



ENDING SEXUAL HARASSMENT AND ASSAULT

EFFECTIVE MEASURES PROTECT ALL STUDENTS

SEXUAL HARASSMENT AND ASSAULT NEGATIVELY affect students' well-being and their ability to succeed academically. Supreme Court rulings have established that sexual harassment and assault of students constitutes discrimination on the basis of sex and violates Title IX. Despite the protection of the law and greater attention to this problem in recent years, sexual and gender-based harassment remain pervasive in K–12 schools and on college campuses.

While sexual harassment and assault disproportionately affect girls and women, boys and men also face this issue, and lesbian, gay, bisexual, transgender, and queer or questioning (LGBTQ) students are particularly vulnerable. Moreover, when one student or group of students faces harassment or violence, it can create a hostile environment that undermines learning for *all* students.

Knowledge is essential for countering this form of discrimination. Students need to know their rights, and schools need to know their responsibilities under the law. All stakeholders, including the public, need to be aware of the extent of the problem, its effects, and the protections put in place to help address it.

What Constitutes Sexual Harassment under Title IX?

Sexual harassment includes any unwelcome behavior that is sexual in nature, including name-calling, unwanted sexual advances, acts of physical aggression, posting of inappropriate images or messages, or other actions that may be threatening, humiliating, or harmful. Title IX's protection extends to sexual harassment of students in all of a school's programs or activities, whether the harassment occurs on school property, on a school bus, or at an off-site school event. Harassment may come from other students or from school employees such as teachers, coaches, or other staff.

Having a school or district anti-bullying policy is not enough to comply with the law. A school must take prompt and effective steps to address sexual harassment if such harassment is severe, pervasive, or persistent enough that it creates a hostile school environment—meaning that it interferes with or limits a student's ability to participate in or benefit from school, including all activities and services. This applies to any sexual harassment that the school either knows about or reasonably should have known about, which precludes willful ignorance.

KEY FINDINGS

- 1. Sexual harassment is prevalent in schools and on college campuses.** Both male and female students report being sexually harassed, with consequences that can undermine their academic success.
- 2. Nearly half of middle and high school students report being sexually harassed,** including 40% of boys. Harassment is particularly extensive among lesbian, gay, bisexual, and transgender students, with nearly a third saying that harassment made them feel unsafe or uncomfortable enough to miss school.
- 3. More than 60% of college undergraduates experience some form of sexual harassment,** with nearly equivalent numbers for men and women. Most disturbingly, more than 20% of women and 5% of men report being raped or sexually assaulted in college.
- 4. When sexual harassment occurs, Title IX requires that schools take immediate, effective action** to eliminate the hostile environment, prevent its recurrence, and remedy the effects on the victim. These steps are essential for creating an environment in which all students can succeed.
- 5. Understanding schools' obligations under Title IX is essential for combating sexual harassment.** This includes accurately tracking and reporting allegations as well as establishing equitable procedures for investigating and addressing harassment.

HARASSMENT BASED ON GENDER STEREOTYPES

Title IX prohibits harassment of students because they do not conform to stereotypical notions of masculinity or femininity or on the basis of gender identity. In this way, the law protects LGBTQ students.

SEX-BASED BULLYING AND CYBERBULLYING

Title IX also prohibits sex-based bullying that creates a hostile environment, including hazing and cyberbullying. Common forms of such bullying include using social media to target students by calling them sexually charged names, spreading sexual rumors, rating students on sexual activity or performance, spreading compromising photographs, and creating or circulating emails or websites of a sexual nature. Conduct often dismissed as just "boys being boys" or "mean girls" can actually be prohibited harassment.

The U.S. Department of Education's Office for Civil Rights (OCR) issued a guidance document in 2010 specifying that Title IX prohibits sex-based bullying and harassment that interferes with a student's education, whether it is conducted in person or in electronic form. The guidance states, "bullying fosters a climate of fear and disrespect that can seriously impair the physical and psychological

health of its victims and create conditions that negatively affect learning, thereby undermining the ability of students to achieve their full potential.”¹

SEXUAL VIOLENCE

Any form of sexual violence, including rape, constitutes sexual harassment and is prohibited by Title IX as well as other statutes. OCR reaffirmed in a 2011 guidance that rape is *always* severe enough to create a hostile school

environment.² Through this guidance and a subsequent Q&A document in 2014, OCR further explained schools’ responsibilities in responding to sexual violence against students. The latter document outlines requirements for how schools must act to prevent, investigate, and remedy sexual assault, noting that “a school has a duty under Title IX to resolve complaints promptly and equitably and to provide a safe and nondiscriminatory environment for all students.”³

Impact of Sexual Harassment on K–12 Students

Bullying and other forms of sexual harassment are prevalent in K–12 schools. Recent surveys have found that although girls face harassment more frequently than boys, both male and female students are affected in large numbers. LGBTQ students face some of the highest rates of harassment.

Harassment can have serious emotional consequences for these students; it can also cause educational problems such as difficulty concentrating on schoolwork, absenteeism, and poor academic performance.⁴ Recognizing and addressing sexual harassment in schools is essential for providing a safe and respectful learning environment in which all students can thrive.

TRACKING THE EXTENT OF THE PROBLEM

The frequency of sexual harassment and bullying reported by many schools does not match what students say is actually happening at their schools. A recent review of the U.S. Depart-

ment of Education’s Civil Rights Data Collection (CRDC) found that 67% of local education agencies (LEAs), which include public school districts, charter schools, and charter school systems, reported *zero allegations* of sexual harassment or bullying during the 2013–14 school year.⁵ If these figures are to be believed, two-thirds of schools have completely eliminated sexual harassment and bullying.

National studies refute this finding. One report from the American Association of University Women (AAUW) found that 40% of boys and 56% of girls in grades 7–12 reported experiencing sexual harassment during the 2010–11 school year.⁶ In 2015, a large-scale national survey by GLSEN found that 85% of LGBTQ students in middle and high school were verbally harassed in the prior year, and more than a quarter were physically harassed.⁷ (More detail on these findings appears below.)

Recognizing and addressing sexual harassment in schools is essential for providing a safe and respectful learning environment in which all students can thrive.





Clearly, schools included in the CRDC data are vastly underreporting the frequency of sexual harassment and bullying. It is likely that many of these schools simply haven't taken the steps necessary to educate the school community about what to do when sexual harassment occurs and don't have the proper policies and procedures in place for addressing harassment.

Multiple stakeholders can play a role in addressing this critical issue. In its 2015 *Title IX Resource Guide*, OCR recommended that Title IX coordinators train relevant staff about how information on sex-based harassment should be reported under the CRDC and work to ensure the accuracy of the reporting.⁸ Parents, students, and advocates can help by locating their local school's Title IX coordinator and bringing these findings to their attention. State and federal officials should step in to ensure that numbers are tracked and reported accurately so harassment can be addressed. Finally, schools can conduct school climate surveys to help fill the gap between what occurs in school and what gets reported. The U.S. Department of Justice offers a variety of tools and models for conducting climate surveys at www.NotAlone.gov.

HARASSMENT OF ELEMENTARY SCHOOL STUDENTS

Sexual harassment in school starts early. A 2010 nationwide survey of more than 1,000 students and 1,000 teachers at elementary schools, conducted by GLSEN, found that sexual harassment is common even though

most schools have anti-bullying and/or anti-harassment policies in place:⁹

- Three-quarters of all elementary school students (75%) reported that students at their school are called names, made fun of, or bullied with at least some regularity.
- Nearly half of elementary school teachers (47%) believe that bullying, name calling, or harassment is a very serious or somewhat serious problem at their school.
- Students who do not conform to traditional gender norms are more likely than others to say they are called names, made fun of, or bullied at least sometimes at school (56% versus 33%).
- One-third of students (33%) have heard kids at school say that girls should not do or wear certain things because they are girls. Even more (39%) have heard their peers say that boys should not do or wear certain things because they are boys.
- Nearly half of all teachers (48%) reported that they hear students make sexist remarks at their school.

HARASSMENT OF MIDDLE AND HIGH SCHOOL STUDENTS

Sexual harassment is part of everyday life at many middle and high schools. A nationally representative survey from AAUW of 1,965 students in grades 7–12 found that nearly half of students (48%) experienced some form

HIGH SCHOOL HARASSMENT: NOT JUST WORDS

According to a 2015 Centers for Disease Control and Prevention survey, more than 10% of high school girls and 3% of boys report having been physically forced to have sexual intercourse.¹¹

of sexual harassment during the 2010–2011 school year.¹⁰ The majority of those students (87%) said it had a negative effect on them. Nearly all the behavior documented in the survey was peer-to-peer sexual harassment.

Other findings are equally sobering:

- Girls were significantly more likely than boys to face sexual harassment, although the numbers for both were high, with 56% of girls and 40% of boys reporting that they had been sexually harassed.
- Sexual harassment by text, email, social media, or other electronic means affected 30% of all students. Many of the students who were sexually harassed electronically were also sexually harassed in person.
- Verbal harassment was the most frequently cited behavior, reported by 46% of girls and 22% of boys. Physical harassment was also disturbingly common, particularly among girls. Unwelcome touching was reported by 13% of girls and 3% of boys, while 4% of girls and fewer than 1% of boys said they had been forced to do something sexual.
- Being called gay or lesbian in a negative way was reported by girls and boys in equal numbers (18%), although reactions differed, with 21% of boys and 9% of girls identifying it as their worst experience with harassment.
- The survey revealed a cycle of harassment, with many victims reporting that they victimized others. Most students who admitted to sexually harassing another student (92% of girls and 80% of boys) were also targets of sexual harassment themselves.

HARASSMENT OF LGBTQ STUDENTS

LGBTQ students are frequent victims of sex-based harassment in school. Many of these students face harassment that is serious enough to make them stay away from school activities

or miss school altogether. A GLSEN national survey of 10,528 students in grades 6 through 12 conducted in 2015 found that the overwhelming majority of LGBTQ students face some form of sex-based harassment:¹²

- A full 85% of LGBTQ students experienced verbal harassment at school based on a personal characteristic—most commonly sexual orientation (71%) or gender expression (55%)—during the prior school year.
- More than a quarter of these students (27%) were physically harassed (e.g., pushed or shoved) at school in the prior year because of their sexual orientation, and 20% were physically harassed because of their gender expression.
- Some 13% were physically assaulted (e.g., punched, kicked, injured with a weapon) because of their sexual orientation, and 9% because of their gender expression.
- Almost half of LGBTQ students (49%) were harassed or threatened by their peers via electronic media.
- Nearly a third of of LGBTQ students (32%) missed at least one day of school in the prior month because they felt unsafe or uncomfortable, and 10% missed four or more days.

High as they are, rates of harassment among LGBTQ students have declined in recent years, thanks to increased awareness and advocacy. Surveys between 2001 and 2015 show consis-





tent drops in the number of LGBTQ students reporting “frequent” verbal or physical harassment or assault, coinciding with increases in the availability of resources such as supportive teachers and

gay-straight alliances.¹³ Additional support measures, including policies specifically protecting LGBTQ students, would help make a difference both for these students and for the overall learning environment.

Impact of Sexual Harassment on College Students

Sexual harassment is prevalent on college campuses and can prevent students, both male and female, from receiving the full social and academic benefits of higher education. Creating a campus environment that is free from bias and harassment is important both for ensuring success in education and for shaping the attitudes and behaviors that will govern the nation’s future workforce and broader society.

THE TOLL OF HARASSMENT

A research report from AAUW, *Drawing the Line: Sexual Harassment on Campus*,¹⁴ found that sexual harassment on campus is widespread among both men and women, yet often goes unreported:

- Nearly two-thirds of college students, including 62% of women and 61% of men, experience some type of sexual harassment.
- Fewer than 10% of these students tell a college or university employee about their experiences, and an even smaller number report them to a Title IX coordinator.
- LGBTQ students are more likely to be harassed; nearly three-quarters (73%) say

they have experienced sexual harassment on campus.

- Both women and men say that harassment affects their education, including by making them avoid places on campus (27% of women and 11% of men), finding it hard to study or pay attention in class (16% and 8%), halting participation in a sport or activity (9% and 5%), or skipping or dropping classes (9% and 4%).

Perpetrators of sexual harassment and violence on campus are not limited to fellow students; incidents have also involved faculty, administrators, and other staff members. Harassment of students by professors or others on staff also violates Title IX and must be investigated and addressed immediately to end the hostile climate such behavior creates.

A campus culture that tolerates inappropriate verbal and physical contact and that intentionally or unintentionally discourages reporting these behaviors undermines the emotional, intellectual, and professional growth of millions of young adults. Sexual harassment on campus takes an especially heavy toll on young women, making it harder for them to succeed in school and compete in today’s economy.

SEXUAL ASSAULT ON CAMPUS

Sexual assault on campus is an ugly and persistent problem. A 1997 National Institute of Justice study estimated that between one-fifth and one-quarter of women had survived a rape or attempted rape while in college.¹⁵ The

Title IX Requires Schools to Address Sexual Violence (<https://nwlc.org/resources/title-ix-requires-schools-to-address-sexual-violence/>) – This fact sheet from the National Women’s Law Center sets forth schools’ responsibilities under Title IX and provides students, parents, and advocates with information about their rights.

Ending Campus Sexual Assault Toolkit (www.aauw.org/resource/campus-sexual-assault-tool-kit) – This toolkit from the American Association of University Women (AAUW) includes Title IX resources, funding sources for prevention and awareness initiatives, and concrete ways for students, faculty, and staff to fight sexual assault on campus.

RAINN (<https://www.rainn.org>) – In addition to a 24-hour hotline, the Rape, Abuse & Incest National Network (RAINN) offers information on safety and prevention, help for those who have been assaulted, and public policy resources.

Drawing the Line: Sexual Harassment on Campus (<http://www.aauw.org/files/2013/02/drawing-the-line-sexual-harassment-on-campus.pdf>) – This AAUW report provides information on the prevalence, impact, and handling of sexual harassment.

Not Alone (www.NotAlone.gov) – An initiative of the U.S. Department of Justice’s Office on Violence Against Women, Not Alone provides model campus policies, climate surveys, and other education and prevention resources.

Center for Changing Our Campus Culture (www.changingourcampus.org) – This site offers resources for students, campus administrators, law enforcement, and other stakeholders.

Title IX and Sexual Assault: Know Your Rights and Your College’s Responsibilities (<http://www.aclu.org/files/pdfs/womensrights/titleixandsexualassaultknowyourrightsandyourcollege%27s-responsibilities.pdf>) – This resource, from the American Civil Liberties Union (ACLU), offers examples of case law, ways to work with schools to end assault, and other information.

The Right to Safe Housing on College Campuses for Survivors of Sexual Assault, Stalking, Domestic Violence, and Dating Violence (<http://www.aclu.org/womens-rights/right-safe-housing-college-campuses-survivors-sexual-assault-stalking-domestic-violence>) – This ACLU guide offers legal and other guidance on safe housing.

situation has not improved since then. Campus and national surveys, including a 2016 survey by the Bureau of Justice Statistics,¹⁶ consistently find sexual assault rates of 20% or more among women undergraduates.

Sexual violence affects men as well as women. According to a 2015 survey of students on

27 campuses, a significant proportion of all students are exposed to sexual violence:¹⁷

- Among undergraduates, 23.1% of females and 5.4% of males experience rape or sexual assault through physical force or incapacitation.

- Among graduate and professional students, 8.8% of females and 2.2% of males experience rape or sexual assault through physical force or incapacitation.
- Among those identifying as transgender, queer, or nonconforming, 24.1% of undergraduates and 15.5% of graduate students have been sexually assaulted.

TITLE IX AND SEXUAL HARASSMENT: MYTHS AND FACTS

Myths about the role of Title IX in addressing sexual harassment abound, especially when it comes to sexual assault.

Myth: Department of Education guidance documents and enforcement agreements stifle students' rights to free speech.

Fact: Sexual harassment is not free speech—particularly when it rises to the level of unwelcome sexual conduct that is so severe and pervasive that it creates or contributes to a hostile environment.

Myth: Title IX procedures deprive accused students of their due process rights.

Fact: The 2011 OCR guidance says that both the survivor and the accused have the same rights and must be treated equally during all proceedings. Both parties must have the same opportunity to present witnesses and other evidence and have equal, timely access to information. In fact, Title IX provides greater procedural protections than what the Supreme Court has said schools must provide students under the Constitution (*Goss v. Lopez*, 419 U.S. 565 (1975)).

Myth: The standard of proof in sexual misconduct cases unfairly burdens the accused.

Fact: College administrative proceedings are to establish whether the school's policies have been violated, not to determine criminal or even civil liability. The "preponderance of the evidence" standard is the most commonly used standard of proof and is in keeping with other non-criminal cases, including equity cases (e.g., those involving race, religion, or disability).

Myth: Survivors on college campuses speaking out about their experiences of sexual assault signals a war on men.

Fact: Sexual assault is a pervasive problem on college campuses for men as well as women. Surveys have shown that campus sexual assault affects 1 in 5 women and 1 in 20 men each year. Speaking out pushes schools to ensure that all students are able to learn in an educational environment free from sexual harassment and assault.

Myth: Students should take their claims of sexual misconduct to the police, and colleges should stay out of it.

Fact: Under Title IX, colleges have a responsibility to ensure that sexual assault survivors are not deprived of educational opportunity because of sex discrimination. This is in keeping with protections afforded accusers in the workplace and other settings, and is something the police are not equipped to handle. Making colleges responsible also prevents the kinds of abuses seen in the past, when campuses often treated sexual violence as a minor code violation. Finally, relying on law enforcement would make campuses less safe, as survivors are less likely to report sexual assault to the police.

SOURCE: Adapted from "Protecting Survivors of Sexual Assault on Campus: Myths and Facts," National Women's Law Center, 2014. See <https://nwl.org/resources/protecting-survivors-sexual-assault-campus-myths-and-facts/>.

Title IX: Vital Protection for All Students

SCHOOLS' RESPONSIBILITIES TOWARD THEIR STUDENTS

A series of Supreme Court rulings in the 1990s recognized that sexual harassment is a type of sex discrimination prohibited by Title IX and that schools may be liable for monetary damages in cases of harassment by staff or students. In 1998, the Court established the standard for recovering damages in such cases: A harassed student must show that a school official with authority to take corrective measures had “actual knowledge” of the harassment and responded with “deliberate indifference”—a higher standard than exists for employees who are sexually harassed.¹⁸

A year later, the Supreme Court ruled that schools may also be liable for damages under Title IX for peer-on-peer harassment. To recover damages, the harassed student must show that the school had actual knowledge of the harassment and responded with deliberate indifference, and that the harassment was “so severe, pervasive, and objectively offensive that it can be said to deprive the victims of access to the educational opportunities or benefits provided by the school.”¹⁹

In addition to filing a lawsuit for money damages, a student who has been harassed can file a suit asking the court to make a school stop a particular act or behavior or can seek a remedy from OCR. OCR has repeatedly made clear in its guidance documents that if a school knows, or should know, that a hostile environment exists, it is “responsible for taking immediate effective action to eliminate the hostile environment and prevent its recurrence.” A school also has a responsibility “to remedy the effects on the victim that could reasonably have been prevented had the school responded promptly and effectively.”²⁰

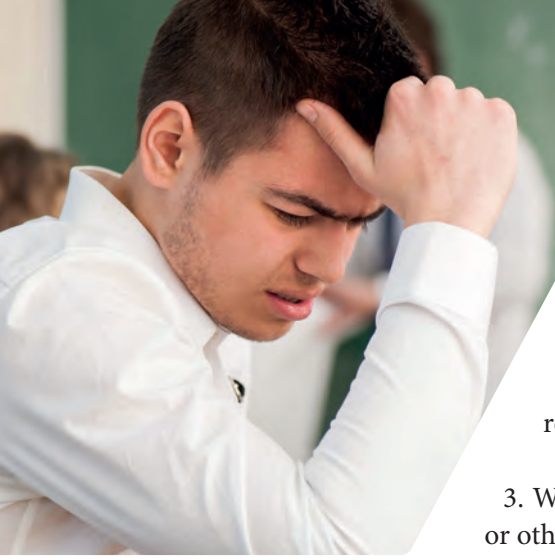
Schools have a legal obligation to protect their students by acting to end harassment and provide a safe learning environment. This is similar to employers' responsibilities to their employees, but the standard students have to meet to recover damages for harassment is higher than the one employees have to meet, leaving students with less protection from such harmful behavior. Given the importance of education to the country's social and economic well-being, enforcing the protections in place for students should be a vital priority for school and government officials at the local, state, and national levels.

REQUIRED PROCEDURES FOR RESPONDING TO HARASSMENT

A 2011 guidance document from OCR notes the seriousness of sexual harassment, including sexual violence, and spells out Title IX's procedural requirements for schools in responding to reported incidents:²¹

1. Each institution covered by Title IX is required to create and widely distribute a notice of nondiscrimination, designate at least one employee to coordinate its efforts, and adopt and publish grievance procedures for prompt and equitable resolution of complaints of sex discrimination, including sexual harassment and sexual violence.
2. Schools must ensure that their employees are trained to identify harassment and report it





to appropriate school officials. In addition, schools must provide training so officials with the authority to address harassment know how to respond properly.

3. When a harassed student or other party files a complaint, the school must investigate the allegations in a prompt, thorough, and impartial way. Both parties must have an equal opportunity to present witnesses and other evidence. In determining whether sexual harassment occurred, the school must use the “preponderance of the evidence” standard of proof, which asks whether it is more likely than not that the sexual harassment occurred.
4. It is improper for a school to require a student who complains of harassment to work out the problem directly with the alleged perpetrator. In cases of sexual assault, even voluntary mediation is not appropriate.
5. Both parties must be notified in writing about the outcome of the complaint and any appeal.

To create a school environment in which all students can succeed, students must feel comfortable acknowledging and reporting harassment, and schools must respond in accordance with Title IX requirements.

Recent OCR documents clarify roles and provide additional procedural information to help guide schools in complying with Title IX. The 2015 *Title IX Resource Guide* details how these school officials should handle the school’s obligation to end sexual harassment and violence.²²

In addition, OCR’s 2014 Q&A document addresses numerous procedural issues, including concerns such as balancing the rights of those involved and avoiding undue administrative burdens. For example, the document notes specifically that both the complainant’s and the accused party’s rights must be protected: “Procedures that ensure the Title IX rights of the complainant, while at the same time according any federally guaranteed due process to both parties involved, will lead to sound and supportable decisions.” It also clarifies that schools can use existing grievance procedures, so long as they “meet the Title IX requirement of affording a complainant a prompt and equitable resolution.”²³

ENFORCEMENT AS A TOOL FOR IMPROVING EDUCATION

Enforcement of Title IX at all levels of education is necessary to ensure that schools provide an environment in which all students can learn. Recent guidance from the Department of Education to help schools comply is a major step forward. Ongoing communication will help ensure that schools understand and meet their obligations toward students. Investigations of sexual harassment at the school level, and Department of Education investigations where schools fail in their roles, are also essential.

Government funding for enforcement efforts at the state and federal levels can make a huge difference for students. The proposed Patsy Mink Gender Equity in Education Act of 2016 (GEEA) provides resources, training, and technical assistance to support gender equity work in schools and establishes an Office of Gender Equity in the U.S. Department of Education to coordinate activities within the department and among other federal agencies. GEEA also supports Title IX coordinators by providing annual training and competitive grants for gender equity programs in K–12 schools, school districts, colleges, or states.

ADDITIONAL RESOURCES FOR COMBATting SEXUAL HARASSMENT

Crossing the Line: Sexual Harassment at School. American Association of University Women (AAUW). Available at <http://www.aauw.org/research/crossing-the-line/>.

Title IX Protections from Bullying & Harassment in School: FAQs for Students. National Women’s Law Center (NWLC). Available at <http://www.nwlc.org/resource/title-ix-protections-bullying-harassment-school-faqs-students>.

Harassment-Free Hallways: How to Stop Sexual Harassment in School. AAUW Educational Foundation. Available at <http://history.aauw.org/files/2013/01/harassment-free.pdf>.

Know Your Rights: Title IX Requires Your School To Address Sexual Violence. U.S. Department of Education, Office for Civil Rights (OCR). See <https://www2.ed.gov/about/offices/list/ocr/docs/know-rights-201404-title-ix.pdf> and a related NWLC resource at <https://nwlc.org/resources/title-ix-requires-schools-to-address-sexual-violence/>.

Gender-Based Violence and Harassment: Your School, Your Rights. American Civil Liberties Union (ACLU). Available at <http://www.aclu.org/womens-rights/gender-based-violence-harassment-your-school-your-rights>.

Sexual Harassment: Not In Our School! Stop Sexual Assault in Schools. Educational video and companion materials available at <http://ssais.org/video/>.

Cyberbullying and Sexual Harassment: FAQs about Cyberbullying and Title IX. NWLC. Available at <https://nwlc.org/resources/cyberbullying-and-sexual-harassment-frequently-asked-questions/>.

Pregnancy Harassment Is Sexual Harassment: FAQs about Title IX and Pregnancy Harassment. NWLC. Available at www.nwlc.org/sites/default/files/pdfs/titleixpregnancyharassmentfactsheet.pdf.

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How to File a Title IX Sexual Harassment or Assault Complaint with the U.S. Department of Education. NWLC. Available at <https://nwlc.org/resources/how-to-file-a-title-ix-sexual-harassment-or-assault-complaint-with-the-u-s-department-of-education/>.

Find Your Title IX Coordinator. AAUW. Available at <http://www.aauw.org/resource/find-your-title-ix-coordinator/>.

NCWGE Recommendations

- Schools must accurately track sexual harassment so it can be addressed before it becomes severe or pervasive enough to create a hostile environment. Teachers and administrators can work with Title IX coordinators to ensure accurate reporting in the CRDC.

Where schools fail in their efforts, state regulators should step in to require adequate tracking and reporting.

- Education institutions at all levels should create clear and accessible sexual harassment



policies to protect and educate students. These policies should explicitly prohibit harassment based on actual or perceived LGBTQ status. They also should include provisions for effectively protecting students after harassment has occurred.

- Title IX coordinators and their respective institutions should disseminate information and conduct trainings to ensure that students and employees are aware of sexual harassment policies, as well as the process for filing complaints.
- Schools should protect harassment victims by providing close follow-up, including working with victims' families, and be on the lookout for continued harassment and retaliation. They should also provide appropriate services to survivors of sexual assault and be able to refer survivors to additional services as needed.
- Students, faculty, staff, and parents/guardians should talk openly about attitudes and behaviors that promote or impede progress toward a harassment-free climate in which all students can reach their full potential.
- Congress should enact legislation to ensure that students receive the same level of protection from harassment in school that employees receive in the workforce. Schools, like employers, should be obligated to prevent harassment and to address any harassment that they know about or should know about. Also, harassment should be deemed to create a hostile environment when it is sufficiently severe *or* pervasive to deny a victim access to the educational opportunities and benefits provided by the school.
- Congress should pass additional legislation to protect students, including the GEEA, the Student Non-Discrimination Act, and the Safe Schools Improvement Act. In addition to providing funding, these acts would ban harassment based on sexual orientation or gender identity and require K–12 schools and districts to develop student conduct policies that clearly prohibit bullying and harassment.
- OCR should conduct public education and technical assistance activities to guide school districts in their compliance efforts, particularly in light of the October 2010 and April 2011 guidance documents issued and the constant technological developments affecting cyberbullying and harassment.

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