

DEPARTMENT OF EDUCATION**Office for Civil Rights; Sexual Harassment Guidance: Peer Sexual Harassment; Draft Document Availability and Request for Comments**

AGENCY: Department of Education.

SUMMARY: The Assistant Secretary for Civil Rights announces the availability upon request of a draft document entitled "Sexual Harassment Guidance: Peer Sexual Harassment" (Guidance).

The Guidance provides educational institutions with information regarding the standards used by OCR to investigate and resolve cases involving claims that peer sexual harassment has created a hostile environment in violation of Title IX of the Education Amendments of 1972. Title IX prohibits gender discrimination in education programs that receive Federal financial assistance.

DATES: Comments on the draft Guidance must be received on or before September 30, 1996.

ADDRESSES: All comments concerning and all requests for copies of the draft Guidance should be addressed to Howard I. Kallem, U.S. Department of Education, 600 Independence Avenue,

S.W., Room 5414 Switzer Building, Washington, D.C. 20202-1174. Telephone: (202) 205-9641. The Guidance is also available on line at the Department's Home Page at <http://www.ed.gov>.

FOR FURTHER INFORMATION CONTACT:

Howard I. Kallem. Telephone: (202) 205-9641. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205-9683 or 1-800-421-3481. Internet: Howard—Kallem@ed.gov.

SUPPLEMENTARY INFORMATION: The purpose of the Guidance is to inform educational institutions that receive Federal financial assistance regarding the standards that OCR follows, and that the institutions should follow, when investigating allegations that peer sexual harassment has created a hostile environment in violation of Title IX. Peer sexual harassment can be the basis for a Title IX violation if the conduct creates a hostile environment and the school has notice of the hostile environment but fails to remedy it. OCR has investigated claims of peer harassment filed pursuant to Title IX since at least 1989 and the standards contained in the Guidance reflect OCR

nationwide practice and reflect well established legal principles developed under Title VII of the Civil Rights Act of 1964, which prohibits gender discrimination in employment.

The Department is accepting public comment on whether the Guidance is clear and complete.

Also, in the coming weeks OCR will be issuing draft policy guidance addressing issues related to sexual harassment of students by teachers and other school employees, which is also prohibited by Title IX.

INVITATION TO COMMENT: Interested persons are invited to submit comments and recommendations regarding the Guidance.

All comments submitted in response to this notice will be available for public inspection, during and after the comment period, in Room 5414, 330 C Street, S.W., Washington, D.C., between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

Dated: August 13, 1996.

Norma V. Cantú,

Assistant Secretary for Civil Rights.

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