



POLICY BRIEF

PROTECT STUDENTS AGAINST SEX HARASSMENT

THE PROBLEM

Far too many students in PK–12 schools and in institutions of higher education experience sex harassment, including sexual assault, dating violence, and stalking. [More than one in five girls](#) ages 14 to 18 (21%) have been kissed or touched without their consent, and [one in three women](#) are sexually assaulted during their time in college, but only [2% of the former](#) and [12% of the latter](#) report the incident to their schools. Students do not report sex harassment for a number of reasons, including shame, fear of retaliation, fear of school discipline, and a belief that their harassment was not “serious enough” (e.g., because it began consensually or involved alcohol or drugs). When student survivors do come forward, they are often ignored, disbelieved, or even punished by their schools, for violations like allegedly consensual sex, self-defense (“assault”), or expressing trauma symptoms (“acting out”). 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 April 2024, the Biden administration issued [new Title IX rules](#) that undo the [harmful 2020 Trump rule](#), which rolled back decades-old protections for students survivors of sexual harassment, and strengthen protections for student experiencing any type of sex-based harassment. But regardless of what federal law requires, states can still take action to protect student survivors through legislation that addresses school complaint procedures, supportive measures, and prevention. State action is especially important in light of legal and legislative challenges to the new rule from extremists and because, despite the new rule, unduly stringent federal standards for Title IX cases continue to block many students from being able to hold their schools accountable.

THE SOLUTION

Strengthen Prevention Measures.

- **Train all students and staff in K-12 schools and higher education on sex harassment.** This includes developmentally appropriate sex education for all K-12 students on consent, healthy relationships, reproductive health, and [LGBTQI+ identity](#).
- **Remove police from schools to protect all students—especially Black and Indigenous students—from sex harassment, discipline, and violence.** Invest instead in guidance counselors, social workers, psychologists, and other [non-police staff](#) to build positive school climates and support survivors.
- **Eliminate dress codes, which 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.
- **Ensure trans-inclusive access to restrooms, locker rooms, and sports, which reduces sexual assault of transgender and nonbinary students,** and mitigates [health risks](#) and harm from exclusionary policies.
- **Require schools to conduct regular climate surveys on student experiences** with sex harassment and publish the survey data.

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 classes/dining/housing schedules, and 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 harassment (e.g., drug or alcohol use, consensual sexual activity, self-defense) or because of the harassment (e.g., class absences, trauma symptoms).

Ensure Meaningful Accountability of Schools

States should pass a [state SAFER Act](#), which would:

- **Require schools to:**
 - **Respond whenever a school employee knows** or should have known about harassment based on sex, race, disability, etc., that negatively affects a student’s ability to participate in school, including off-campus and online harassment, even if it does not meet the unduly stringent “severe or pervasive” standard.
 - **Respond to reported harassment by offering supportive measures** (regardless of whether there is an investigation), investigating the harassment (if requested by the complainant), and taking any other necessary actions to address the effects of the harassment (e.g., facilitate a restorative process, conduct a school climate survey).
 - **Respond to harassment the first time it is reported,** even if the complainant is not harassed or assaulted again after reporting.
 - **Pay money damages if a court finds the school liable** for mistreating a student harassment victim.
 - **Take preventative measures** to address all forms of harassment based on sex, race, disability, etc.
- **Require the state’s department of education to publish a list of schools that have been investigated or sanctioned** for violating a state education civil rights law. Allow the state’s department of education to levy fines against schools that violate a state education civil rights law.

TALKING POINTS ON THE SOLUTION

- **Schools are often the first places where people experience sex harassment**, so it is critical to address this behavior early on.
- **These policies take a holistic approach rather than a narrow focus** on requiring schools to investigate sex harassment after it has already occurred. Instead, they require schools to take proactive, comprehensive, and intersectional measures to **prevent** sex harassment from occurring in the first place. For example, comprehensive sex education in K-12 schools has been shown to be **an effective strategy** to reduce a student’s risk of experiencing or perpetrating sex harassment, sexual assault, and dating violence in college.
- **These policies are critical because they center student survivors’ academic, health, and safety needs.** They recognize the reality that investigating harassment or disciplining harassers—while an important part of a school’s response to harassment—does little to ensure that survivors can stay safe in the meantime, avoid retaliation, keep up their grades, continue their extracurricular activities, and successfully graduate.
- **These policies encourage young people to learn from their mistakes**, take true accountability, and prevent further harassment by requiring schools to conduct a **restorative process** if all parties consent to it. A restorative process allows the wrongdoer to admit they caused sexual harm, make amends to the victim, and change their future behavior.

STATES THAT HAVE PASSED THESE POLICIES

- Many states have already passed various SAFER Act provisions. In the past several years, states like California, Colorado, Connecticut, Delaware, Hawai’i, Illinois, Maine, Massachusetts, Nevada, Ohio, and Oregon have each enacted a number of new protections for student survivors, including by requiring schools to: train students and staff on sexual harassment, conduct school climate surveys, improve survivors’ access to supportive measures, and/or refrain from unfairly disciplining survivors when they come forward. In 2023, **Colorado** became the first state to pass legislation to hold schools accountable for addressing sex, race, disability, and other harassment regardless of whether it would have previously been considered “severe or pervasive.”



NWLC staff led a workshop at the 2023 Women’s Convention for students, educators, and advocates on what states and schools can do to prevent and respond to sexual harassment and assault, sex- and race-based discipline, anti-LGBTQ+ discrimination, and discrimination against pregnant and parenting students, as well as how to fight bans on books and curriculum in schools.