



NATIONAL
WOMEN'S
LAW CENTER
EXPANDING THE POSSIBILITIES

LET HER
LEARN

a toolkit

to stop school pushout

FOR GIRLS WHO HAVE EXPERIENCED
SEXUAL HARASSMENT

SEXUAL HARASSMENT SHOULDN'T BE THE END OF ANYONE'S EDUCATION.

Everyone deserves to learn and be treated with respect at school.

But sometimes schools ignore or even punish girls when they report sexual harassment, including sexual violence.

This tells girls that school isn't a safe place for them. That's discrimination, and it's against the law.

This toolkit will help you find out if your school treats girls unfairly when they have been sexually harassed.

Use this guide to learn what your rights are, how to change your school's policies, and where to find help for sexual harassment.

CAN I USE THIS TOOLKIT IF I'M NOT A GIRL?

Yes, absolutely! Sexual harassment affects girls most often, but it can happen to anyone.

SEXUAL HARASSMENT HURTS GIRLS

Many girls face sexual harassment in school.

Sexual harassment is any *unwelcome conduct of a sexual nature*, including:

- "Jokes"
- Rumors
- Slurs
- Pictures
- "Catcalling"
- Snapped bra strap

Sexual violence is a type of sexual harassment. It is any physical sexual act committed against someone without their consent, including:

- Forced kissing
- Forced sex acts
- Rape

Anyone can experience sexual harassment:

- Girls
- Boys
- Gender-non conforming people

Anyone can be a harasser:

- Students
- Adults
- People from other schools

Sexual harassment can happen anywhere:

- In class
- On a bus
- At an away game
- At a party
- During a field trip
- Online/social media

National statistics show that:

- 1 in 2 girls in grades 7-12 (56%) experience *sexual harassment*.¹
- 1 in 5 girls ages 14-18 (21%) experience *sexual violence*.² This percentage is even higher for LGBTQ girls,³ girls who are pregnant or parenting,⁴ and girls with disabilities.⁵

Did you know?

False accusations are very rare. Studies repeatedly show that as few as 2% of rape reports are false.⁶



Sexual harassment hurts girls and their ability to *stay in school.*

Short-term health effects: Sexual harassment can cause injuries, sexually transmitted infections (STIs), and unwanted pregnancy. It can also lead to anxiety, depression, post-traumatic stress disorder (PTSD), and self-harm.

Long-term health effects: Girls who are sexually harassed are more likely to develop chronic pain, diabetes, eating disorders, and obesity. They also face a higher risk in the longer run of alcohol/drug abuse, smoking, relationship abuse, and having unprotected sex.

School pushout: Sexual harassment affects girls' ability to succeed and stay in school. Girls who experience sexual violence are more likely to have trouble studying, miss school, or get in trouble at school.⁷

That's why it's so important for schools to prevent and stop sexual harassment.

And that's why it's important for you to ask for help if you've experienced sexual harassment!

FEDERAL CIVIL RIGHTS LAWS

Protect Students.

Civil rights laws say schools can't treat students unfairly based on things like sex or race. These laws apply to:

- Traditional public schools
- Public charter schools
- Private schools that get money from the federal government to pay for things like books and meals

Title IX protects students from discrimination based on sex, including sexual orientation and gender identity.⁸

Sexual harassment is a type of sex discrimination.

- If you are **cisgender**, your gender identity matches the sex you were assigned at birth.
- If you are **transgender**, your gender identity is different from the sex you were assigned at birth.
- If you are **gender-nonconforming**, you don't identify as a girl or boy.

Title VI protects students from discrimination based on their race, color, or country of origin. This includes students of color and students from immigrant families.

Title II and **Section 504** protect students from discrimination based on their disabilities. This includes students with mental or physical disabilities.



HAVE YOU BEEN SEXUALLY HARASSED?

Title IX requires your school to investigate any report of sexual harassment to find out if the harassment has created a **hostile environment**. A hostile environment exists when sexual harassment has made it harder for you to learn or stay in school.

Your school must investigate sexual harassment, *regardless of:*

- ✓ **Where** it happened (including **away from school** and **online**)
- ✓ **Who** your harasser is (including people who aren't part of your school, as long as the harassment occurred during a **school trip or activity**)
- ✓ Whether the **police** are still investigating or decided not to investigate

If you think you've been sexually harassed and you want the school to protect you, you should **tell an adult you trust** at school.

You should also tell your **principal** or **assistant principal**:

"I was **sexually harassed**, and now I'm facing a **hostile environment** at school. As a **responsible employee** under Title IX, can you connect me to the **Title IX coordinator**? I want to file a complaint and ask for an **investigation**."

You have rights under Title IX even if you don't talk to your principal or assistant principal, and even if you don't say everything in the speech bubble. Title IX protects you as long as you tell an adult at school that you were sexually harassed.

IS YOUR SCHOOL FOLLOWING THE LAW?

How to use this checklist (p. 5-11):

- ✓ = An answer of YES means your school is following the law.
- ✗ = An answer of NO means your school is following the law.



3P's YOUR SCHOOL DISTRICT MUST HAVE THE 3P'S.

Person

- ✓ **Does your school district have a Title IX coordinator?**
This person is in charge of making sure that your school district follows Title IX. The Title IX coordinator's name, phone, email, and address should be on your school's website and in your student handbook.
- ✓ **Is the Title IX coordinator a different person from the school's lawyer ("general counsel") or athletics director?**
*If they're the same person, their other role might make it harder for them to be fair to you. This is called a **conflict of interest**.*

Policy

- ✓ **Does your school district have a policy against sex discrimination?**
This nondiscrimination policy should be on your school's website and in your student handbook.

Procedure

- ✓ **Does your school district have a procedure to address complaints of sexual harassment?** *This complaint procedure should be on your school's website and in your student handbook.*

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- ✓ **Did your school give you this information in another language or format if you needed it?** *Title VI protects students, parents, and guardians who are learning English. Title II and Section 504 protect students, parents, and guardians with disabilities.*

TIP YOUR SCHOOL MUST FOLLOW TIP ONCE IT'S BEEN TIPPED OFF ABOUT SEXUAL HARASSMENT.

Tell you about Title IX

- ✓ After you talked to your **principal** or **assistant principal** (see p.4), did they connect you to your Title IX coordinator?
- ✓ Did your Title IX coordinator explain your Title IX rights to you?
 - ✓ How to file a written complaint with the school?
 - ✓ How to file a police report if you want?
 - ✓ What a Title IX investigation looks like?
 - ✓ That your school must protect you from **retaliation**?
This means no one can bully or punish you because you reported the harassment.

Investigate

- ✓ Did your school investigate your complaint right away, **even if**:
 - ✓ It happened **away from school** or **online**?
 - ✓ Your harasser **isn't part of your school**, as long as the harassment happened during a **school trip or activity**?
 - ✓ The **police** are still investigating or have decided not to investigate?

Protect (not Punish)

- ✗ Did your school discourage you from filing a complaint?
 - ✗ Ask you not to make your harasser or school look bad?
 - ✗ Tell you that it was your fault or that it wasn't a big deal?
 - ✗ Tell you or force you to take time off, transfer to another school, or go to an "alternative school"?
No one can force you to leave your school. However, you have the right to change schools if you want to.
 - ✗ Threaten to report you or your family to the police or immigration officers ("ICE" or "la migra")?
- ✗ Did your school punish you for:
 - ✗ Having sexual contact at school ("indecent/obscene conduct")?
 - ✗ Defending yourself against your harasser?
 - ✗ Missing class to avoid your harasser, instead of giving you an excused absence?
 - ✗ Telling people about what happened to you?
*This is called a **gag order**, and it's against the law for your school to order you to keep what happened a secret.*
- ✗ If you experienced **sexual violence**, did your school put you in **mediation** or **conflict resolution** with your harasser?
Mediation and conflict resolution are never appropriate to address sexual violence. You have a right to say no to mediation and conflict resolution, even if you've already started it.

SAFE YOUR SCHOOL MUST KEEP YOU SAFE AFTER YOU REPORT SEXUAL HARASSMENT.

After you report sexual harassment, your school must provide you with **accommodations** that help you learn and stay in school, even before the school has finished its investigation.

You have a right to these accommodations, **regardless of:**

- ✓ Whether your **school** is still investigating or hasn't started yet
- ✓ Whether the **police** are still investigating or have decided not to investigate
- ✓ **Where** it happened (including **away from school** and **online**)
- ✓ **Who** your harasser is (including people who aren't part of your school, as long as the harassment occurred during a **school trip or activity**)

Schedules

- ✓ Did your school make **necessary changes** to your and/or your harasser's schedule(s) to keep them away from you?
 - ✓ During class?
 - ✓ Between classes (e.g., lunch, breaks, in the hallways)?
 - ✓ During your school activities (e.g., clubs, sports)?
 - ✓ At school-wide events (e.g., assemblies, dances, sports games)?
 - ✓ Before and after school (e.g., on the bus)?

Academics

- ✓ If it was harder for you to learn or get good grades because of the harassment, did your school offer you help? For example, here are some things your school can give you:
 - Extra tutoring
 - More time to do homework or take a test
 - A chance to redo homework or retake a test
 - A hall pass when you need to take a break from class or go talk to your guidance counselor or therapist

- ✓ If you started missing class because of the harassment, did your school excuse those absences?
- ✓ Were you allowed to keep going to class and participating in school activities, **even if:**
 - ✓ Your grades or attendance started to drop?
 - ✓ You became pregnant?

Free counseling

- ✓ Did your school offer you free counseling?

Enforcement

- ✓ Did your school make sure that:
 - ✓ Your harasser stayed away from you?
 - ✓ You and your harasser's teachers knew about any accommodations the school put in place for you?
 - ✓ No one at school bullied or punished you because you reported the harassment? *This is called **retaliation**, and it's against the law.*

What if you need academic accommodations, but your school won't help you under Title IX?

If you developed a mental disability like anxiety or depression because of the harassment, you are also protected by **Section 504**. Tell your school:

"I have a **mental disability** that **substantially limits** my ability to learn. Section 504 says I have the right to a **504 plan with accommodations.**"

YOUR TITLE IX INVESTIGATION MUST FOLLOW FTW.

Fair process

- ✓ Did your school finish your investigation on time? *Check your school's complaint procedure. Many schools have a time frame of 10 to 30 school days to finish an investigation.*
- ✓ Did an investigator collect evidence from you and interview you and your witnesses? *The **investigator** may be a different person from the Title IX **coordinator**.*
- ✓ Did you and your harasser have **equal rights**? *For example, **both of you** must either be **allowed** or **not allowed** to:*
 - ✓ Bring an advisor (or "support person" or lawyer) with you
 - ✓ Talk with your advisor during your interview
- ✓ Did your school help you if you needed an interpreter or translator? *Title VI protects students, parents, and guardians who are learning English. Title II and Section 504 protect students, parents, and guardians with disabilities.*

Trauma-informed

It's normal to feel ashamed or traumatized because of sexual harassment. But a trauma-informed investigation doesn't blame you or make you feel worse. **Remember, sexual harassment is never the victim's fault.**

- ✗ Did the investigator rely on a **sex stereotype** to suggest that the harassment was your fault because of how you looked or acted?

✗ "Boys will be boys."	✗ "It was just a joke/compliment."
✗ "You were asking for it."	✗ "Why were you alone with him?"
✗ "What were you wearing?"	✗ "Why were you drinking?"
✗ "Why did you kiss him?"	✗ "Have you had any boyfriends?"
- ✗ Did the investigator use **any other stereotype(s)** to suggest that the harassment was your fault? For example, because "**girls like you**" are "more promiscuous," "less innocent," or "like the attention"? *Title VI protects students based on race, color, national origin. Title IX protects LGBTQ students and students who are pregnant or parenting. Title II and Section 504 protect students with disabilities.*

Sexual harassment is never the victim's fault.

No one ever deserves to be harassed because of how they look or act. It's never your fault if you are sexually harassed.

If the investigator blames you for something you did or didn't do, you can speak up for yourself and explain your point of view. For example:

- "I didn't fight back because I was too scared to move."
- "I didn't tell anyone at first because I thought no one would believe me."
- "I acted like I was fine (or I stayed friends with him) afterwards because I wanted to pretend it never happened."
- "I was still getting good grades, but it was much harder to study."

Written decision

- ✓ Did your school tell **both of you** in writing at the same time:
 - ✓ If your harasser violated the school's code of conduct?
 - ✓ If you can appeal your school's decision, and, if so, how to appeal?
- ✓ If your school thinks you were sexually harassed, did it tell **you**:
 - ✓ What it will do to keep you safe? *See the SAFE section (p.8-9) for examples.*
 - ✓ If it issued an order for your harasser to stay away from you (a **no-contact order**)? *Your school must tell you if it has issued a no-contact order against your harasser to protect you. It's **not** a "FERPA violation" or "privacy violation" for your school to tell you about it.*
- ✓ If your school thinks there's a **school-wide pattern** of harassment, did it tell **both of you** what it will do to make all students safer? For example, here are some things your school can do:
 - Remind all students, parents, and school staff about the 3P's. *Remember, the 3P's are Person, Policy, and Procedure (see p.5).*
 - Train all students and staff on how to recognize and report sexual harassment
 - Conduct an anonymous survey of all students about their experiences with sexual harassment

Is your school not following the law?

- 1. Collect evidence.** If you think your school isn't following the law, start collecting evidence of the harassment and your school's response. Take photos. Save emails and letters. Take notes on all meetings and conversations that you have with school staff about the harassment.
- 2. File an appeal.** If your school decides that you weren't harassed, and you're allowed to appeal, use your evidence to file an appeal.
- 3. Ask for a better policy.** If you lose your appeal or aren't allowed to appeal, look for other people in your community who also want to make your school safer. Together, you can:
 - Meet with your **school officials**, including your principal, Title IX coordinator, and school board members. Tell them what they're doing right and how they can do better (see checklist on p.5-11).
 - Meet with your **city or county council**. Ask them to increase funding to train schools on Title IX and other federal civil rights laws.
 - Talk to the **media**. If you feel ready to share your story and have considered the risk of retaliation, ask an adult you trust to help you talk to a reporter.
- 4. Talk to a lawyer.** You might have a legal case against your school for violating Title IX or other civil rights laws.

National Women's Law Center Resources

Tell your school and city/county officials to call NWLC to learn more about creating better policies on sexual harassment: (202) 588-5180.

Visit our #MeToo webpage (<https://nwl.org/MeToo>) for more resources on how to address sexual harassment at school.

If your school won't work with you, visit NWLC's **Legal Network for Gender Equity** (<https://nwl.org/legalhelp>) to get connected to lawyers in your state. These lawyers have signed up to give you a **free consultation**. They can help you find out if a lawsuit is possible. A lawsuit may convince your school to change its policies and practices.



- 1 American Association of University Women, *Crossing the Line: Sexual Harassment at School 11* (2011), available at <https://www.aauw.org/research/crossing-the-line>.
- 2 National Women's Law Center, *Let Her Learn: Stopping School Pushout for Girls Who Have Suffered Harassment and Sexual Violence 3* (2017) [hereinafter NWLC Sexual Harassment Report], available at <https://nwl.org/resources/stopping-school-pushout-for-girls-who-have-suffered-harassment-and-sexual-violence>.
- 3 National Women's Law Center, *Let Her Learn: Stopping School Pushout for LGBTQ Girls 3* (2017), available at <https://nwl.org/resources/stopping-school-pushout-for-lgbtq-girls> (38% of girls ages 14-18 who are LGBTQ have been kissed or touched without their consent).
- 4 National Women's Law Center, *Let Her Learn: Stopping School Pushout for Girls Who Are Pregnant or Parenting 12* (2017), available at <https://nwl.org/resources/stopping-school-pushout-for-girls-who-are-pregnant-or-parenting> (56% of girls ages 14-18 who are pregnant or parenting have been kissed or touched without their consent).
- 5 See National Women's Law Center, *Let Her Learn: Stopping School Pushout for Girls with Disabilities 7* (2017), available at <https://nwl.org/resources/stopping-school-pushout-for-girls-with-disabilities> (children with disabilities are 2.9x more likely to be sexually abused).
- 6 David Lisak et al., *False Allegations of Sexual Assault: An Analysis of Ten Years of Reported Cases*, 16(12) VIOLENCE AGAINST WOMEN 1318 (2010), available at <https://www.ncbi.nlm.nih.gov/pubmed/21164210> (prevalence of false allegations is 2%-10%).
- 7 NWLC Sexual Harassment Report, *supra* note 2, at 8.
- 8 Some school districts are arguing in court that harassment based on sexual orientation or gender identity is not covered by Title IX.



Together, we can build better, safer, and fairer schools.

Request hard copies of this toolkit at LetHerLearn.org.

Acknowledgements

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We gratefully acknowledge the following Center colleagues who provided leadership and editorial assistance: Emily Martin, Neena Chaudhry, Adaku Onyeka-Crawford, Shiwali Patel, Alexandra Brodsky, Sabrina Stevens, Kayla Patrick, and Maggie Hagen.

This toolkit would not have been possible without the generous support of the NoVo Foundation.



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(FPO Recycle Bug, Union Bug)