



Prevent • Intercede • Respond
to Sexual Harassment of K-12 Students

Implementation Guide



Disclaimer

This resource package was designed and written under the U.S. Department of Education (Department) Contract Number EDESE12O0035 by the National Center on Safe Supportive Learning Environments Technical Assistance Center (NCSSLE TA Center) operated by American Institutes for Research. Rita Foy Moss served as the contracting officer's representative (COR) for the NCSSLE technical assistance center.

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Acknowledgments

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The information in this resource package is informed by extensive listening sessions and other data-gathering efforts conducted by the Task Force. Safe Place to Learn is an outgrowth of a larger action plan for addressing sexual assault in our nation's schools, enhancing coordination across federal agencies to ensure Title IX compliance, promoting a positive school climate, and applying trauma sensitivity to everyday interactions. To that end, the project benefitted from collaboration and consultation with numerous public- and private sector experts in trauma, health care, public education, human services, and justice. We expressly wish to thank the following for their contributions.

Listening Session Participants

American Association of School Administrators; American Association of University Women; Association for Middle Level Education; Break the Cycle; California Coalition Against Sexual Assault; Coupeville School District No. 204, Coupeville, WA; End Rape on Campus; Girls Inc.; Idaho Coalition Against Sexual and Domestic Violence; Know Your IX; National Association of School Psychologists; National School Boards Association; National Sexual Violence Resource Center/Pennsylvania Coalition Against Rape; National Women's Law Center; Promoting Awareness/Victim Empowerment; SafeBAE; School Social Work Association of America; Sensibilities Prevention Services; Stop It Now!; Stop Sexual Assault in Schools; U.S. Department of Education, Office for Civil Rights and Office of Safe and Healthy Students; Wellesley College/Wellesley Centers for Women; and the White House Office of the Vice President

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A Note to Users of Safe Place to Learn

This document was prepared for administration and staff of students in kindergarten through high school. It is critically important to ensure that when addressing topics such as sexual harassment and violence in kindergarten through Grade 12, it is handled in an age-appropriate and developmentally appropriate way. Not surprisingly, approaches to educating kindergartners and elementary school students about this topic differ from approaches used for middle and high school students. Age, development, and maturity of students should be taken into account when preparing kindergarten through Grade 12 sexual harassment policies to safeguard against unnecessary exposure to complex and sensitive material.

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Introduction

Schools that provide safe, healthy, and supportive learning environments are made up of staff members and students who build on their strengths, face their weaknesses and prejudices, and address issues as they arise. They treat one another fairly and respectfully, and they know how to step in when someone is being bullied or harassed. Every school should be a safe place to learn, and every school should exert multiple efforts to that end, including the elimination of sexual harassment and sexual violence.

The Safe Place to Learn resource package incorporates and emphasizes three instruments with which many schools and districts are already working to create a school community committed to preventing discrimination based on sex and its most extreme corollary, sexual violence.

Title IX of the Education Amendments of 1972 (Title IX) is a federal law that protects people from discrimination based on sex in education programs and activities that receive federal financial assistance. Among other things, the Title IX sex discrimination prohibition protects against sexual harassment, including sexual violence.

Trauma sensitivity contributes to an environment that feels safe and accepting for everyone, including those who have experienced trauma.

Positive school climate fosters safety; promotes a supportive academic, disciplinary, and physical environment; and embraces respectful, trusting, and caring relationships throughout the school community.

With an emphasis on addressing peer-to-peer sexual harassment, Safe Place to Learn supports efforts to strengthen two strategies that support a healthy learning environment: (1) to comply with Title IX sex discrimination prohibitions and (2) to create a positive school climate. These strategies help mitigate three factors that interfere with learning, which are sexual harassment, implicit biases, and the presence of trauma. This package also includes information about trauma sensitivity, a concept new to some schools, which combines a commitment to manifesting a safe environment for everyone with the understanding that, every day, school staff members probably encounter persons who are affected by trauma.

Safe Place to Learn incorporates functional concepts that may be familiar from other types of training associated with managing a diverse educational community. The training ties these concepts to the goals of safety and respect by way of Title IX compliance, trauma sensitivity, and a positive school climate. These concepts include a commitment to gender equity, bystander mobilization, use of peer-to-peer strategies, addressing implicit biases, promoting healthy relationships, and enhancing individual respect and empowerment.

Summarized in this resource package, Dear Colleague Letters and other guidance documents issued by the U.S. Department of Education’s Office for Civil Rights (OCR) interpret and clarify Title IX regulations. For example, OCR Dear Colleague Letters and other guidance documents related to Title IX and sexual harassment explain the responsibility of recipient institutions to address sexually harassing conduct that creates a hostile environment. A hostile environment is created when harassing conduct is sufficiently serious to limit or deny a person’s ability to participate in or benefit from the school’s educational program. The letters and guidance documents covering harassment also discuss when conduct labeled as bullying may violate Title IX and its prohibition against retaliation. This toolkit as well as the Dear Colleague Letters and other guidance documents referenced in the toolkit are nonbinding and do not create or impose new legal requirements.

Implementation

The materials contained in this resource package aim to help three groups: (1) administrative leadership, (2) all building staff, and (3) staff responsible for interceding with and responding to students. The expectation is that district- and school-based leadership will study the administrative guide in preparation for disseminating the general staff training. Staff on coordinated response teams would complete district-wide training as well as the third training segment.

1. **Leading a Safe Place to Learn** is the guide for administrators, which makes a clear case for eliminating all forms of sexual harassment and developing a safe learning environment using the instruments of Title IX compliance, positive school climate, and trauma sensitivity. The instruments as described contribute to educational community efforts to prevent, intercede in, and respond to behavior contributing to sexual harassment. The guide contains information for working with your Title IX coordinator and using the three instruments to support positive change. The guide also emphasizes the need to make sure everyone is familiar with all school policies and procedures relevant to the topics covered in this resource and know where to find them.
2. **Staff E-Learning for Safe Place to Learn** for all building staff, including teachers, consists of three concise e-learning modules that include embedded handouts and additional resources.
 - Training module 1, *Sexual Harassment Under Title IX*, explains the school’s obligations with regard to sexual harassment; authority of the designated Title IX coordinator; range of unwelcome sexual conduct up to and including bullying and sexual harassment and violence; incidence and impact on students; and strategies for addressing *all* forms of harassment, not just those staff might consider severe.

- Training module 2, *School Climate and Learning*, describes major components needed to plan, implement, and evaluate efforts to build a positive school climate.
 - Training module 3, *Developmentally Appropriate Strategies to Prevent, Intercede, and Respond*, provides strategies for all staff to use to promote healthy relationships, teach bystander intervention, and handle allegations of sexual harassment.
3. ***Coordinated Response Team Planning Guide*** for staff responsible for intercessions with and response to students, including teachers, consists of a planning guide and training module for school staff teams developing a coordinated strategy to respond to sexual harassment incidents and allegations. Training module 4, *Trauma Sensitivity at School*, describes the impact and incidence of trauma among youth, effects on brain development, and strategies for management.

This resource package is prepared for school and school district staff members, and the benefits of involving students, families, and community stakeholders are noted throughout. Although it is beyond the scope of this material to say exactly how each school should go about involving these participants, some of the resources provided suggest ways the important perspectives and experiences of students, families, and community members might be included.

Components of the resource package can be used in ways that fit with a school or district's ongoing educational activities, including trainings. Schools may wish to start at the beginning and roll out all aspects of the trainings over the course of a year. Schools also could find certain topics of more urgent interest than others and may want to use the related components first. Some schools already may have dealt with some topics; others may use selected materials for ongoing staff conversation and refreshers. The content and resources found in this package are intended to support ongoing conversations in a school or district about preventing bullying and sexual harassment and violence and providing safe, supportive learning environments for all the nation's students.

Glossary

The following definitions provide user-friendly descriptions of terminology used to talk about the issues covered in the materials that make up this resource. In some cases, state law may have defined terms slightly differently, and it is readers' responsibility to know and abide by statutes that apply to their locality and school district. In other cases, official situation-specific definitions have yet to be codified. Therefore, the language employed is a best effort to concisely present essential aspects of each concept. They are not intended to be tested in a court of law.

Bullying is any unwanted aggressive behavior(s) by a youth or group of youths that involves an observed or perceived power imbalance and is repeated multiple times or is highly likely to be repeated.

Consent consists of words or overt actions by a person who is legally or functionally competent to give informed approval, indicating a freely given agreement to have sexual intercourse or sexual contact.¹ Consent *can* be withdrawn at any time. Consent cannot be obtained when an individual is incapacitated or by way of threat, coercion, or force.

Cultural competence is the ability of an individual or organization to interact effectively with people of different cultures. This interaction includes drawing on culturally based values, traditions, and customs and working with persons knowledgeable in the culture to plan, implement, and evaluate service activities. Some organizations use the terms cultural accountability and cultural responsiveness.

Cyberbullying is bullying that takes place using electronic technology.

De-escalation consists of interventions aimed at providing safety in situations in which a person affected by trauma has reached a crisis level of emotional agitation.

Gender-based harassment refers to unwelcome conduct based on an individual's actual or perceived sex, including harassment based on gender identity or nonconformity with sex stereotypes, and need not be conduct of a sexual nature.

Grievance procedures are the procedures that a school district uses to resolve complaints of sex discrimination promptly and equitably as required by Title IX. These procedures provide a mechanism for discovering and verifying incidents of sex discrimination as early as possible and for effectively correcting individual and systemic problems.

Harassment is conduct that can take many forms, including verbal acts and name-calling; graphic and written statements, which may include use of cell phones or the Internet; or other conduct that may be physically threatening, harmful, or humiliating. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.

Hostile environment, as related to Title IX, is the result of conduct carried out on the basis of sex that is sufficiently serious to limit or deny a student's ability to participate in or benefit from the school's educational program or activity.

¹ Because consent carries potential criminal ramifications and definitions vary throughout the country, the one used here has been taken from *Sexual Violence Surveillance: Uniform Definitions and Recommended Data Elements* (2014), CDC National Center for Injury Prevention and Control, Division of Violence Prevention. Retrieved from http://www.cdc.gov/violenceprevention/pdf/sv_surveillance_definitionsI-2009-a.pdf

Implicit bias consists of unconsciously held positive or negative mental attitudes that one person maintains about another person, thing, or group, typically expressed as judgments or behaviors.

Notice of nondiscrimination is a statement affirming that a federal funding recipient, in accordance with Title IX, does not discriminate on the basis of sex in the education programs and activities it operates.

Positive Behavioral Interventions and Supports (PBIS) constitute a framework or approach for assisting school personnel in adopting and integrating evidence-based behavioral interventions into an integrated continuum that enhances academic and social behavior outcomes for all students.

Positive school climate is a broad, multifaceted concept that involves many aspects of the student's educational experience critically related to school success. A positive school climate is the product of a school's attention to fostering safety; promoting a supportive academic, disciplinary, and physical environment; and encouraging and maintaining respectful, trusting, and caring relationships throughout the school community no matter the setting—from prekindergarten/elementary school to higher education.

Restorative practices is a social science that studies how to build social capital and achieve social discipline through participatory learning and decision making.

Retaliation is an act seeking to harm someone for exercising their rights, or an act seeking to stop someone from exercising their rights in the first place. With respect to Title IX prohibitions against sexual harassment, a school commits unlawful retaliation if a school representative intimidates, threatens, coerces, or discriminates against someone for the purpose of interfering with their rights under Title IX (including the right to speak or act against sexual harassment) or because they participated in any manner in an investigation of sexual harassment.

Secondary trauma is a trauma-related stress reaction resulting from exposure to another individual's traumatic experiences (also known as *vicarious trauma* or *compassion fatigue*), common among providers of survivor support services.

Self-care refers to actions that a person takes to promote good health on a daily basis as well as to manage emotional issues that arise from working with persons affected by trauma.

Sexual harassment is any unwelcome conduct of a sexual nature, including unwelcome sexual advances; requests for sexual favors; and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment can be carried out by school employees, fellow students, or third parties, which include students from other schools and people from outside the school.

Sexual violence is an extreme form of sexual harassment. It refers to physical sexual acts perpetrated against a person's will or at a time when a person is incapable of giving consent (e.g., because of the student's age or use of drugs or alcohol or because an intellectual or other disability prevents the student from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.

Social and emotional learning (SEL) is the process through which children and adults acquire and effectively apply the knowledge, attitudes, and skills necessary to understand and manage emotions, set and achieve positive goals, feel and show empathy for others, establish and maintain positive relationships, and make responsible decisions.

Title IX of the Education Amendments of 1972 is a section of a federal law that protects people from discrimination based on sex in education programs and activities that receive federal financial assistance. Among other things, the Title IX sex discrimination prohibitions protect against sexual harassment, including sexual violence.

Trauma is the result of an event, a series of events, or a set of circumstances that is experienced by an individual as physically or emotionally harmful or life-threatening and has lasting adverse effects on the individual's functioning and mental, physical, social, emotional, or spiritual well-being.

Trauma sensitivity is an approach to working with others that is designed to facilitate a sense of safety for all participants and incorporates into all interactions an awareness and understanding of trauma and its impact, whether or not trauma is recognized.

Triggers are anything—sights, sounds, smells, touches, tastes, or thoughts—associated with a past negative event that activates a memory, flashback, or strong emotion.

Safe Place
to Learn

