexual violence shows greater support to the accused students, validating and providing allowances for sexual violence. In fact, ignoring the violence caused by the accused does not eliminate disproportionality within sexual harassment. Indeed, according to BHS Stop Harassing's findings presented to the board, 63 percent of undisciplined "perpetrators"

are likely to reoffend, and this can be displayed in the retaliation that complainants experience from the accused, post-investigation (“March 8 2017 Berkeley Unified Board Meeting”), as well as the reports of multiple survivors from a single accused student (Goldstein Oct. 2017). As mentioned previously, the students who testify at the school board meetings are not requesting that the accused be expelled, suspended, or punished, but rather they “want [them] to stop the harassment and be able to see [the survivors] as [people]” and “want [the accused] to get help” (“March 8 2017 Berkeley Unified Board Meeting”). While suspensions or expulsions, which have proven to be ineffective (Mendez and Knoff), are not the answer to disciplining perpetrators to prevent recidivism, education and restorative practices could be. Such practices provide opportunities for learning and growth to all students, including perpetrators, working to prevent future offences (Harding). In the words of a complainant's mother, the school needs to teach the “young men that this is certainly not acceptable behavior here” and recognize that they are “...allowing these boys to behave in this way, supporting the rape culture [that] we find so prevalent in our society” (“March 8 2017 Berkeley Unified Board Meeting”), instead of centering their policy and intervention on counteracting racial disproportionality and the achievement gap at BHS. An intersectional intervention and prevention would make allowances for the consideration of the marginalization of the accused students of color, working to not expel or suspend already educationally disadvantaged youth, but rather pushing for the intervention in current cases and prevention of future violence, while acknowledging the marginalization and experiences of all students involved.

By ignoring the needs of the survivors, providing insignificant resources, and allowing cases to slip away, the school is validating and allocating space for this harmful behavior,

encouraging it to continue, not only from accused students of color but also white accused students. And, it is doing this while viewing the concerns and needs of female students, especially female students of color, as unnecessary and less important.

Dismissal of Female Survivors of Color

Ignoring sexual harassment also harms female students of color. When it comes to sexual harassment cases, female complainants of color face more inadequacies, such as a lack of access to support and services. Liston et al. state that “young women of color are often marginalized further by discourses of sexual harassment in schools” (93). Crenshaw acknowledges that policies regarding sexual harassment are written from the position of whiteness and white sexuality, excluding women of color from both its acknowledgments of harm and protections from further trauma (159). This makes allowances for harm because it places non-white sexualities in the position of the abject, marking them as outside of legal bounds. This is reflected in the public case of sexual harassment at BHS involving Aniya Williams, who is an African American female. A. Williams received a sexually explicit email, containing racialized language, from a male classmate. The email describes A. Williams as “thicc,” a word used as a stand-in for a stereotype of the ideal African American female body: slim waist, large hips, and large bottom (“thicc”). This word sets up the harassment of A. Williams as both sexually and racially charged, as she is targeted both as a female and as a person of color. Despite this, the nonconsensual email was labeled as “non-threatening” and “genuine,” or, in other words, as friendly in nature and lacking the potential for *actual* violation (e.g. physical) (“December 7, 2016 Berkeley Unified Board Meeting”). This reaction highlights the lack of intersectionality within sexual violence policies at BHS, as it showcases the binary that students of color are often

placed in, allowing only part of their identity to be recognized and not accounting for the intersections that exist within their experiences.

Educational staff, like the vice principal in A. Williams' experience, are often more apt to ignore the sexual harassment of students of color, believing the social construction surrounding young women of color: that, as scholars have addressed, they are "more promiscuous and deserving of harassment" (Liston et al. 93). We can therefore interpret that as a female of color, A. Williams was hypersexualized and read as wanting such attention, shining light on why a nonconsensual and violent email was labeled as genuine and non-threatening. In fact, responses, like those in A. Williams' case, are one reason why women of color are less likely to come forward and/or pursue a complaint process, or recognize their experiences as wrong. Reflecting Crenshaw's arguments, a non-white identified BHS student explains the inadequacies that lead to less reporting from non-white BHS students stating, "I think we can see that it is much easier to speak up in situations where you can share your story, where you have the full support of your parents and peers, [and] ... when the policy is written for you" ("Feb 22 2017 Berkeley School Board Meeting"), or, in the case of BHS, where the story being told represents you. From this student's comments and the story of A. Williams, policies are not designed to take into consideration racially charged sexual language or counteract the marginalization and inequalities nor the lack of support and cultural differences that students of color often face. Thus, it must be acknowledged that BUSD's sexual harassment and violence policies do not account for the complex and intersectional experiences of survivors of color.

Furthering her comments, the student explains that "she [a non-white woman] is just as likely to be the survivor of sexual violence" but much less likely "...to define the action" as such

(“Feb 22 2017 Berkeley School Board Meeting”). Because the ways in which sexual violence is experienced is culturally specific, sexual violence may be read differently across sociocultural locations (Wooten 47), impacting the demographics of complainants, and helping BUSD to develop their basic understanding of sexual harassment demographics. Moreover, BUSD’s reactions, or lack thereof, support a climate of rape culture, in which “...most victims...never report it because they fear they won’t be believed—and know that even if they are believed, they’re likely to be mortified and harassed, blamed, and shamed, through a legal process that ultimately leads nowhere” (Harding 1), which precisely describes the way that BHS handles A. Williams’ sexual harassment case (“December 7, 2016 Berkeley Unified Board Meeting”). This negative school climate does not aid in the comfortability for the survivors in the complainant process, rather it teaches young people, especially young women of color, that their abuse is not worth investigating and will only harm them more, in turn it perpetuates rape culture and victim blaming. An intersectional intervention would allow for additional sensitivity for survivors of color, addressing their specific position, including language used to address their bodies and sexualities (like A. Williams) while providing accessible resources and services to them and their families. In all, to make reporting more accessible and sensitive to survivors of color, and all other survivors, BUSD needs to engage in intersectional perspectives that validate the experiences and acknowledges the identities of *all* students, while confronting the institution's rape culture, something that is missing in their current intervention and prevention methods, which will be explored in the following sections.

The role of race in sexual harassment is an aspect that is agreed upon by both BHS Stop Harassing and the BUSD School Board. Goldstein (BHS Stop Harassing) states that race is

highly wrapped up in the problem, as BUSD holds many unspoken policies—which favor the accused—regarding how to handle sexual harassment cases and limiting disproportionality (Oct. 2017). According to Director Appel (BUSD), “we [the school board] need to take it [the issue of race in sexual harassment] head on [and] really figure this out.” Yet, BUSD is still ignoring complaints, diminishing victims, dismissing cases, and postponing interventions. From school board meetings, where concerns attempt to diminish disproportionality in reporting and expulsions, with the intent of not creating a more substantial divide in the achievement gap. Yet, Basch, a professor of Behavioral Studies at Columbia University, explains that to change the racialized achievement gap, schools must “create expectations for high academic standards, establish acceptable norms and rules of conduct that do not tolerate harassment, bullying...or other aggressive behavior, and create and enforce fair policies for dealing with aggression if and when it occurs” (par. 23), all of which are evident from the testimonies at BUSD school board meetings (*Youtube*, Berkeley Unified School District), are non-existent at BHS. Therefore, the way in which race and disproportionality are being interacted and dealt with displays a limited understanding of its true impacts, as it does not aid in solving any problems. If the school district truly wants to be anti-racist, they need to recognize “gender equity as a value in anti-racist discourses, beginning with the presumption that Black women should enjoy equal time and equal funding” (Carbado 310), while also understanding that intervention and prevention programs that are geared towards “...reduc[ing] aggression and violence must be a high priority to help close the achievement gap” (Basch par. 3). The use of prevention and intervention methods will be explored in the following section.

We can conclude that because at BHS, sexual harassment is rewritten, carrying the racist trope of Black boys victimizing white girls, erasing survivors of color and white perpetrators from its pages. In all, the district and school are marginalizing women within anti-discrimination and anti-harassment policies that are meant to protect and aid *all* students (Crenshaw), thus displaying their lack of racial and intersectional awareness, while feeding into rape culture by ignoring the survivors needs and experiences, allowing violence to be perpetuated on campus.

Examining BUSD's Methods of Intervention

While BHS falls short when it comes to their understanding of race and intersectionality, which is exemplified by their skewed methods of processing complaints and investigating claims—which school board meetings reveal includes ignoring and dismissing reports, resulting in negative impacts on their male students and female students of color—they also fall short at enacting any effective and adequate intervention while simultaneously claiming to be doing so. The actions of BUSD, in regards to sexual harassment and violence, leads to lasting impacts for survivors which are furthered by a lack of basic intervention and support. According to Berkeley High School's public website, the mission of the school is "...to educate and inspire all students in a safe, respectful and supportive environment" ("Berkeley High School"). The school's inclusion of "safe," "respectful," and "supportive" ("Berkeley High School") in their mission statement sounds ironic when juxtaposed with the school's and district's choices following accounts of peer-on-peer sexual harassment. The incidents of and reactions to sexual harassment do not reflect the environment described by the school. If someone went against the school's guiding mission, one would assume that the school would act swiftly in intervening and preventing further violation. Yet, as shown in the statements of school board members, actions of

BUSD and BHS, and exemplified by public stories of survivors, that was, and still is, not the case. Interviews with Board members revealed that Title IX, Green Dot, and restorative justice are their main accomplishments in handling the prevalence of sexual harassment at BHS, and this stance is furthered by school board meetings. While the board cites current programming as accomplishments in the prevention of sexual harassment, that is certainly not the case. Rather, BUSD and BHS experience challenges in the maintenance of a Title IX coordinator and the handling of complaint processes and safety plans, while also struggling to execute restorative and preventative programs. *Figure 3.* provides a visual of this flawed intervention and prevention system at BHS.

Title IX

BUSD views Title IX as an adequate defense to sexual harassment. In fact, when a new prevention curriculum was proposed in October of 2017, Hemphill stated that “...there is an advisory group for sexual harassment at our high school, we have a Title 1 [SIC Title IX] coordinator that is spending much of their time on sexual harassment issues already and we had, I know, a lot [of] restorative circles at the high school have been around sexual harassment issues” (“October 11, 2017 Berkeley Unified Board Meeting”), as an argument for the rejection of the proposed curriculum. Hemphill does not even remember the correct name of the law, so her knowledge of its effectiveness is questionable. In fact, Hemphill’s argument displays the problematic aspect of Title IX. As Rahimi et al. explains, the institution of Title IX and other equity focused policy has “come with a belief that we have achieved sex equality” (3). But, this is not the case.

As *Figure 3* (page 48) displays, BHS has a turbulent relationship with Title IX. From the public stories of survivors, previous school board meetings, and the interview with Goldstein, it has been made clear that the Title IX coordinator did not provide support to any of the survivors until recently (“December 7, 2016 Berkeley Unified Board Meeting”). Both Judy Appel, a fellow board member of Hemphill, and Goldstein stated that BUSD struggled with the hiring and management of a Title IX coordinator. BUSD secured Dana Clark as its Title IX coordinator in February of 2017 (“Title IX/Sexual & Gender-Based Harassment Resources”), and she continues to oversee the execution of the policy. Clark, who previously worked as an attorney, is the only staff member handling the compliance of Title IX (Orenstein), meaning that a single person is responsible for handling all of the complaints and investigation for a large school district that has a long and public history of sexual violence cases. This can result in the delayed response to sexual violence, making the complaint process and intervention take too long and further traumatize survivors, as well as not allowing for the immediate education and correction of the accused (Harding). This will be expanded on below when BUSD’s complaint process is examined. Overall, BUSD’s use of Title IX have been ineffective and needs to be re-envisioned and expanded.

Complaint Processing

BUSD also has other failures and inadequacies beyond Title IX, as explored in the context section, the complaint guidelines on BUSD’s website state that they have 60 days to issue a written response on the matter of the complaint (“Complaint Procedures”). Scott Blossom, whose daughter—Tara—was victimized by a rape threat, made by a male peer, explains that the complaint and investigation process “...created a lot of needless stress,

tremendous emotional stress, that really damaged [Tara's] academic performance" because of the length of time—fourteen additional days—and lack of support during the process ("March 8 2017 Berkeley Unified Board Meeting"). While stress and emotional trauma are some of the negative ramifications, long waiting times associated with complaint investigations, such as the ideal 60 days—or even longer as shown by the testimonies at BUSD meetings—allows for revictimization to occur through lack of safety and support provided to complainants and opens the door to retaliation at the hands of the accused and other students.

Safety plans are mechanisms to keep complainants and the accused away from each other during and after the complaint process. Yet, BHS has struggled to implement and uphold such plans successfully. BHS has been known to not maintain the standards of the safety plans, i.e. leaving complainants and the accused in the same classrooms, allowing them to attend events, and not supervising the hallways adequately ("February 22 2017") or even create a plan ("December 7, 2016 Berkeley Unified Board Meeting"). In fact, BHS teacher, Hasmig Minnasian, reveals that within her classes, "survivors of sexual harassment [have] sat side by side with the kid who perpetrated that harassment" ("March 8 2017 Berkeley Unified Board Meeting"). This deviation from safety plans is reflected in the testimonies of survivors. Torin Burns, a fourteen year old BHS freshman, experienced retaliation from her peers after reporting harassment, which included groping, rape threats, and verbal harassment ("Feb 22 2017 Berkeley School Board Meeting"). Burns recalls being called a "horrible person," "slut," and "snitch," while also being blamed for the incident in question ("Feb 22 2017 Berkeley School Board Meeting"). In addition, the accused repeatedly stalked Burns, which was caught on school cameras, and attended school events that she was at, despite both acts violating the established

safety plan (“Feb 22 2017 Berkeley School Board Meeting”). The lack of safety led Burns to suffer panic attacks (“Feb 22 2017 Berkeley School Board Meeting”). And, after meeting with the superintendent, who told her that her best option would be to enroll at a different school, she eventually left BHS, in favor of independent studies, to avoid further retaliation and harassment (“Feb 22 2017 Berkeley School Board Meeting”). Clearly safety plans at BHS have been ineffective at maintaining the safety of survivors and their access to an education.

While safety plans are a necessary aspect of sexual harassment complaints and investigations, the lack of space and access awarded to survivors displays how safety plans are faultily used at BUSD. And, in some cases, BHS has failed to consistently utilize such plans. In fact, plans were disposed of as a whole in the case of Blossom’s daughter, Tara, as he reports that there was no safety plan or issue management during the complaint process, leading to his daughter’s desire to leave BHS (“March 8 2017 Berkeley Unified Board Meeting”). While it is easy to assume BUSD’s total fault for an often faulty complaint process, we must consider their role on both sides. The school district is in a difficult position, as they have the obligation to serve and protect both the complainant and the accused to the best of their ability. In fact, Minassian explains that the policy of safety and access are in direct conflict, as “the young men...have the legal right to return to school and access their education” and “the survivors have the right to feel safe, and they too have the right to access their education” (“March 8 2017 Berkeley Unified Board Meeting”). Laying out the significant concerns surrounding the complaint process at BHS, *Figure 3* displays that the current complaint process, including safety plans, is not always an effective strategy, as BHS is legally bound to support all of their students, which blurs the lines of the policy and lessens the accused's accountability. In addition, the

lengthy time frame limits the immediate response of intervention methods, such as restorative justice. This causes and encourages negative impacts for the students involved.

As displayed in *Figure 3*, BHS has also made progress in bettering their system, particularly around accessibility. At a SHAC meeting in February, members of SHAC, BHS Stop Harassing, and school staff (including teachers and administrators) discussed the progress of new aspects of complaint processing. The process, which is still in development, involves a translation to Spanish for greater accessibility to families (“SHAC Meeting”). School staff revealed that the forms and policies are still being translated and will be distributed to families after the process is complete (“SHAC Meeting”). While language accessibility is a concern in addressing the reporting of sexual harassment and violence, the focus of this process revitalization is not speeding up the complaint process or recentering the survivor’s safety through the process—which, as shown above, is desperately needed—rather it is focusing on surface level changes: updating legal forms that only address violence after it has occurred. Therefore, these concerns remain an issue within reporting sexual harassment at BHS.

Restorative Justice

Furthermore, while Appel and other board members claim success with their current restorative justice programs, it, too, is in need of work. For BUSD, restorative justice in schools, including BHS, attempts to “foster an environment of care, encourages accountability and responsibility, and addresses misbehavior and harm in an inclusive manner that strengthens relationships” by providing “...a set of principles and practices that build community and involve processes that restore relationships when harm has occurred” (“Restorative Justice”). However, restorative practices have had a turbulent history at BHS, particularly surrounding

student involvement and time frames. Levenson explains that the long waiting period of investigations—60 days—limits the likelihood that students can be brought back together and heal as a community (“Jan 25 Berkeley Unified Board Meeting”). This is supported by Christine Staples, who is the Berkeley Parent Teacher Association Council President, states that when students are “...forced to see each other with no support, harm grows” (“Jan 25 Berkeley Unified Board Meeting”). While BUSD is making progress on the healing on sexual harassment, the attempts need to be made sooner to prevent further harm from lack of support and retaliation. In the case of Talya Kroger—a survivor and BHS Stop Harassing member—restorative justice occurring too late allowed for the accused to further deny their actions and to claim having “forgotten” what occurred during an attempted restorative circle (“March 8 2017 Berkeley Unified Board Meeting”). Kroger needed her trauma to be acknowledged and to hear that she and her peers would be safe from such violence occurring again (“September 13, 2017 Berkeley Unified Board Meeting”). Without that reassurance and lack of acknowledgment of her trauma, Kroger was left more traumatized and was violated further. This negative experience with restorative justice led to Kroger dropping her case (“September 13, 2017 Berkeley Unified Board Meeting”). Restorative justice should lead to resolutions between the parties and to survivors feeling heard and safe, not to survivors dismissing the violence they were subjected to. For restorative justice to be successful at BHS, BUSD needs to devote more time and budget to speeding up the complaint process and promoting the needs of survivors.

While remaining a contentious practice within the intervention of sexual harassment (McGlynn et al.), survivors at BHS have also reported positive experiences with the method of restorative justice, under the supervision of Nuri Nusrat, even requesting more access to the

practice (“May 17, 2017 Unified Board Meeting”). Parents and leaders of BHS Stop Harassing also approved of BUSD’s hire, expressing that “Nuri is as good as it gets” and has the gift of working with students who have been harmed in this way (“May 17, 2017 Unified Board Meeting”). Tara Blossom, a survivor at BHS, explains that Nusrat is the first person to ask “what they [the survivors] needed from the boys rather than decide that for [them],” providing them with examples of action: trainings, face-to-face meetings, written apologies, or no contact (“May 17, 2017 Unified Board Meeting”). T. Blossom further explains that Nusrat supports all students, including the accused, not labeling either party as “good” or bad” (“May 17, 2017 Unified Board Meeting”). According to T. Blossom, this allowed for “the boys” to take responsibility for their actions and desire to change (“May 17, 2017 Unified Board Meeting”).

Figure 3 reveals that similar to the Title IX coordinators, BHS has struggled to staff and maintain the role of a Restorative Justice coordinator. Yet, after going through the motions of hiring a helpful, but part-time, restorative justice coordinator who is trained on socioemotional needs and sexual harassment cases, BUSD let her go in favor of hiring full-time non-sexual trauma informed staff, ignoring the raving reviews of the coordinator’s actions with survivors (“May 17, 2017 Unified Board Meeting”) and experiences from both sides of the sexual harassment reports (Alper et al.). Currently, BHS’s website lists one restorative justice staff member, Jose (Eddie) Estrada III (“Counseling”), while an employment website shows a call for applicants for a Restorative Justice Coordinator at BHS that closes in December of 2017 (“Restorative Justice Coordinator...”). Estrada is a graduate of UC Berkeley, having majored in Peace and Conflict Studies, and previously worked with Centerforce Youth Court in Oakland and the Napa School District (“Restorative Justice Alumni”). Yet, Estrada lacks relevant

experience with issues surrounding sexual violence and the survivors/accused of such violence, which, given the events at BHS, is a large portion of the population needing restorative justice. This lack of experience and focus on sexual harassment and survivors is of prominent importance, which is displayed through *Figure 3*. In the words of Goldstein, “[BUSD] cannot put a rookie in to fight the fire and expect that the fire will be extinguished” (Oct. 2017). Levenson adds that BUSD needs to hire restorative justice coordinators who actually have the time, skills, and drive to take on the challenging task of sexual harassment healing (“Jan 25 Berkeley Unified Board Meeting”), while T. Blossom describes a need to someone who will consider the needs and wants of the survivor first (“May 17, 2017 Unified Board Meeting”). Supporting this point, Fiona Buchanan and Lynn Jamieson assert that staff, who are likely to experience a disclosure of sexual violence or interact with a survivor, must “...have the skills and knowledge to address” such experiences (227). A lack of trauma informed skills can further rape culture—by supporting societal myths—leading to the silencing of survivors or re-victimization of survivors (Buchanan and Jamieson 227). If BUSD truly wants to solve this problem and prevent future harassment, they must provide proper staff training or hire experienced staff to guarantee that they provide adequate support, otherwise they run the risk of causing more harm.

SHAC members, including the current Title IX coordinator, revealed in February of 2018 that a full time restorative justice coordinator position has been approved by the district for the current calendar year, with a current staff member assuming the role after their current position is filled (“SHAC Meeting”). Estrada, who is examined above, still remains on contract for BHS (“Counseling”). In addition, the school is seeking to hire an additional female restorative justice coordinator (“SHAC Meeting”). However, students, including members of BHS Stop Harassing,

want more progress and restructuring in regards to restorative justice. At a February 2018 SHAC meeting, two survivors, who have participated in restorative justice, request more follow up with participants post restorative circles in the form of exit surveys and phone calls/emails (“SHAC Meeting”). The survivors feel that “it [the healing process] does not just end after the circle” (“SHAC Meeting”), thus they need more continuous support. In addition, the survivors called for a restructuring of restorative processes, requesting separate circles for perpetrators and survivors, with the groups coming together after an initial separated circle (“SHAC Meeting”).

Preventative Methods

BUSD advertises a program called Green Dot as an act of prevention that they utilize. Green Dot is a “...bystander intervention program that focuses on building the skills needed for individuals to take action when they see instances of power-based personal violence (stalking, intimate partner violence, and sexual assault)” (“Green Dot Bystander Intervention”). The program has been implemented on various college campuses across the United States (“Green Dot etc.”). The impact of Green Dot on the campuses has been examined in various studies; in fact, the studies have found that “[l]istening to the opening speech has been linked to lower rape myth acceptance while those who attend the bystander intervention training as well engage in bystander intervention behavior more frequently than speech attendees alone” (qtd. in “Green Dot etc.”). Green Dot has also been impactful on the high school level (“New Study on Green Dot”), which will be explored in a later section. Seeking a similar positive effect, SHAC recommended the funding and implementation of the Green Dot program with the intention that it would train both teachers and bystanders to intervene in and recognize sexual harassment on BHS’s campus (Alper et al.). SHAC members revealed that planned trainings would target

grades 10th, 11th, and 12th due to 9th graders receiving a welcome assembly—SPARK—that covers sexual harassment and violence (“SHAC Meeting”). The school administration, students, and families anticipated great support and improvement from the implementation of such a program (Goldstein).

However, Heidi Goldstein explains—and *Figure 3* displays—that many of the other current methods utilized by BUSD do not delve deeply enough into sexual harassment and are not even operating in full effect yet, especially Green Dot (Goldstein Oct. 2017). For example, while BUSD claims success with Green Dot, BHS Stop Harassing states that it has yet to be implemented beyond the initial training (Goldstein Oct. 2017). From documents found on BUSD’s website, this claim is validated, as it is clear that the implementation of Green Dot has been inadequate (“BERKELEY UNIFIED SCHOOL DISTRICT...”). In August of 2016, a small portion of staff (30 individuals) received Green Dot training, while in February of 2017, a small portion (32 individuals) of BHS students received the training. With 339 listed staff members (“Berkeley High school Staff”), training less than ten percent of staff is not an effective measure of prevention, and for students, the sample is even smaller, with only one percent of the student body (*Berkeley High School*) receiving the preventative training. In addition, the document, aptly entitled, “Actions Steps to Prevent and Respond to Sexual Harassment,” showcases a planned second student training for April/May of 2017, which failed to take place; in addition, there is no other information available regarding when the program will gain momentum. Because Green Dot is based on interactional change, it requires that all members of the community be versed enough in the curriculum to enact the methods with their peers and in their classrooms. For a

climate change to take place, BUSD and BHS need to expand their trainings. Thus, Green Dot should not be claimed as an instrument of change at BHS until it is furthered.

At a SHAC meeting in February of 2018, updates on Green Dot were provided. School administrators, who work closely with SHAC, explained that they have “a pretty good handle on trainings” with a planned training occurring on February 27th, but are lacking a school wide initiative, as participants are “self-selected by word-of-mouth” (“SHAC Meeting”). Yet, budget proved to be a concern, as there was no answer to where the funds for the program were located or whether they were guaranteed, with a member stating that all they know is that the “money [is] being held somewhere” (qtd. in “SHAC Meeting”). Thus, as reflected by both the small scale operation and comments from SHAC, budget restraints have played a role in the continued lack of progress on the implementation of Green Dot. While, as evident above, Green Dot has not been adequately implemented at BHS, both Appel and Leyva-Cutler claim the program as progress in preventing sexual harassment, displaying a wishful thinking attitude without regard to sexual harassment on their campuses.

Though it has yet to be fully implemented at BHS, Green Dot has shown success at other high schools. According to a five-year study of twenty-six public high schools in Kentucky, the program has been successful at “reduc[ing] violence” and leading to “fewer sexually violent events” and lowered rates of sexual harassment in the long term with positive impact being “...sustained over multiple years” (“New Study on Green Dot”). In their research, Edwards et al. found that staff members and students often do not intervene because they do not know how, fear negative repercussion, or cannot identify the violence, displaying a lack in training for skills in handling such violence (8), which is needed at BHS. Thus, educating individuals, who may hold

different, culturally specific views, on what sexual violence looks like (Liston et al. 92-93) and how to safely and adequately intervene in the violence is a clear way to improve school climate and produce an intersectional intervention system by connecting the various identities that exist at BHS with the standards the school has. Green Dot has the ability to create real change by providing individuals with the tools to stop harm before it occurs and has the potential to help BHS “...dismantle rape culture as well as prevent individual assaults” (Harding 57). And, students at BHS, especially survivors, want a form of prevention at BHS; in fact, Talya Kroger requests that BUSD “...helps these boys learn that [actions] have consequences,” while her mother demands BUSD address BHS’s rampant rape culture by educating students of sexual harassment (“March 8 2017 Berkeley Unified Board Meeting”), both desires are elements that Green Dot is designed to address. For the betterment of the school’s climate, the school district needs to fully follow through with this program by advocating for the program through the encouragement of participation, financing the trainings, and holding space for its use.

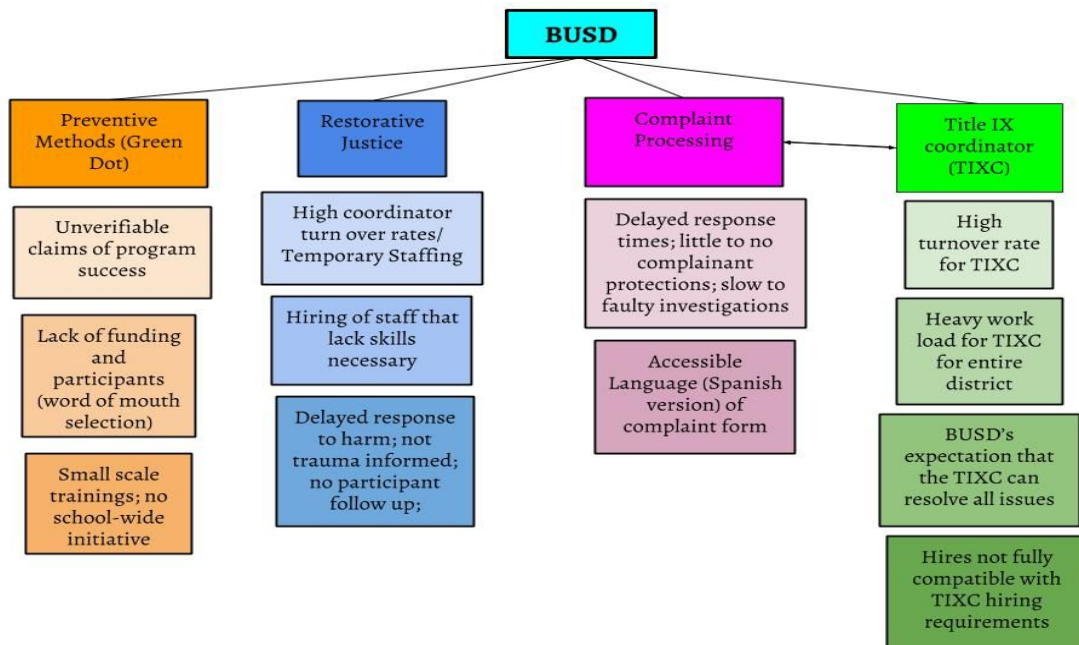


Figure 3. Berkeley Unified Sexual Harassment Response Flowchart

OUSD's Innovative Intervention Strategies

Background

Oakland High School (OHS), which is located within the Oakland Unified School District (OUSD), serves grades 9-12 in Oakland, California. OHS contains a diverse student body of 1,541 students, with the majority of students identifying as African American or Latinx, 32 percent and 29.3 percent respectively (“Our School/Our Students”). Overall, similar to BUSD, OUSD is located within the San Francisco Bay Area and serves a large and racially, economically, and culturally diverse student body. OUSD also holds similar concerns to BUSD regarding peer-on-peer sexual harassment. OUSD defines sexual harassment as “...unwelcome sexual conduct that may include, but is not limited to, sexual violence, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct” (*17-1062 Amendment Board Policy*). While OUSD’s definition of sexual harassment is very similar to BUSD’s, the schools have very different methods of intervention. This difference is recent, with OUSD—through the assistance of a local non-profit—making strides to change their intervention into sexual violence and harassment.

Alliance for Girls—a non-profit organization serving female-bodied youth in Oakland, CA has been involved with OUSD since 2014, working with the district to serve female-bodied students of color (*Alliance for Girls*). In 2016, *Alliance for Girls* utilized “...an analysis of OUSD data on academic success and school-engagement indicators, a series of focus groups with girls of color and interviews with district leaders and other adult stakeholders” to produce a report on the needs of girls in OUSD (*Alliance for Girls*). The non-profit released the study in September of 2016 under the title of *Valuing Girls' Voices: Lived Experiences of Girls of Color in Oakland*

Unified School District (Alliance for Girls). This report is vital to the sexual harassment policy developments that have occurred within OUSD recently, as will be shown below.

Policy Change

While attempting to identify inequalities girls of color face within OUSD for the report, *Alliance for Girls* found through focus groups that “...peer relationships, conflicts and aggression were the primary source of stress and cause of suspension for girls of color, with many girls noting that a lack of response and intervention by adults made them feel unsafe” (Noguchi). The conflicts include sexual harassment and violence, with the female students citing “Slap Ass Fridays” as a safety concern and obstacle to school success (*Students Drive New Policies*). Furthermore, teachers, including Rori Abernethy, explain that they “regularly addressed sexual harassment and assault between students,” yet teachers at OHS are not trained or paid to do such intervention work, resulting in a lack of impact and burnout (*Students Drive New Policies*). Thus, a solution was needed to address the violence.

Similar to BHS students, who formed BHS Stop Harassing, students at OHS, working with *Alliance for Girls*, began advocating for a change in policy as more attention was provided to the experiences of sexual harassment (Gutierrez). This partnership resulted in the development of new proposed sexual violence and harassment policy and a student and teacher “toolkit,” providing intervention tips and resources (Gutierrez), which is depicted in *Figure 4* (page 51). The policy was passed by OUSD school board on June 14th, 2017 (“Meeting Girls’ Needs Toolkit”). *Figure 4* highlights the main categories of policy change—preventative methods, restorative justice, complaint processing, Title IX, and principal’s training—and the aspects—both positive and negative—of said categories. OUSD’s policy change will be

compared to BUSD’s approaches, revealing differences and similarities. *Figure 5* (page 59) summaries the key points of comparison.

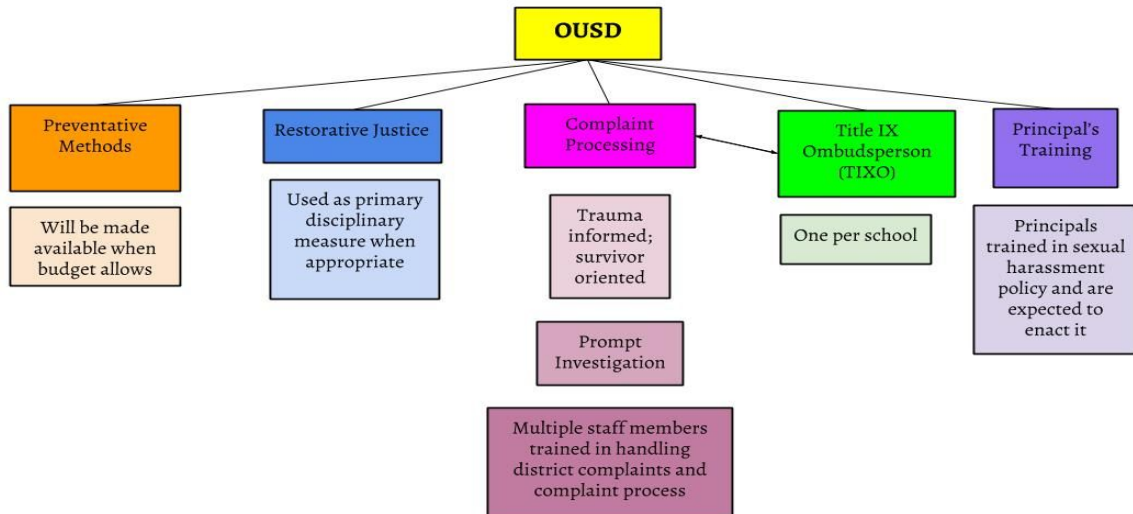


Figure 4. Oakland Unified Sexual Harassment Response Flowchart

Comparative Analysis

Title IX

While OUSD makes little comment regarding Title IX and the coordinator, their new reform involves the instating of a complaint coordinator at each school. In fact, prior to the change, a singular person at OUSD, referred to as the district's ombudsperson, which is similar to a Title IX coordinator, “...was responsible for fielding sexual assault and harassment complaints from all 36,000 students” and reporting practices contained much grey area (*Students Drive New Policies*). Now, there is a “...designate[d]...point person at each school to handle” sexual violence reports (*Students Drive New Policies*). Not only does this policy allow for a faster response to complainants, but it also provides more time and space for the investigation of individual cases by breaking the workload up among a group of individuals. *Figure 5* displays the shocking fact

that BUDS relies upon just one individual, offering explanations for the delays and position turnover rates discussed in the previous section on BUSD, and revealing a sharpe difference between the two school districts. Such changes to Title IX and its coordinators is something that could be beneficial to BUSD.

Complaint Processing

Figure 5 outlines the most noticeable difference between OUSD and BUSD: complaint processing. The figure showcases the improvements that OUSD has made in this category of sexual harassment policy. Having identified similar problems regarding the complaint process as BUSD, OUSD has improved its complaint processing by adding additional staff, as mentioned above. This alleviates multiple problems experienced due to lack of staff that come into play when responding to, assembling, and investigating complaints. In addition, the complaint process and guidelines have been revitalized and expanded. In fact, *Figure 5* lays out the shocking differences between OUSD's and BUSD's complaint processing approaches, revealing two institutions with drastically diverse methods. With OUSD declaring that complaints of sexual violence "...shall be investigated and prompt action shall be taken to stop any harassment, prevent recurrence, and address any continuing effects on students" (*17-1062 Amendment Board Policy*). This change seeks to resolve the problem for OUSD that BUSD is also facing: slow investigation processes that leads to revictimization. Furthermore, OUSD's new policy also seeks to acknowledge how the complainant can potentially feel threatened or be revictimized during the complaint process, with new "...measures to ensure a safe school environment for a student who is the complainant or victim of sexual harassment and/or other students during an investigation and that...they shall not disadvantage the complainant or victim of the alleged

harassment” (17-1062 Amendment Board Policy). This policy is both trauma informed and survivor oriented, and something similar at BUSD has the potential to alleviate many of the problems that exist within their reporting process, particularly surrounding timeliness and complainant safety. Overall, an updated policy, like OUSD’s, would greater improve the complaint experiences and limit additional trauma for survivors by providing efficient investigation and protecting the safety and wellbeing of the complainant.

Restorative Justice

As shown in *Figure 5*, BUSD’s experiences with and uses of restorative justice are much more negatively discussed than OUSD’s. OUSD’s toolkit also provides new guidelines for disciplinary actions regarding the accused and/or perpetrator cases of sexual harassment. According to the policy, “..any student who engages in sexual harassment or sexual violence...shall be subject to disciplinary action” (17-1062 Amendment Board Policy). And, while suspension and/or expulsion are included as options, *Alliance for Girls* explains that the policy “[d]elineates the use of restorative justice as a disciplinary alternative” (*Alliance for Girls*). This places an emphasis on the changing of campus culture rather than an individual’s behavior; in fact, the districts new policy requires that they “...take action on a school-wide level when it becomes aware of a school-wide culture of sexual harassment” (*Alliance for Girls*), something that is needed to address the systemic abuse occurring at BHS. In addition, the restorative process remains survivor informed, as the policy “[e]nsures that victims have a voice in how their complaints are resolved” (*Alliance for Girls*).

Preventative Methods

Budgetary restraints limit the use of preventive programs at the two districts, as shown in *Figure 5*. While OUSD has not utilized a preventive program, due to similar budgetary problems as BUSD, studies have shown “...the effectiveness of [proper] implementation of the Green Dot strategy in high school with significant reductions in rates of interpersonal violence” (“New Study on Green Dot”). Though led by Dr. Ann L. Coker, the aforementioned study on Kentucky high schools utilizes insights and analysis from Dr. Dorothy J. Edwards, who designed the curriculum. Dr. Edwards offered her own insights into the benefits of Green Dot, explaining that every success means that “...somebody’s child or sibling or best friend...will never go through this experience. That’s the ultimate human benefit” (“New Study on Green Dot”). Coker reveals that dramatic changes were not noticeable at the beginning of Green Dot’s use in a school, noting that it is in “years 3 and 4, when...enough people have been trained and are using their Green Dot instruction, that we are seeing a culture shift [and] where [we can] see the numbers start to change” (“New Study on Green Dot”). While it is not clear at what rate the study engaged and trained participants in the program, the slow start in training enough individuals reflects a similar situation to BHS.

Green Dots success can be observed through the decline in cases of violence and change in culture, but also on the school level, the impact of Green Dot moves beyond numbers of reported violence. In fact, school officials and teachers in the Berea Community in Kentucky have revealed micro accomplishments of the program, with Berea Community High guidance counselor Eef Fontanez reporting that in addition to “...a reduction of our discipline referrals,” they have also “seen kids actually using the language of Green Dot in the hallways and the classrooms, trying to de-escalate situations or identify situations” (qtd. in Marsee).

Green Dot could be useful at BHS. Fitting into Berkeley's climate of social justice work, Green Dot utilizes the students to enact social change both on and off campus (Marsee), matching well with the work already being done by BHS Stop Harassing. In fact, they found in Kentucky that "...the more [schools] involve students in school change, the greater impact you have for the students" (qtd. in Marsee). In addition, unlike the work of restorative justice and complaint filing, Green Dot is preventive, attempting to shift the climate of rape culture that exists in schools and youth spaces. If BHS was to invest more in the Green Dot program, they would be likely to make great strides in addressing and changing the sexual harassment that occurs on its grounds.

Principal Training

The training of principals on policy specifically related to sexual harassment is a clear difference between OUSD and BUSD. OUSD is also "...training principals across [the] district on sexual harassment policies" and it has been "...relatively successful, with 84 principals in total" (Gutierrez). This provides more individuals who are properly trained in the execution of the district's new policy, ensuring that matters of violation are handled correctly. OUSD's attempts to advance their principals' knowledge and execution of sexual harassment policies differs from BUSD's interactions with and use of its principals. While training at BUSD is unclear, BUSD principals and vice principals could benefit from a clarification of their role, as they have been deeply involved in the negative aspects of media coverage and public comments regarding sexual harassment and violence of students.

BHS's principal track record is not positive. In fact, survivors and their families have placed blame on BHS principals and vice principals for failing to intervene and prevent sexual

violence, which can be noted in the previously discussed case of A. Williams. In A. Williams' case, then vice principal, Erin Schweng made no efforts to follow up with A. Williams or investigate her harassment. Instead, she dismissed the case and lessened its impacts, informing A. Williams that no safety plan was needed, including labeling the harassment as non-violent and sincere ("December 7, 2016 Berkeley Unified Board Meeting"). So, it comes as no surprise that when the board cited the promotion of Schweng from vice principle to principle as an accomplishment, BHS Stop Harassing was quick to dismiss Schweng's qualifications, pointing out their disapproval over the selection. Levenson states that "...every sexual violence case that woman [Schweng] has touched has n[o]t gone well" ("Jan 25 Berkeley Unified Board Meeting"). Clearly, Schweng's role in the school is a hostile point between the two sides.

Budget

From *Figure 5* and the discussion above, budgets are a mutual concern for both districts. Like achievement issues discussed in a previous section, a tight budget is also a contemporary issue impacting public schools, particularly in large urban school districts (Kantor), and OUSD and BUSD are no exceptions. In fact, *NPR* explains that "[p]utting policies like this one in place and training school staff can be expensive. At big school districts, it can run a quarter-million dollars" (*Students Drive New Policies*). In an interview, *Alliance for Girls* staff member, Livier Gutierrez, revealed that OUSD has been experiencing issues with their budget, leading to a slow initiative of the new policy and lack of preventative methods/curriculum (13 March 2018). Gutierrez elaborated on such problems, explaining that "we can pass really cool policy, but if there is not funding behind it, it will not go well" (13 April 2018). Dr. Kitty Epstein, who works extensively on educational policy in Oakland, places blame for the debt and failing budget on the

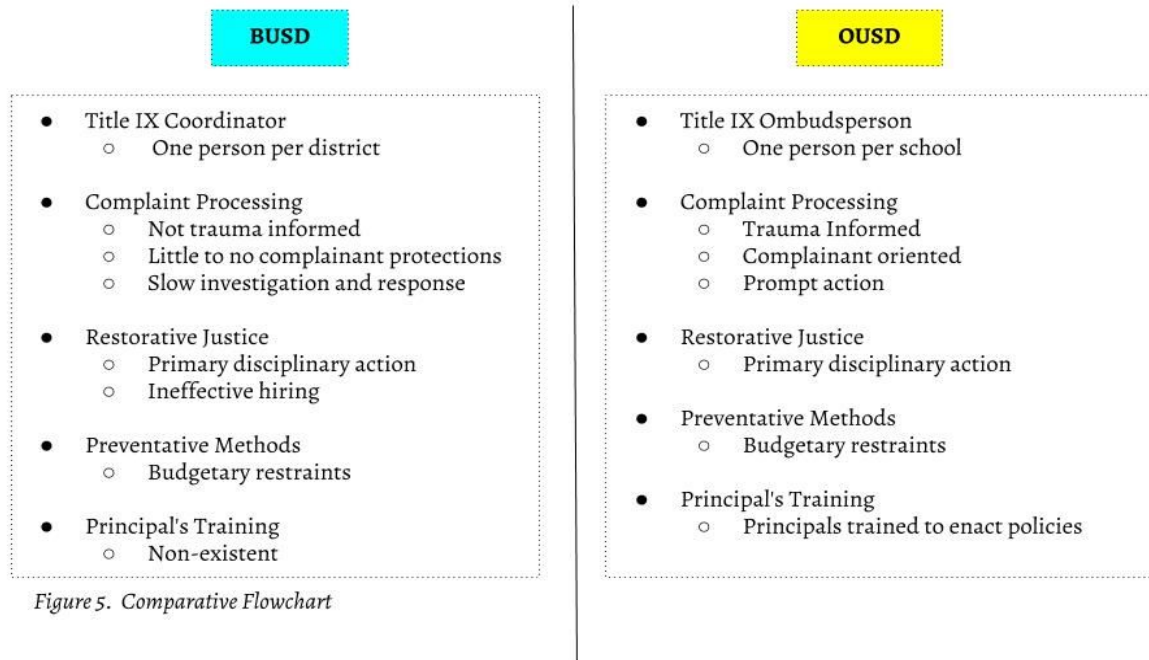
district's, particularly the school board's, budget choices and use of funds—which she feels is spent on construction and unnecessary advancements (17 April 2018). *Alliance for Girls* is currently working with OUSD to locate funding and are continuing to advance the policy to the best of their ability, i.e. with the funding that they have (Gutierrez). While OUSD has the outside support and the willingness to become an equitable and just place for survivors, it does not have the budget to advance such desires.

Similarly to OUSD, BUSD has cited the budget as reasons for their lack of progress in intervening and preventing sexual violence. As mentioned previously, Director Hemphill argued against additional sexual violence prevention programming due to the amount of money that has previously been allotted to such issues (“October 11, 2017 Berkeley Unified Board Meeting”). Furthermore, at the February 2018 SHAC meeting, school staff discussed Green Dot and its slow progression, citing funding being held elsewhere as one potential cause. This highlights how the school district's finances—and what they choose to financially favor—partially drive the instituting of needed reforms. Thus, to change the climate of complaint processes like at OUSD and to provide preventive curriculum like BUSD is attempting to do, public school reforms and adequate funding needs to take place, and that is a fundamental educational inadequacy that BUSD cannot solve.

One would assume that having a need identified at prior meetings and a professional recommend a potential resource or solution would be highly regarded by school officials, yet the Berkeley School Board did the exact opposite. At a recent school board meeting, a proposal of new curriculum, intended for sexual harassment prevention education, was made from an educated trauma-informed professional, showing a need for change in a broken system and

represents the lack of change that current methods have produced. However, Director Hemphill argued against the curriculum as a whole by explaining that, “we [the school district] ha[ve] spent a lot of energy [on sexual harassment]” (“October 11, 2017 Berkeley Unified Board Meeting”). This view reflects that school leaders “...might argue that it is an improper use of public funds to provide treatment to sexual offenders where... the benefits are not apparent,” such as continued reporting of harassment after the installation of prevention methods, creating “...a difficult balance to be struck between provision of appropriate offender rehabilitation programmes which reduce reoffending, and limited resources” (Wakeling et al. 286). Yet, Goldstein explains that BHS Stop Harassing is only interested in effective and informed funding and does not want to simply fund a solution without believing that it will work (Oct. 2017). And, if the school is unwilling to give up on specifically racialized harassment that involves similar components as sexual harassment, they should not be willing to reduce or limit funding to sexual harassment. Afterall, Rahimi et al. explain that despite the established policy, sexual harassment remains a pervasive issue in the lives of young women (3). Thus, BUSD’s “energy” is not enough, and the school district needs to examine what their efforts are actually accomplishing and whether they are only “an inch deep” (Goldstein Oct. 2017). Overall, BUSD has the tools and funding to confront sexual harassment head on. Just as BUSD needs to reevaluate their views on race and sexual harassment, they need to devote attention to developing

and following through with their intervention and prevention strategies.



Impacts on Students

Effects of Lack of Intervention

The lack of adequate response to sexual harassment at BUSD has led to negative impacts for the survivors. From both recordings of school board meetings and interviews, it has been revealed that survivors are facing heightened emotional trauma, educational inequity, and social challenges due to inadequate procedures. For example, survivors claim that they face anxiety and fear both on and off of campus (Goldstein Oct. 2017); in addition, survivors also cited incidents of victimization—such as retaliation from peers—which was often left ignored and led to the student(s) missing unnecessary class time and/or withdrawing from BHS (“March 8 2017 Berkeley Unified Board Meeting”). For instance, Talya Kroger stated that if the administration analyzed her attendance record, they would find that every absence coincided with a class that she shared with the accused (“March 8 2017 Berkeley Unified Board Meeting”). Kroger

describes “him” as “threatening” and “aggressive,” and cites him as the sole reason she missed classes (“March 8 2017 Berkeley Unified Board Meeting”). Another survivor, Tara Blossom, explains that when she complained about the presence of her accused in her classes, she was asked to sit in the library because there is “only one of her and three of them” (“March 8 2017 Berkeley Unified Board Meeting”). These incidents provide only one side of the sexual harassment case—the accused—with access to an equitable and accessible education, producing inequalities the survivors.

According to Gruber et al.’s research sexual harassment in middle school and/or high school is the strongest indicator of educational outcome, finding that sexual harassment leads to a lack of attachment to and achievement in school. Missing class, like Kroger did, not only blemishes a student’s records, but limits their knowledge of curriculum, relationships with teachers, and long term educational goals.

Further backing up claims of negative impacts, Liston et al. examine how the act of victim blaming, such as retaliation noted above, and lack of enforcement aids in the revictimization of the female students, leading to lasting impacts. Negative impacts of sexual violence do not simply disappear once needs are met, rather the effects have a long term impact on the well-being of survivors (Rinehart et al.). BUSD needs to look closely at these impacts, as accounting for these negative impacts “...is helpful in determining where to focus prevention efforts” (Hill et al.), which is a major inadequacy at BHS.

A fundamental right granted in America is that of a public education. As citizens, we have the right to an accessible and equitable primary education. Yet, when violence and violation occur in a space of learning, it has the potential to counteract and contradict that access and

equity. At BHS, sexual harassment and violence is interrupting the educational experiences of all students: survivors, accused, perpetrators, and peers. Without successful intervention and prevention for such acts of violence, the experiences of students, both short and long term, will continue to diminish. And, as teacher Hasmig Minnasian states, “...everyday [that] a student feels unsafe or is not getting their education is a day too long for those students and those families. It is a day too long for us too” (“March 8 2017 Berkeley Unified Board Meeting”). So, when a school’s “best” practices have not been enough to prevent such losses and safety concerns, we must return to the source and reevaluate where money is being spent in order to come up with a better solution to the violence we currently witness in our public schools.

Conclusion

The events at BHS display just how complicated cases of peer-on-peer sexual harassment can become. BUSD needs to look at sexual harassment from an intersectional perspective, taking into account how their focus on the issue of disproportionality simply essentializes certain students’ identities and perpetuates the phenomenon and dominant stereotype of males of color perpetrating violence. Moving forward, the district leaders and school staff/faculty need to check their own biases, including their contributions to racist tropes and BHS’s perpetuation of rape culture, and focus on providing a safe and equitable environment to *all* students, especially those who have been victimized by the school’s systemic failures. Furthermore, BUSD needs to provide adequate resources for the handling of sexual violence at BHS, including funding for preventive curriculum, bystander intervention training, trauma-informed hires, effective safety plans, and efficient complaint processing. In all, the handling of sexual harassment by BUSD shows that, even in a liberal and educated community, like Berkeley, CA., work still needs to be

done to limit disproportionality and recidivism within cases of sexual harassment, while also adequately supporting survivors and preventing future harassment.

Even now, as an adult, I still vividly remember being sexually violated as a young teenager. As many survivors from BHS have stated, the memories of the trauma never go away, which is why correct and complete support is necessary. The district should consider adopting intersectional prevention and intervention methods and policy change similar to that of Oakland, which takes into account their entire student body. Such a policy could pave the way toward a more equitable response to sexual violence and continued informed education regarding sexual violence. And, perhaps with adequate intervention and prevention strategies, BHS students will no longer have to say, “this is what happens to you, if you are a girl at Berkeley High School” (“March 8 2017 Berkeley Unified Board Meeting”).

Appendix

Relevant BUSD School Board Meetings

December 7, 2016: <https://www.youtube.com/watch?v=xIRvLjqL1Mc>

January 25, 2017: https://www.youtube.com/watch?v=7zPtBP_ULWw.

February 8, 2017: <https://www.youtube.com/watch?v=dfLF8qPsWgk>.

February 22, 2017: https://www.youtube.com/watch?v=vAvN2xEh_3w&t=2246s.

March 8, 2017: <https://www.youtube.com/watch?v=WLZFHl63xWg>.

May 17, 2017: <https://www.youtube.com/watch?v=t9CDTeIK89Y>.

May 31, 2017: <https://www.youtube.com/watch?v=-JyRk9J3NU0>.

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Consent Form

Retained on file and available from author.

Interview Questions

Heidi Goldstein

- What is your role with BHS Stop Harassing?
- Why was the organization formed?
- How many students has it/does it serve?
- Does it offer any services that school does not?
- When was the first reported case of sexual harassment?

- What is the most common mode of sexual harassment that you have experienced and/or witnessed?
- What interventions did BHS make after the reports of sexual harassment? Was it helpful or harmful?
- Do you feel that your school could be doing more to deal with and prevent sexual harassment on campus? If so, what failures have you identified? And what preemptive strategies going forward do you wish to see?
- Did you hear the responses from the school board on October 11th?
- Have you received on-campus counseling services? If so, did you find it effective? Or, have you had to acquire these services on your own, due to lack of services or effectiveness?
- Can you clearly state how this affected the students academically and socially?
- Do the students receive sympathy from female BHS staff members, or do you feel that they are just as quick to sweep things under the rug as their male counterparts?
- Have you witnessed an intervention from an employed adult—teacher or other staff member—during an instance of peer sexual harassment? If so, what did the adult staff member do, and was it effective? If not, why do you think the adult did not intervene?
- When looking at the responses of the educational institution, what branches of the school administration do you think failed the most or that you could condone? Why is this?
- Do you feel that staff make judgement calls when it comes to intervening and preventing sexual harassment? If so, can you give me an example?
- Do you feel that race plays a role in the lack of response by the school and board?

- In your opinion, does BHS handle over cases of harassment more adequately than sexual harassment? If yes, how and why?

(The interview with Goldstein was done semi-structured, so other statements and dialogue occurred outside of these questions.)

Judy Appel

- At the last board meeting, a proposed curriculum was critiqued because it was promoting more education on sexual harassment instead of addressing racial harassment, do you support this critique? Do you feel that too much time and funding has been put into the intervention and prevention of sexual harassment?
- What interventions has the district made? Have those interventions been successful in your opinion? What improvements or lack thereof did you notice?
- Do you feel that the board/district could be doing more to deal with and prevent sexual harassment on campus?
- In your opinion, does the race of the victim and/or harasser play a role in the heightened problems of sexual harassment at BHS?
- Do you feel that the original cases, such as Aniya Williams, could have been handled more adequately? Has the role of the Title IV coordinator improved?

(In addition, Appel offered me her personal insights at the end of the interview, as well as making comments throughout the interview that did not directly answer the original questions.)

Beatriz Leyva-Cutler

- What interventions has the district made? Have those interventions been successful in your opinion? What improvements or lack thereof did you notice?

- Do you feel that the board/district could be doing more to deal with and prevent sexual harassment on campus?

Livier Gutierrez

- When was the policy change first thought of?
- When was the policy passed/implemented?
- How was the relationship with the school district established? And, how has that relationship been maintained?
- What changes has the policy brought about?

(The interview with Gutierrez was semi-structured, so other statements and dialogue occurred outside of these questions.)

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