



100 SCHOOL DISTRICTS:

A CALL TO ACTION
for School Districts
Across the Country
to Address Sexual
Harassment Through
Inclusive Policies
and Practices.

BACKGROUND

TOO MANY STUDENTS SUFFER SEXUAL HARASSMENT.

Schools are often the first places where people experience sexual harassment. Sexual harassment includes a wide variety of conduct—e.g., sexual slurs, sexual “jokes,” “catcalling,” sexual rumors, sending or requesting sexual images or videos, forced kissing, groping, rape or other forms of sexual violence. In PK-12 schools, sexual harassment of students can occur during class, in the hallways, during school trips, in private homes, or online.

In any given school year, 56 percent of girls in grades 7-12, 40 percent of boys in grades 7-12,¹ and 57 percent of LGBTQ youth ages 13-21 are sexually harassed.² Among girls ages 14 to 18, one in five have been kissed or touched without their consent,³ including more than one in three LGBTQ girls⁴ and more than half of all pregnant or parenting girls⁵ and girls with disabilities.⁶ Further, one in 16 girls ages 14-18 have been raped, including one in 10 Black and Native girls and one in seven LGBTQ girls.⁷



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Unfortunately, most students who experience sexual harassment never report it.⁸ For example, fewer than one in four students in grades 7-12 who are sexually harassed report the incident to a teacher, guidance counselor, or other school employee.⁹ A minuscule two percent of girls ages 14-18 who are kissed or touched without their consent report it to their schools.¹⁰ Many students choose not to report because of shame or self-blame, fear that no one will help them, fear of retaliation, fear of being disciplined by their school, or fear of police or immigration officials. Other students do not report sexual harassment because they simply do not know that their schools can help them.

When students do summon the courage to report sexual harassment, they are often ignored, disbelieved, or even punished by their schools, based on administrators' conclusions that they engaged in "consensual" sexual activity or premarital sex or that they made a false accusation. Other students who experience sexual harassment are punished for physically defending themselves against their harassers, for acting out in age-appropriate ways after the harassment due to trauma, for missing school in order to avoid their harasser, or for merely talking about their harassment with other students. Schools are more likely to disbelieve and punish girls of color (especially Black girls), LGBTQIA students, pregnant and parenting students, and students with disabilities due to stereotypes that label these students as more "promiscuous," more "aggressive," less credible, and/or less deserving of protection.

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SCHOOLS CAN BE SITES OF TRANSFORMATIVE CHANGE.

The 100 School Districts project is based on the principle that schools have a critical role to play in responding to and preventing sexual harassment and can be sites of transformative change.

This call to action is rooted in Tarana Burke's "me too" movement, which was created in 2006 in Selma, Alabama, for Black women and girls to build community around their shared experiences of surviving sexual violence. In October 2018, a year after the #MeToo hashtag went viral online, Girls for Gender Equity, the National Women's Law Center, and other key partners were joined by nearly 300 organizations working to end gender-based violence to publish a full-page letter in the *New York Times*, "To Those Who Seek A Better World in the #MeToo Era."¹¹

In this letter, we called for policy reform, funding, and community organizing to address and prevent sexual harassment in schools, at work, in homes, and in our communities, with care to avoid policy responses that further criminalize people of color and other marginalized communities.

As a part of this call, we urged 100 school districts across the country to demonstrate their leadership by:

- Providing comprehensive sexual health education for all students;
- Creating protections for all students, including LGBTQIA students, above and beyond the requirements of Title IX; and
- Offering survivor-centered and trauma-informed restorative approaches to sexual harm rather than defaulting to punitive discipline.

We now offer this document as a resource for school districts to heed this call.



PROMISING PRACTICES FOR SCHOOLS TO ADDRESS SEXUAL HARASSMENT

PREVENTING SEXUAL HARASSMENT

1. PROVIDE SEXUAL HEALTH EDUCATION FOR ALL STUDENTS.

Sexual health education is one of the most effective tools in preventing sexual harassment: research has shown that providing sexual health education for K-12 students decreases the likelihood that a student will be a victim and/or perpetrator of sexual harassment, sexual violence, or dating violence.¹² K-12 students in every grade level should receive sexual health education that is comprehensive, evidence-based, medically accurate, age and developmentally appropriate, culturally and linguistically responsive, trauma-informed, and affirming of LGBTQIA individuals. Sexual health education should address a wide range of topics, including consent, healthy relationships, dating violence, child sexual abuse, and reproductive rights, health, and justice.

2. TRAIN ALL STAFF ON SEXUAL HARASSMENT.

School districts should provide ongoing training to all staff on sexual harassment, including teachers, teacher aides, bus drivers, cafeteria workers, custodial staff, administrative and clerical staff, school medical staff, security guards, school police, school board members, and contractors. Staff training should include how to recognize sexual harassment (including indicators of grooming and child sexual abuse), how to respond in the moment when it is reported or witnessed, how to notify the district's Title IX coordinator of sexual harassment, where to find the school's grievance procedure(s) for sexual harassment, the difference between staff's Title IX obligations and state law mandatory reporting obligations, and how to provide effective academic, mental health, and safety accommodations for students who report sexual harassment. Staff should also be trained on the prevalence, dynamics, and underreporting of sexual harassment; the impact of trauma on sexual harassment victims and how to respond to sexual harassment in a trauma-informed way; and how to recognize and avoid relying on rape myths and other stereotypes that label girls of color, pregnant or parenting students, LGBTQIA students, and students with disabilities as

more “promiscuous,” more “aggressive,” less credible, and/or less deserving of protection. Trainings for staff should be conducted in person rather than online (when possible to do so safely); should be culturally responsive and consider the impact of race, ethnicity, religion, class, sexual orientation, gender identity, and disability on sexual harassment; and should include best practices, open discussions, and specific examples in the school setting.

School districts should also provide additional and ongoing training to all Title IX personnel (i.e., Title IX coordinators, investigators, decision-makers, and informal facilitators) on how to conduct a trauma-informed investigation, a lethality assessment, or an informal process, and how to comply with the school’s grievance procedure(s) for sexual harassment. Because Title IX personnel should not have any actual or perceived conflicts of interest or bias, they should be a different person from the school district’s superintendent, general counsel, athletics director, or human resources director.

3. REMOVE POLICE FROM SCHOOLS.

Police do not make schools safer. Moreover, there is a long history of antagonism by police and immigration officials toward students and communities of color. In school districts across the country, students of color, especially Black and Indigenous students, are disproportionately arrested in schools.¹³ In other instances, girls experience sexual violence and other forms of sexual harassment at the hands of school police and police within their communities,¹⁴ with no effective mechanism for accountability. Police power within schools prevents students from being able to make mistakes, challenge authority, or engage in developmentally appropriate risk-taking without risking lifelong criminalization or deportation.

Safety is created through building trust between adults and students, meeting the mental health and emotional needs of students and their families, and creating schools that are inclusive, affirming, and healing. Safety requires

teaching students about consent, bodily autonomy, and healthy relationships. Investments in creating positive school climates and trust-building between students, their peers, and adults are often considered to be unaffordable, when in fact those financial resources could be available if school districts were to remove police from schools and reinvest money that had been previously allocated for policing, toward healing, restorative, and preventative tools. For example, many school districts do not have full-time staff to provide trainings to staff or adults about how to support sexual abuse survivors, or how to create school environments where sexual violence is not the norm. The resources needed for hiring these staff could be made available if funding for policing was reinvested.

4. INVEST IN SOCIAL WORKERS AND NON-LAW ENFORCEMENT ADULT HELPERS IN SCHOOLS.

School-based social workers and trained adult helpers can be crucial lifelines in building positive school climate and providing support for survivors of sexual assault and other forms of sexual harassment. These adults can focus their time and skills specifically on the social and emotional wellness of students. The roles of social workers and adult helpers within schools must be restructured to focus on well-being and positive school climate and invested in meaningfully.

Preventing school-based sexual harassment and assault requires that students have access to social and emotional wellness, information about healthy relationships, and the building blocks for consent culture. Across the United States, many school districts have never invested meaningfully in hiring adults to support the social, emotional, and academic needs of students. For example, in New York City, the largest district in the country, a student body of over 1 million students is served by only 1,456 school social workers and 2,892 counselors. School districts should ensure that there are many qualified adults in schools—including teachers, counselors, and social workers—who are able to address

students' emotional needs, respond to the social and emotional dynamics students navigate, and to help ensure young people understand healthy relationships and consent.

While the “counselors not cops” framing appropriately highlights the need to divest from funding school police who criminalize young people, and to invest in supportive adults within schools, it is important to note that this frame has often ignored the ways in which counselors in some cases push students into the same criminalizing systems as police.

Creating a positive school climate and cultures of consent necessitates the decriminalization of schools. This includes ensuring that non-police school staff—including counselors, social workers, teachers, and principals—do not serve as police proxies. For example, school-based social workers make frequent referrals to police and child welfare agencies, which can be particularly harmful for youth and families of color and a deterrent for students seeking support navigating sexual harassment or dating violence. Further, in many communities, social workers are predominately white, which can lead to the reinforcement of classist, racist ideologies about student behavior. In order to ensure students of color can feel supported, schools should also make space for a range of qualified adult helpers, including those who are not traditionally credentialed, with connections to student communities and who can support anti-racist conflict resolution, peacekeeping, and in some cases, counseling and therapy. As much as possible, non-police adults in schools should look like the students they are there to help.

5. ABOLISH DRESS CODES.

Dress codes promote rape culture and deprive students of equal opportunities to learn. Not only do dress codes frequently reflect sex and race stereotypes, but they are also often enforced in a manner that discriminates on the basis of gender, transgender status, race or color,

and size.¹⁵ When schools remove students—usually girls—from the classroom over a dress code violation, they send dangerous messages to all students that what girls look like is more important than what they think, that girls are responsible for ensuring boys are not “distracted,” and that girls provoke sexual harassment. These harmful messages are exacerbated for girls of color—especially Black girls—who are more likely to be viewed as “promiscuous,” are more likely to be ignored or punished when they report sexual harassment, and are more likely to be disciplined for a dress code violation. For all of these reasons, school districts should eliminate dress codes. (Or, at the very least, school districts should implement a universal, inclusive, and gender-neutral dress code that does not perpetuate discriminatory stereotypes.)

6. COLLECT CLIMATE SURVEY DATA.

School climate surveys are an important tool for understanding whether students feel supported and safe in their school community. Effective school climate surveys include questions about the prevalence of different types of harassment, the impact of different types of harassment, student attitudes toward harassment, student and staff perceptions of the effectiveness of school responses to harassment, and awareness of reporting and supportive measures for student survivors. School districts should ensure that their school climate surveys are confidential, fair, unbiased, scientifically valid, reliable, and implemented every one to two years among all students and school staff. Afterward, school districts should make the survey data available online in an accessible and usable format for all students, families, and school staff. The survey data should inform school districts' programs, policies, and practices for preventing and responding to sexual harassment.



RESPONDING TO SEXUAL HARASSMENT

7. MAKE IT EASY TO REPORT SEXUAL HARASSMENT.

School districts should ensure that their sexual harassment policies are written in plain language, available in multiple languages and accessible formats, and distributed widely among students, families, and school staff. Annual training should be provided to all students, families, and school staff on how to recognize sexual harassment, how to report it to school officials, what supportive measures are available to victims, and what confidential reporting options for support and care are available, such as disclosures to mental health counselors. Schools should also inform local community groups, such as local cultural or religious organizations, on how students can report sexual harassment to their schools, so that community leaders can be effective partners in addressing sexual harassment when students turn to them for guidance.

8. PROVIDE SUPPORTIVE MEASURES TO STUDENTS WHO REPORT SEXUAL HARASSMENT.

Sexual harassment can make it harder for students to study, maintain their grades, participate in school activities, or even attend school. When a student reports sexual harassment, they have a right to supportive measures that ensure their equal access to education—even if there is an ongoing school investigation or police investigation, even if the incident happened off campus or online, and even if the harasser is a student or adult at another school district. For example, if a student does not feel safe at school, the school district should make reasonable schedule changes so that the victim and harasser do not share classes, hallway routes, school activities, or transportation routes. Similarly, if sexual harassment has made it harder for a student to learn, the school district should offer counseling, tutoring, excused absences, extra time for homework or tests, and/or opportunities to resubmit homework or retake a test. All school staff who are involved in providing or enforcing these supportive measures should be informed of the measures in writing.

Note that many students who experience sexual harassment may be afraid to request the supportive measures they need to stay in school because they are afraid of triggering their school's mandatory reporting obligations to notify the police. Fear of interacting with police can be especially pronounced for students who are Black, Latinx, Muslim, and/or immigrants.¹⁶ School districts should designate staff who can authorize supportive measures without requiring students to share information that could trigger a mandatory report to police.

9. PROTECT—DON'T PUNISH—STUDENTS WHO REPORT SEXUAL HARASSMENT.

School districts should refrain from disciplining students whose reports of sexual harassment indicate that they had at some point engaged in consensual sex acts with their harasser or used drugs or alcohol in violation of school rules when they were harassed. Similarly, students should not be punished for making a "false accusation" or "defaming" their harasser (except in extraordinary circumstances),¹⁷ for engaging in reasonable self-defense against their harasser, for acting out in age-appropriate ways due to trauma, for publicly talking about being sexually harassed, or for missing class in the aftermath of sexual harassment. Nor should students who report be pressured or forced to take time off, transfer to another school, or enroll in an inferior or "alternative" education program that isolates them from their teachers and friends. Finally, school districts should inform students who report sexual harassment that they are protected from retaliation by other students or school staff and must check in with them to ensure retaliation is not occurring.

10. ENSURE PROMPT AND EQUITABLE INVESTIGATIONS.

If a student reports sexual harassment and asks for an investigation, the school must conduct a prompt and equitable investigation, separate from any current or future criminal investigation.¹⁸ Except in limited and rare circumstances, investigations should take no more than 60 days from the filing of a complaint to ensure that neither the complainant nor respondent are wrongly denied access to their education.

During an investigation, both sides should have equal rights to be interviewed, identify witnesses, submit and review evidence, be assisted by an advisor or support person, and appeal the school district's decision. Complainants should not be blamed for their own harassment based on their clothing or appearance, alcohol or drug use, prior sexual history, or stereotypes about "promiscuity." Nor should they be disbelieved merely because they did not "act like a victim"—e.g., because they did not fight back, did not come forward immediately, continued dating or being friends with their harasser, or continued to do well in school. To avoid retraumatizing victims, a school district should not use mediation to address sexual assault and should require students to submit any questions for the other side to a neutral school official rather than using live cross-examination in any harassment investigation. To balance student rights to speech and privacy, a school district should require students to keep confidential any information they learn about each other during an investigation, without restricting their ability to discuss the allegations with others when seeking legal advice, counseling or other emotional support, or witnesses and other evidence.

At the end of an investigation, school districts should apply a preponderance of the evidence standard to determine whether it is more likely than not that the sexual harassment happened. Both sides should be informed

in writing at the same time about the decision and how to appeal. If the school district decides that there was sexual harassment, the victim should be informed of available supportive measures and any punishment of the harasser that directly affects the victim, such as a no-contact order, suspension, transfer, or expulsion. Even if the school district decides that there was no sexual harassment, it should still continue providing supportive measures to the complainant. Respondents should not be informed of supportive measures that are offered to complainants.

11. OFFER A RESTORATIVE PROCESS.

Restorative justice is a non-punitive framework with roots in different Indigenous cultures around the world that brings together the victim and wrongdoer to acknowledge the harm that occurred, center the victim's needs, and create a plan for the wrongdoer to repair the harm they caused. A restorative process is not a space for the parties to contest the facts; nor is it a mediation or conflict resolution that requires the parties to reach a compromise. Rather, a restorative process first requires the wrongdoer to admit that they caused harm and then allows them to make amends to the victim and to eventually reenter their shared community. The process is driven by the victim's needs and desired outcomes—including what constitutes an adequate apology, changed behavior, restitution, and accountability. The victim is not required to forgive the wrongdoer.

When non-sexual harm is addressed using a restorative process, victims are more likely to receive sincere apologies and suffer less PTSD, and wrongdoers are less likely to harm again.¹⁹ While less research is available on sexual harm, studies have found that sexual harm victims who undergo a well-implemented restorative process feel safe and respected and would recommend the process to others, and that students who cause sexual harm achieve better learning outcomes through a well-implemented restorative process than through a traditional disciplinary process.²⁰

Schools should allow (but not require or pressure) students to address sexual harassment through a restorative process. Before beginning such a process, all parties should give voluntary, informed, and written consent. Importantly, a respondent cannot consent to a restorative process without admitting that they caused sexual harm to the complainant. The parties should also agree not to disclose any information they learn about each other during the restorative process without the other party's consent, although the school should not restrict their ability to discuss the allegations with others when seeking legal advice, counseling or other emotional support, or restorative process participants. Schools should also ensure that the facilitator is well-trained on restorative justice, sexual harassment, and trauma-informed practices. At any point before resolution, schools should allow any party to withdraw from a restorative process to begin a traditional disciplinary process or to withdraw from a traditional disciplinary process to begin a restorative process.

Sexual harm victims who undergo a well-implemented restorative process feel safe and respected and would recommend the process to others.

ENDNOTES

- 1 Am. Ass'n of Univ. Women, *Crossing the Line: Sexual Harassment at School 2* (2011) [hereinafter AAUW Sexual Harassment Report], <https://www.aauw.org/files/2013/02/Crossing-the-Line-Sexual-Harassment-at-School.pdf>.
- 2 GLSEN, *The 2017 National School Climate Survey xviii*, 26 (2018), <https://www.glsen.org/research/school-climate-survey>.
- 3 Nat'l Women's Law Ctr., *Let Her Learn: Stopping School Pushout for Girls Who Have Suffered Harassment and Sexual Violence 1* (2017) [hereinafter NWLC Sexual Harassment Report], <https://nwlc.org/resources/stopping-school-pushout-for-girls-who-have-suffered-harassment-and-sexual-violence>.
- 4 Nat'l Women's Law Ctr., *Let Her Learn: Stopping School Pushout for LGBTQ Girls 3* (2017), <https://nwlc.org/resources/stopping-school-pushout-for-lgbtq-girls>.
- 5 Nat'l Women's Law Ctr., *Let Her Learn: Stopping School Pushout for Girls Who Are Pregnant or Parenting 12* (2017), <https://nwlc.org/resources/stopping-school-pushout-for-girls-who-are-pregnant-or-parenting>.
- 6 National Women's Law Center, *Let Her Learn: Stopping School Pushout for Girls with Disabilities 7* (2017), <https://nwlc.org/resources/stopping-school-pushout-for-girls-with-disabilities>.
- 7 NWLC Sexual Harassment Report, *supra* note 3, at 3.
- 8 Joanne Smith et al., *Hey, Shorty!: A Guide to Combating Sexual Harassment and Violence in Schools and on the Streets* (2011).
- 9 AAUW Sexual Harassment Report, *supra* note 1, at 28.
- 10 NWLC Sexual Harassment Report, *supra* note 3, at 2.
- 11 Girls for Gender Equity, *To Those Who Seek A Better World in the #MeToo Era* (Oct. 2018), <https://www.ggenyc.org/better-world>.
- 12 Girls for Gender Equity, *How Comprehensive Sexual Health Education Can Decrease Sexual Harassment* (2019), <https://docs.google.com/document/d/1v-6wJAwjGkSXhaBEtpyFk5OSmYyAqvHJ5Mv1GICIBY>.
- 13 Girls for Gender Equity, *Map of Incidents of Police Violence Against Girls of Color* (last updated Dec. 2019), <https://uploads.knightlab.com/storymapjs/eb4c15f3cada9cc6a6d4d64c74e6e1a0/sro-goc/index.html>; Girls for Gender Equity, *Map of Campaigns to Remove Police from Schools*, <https://www.ggenyc.org/the-schools-girls-deserve/police-free-schools-movement-map>; Girls for Gender Equity, *School Policing Disparities for Black Girls: Analyzing Reported NYPD Interventions During School Year 2018-2019* (2020), <https://www.ggenyc.org/wp-content/uploads/2020/01/GGE-Policy-Brief-NYPD-School-Policing-Data-Impact-on-Girls-of-Color.pdf>.
- 14 See, e.g., Lauren del Valle, *Michigan school resource officer sentenced to 1 year in jail for sexually assaulting 3 high school students* (Oct. 3, 2019), <https://www.cnn.com/2019/10/03/us/michigan-officer-sentenced-sexual-assault/index.html>.
- 15 National Women's Law Center, *Dress Coded: Black Girls, Black Bodies, and Bias in D.C. Schools 1* (2018), <https://nwlc.org/resources/dresscoded>.
- 16 See, e.g., Mahroh Jahangiri, *Activist and Sexual Assault Survivor Mahroh Jahangiri Wants Betsy DeVos to Know Why Title IX is So Important*, TEEN VOGUE (Jan. 18, 2017), <https://www.teenvogue.com/story/know-your-ix-dear-betsy-devos-sexual-assault-survivor>.
- 17 Men and boys are far more likely to be victims of sexual assault than to be falsely accused of it. E.g., Tyler Kingkade, *Males Are More Likely To Suffer Sexual Assault Than To Be Falsely Accused Of It*, Huffington Post (Dec. 8, 2014) [last updated Oct. 16, 2015], https://www.huffingtonpost.com/2014/12/08/false-rape-accusations_n_6290380.html.
- 18 While the Department of Education's new Title IX rule requires many survivor-hostile procedures, school districts still retain discretion to maintain a variety of survivor-supportive policies (i) when implementing a grievance procedure that is consistent with the new Title IX rule and (ii) when implementing a separate "non-Title IX" procedure. Dep't of Educ., *Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance*, 85 Fed. Reg. 30026 (May 19, 2020), <https://www.federalregister.gov/d/2020-10512>; 34 C.F.R. § 106.45(b)(3) (i); 85 Fed. Reg. at 30154, 30157, 30443; Dep't of Educ., Office for Civil Rights, *The Title IX Rule Is Effective on August 14, 2020, And Is Not Retroactive* (Aug. 5, 2020), <https://www2.ed.gov/about/offices/list/ocr/blog/index.html>.
- 19 David Karp & Kaaren Williamsen, *Five Things Student Affairs Administrators Should Know About Restorative Justice and Campus Sexual Harm 10-11* (Mar. 12, 2020), <https://www.naspa.org/report/five-things-student-affairs-administrators-should-know-about-restorative-justice-and-campus-sexual-harm1>.
- 20 *Id.* at 12.

TO LEARN MORE ABOUT HOW TO CREATE BETTER POLICIES IN YOUR SCHOOL DISTRICT THAT INCORPORATE THESE BEST PRACTICES,

please contact National Women's Law Center and Girls for Gender Equity at info@nwlc.org and media@ggenyc.org.

By working together to ensure that schools prevent and respond to sexual harassment effectively, we can create a better world for all students.



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