



KNOW YOUR RIGHTS GUIDE

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## Sexual Harassment At School

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### What is Sexual Harassment?

Sexual harassment is a serious problem for students at all educational levels. Students in elementary and secondary schools, as well as vocational schools, apprenticeship programs, colleges and universities can be victims of sexual harassment. This problem is more common than you might think because many students are scared or too embarrassed to report sexual harassment. It is different from flirting, playing around, or other types of behavior that you enjoy or welcome.

Sexual harassment can be requests for sexual favors or **unwelcome** sexual behavior that is **bad enough** or **happens often enough** to make you feel uncomfortable, scared or confused and that interferes with your schoolwork or your ability to participate in extracurricular activities or attend classes.

Sexual harassment can be **verbal** (comments about your body, spreading sexual rumors, sexual remarks or accusations, dirty jokes or stories), **physical** (grabbing, rubbing, flashing or mooning, touching, pinching in a sexual way, sexual assault) or **visual** (display of naked pictures or sex-related objects, obscene gestures). Sexual harassment can happen to girls and boys. Sexual harassers can be fellow students, teachers, principals, janitors, coaches, and other school officials.

Here are some examples of different kinds of sexual harassment that students might face:

> If a teacher or school employee offers you a better grade or treats you better if you do something sexual, that is a type of sexual harassment often called often called quid pro quo harassment (which is Latin and means "this for that"). This kind of harassment could

also be a threat to lower your grade or treat you worse than other students if you refuse to go along with a request for a sexual favor. For example, if your teacher says, "I'll give you an 'A' if you go out with me," or "I'll fail you in this class if you don't have sex with me," this is sexual harassment.

*Mary is a student in Mr. Smith's history class. Mr. Smith is everyone's favorite teacher, but he has started to make Mary feel uncomfortable. He asks her to come to his room alone after school to discuss her schoolwork. When she shows up, he only talks about how pretty she is and once or twice he put his hand on her knee. He always asks for a hug before she leaves. He is now suggesting that they hold these after school meetings at a café in town. He tells her that she must continue to attend these extra discussion sessions if she wants to earn a good grade in his class.*

> When unwanted touching, comments, and/or gestures because of your sex are so bad or occur so often that it interferes with your schoolwork, makes you feel uncomfortable or unsafe at school, or prevents you from participating in or benefiting from a school program or activity, this is called hostile environment harassment. This type of harassment could include conduct of a sexual nature, as well as harassing conduct based on a student's failure to conform to gender stereotypes (for example, frequent and severe verbal teasing toward a student saying that she should not do certain things like play sports or wear certain clothes because she is a girl, or physical harassment because of a student's gender expression). The harassment can be from your teacher, school officials, other students, school volunteers, or even someone visiting the school.

*Luis gets constant attention from a particular group of girls in his high school. They send him sexually explicit notes, blow kisses at him, and rub up against him in the hallway. They wait for him when he gets off the school bus and when he gets out of class. They always seem to show up wherever he is. Someone keeps calling his house, asking for him and then hanging up, and Luis is sure it's those girls. He has even seen them drive by his house in the afternoon. At first, he thought it was funny, but it's starting to embarrass and frustrate him. He's started to avoid going out so he won't have to see them, and he's pretended to be sick a few times so he didn't have to go to school.*

*Diana's school soccer team coach is constantly telling her sexual jokes and making suggestive comments. During practice, he whistles and winks at her when she runs by him. Diana told the coach that his behavior makes her uncomfortable, but he responded by saying that she needs to learn how to accept compliments. Recently, he showed her a calendar of bikini-clad female athletes and told her she is sexy enough to pose for such a magazine. She is thinking of quitting the soccer team just to avoid the coach.*

*Elisha is a student in a science class where Mr. Burns is a teacher-in-training. Elisha uses a wheelchair and usually has to wait for her aide after class. Mr. Burns often waits with her and at first she liked talking with him. He says she inspires him and sometimes strokes her hair. Their conversations have included him asking questions about her body, how it works, and what things she can do. One day he confessed being curious about whether girls like her can have sex when they're old enough. When Elisha said talking about that with him was weird, he got flustered and said he would make sure she got an A if she didn't mention their conversation to anyone.*

- > Harassment "because of sex" can include nonsexual hostile conduct if the harassment is directed at a student because of his or her gender (rather than because of personal animosity), gender identity or expression. For example, if a teacher makes nonsexual hostile comments toward female students, like saying girls are bad at math or criticizing only female students when they speak up in class, this is also a form of sex discrimination.
- > In addition, many forms of bullying or cyberbullying are actually sex-based harassment that is prohibited under Title IX. For example, prohibited harassment may include behaviors such as using cell phones or the internet to target students by calling them sexually charged epithets like "slut" or "whore"; spreading

sexual rumors; rating students on sexual activity or performance; disseminating compromising photographs or videos of a student; or circulating, showing, or creating emails or websites of a sexual nature. This kind of conduct may be prohibited harassment if it is severe, persistent, or pervasive.

## Sexual Harassment is Against the Law

### Federal Law

Title IX of the Education Amendments of 1972 ("Title IX") is a federal law that prohibits sex discrimination in educational institutions, programs, and activities that receive federal financial assistance. The law applies to any academic, extracurricular (student organizations and athletics), research, occupational training, and other educational programs from pre-school to graduate school that receives or benefits from federal funding. The entire institution falls under Title IX even if only one program or activity receives federal funds. Some educational institutions are not covered by Title IX, even if they do receive federal funding, such as certain religious organizations, military training schools, and university fraternities and sororities.

Title IX prohibits various forms of sex discrimination in schools, including sexual harassment, gender-based bullying, and sexual violence.

Under Title IX, schools are required to have and distribute policies against sex discrimination, and these policies which must specifically address sexual harassment. Creating such a policy lets students, parents, and employees know that sexual harassment will not be tolerated. Schools are also required to adopt and publish grievance procedures for resolving complaints about sex discrimination and sexual harassment. Under Title IX, schools are also supposed to evaluate their current policies and practices to ensure that they are in compliance with the law. Lastly, schools are required to appoint at least one employee to be responsible for making sure that Title IX is followed and enforced.

Title IX requires schools to provide an effective means for promptly and appropriately responding to sexual harassment complaints. This means that once a school has notice of possible sexual harassment of any of its students, the school must promptly investigate to determine what occurred and then take immediate and appropriate steps to stop the harassment and prevent it from happening again. Schools must also address the effects of the harassment, which could mean providing counseling services for victims of harassment or providing academic support services and arranging for a

student to re-take a course if the student's classroom performance suffered as a result of the harassment.

Finally, it is illegal to intimidate, threaten, or coerce a person who has exercised rights or taken action to enforce Title IX.

### California State Law

The Sex Equity in Education Act in the California Education Code prohibits sex discrimination, including sexual harassment, in any California academic, athletic, extracurricular, research or financial aid program that receives state money. The California Sex Equity in Education Act requires that state educational institutions have a written sexual harassment policy that is distributed to students, faculty, and parents. This statement must include information on where to find the rules and procedures for reporting charges of sexual harassment and for pursuing available remedies.

### Other State Laws

Most states have their own laws prohibiting sexual harassment in schools, and many states have also enacted anti-bullying laws, including anti-cyber-bullying laws that prohibit online harassment and bullying. Contact your local branch of the Office of Civil Rights for more information on these laws. (See Resources.)

## What can I do if I am being sexually harassed?

Sexual harassment is a serious issue. Many students who have been sexually harassed report a drop in their grades, and some students have had to transfer to a different school, drop classes, or leave school altogether. If you think you are being sexually harassed, it is important to tell someone who can help you stop it. Here are some things you and/or your parents can do:

- **Don't blame yourself.** The person who is harassing you is the one doing something wrong and you haven't done anything to cause the harassment, even if you flirted with this person or liked him/her.
- **Say "No" Clearly.** Tell the person who is harassing you that his/her behavior offends you. They may not realize how hurtful their behavior is and may need a clear message from you to stop. If the harassment does not end, promptly write a letter asking the harasser to stop. Keep a copy of the letter.
- **Write down what happened.** When someone harasses you or makes you feel uncomfortable, write it down in a notebook that is just for this purpose. Write down what happened, the date it happened, where it happened, and who else may have seen or heard the harassment. Also write down what you did in response, and how the harassment made you feel. Do not write other information in this notebook, such as appointments or homework assignments. Save any notes, e-mails, text messages, or pictures the harasser sent or posted about you. It is a good idea to keep these records somewhere besides school, such as in your home or another safe place. If the harassment takes place online, such as on Facebook or other website, take steps to save and store the harassing content in case it gets removed or deleted later.
- **Report the Harassment.** It is very important that you tell your parents or another adult, like a teacher or guidance counselor, about the harassment. If you want the school to do something about the harassment, you **MUST** tell a school official, such as the principal, that you are being sexually harassed. If you do not feel comfortable telling the school official yourself, get the help of your parents, a teacher, guidance counselor or another adult to go with you. If you and/or your parents tell a school official verbally, also do it in writing and keep a copy for yourself. If the first school official (like the principal) doesn't respond, go to the school board or Superintendent to complain. The law says the school has to stop sexual harassment of a student whether the harasser is a teacher or another student(s), but the school is only required to stop the harassment if someone in authority at the school knows what is happening to you. **So it is VERY IMPORTANT to report the harassment to a school official!**
- **Consult the school grievance policies and Title IX officer.** Your school is supposed to have a policy against sexual harassment. Get a copy of the policy and read it. The Title IX grievance policy may also give you a list of the types of behavior that the school considers to be sexual harassment. Find out from your school who the Title IX officer or coordinator is for your school or district. You should be able to ask him or her questions about how to complain, and what to expect during the complaint and investigation process.
- **File a Complaint With a Government Agency.** If nothing happens after complaining to school officials, you and/or your parents can file a complaint against the school with the U.S. Department of Education's Office of Civil Rights (OCR). Generally, you must file a complaint with the OCR within 180 days of an act of discrimination or harassment. You can call them, and they will

explain how to file a complaint. (See the contact information in Resources, below.)

- **File a Lawsuit.** You can also file a lawsuit against the school. If you want to do this, you should look into it quickly, because there are time limits for filing a lawsuit. In California, you must file a lawsuit within 2 years of an act of discrimination. Other states' time limits vary from 1 to 6 years.

In addition to the deadlines for filing a lawsuit, you may be required to give the school or the school district notice of your claims within a specified time period in order to pursue legal action. Many states have laws called "tort claims" laws that require an individual who wants to sue a public school (or other public entity) for money damages to notify the school of his or her claims within a specified time period before filing the lawsuit. You should consult an attorney to determine whether your state has a tort claims law and what deadlines may apply to your claims. In California, under the state Government Tort Claims Act, an individual who wishes to file a lawsuit against a public school may be required to give notice to the school within 6 months of the act giving rise to the lawsuit.

If you have any questions about your legal rights, or need help finding a lawyer, you can contact [ERA's Advice and Counseling center](#) or call Equal Rights Advocates free Advice & Counseling Line toll-free at (800) 839-4372. (See ERA's full contact information below.)

It is important to remember that retaliation for taking action under Title IX is illegal. If you feel that someone is mistreating you or treating you unfairly because you have complained about discrimination, you should contact the Office of Civil Rights.

#### **Equal Rights Advocates Can Help:**

ERA has a multilingual Advice and Counseling Line that you can call to receive free practical advice and information about your legal rights. All calls are confidential.

Call us toll-free at 1-800-839-4372 or visit us at: [www.equalrights.org](http://www.equalrights.org)

## Resources

### **Office of Civil Rights, U.S. Department of Education**

The federal agency that enforces school sexual harassment laws

(800) 421-3481: National toll-free hotline to report any educational discrimination, to request information on civil rights compliance programs and procedures for filing discrimination complaints.

Web: [www2.ed.gov/ocr](http://www2.ed.gov/ocr)

To find the contact information for your local OCR office, visit:

<http://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm>

### **National Women's Law Center**

11 Dupont Circle NW, Suite 800

Washington, DC 20036

Phone: (202) 588-5180

Web: [www.nwlc.org](http://www.nwlc.org)

The National Women's Law Center works to protect and advance the progress of women and girls at work, in school, and in virtually every aspect of their lives.

### **Legal Momentum**

395 Hudson Street, 5th floor

New York, NY 10014

Phone: (212) 925-6635

Web: [www.legalmomentum.org](http://www.legalmomentum.org)

NOW Legal Defense works to enforce girls' equal access to education. Their work in this area focuses on how sexual harassment in schools operates as a barrier to equal education.

### **American Association of University Women**

1111 Sixteenth St. N.W.

Washington, DC 20036

Phone: (800) 326-AAUW(2289)

Web: [www.aauw.org](http://www.aauw.org)

The AAUW promotes equity for all women and girls, lifelong education, and positive societal change.

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