

TITLE IX

FACT SHEET

Sexual Harassment and Assault in Schools: A Primer for Students

Many students report not feeling safe at school due to sexual harassment or violence. All students have a right to be protected from sexual harassment and violence at school.

Title IX is a federal law that prohibits sex discrimination, including sexual harassment and violence, in all educational institutions that receive federal funds. Under Title IX, a school must promptly investigate and address any teacher-student or student-student harassment of which it is aware and can be legally responsible for failing to do so. This fact sheet is designed to help students identify, understand and address sexual harassment.

Q: What is sexual harassment?

Sexual harassment is unwanted or unwelcome behavior of a sexual nature that interferes unreasonably with a student's ability to learn, study, work, achieve, or participate in school activities. Sexual harassment is a form of sex discrimination, and schools are legally responsible for addressing it, along with harassment on the basis of sex even if not sexual in nature. Sexual harassment need not occur on school property—it can happen off school grounds in any school-related program or activity or through electronic means. Students in a recent survey said they had been sexually harassed on transportation to and from school, on field trips (including away games at other schools), and in drivers' education cars. Schools must take steps to prevent and remedy harassment that occurs in any of these places.

Q: What types of behavior qualify as sexual harassment?

Sexual harassment covers a range of behaviors, including but not limited to: touching, pinching, or grabbing body parts; sending sexual notes, pictures, text messages or emails; writing sexual graffiti on bathroom walls; making suggestive or sexual gestures, looks, jokes, or verbal comments; spreading sexual rumors or making sexual propositions; pulling someone's clothes off; pulling your own clothes off; sexual assault; and rape.

Unlike flirting or good-natured joking, which are mutual interactions between two people, sexual harassment is unwelcome and unwanted behavior which may cause the target to feel threatened, afraid, humiliated, angry, or trapped.

Q: Who can be a perpetrator or target of sexual harassment?

A student can be harassed by teachers, other students, or anyone else with whom the student interacts with while at school or while engaging in school-related activities. Males and females can engage in or be victims of sexual harassment. Members of one sex can harass other members of the same sex.

Q: If a girl wears tight clothing or a short skirt, is she asking to be sexually harassed?

What someone wears is never an excuse for sexual harassment. A person's choice as to how to dress does not mean that he or she wants to be sexually harassed. Harassment is unwanted and can make a person feel trapped, confused, helpless, embarrassed or scared—

certainly no one is asking for those feelings. And the reality is that women and girls are sexually harassed regardless of their appearance, age, race, or class.

Q: Who is responsible if a student is harassed at school?

Schools have a duty to prevent harassment, to have policies against it, to investigate complaints, and to take prompt action to stop harassment when it occurs. In some cases, a student may be able to go to the U.S. Department of Education or court to get relief, if a school fails in these responsibilities.

Although an individual harasser cannot be sued under Title IX, if the harasser has engaged in a criminal act—like rape, attempted rape, or assault—and the victim reports it to the police, then a prosecutor may choose to bring charges in criminal court.

Q: What should I do if I am being sexually harassed?

Sexual harassment that is ignored often escalates. If you feel safe doing so, let the harasser know that his or her attention is unwanted and alert other people—a friend, counselor, or trusted adult—about the behavior. Doing so protects your rights and the rights of other students to be free from this unwanted behavior. Here are some basic things you should do if you believe you are being sexually harassed:

- **Tell the harasser that you want the unwelcome behavior to stop.** If you feel comfortable doing so, tell the harasser that his or her behavior bothers you and that you want it to stop.
- **Talk to someone you trust.** Whether it's a friend, parent, counselor, or someone else whom you trust, find a person who believes you. Doing this will provide you with support and services and can be important evidence later.

- **Keep a detailed written record of the harassment.** Record what happened, when, where, who else was present, and how you reacted. Save any notes, pictures, or other documents you receive from the harasser.

- **Report the harassment.** Refer to your school's anti-harassment policy and find the Title IX Coordinator. If you feel uncomfortable talking to the designated person, you can go to a teacher or another adult at the school whom you like and trust. It's okay to bring a friend or parent with you to that meeting.

Remember that if you want to keep your situation confidential, many people at a school are required to investigate if they are aware of sexual harassment or violence, so you may want to ask first whether a particular person has such a reporting responsibility.

- **File a complaint.** You have the right to file a complaint with the U.S. Department of Education's Office for Civil Rights, with your state's Department of Education, or to bring a lawsuit under Title IX. You may want to talk to a lawyer about these options, particularly if you are thinking of filing a lawsuit.
- **Remember you are not alone.** A report by the American Association of University Women found that 83% of females and 79% of males reported having been sexually harassed at least once during the 2010-2011 school year.

Know that you have a right to feel safe in school. If you have concerns about harassment or violence, you can seek help. For more information, visit our website at www.nwlc.org or contact us at info@nwlc.org.