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Sex-Based Harassment of Students: The Basics

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This fact sheet focuses on federal law. *Federal laws set minimum protections. Depending on the laws and policies of your state or city, you may have more protections.*

What is sex-based harassment?

Sex-based harassment is unwelcome behavior that you experience because of your sex, including sexual orientation, gender identity, sex characteristics (like intersex traits), and pregnancy or related conditions (including termination of pregnancy). Sex-based harassment in the education context can happen at school or outside of school. The harasser can be a student or staff member at your school or another school, or they could be a visitor or guest. Sex-based harassment can happen to someone of any gender, and the harasser can be of any gender as well.

No matter how it happens, sex-based harassment is *never* the victim's fault.

Sex-based harassment refers to a wide range of behaviors, including:

- **Sexual harassment:** unwanted sexual conduct, including unwanted sexual “jokes,” slurs, rumors, messages, pictures, videos, or “catcalling.” It includes any romantic or sexual relationship between a child and adult, even if the child likes the adult or claims to want the relationship because children cannot consent to a romantic or sexual relationship with an adult. It also includes sexual assault (see next).
- **Sexual assault:** unwanted physical sexual acts, including unwanted kissing or touching of private body parts. It also includes rape.
- **Dating violence (or intimate partner violence):** insults, threats, violence, or stalking from someone you are dating or used to date. It includes threats or violence against you, a family member, friend, or pet, or threats to harm your job, money, home, or personal belongings.
- **Domestic violence:** insults, threats, violence, or stalking from someone you live with. This includes threats or violence against you, a family member, friend, or pet, or threats to harm your job, money, home, or personal belongings.
- **Stalking:** being followed, watched, recorded, threatened, or contacted by someone (directly or indirectly) in a way that makes you worried about your safety or other people’s safety.

Sex-based harassment also includes anti-LGBTQIA+ harassment and pregnancy harassment.

► [**LEARN MORE HERE**](#)

How does federal law protect students from sex-based harassment?

Title IX of the Education Amendments of 1972 (often referred to as “Title IX”) is a federal civil rights law that prohibits sex discrimination, including sex-based harassment, against students (and other people, including employees, contractors, applicants, and guests) at a school that receives federal money.

Which schools? Title IX applies to these schools:

- All public K-12 schools (including public charter schools), colleges, and universities.
- Some private K-12 schools, and most private colleges, and universities, including those that are receiving federal student financial aid (like Pell grants) or other types of federal funding, including a Paycheck Protection Program (PPP) loan, and some that are 501(c)(3) nonprofit organizations.
- Any education program or activity operated by a recipient of federal money, including museums, libraries, and prisons.

Title IX Regulations. The Department of Education is currently enforcing Title IX regulations regarding sexual harassment that the Trump administration first issued in 2020. Read this fact sheet to learn more about [how your school can protect you while still complying with the 2020 rule](#).

Retaliation. Title IX also prohibits retaliation. Retaliation is when your harasser, other students or staff, or your school treats you worse or punishes you because you reported sex-based harassment or helped someone else report it. Retaliation can include being cut out of extracurriculars, being disciplined for something that was not a problem before, or being accused of defamation (lying about the harassment). To learn more, read this [toolkit, written by and for survivors, about defamation lawsuits and other retaliation](#).

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Does Title IX apply to the harassment I experienced?

It depends. The Department of Education under the Trump administration [interprets Title IX](#) to require schools to address incidents that meet **ALL** of the following criteria (#1, #2, and #3):

1. The incident constitutes **ONE** of the following:

- Quid pro quo sexual harassment. For example, your teacher tells you, “I’ll give you an A if you have sex with me” or “I’ll give you an F if you don’t have sex with me.”
- “Unwelcome conduct” on the basis of sex that is “so severe, pervasive, and objectively offensive” that it “effectively denied” equal access to education. While this is a strict standard, you do not need to prove that you dropped out of school, failed a class, or suffered specific trauma symptoms. For example, it is enough to show that you found it harder to concentrate in class, started crying at night, skipped class to avoid your harasser, quit a school activity (even if you continued other activities), or got worse grades.
- Sexual assault, dating violence, domestic violence, or stalking.

2. The incident occurred in at least **ONE** of these places:

- On campus.
- Online using a school platform like Zoom, Canvas, Google Classroom, etc.
- Off campus during a school-sponsored activity.
- Off campus in a place where your school had “substantial control” over your harasser and the incident, like a house rented by an athletics team during a team retreat or recruitment event.
- Off campus in a building owned or controlled by an “officially recognized” student organization at a college or university, like a university-recognized fraternity or sorority.

Depending on your school’s policies, these places might also count:

- In a private off-campus apartment.
- In a private hotel room after a school-sponsored activity during an overnight school trip.
- During a teacher’s visit to a student’s home.
- Online using a personal phone or computer during a school activity.

3. If you file a formal complaint, you do it while you are in ONE of the following situations:

- You are still enrolled at or employed by the school.
- You left the school but filed the complaint before you left.
- You are taking a leave of absence.
- You dropped out but plan to re-enroll if your school responds appropriately to the incident.
- You graduated from one program but plan to apply to a different program at the same school.
- You graduated but plan to participate in alumni activities.
- Note: You do not have to meet these criteria if you make a report but do not file a formal complaint. Learn more about reports versus formal complaints below in ***“How do I report sex-based harassment to my school? What happens next?”***

Note: Your school can choose to (but is not required to) dismiss your complaint if your harasser leaves the school at any time during the investigation.

If Title IX doesn't apply. If you do not meet #1, #2, and #3 above, then the incident(s) you report do not fall under the protections of the Trump administration's interpretation of Title IX, and the school must let you know. However, if your school has created a separate “non-Title IX” policy to address sex-based harassment that falls outside of Title IX's scope, you may still be able to get help from your school. Or the Title IX Coordinator might choose to refer the incident to another school office, such as the “Student Misconduct” office.

Talk to a lawyer. To figure out whether Title IX does or doesn't apply to your case, you may want to speak with a lawyer. For help connecting with a lawyer, you can reach out to the [Legal Network for Gender Equity](#).

How do I report sex-based harassment to my school? What happens next?

- **Who to report to.** Your school (or school district or university system) is required to have an employee called the “*Title IX coordinator*”—their job is to ensure your school is complying with Title IX, which includes helping students who report sex-based harassment (and other sex discrimination). Depending on your school or state, your school may also have a confidential employee you can talk to—they won’t share what you said with other people, but they can point you to resources.

If you decide to talk to your Title IX coordinator, you can:

- **Make a report.** A report of sex-based harassment can be oral or written, and it doesn’t necessarily trigger the formal complaint process. If you report sex-based harassment to your Title IX coordinator, your school must offer you supportive measures. For example, your school can change your or your harasser’s classes or activities, give you extra time on assignments or exams, change your grades that were affected by the harassment, or more. Many supportive measures can be offered without letting your harasser know that you reported the harassment. You don’t need to file a formal complaint or agree to an investigation in order to get **supportive measures**. Learn more by reading this [Supportive Measures FAQ](#).
- **File a formal complaint.** A formal complaint must be written. If you file a formal complaint with your Title IX coordinator, your school must either conduct an investigation (if that’s what you request) or conduct an informal resolution (if you and your harasser both agree to it). Either way, your Title IX coordinator must give you a written copy of the school’s policies and procedures for investigations and informal resolutions. You have a right to switch from an investigation to an informal resolution at any time before the process ends, and vice versa.
 - » In an **investigation**, your school will interview you, your harasser, and any witnesses, and look at other evidence like text messages, emails, photos, or videos. At the end of the investigation, it will decide whether it believes you were harassed and may offer you more support or punish your harasser. An investigation may be fast, but it can also take several weeks, several months, or even more than a year. At colleges and universities, your school is required to schedule a **live hearing with cross examination** as a part of the investigation. Your school is required to keep you updated on its timelines and give you reasons for any delays.
 - » In an **informal resolution**, your school will use a nondisciplinary approach, such as mediation or restorative justice, to resolve the harassment. But your school cannot conduct an informal resolution if you are a student and your harasser is a school employee. In that situation, an investigation is the only option.

If you are thinking about reporting sex-based harassment, it is a good idea to keep a record of:

- **The harassment:** Take detailed notes. Keep copies of any harassing messages or other evidence, including photos or screenshots.
- **Your interactions with the school:** Keep a record of what you tell the school and how they responded (or didn't respond).
- **The effect on your education:** Keep copies of your school records, including report cards, discipline records, and any other documents that discuss your academic or extracurricular performance. You can also keep copies of health, financial, housing, and other records that show the impact of the harassment on your life.
- **Any retaliation.** Record any retaliation you experience from your harasser, other students or staff, or your school after you reported the harassment. Remember that retaliation is illegal and prohibited by Title IX.

My school isn't helping me. Now what should I do?

If you reported the harassment to your school, and they did not help you or made things even worse, you can ask a trusted adult or school employee to help advocate for you. But if that still doesn't work, you have more options:

- **Office for Civil Rights complaint:** You can [file a complaint](#) against your school with the U.S. Department of Education's Office for Civil Rights (OCR). Depending on your specific situation, OCR may investigate your school for violating your Title IX rights. In general, you have 180 days after the last act of discrimination by your school to file a complaint with OCR. If your school or another agency (like the Department of Justice) is still processing your formal complaint, then OCR will not process your complaint at the same time, but you can file an OCR complaint within 60 days after that other complaint process is done. You don't need a lawyer to file an OCR complaint, but it can be helpful to have one.
- **Other agency complaint:** Depending on where you live, you may also be able to file a complaint against your school with a state or city agency. Different states and cities have different systems for addressing harassment in schools, but depending on your state or city, you might file with the education department, attorney general's office, or another agency. The state or city agency may investigate your school for violating your rights under state law. You don't need a lawyer to file a state or city agency complaint, but it can be helpful to have one.
- **Military complaint:** If you are in the military, you can find more information about reporting sexual assault [here](#). Note that Title IX does not apply to U.S. military academies.
- **Lawsuit:** You can file a Title IX lawsuit against your school in a federal court. The standards for filing a Title IX lawsuit are similar to the standards for reporting sex-based harassment to your school (see "*Does Title IX apply to the harassment I experienced?*"), but there are some differences, and it can depend on which state you're in. For example, you must show the court that you reported the harassment to a high-ranking person at your school, but who counts as high-ranking enough depends on how courts in your state have previously decided who that person is. In general, the deadline for filing a Title IX lawsuit depends on your state's personal injury law and ranges from one to six years after the harassment. Some states have a longer deadline specifically for sexual assault. You don't need a lawyer to file a lawsuit, but it's recommended to have one.

To get connected to a lawyer who can provide a free legal consultation regarding sex-based harassment at school, you can reach out to the National Women's [Law Center's Legal Network for Gender Equity](#) by filling out this [brief online form](#).

Learn more about how your school can support you while complying with the Trump administration's interpretation of Title IX [here](#).

Learn more about getting supportive measures from your school [here](#).

Learn more about protecting yourself from defamation lawsuits and other retaliation [here](#).

Learn more about accessing school records about the sex-based harassment you reported [here](#).

Talk to student survivor-led organizations about your experience, by visiting [Know Your IX](#), [Every Voice Coalition](#), or [SafeBAE](#).