

KNOW YOUR RIGHTS: SEXUAL ASSAULT AND HARASSMENT IN NYC SCHOOLS

Title IX is a federal law that prohibits sex discrimination in educational institutions that receive federal funding (which means most schools). Under Title IX, schools are legally required to respond to sexual assault or harassment. If they fail to do so, they risk losing federal funding.

In August 2021, Legal Services NYC settled a lawsuit against the NYC Department of Education which led to several new policies to help protect and support students who are survivors of sexual assault or harassment at school. This fact sheet aims to help parents, guardians, and students understand those policies and their rights.

WHAT IS SEXUAL ASSAULT AND HARASSMENT?

- There are **different forms of sexual assault and sexual harassment**. Students can be assaulted or harassed by a fellow student, a teacher, professor, coach, staff or faculty member.
- **Sexual Assault** is a physical invasion of the body. It can include rape, inappropriate touching, groping, attempted rape, forcing someone to do perform a sexual act, or penetrating any part of your body with a part of their body, or with an object.
- **Sexual Harassment** can be a lot of things including:
 - Unwanted touching (any body part, clothing, face, hair)
 - Kissing, hugging, flashing or mooning
 - Inappropriate jokes, teasing, or comments based on someone's gender identity or sexuality, including their body or appearance
 - Unwanted emails, texts, messages, videos, or photos of a sexual nature
- For **further examples of types of assault and harassment**, and the DOE's policy, see Chancellor's Regulation A-831 [here](#).

HOW AND WHERE DO I REPORT SEXUAL ASSAULT AND HARASSMENT?

- It is important to **report sexual assault/harassment to school officials immediately** so that they can take the right steps to make sure that the behavior stops, and the student gets support.
- A report can be made by **telling any teacher or staff member** at the school
- A **report can also be made**:
 - Telephone call 718-935-2288
 - Email a complaint and detail what happened to Respectforall@schools.nyc.gov
 - Online portal: <https://www.nycenet.edu/bullyingreporting>



917-661-4500

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- You can **report any inappropriate behavior** that happens:
 - **In school:** This includes anywhere on school property, OR on school buses
 - **Online:** This includes via phone, email, websites, or any other digital means
 - **While off school property** when the behavior threatens or has the potential to threaten the safety or well-being of the school community

DO I NEED PROOF?

- No. **Students do not need proof** that the harassment or assault occurred.
- It is the **school's responsibility to investigate** a student's complaint. They are supposed to:
 - Talk to the students involved in the incident, and ask questions about what happened, if there are any students who have information about the incident or any evidence (like video, text messages, posting on social media)
 - Ask students involved to write a written statement
 - And talk to other students who might have seen what happened, know something about what
- Within 10 days of when you report the assault or harassment, **the school will give students a letter** that explains what information they received during the investigation, the decision that they made about what happened, and how to provide support to the student.

WHAT DO I DO IF NO ONE DOES ANYTHING OR DOESN'T BELIEVE MY CHILD?

- If a parent/guardian has already made a complaint about sexual assault harassment and think the school is not handling the situation properly, there are certain circumstances in which **they may be able to "escalate" your complaint**. These include, but are not limited to:
 - where parents/guardians believe the school is retaliating against their child for making a complaint
 - where parents/guardians have made two or more complaints during the school year
 - or if the school has failed to provide support or services to the student while they attend school.
- This **escalation means parents/guardians may file another complaint** to DOE staff outside of their child's school. The form to escalate your complaint is available [here](#).

HOW DO I SEPARATE MY CHILD FROM THEIR ABUSER?

- As soon as possible, **let a staff member know about the assault and harassment**.
- The school should **work with parents/guardians to provide supports** to make a child feel safe.
- Parents/guardians **can request supports at any time**, including before, during, or after the school investigates a complaint.
- These can include a **change in classes**, or schedules, or changes to lunch/recess, or after-school program schedules.
- Student survivors of harassment or assault are also **entitled to a safety transfer to another school**. They can ask the school or the Family Welcome Center.



917-661-4500

Legal Services NYC | 40 Worth Street, Suite 606, New York | legalservicesnyc.org

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WHAT IF MY CHILD HAS SPECIAL NEEDS?

- If student has a disability and parents/guardians are concerned that an incident is affecting their learning, they should **speak with the child's IEP team**, Section 504 Team, and/or school administrator.
- If the student does not have an IEP, the parent/guardian can **ask for the student to be evaluated** to determine whether they might benefit from additional support as a result of the trauma from the assault or harassment.

WHAT IF MY CHILD CAN'T FOCUS?

- School staff **must look for common signs** that a student has experienced trauma, including changes in behavior or schoolwork.
- If they notice such changes, they can **ask for the student to be evaluated (or re-evaluated)** to determine whether the student needs additional services.

WHO ELSE CAN HELP?

- If a parent/guardian believes their child is a survivor of sexual assault or harassment, and is NOT receiving the proper supportive measures, they should **contact the Sexual Harassment Prevention Liaison (SHP) at their child's school**.
- They can **ask the parent coordinator** at the school to provide contact information for the SHP. They can also **find the SHP's email address** by going to <http://www.schools.nyc.gov> and searching for the school and looking for the Liaisons listed under "School Contacts and Information."
- If parents/guardians believe that the school failed to address the harassment or assault, or if the child is not receiving the appropriate special education services following the incident, **please contact Legal Services NYC's Access Hotline at 917-661-4500**.



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