

Gender-Based Violence & Harassment:

Your School, Your Rights



Does any law protect me at school from gender-based violence and harassment?

- Title IX is a federal civil rights law that prohibits discrimination on the basis of sex, including on the basis of sex stereotypes, in education programs and activities. All public schools and any private schools receiving federal funds must comply with Title IX.
- Under Title IX, discrimination on the basis of sex can include sexual harassment or sexual violence such as rape, sexual assault, sexual battery, sexual coercion, or dating violence.

Gender-based violence and harassment are behaviors that are committed because of a person's gender or sex. They can be carried out by a boyfriend or girlfriend, a date, other kids, or adults. If someone does any of the following to you because of gender or sex, it *may* constitute gender-based violence or harassment. Someone:

- » follows you around, always wants to know where you are and who you are with, or stalks you
- » pressures you to perform sexual acts
- » touches you sexually against your will
- » forces you to have sex
- » interferes with your birth control
- » verbally abuses you using anti-gay or sex-based insults
- » sends you repeated and unwanted texts, IMs, online messages, and/or phone calls that harass you
- » hits, punches, kicks, slaps, or chokes you
- » verbally or physically threatens you



Under Title IX, your school is obligated to do something about gender-based violence and harassment IF:

- these behaviors are so severe (for example, even a single incident of rape) or happen so often (for example, numerous harassing texts) that the acts would deprive a student of equal access to education, or to an educational activity like being on a team or in the band, AND
- your school has authority over the person or people committing the violent or harassing behavior, and over the environment where the behavior is happening.

Students can contact the Department of Education's Office for Civil Rights to report sexual harassment by writing a letter or filing a complaint form, available at www.ed.gov/about/offices/list/ocr/complaintintro.html.

For more information you can contact:

Women's Rights Project
American Civil Liberties Union
125 Broad Street, 18th Floor
New York, NY 10004
(212) 549-2644
womensrights@aclu.org
www.aclu.org/sexualassault

Find the local ACLU affiliate office in your state at:
www.aclu.org/affiliates

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If you are subjected to gender-based violence or harassment, what should your school do?

DOs:

Your School MUST Provide a Safe Environment for You

- Your school has to protect your well-being and your right to an equal education
 - in class and the school building, during field trips and extracurricular activities, and on school buses.
 - before, during, and after an investigation of gender-based violence.
- If you decide to file a complaint, your school must investigate right away, even if the police are doing their own investigation.
 - Your school must keep you safe from verbal or physical retaliation from other students, including the alleged attacker and his/her friends, and faculty, like coaches and teachers.
 - Your school should develop a safety plan for you as needed.
- If you have a restraining order or order of protection, your school must enforce it.

Your School MUST Let You Speak Up, and Should Already Have:

- a readily-available policy against sex discrimination,
- known procedures for students to file complaints of sex discrimination,
- a person to whom you or your parents/guardians can report gender-based violence (called a Title IX coordinator), whose name and contact information must be accessible.

Your School MUST Let You Know...

- **When:**
 - your school will conduct a full investigation,
 - you and the alleged attacker will be notified of what happens with the complaint,
 - you can file an appeal, if applicable.
- **How:**
 - the complaint was resolved, when the alleged attacker's punishment directly relates to you. This includes informing you if the school transferred him/her to another school or classes, suspended or expelled him/her, or ordered him/her to be kept away from you.
 - your information will be used, and whether it will be kept confidential.

DON'Ts:

Your School MAY NOT Force You to "Work it Out"

- Your school might suggest that you and your alleged attacker/harasser talk directly with each other to resolve your complaint. You have the right to say no.
- Your school should never pressure you to "work it out" instead of going through a formal complaint process.
- In cases involving sexual assault, you should never be forced to talk directly or mediate with the alleged attacker/harasser.

Your School MAY NOT Punish You Because You Have Experienced Violence

- **Your school may not:**
 - force you to change schools, buses, or classes.
 - make you leave a team or change your extracurricular activities.
 - change your educational environment in any way that would hurt your right to an equal education.

Your School MAY NOT Run Out the Clock

- Your school might pressure you to wait to take action on a gender-based violence complaint. This is against the law.
- Your school must act right away after a report of gender-based violence.