



FOR GENDER JUSTICE

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POLICY BRIEF

# #METOO AT SCHOOL: COMPREHENSIVE PROTECTIONS FOR STUDENTS AGAINST SEXUAL HARASSMENT



## THE PROBLEM

Far too many students in both PK-12 schools and institutions of higher education experience sex harassment, a category that includes sexual assault. [One in five girls ages 14-18](#) have been kissed or touched without their consent, and [one in four women](#) are sexually assaulted during their time in college. But only [2% of girls ages 14-18](#) and [12% of college women](#) who are sexually assaulted report the incident to their schools.

Many students do not report sex harassment because of shame, fear of retaliation, fear of school discipline, fear of police or immigration officials, concern that their harasser will get in trouble, and/or a belief that their harassment was not “serious enough” (e.g., because it began consensually or involved alcohol or drugs). When students do report sex harassment, they are often ignored, disbelieved, or even punished by their schools. Schools often discipline survivors for engaging in consensual sexual activity with their harasser, having premarital sex, engaging in self-defense, acting out in age-appropriate ways due to trauma, missing school to avoid their harasser, or telling other students they were sexually harassed. Schools are more likely to disbelieve and punish [women and girls of color](#) (especially [Black women and girls](#)), [LGBTQI+ students](#), [pregnant and parenting students](#), and [disabled students](#) due to stereotypes that label them as “promiscuous,” “aggressive,” less credible, and/or less deserving of protection. When schools fail to provide effective responses, student victims receive lower grades, lose scholarships or honors, are forced to drop out of school, and, in some cases, are even expelled.

In May 2020, the Trump administration issued a [harmful Title IX rule](#) requiring schools to ignore sex harassment and use uniquely unfair and retraumatizing investigation procedures in sex harassment investigations. In June 2022, the Biden administration [proposed new Title IX rules](#) that, if finalized, would undo the Trump rule, but this process will take time. And regardless of what federal law requires, states can still take further action to protect student survivors through legislation that addresses complaint procedures, supportive measures, and prevention.

## THE SOLUTION

States should pass [comprehensive protections against sex harassment in schools](#) by strengthening prevention measures, supporting student victims rather than punishing them, and ensuring meaningful accountability of harassers and schools that fail to protect students’ rights. Effective policies must protect all students, including [women and girls of color](#), [LGBTQI+ students](#), [pregnant and parenting students](#), and [disabled students](#), who are often more likely to be sexually harassed and more likely to be disbelieved, punished, or criminalized when they come forward.

## BASIC ELEMENTS OF THE SOLUTION

### *Strengthen prevention measures:*

- Require PK–12 schools to provide developmentally appropriate sex education to all students on a wide range of topics, including consent, healthy relationships, reproductive health, and [LGBTQI+ identity](#).
- Require schools to train all school staff on how to recognize and respond to sex harassment, notify the school's Title IX coordinator, and provide effective supportive measures and accommodations for students who have reported sex harassment.
- Require schools to conduct regular climate surveys on student experiences with sex harassment and make the survey data publicly available.
- Ensure [trans-inclusive](#) access to restrooms, locker rooms, and sports teams, as such policies are linked to lower rates of sexual assault among transgender and nonbinary students.
- [Eliminate school dress codes](#), as they often promote rape culture, rely on sex and race stereotypes, and are discriminatorily enforced. At a minimum, require schools to implement a universal, non-discriminatory dress code.
- Invest in school guidance counselors, social workers, psychologists, nurses, and other [non-police staff](#) to build positive school climates and support sex harassment victims.
- Remove police from schools to protect all students—especially Black and Indigenous students—from [sex harassment](#), discriminatory discipline, and violence at the hands of school police.

### *Support student victims instead of punishing them:*

- Require schools to provide a [wide range of supportive measures](#) to students who report sex harassment, including excused absences, counseling, tutoring, homework/exam adjustments, changes in academic/busing/dining/housing/work schedules, one-way no-contact orders; continued scholarship/honors eligibility, and the option to retake a class without financial penalty.
- Prohibit schools from disciplining students who report sex harassment for misconduct that occurred during the reported incident (e.g., drug or alcohol use, consensual sexual activity, self-defense) or that occur after the reported incident because of it (e.g., class absences, age-appropriate expressions of trauma, public discussion of the sex harassment).

### *Ensure meaningful accountability of sexual harassers and schools:*

- Require schools to investigate all complaints of sex harassment, even if the complaint is dismissed under the school's Title IX procedure for not meeting the current Title IX requirements. Require schools to have a [fair harassment complaint procedure](#), including by applying a preponderance of the evidence standard, prohibiting direct cross-examination by a party or

their representative, and prohibiting the use of mediation to address sexual assault, dating violence, domestic violence, and stalking.

- Provide funding to schools that allow students to voluntarily choose a [restorative process](#) to address sex harassment. Unlike a traditional disciplinary process or other informal processes like mediation, a restorative process requires the wrongdoer to admit they caused sexual harm, centers the victim's needs, and allows the wrongdoer to make amends to the victim and change their future behavior.
- Strengthen students' ability to enforce their rights under state anti-sex harassment laws by filing complaints with a state agency (e.g., Department of Education, Office of Attorney General) or filing private lawsuits in court; ensure that victims can recover monetary damages, including for emotional distress, under state anti-harassment laws; and increase [civil penalties](#) against schools for violations of state anti-sex harassment laws.

## TALKING POINTS ON THE SOLUTION

- Schools are often the first places where people experience sex harassment, and it is critical to address this behavior early on and prevent it from happening again.
- Sex harassment is already hard to report, and students who come forward should be offered a wide range of supportive measures to help them succeed in school—not punished because, for example, they were drunk during a sexual assault or because they skipped class in order to avoid their harasser. When schools don't protect students from sex harassment, survivors get lower grades, are forced to drop out of school, and, in some cases, are even expelled.
- Schools can and must do more to prevent sex harassment from happening in the first place. For example, comprehensive sex education is [proven](#) to reduce sex harassment, sexual assault, and dating violence.
- Even in the face of the harmful Title IX rule that for the moment remains in place, states can nonetheless take action to ensure fair investigations and meaningful accountability. For example, [a 2020 California law](#) requires institutions of higher education to investigate off-campus incidents, prohibit direct cross-examination of students, and apply the preponderance of the evidence standard in sexual harassment investigations. In 2020 and 2021, [Connecticut, Illinois, Maine, Massachusetts, New Hampshire, and Nevada](#) each created a number of new protections from campus sexual harassment, including by requiring schools to conduct campus climate surveys, refrain from disciplining students who report sexual harassment, and offer free counseling and other supportive measures to student survivors.