

# School Safety: Sexual violence, trafficking, harassment, and Title IX

by Derby Pattengill

## IN THIS BRIEF:

- ▶ Sexual violence and human trafficking defined
- ▶ Brief overview of harassment and Title IX
- ▶ Actions boards can take against sexual violence
- ▶ Sample questions for board members
- ▶ Relevant guidance and resources
- ▶ Relevant board policies and administrative regulations

The subject of school safety touches on many difficult topics beyond the risks of campus shootings or assaults. Governance teams must also address the prevention and response to sexual exploitation, harassment, and other forms of sexual violence. From policies to trauma-informed education, a foundational understanding of key issues and responsibilities can help board members ask informed questions when making decisions for their school districts or county offices of education.

The first portion of this brief provides a high-level overview of key terms and issues related to sexual violence, exploitation, and related issues. The second portion describes ways in which boards can support policies and school practices that create safer conditions for students through their governance role.

## What is sexual violence?

Sexual violence can be used to describe a range of crimes, including sexual assault, rape, sexual abuse, exploitation, incest, date rape, and human trafficking.<sup>1</sup> Sexual violence can also consist of sexual harassment, indecent exposure, forced sexual acts between children, stalking, showing, or distributing sexual images without consent, and other forms of violence or misogyny.

Research shows that sexual violence is widespread and has traumatic and long-lasting effects, not only on the victims, but also on their families.<sup>2</sup> According to data from the U.S. Department of Education's Office for Civil Rights, there were 14,938 incidents of sexual violence in K–12 schools in 2017–18 compared with 9,649 in 2015–16, representing a 55 percent increase.<sup>3</sup> These include incidents of rape, attempted rape and sexual assault.<sup>4</sup> Members of the lesbian, gay, bisexual, transgender, queer/questioning, intersexual, asexual/aromantic/agender (LGBTQ+) community are disproportionately reflected in the data as victims of sexual violence.<sup>5</sup>

It is crucial for educators, administrators, parents, and students to be aware of these forms of sexual violence and to work collaboratively to create a safe and supportive school environment.

## Sexual harassment and Title IX: A brief overview

Sexual violence in K-12 schools can take various forms, and it is essential to understand these manifestations to prevent and address them. One such form of sexual violence, sexual harassment, includes unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature that interferes with a student's education.

Title IX of the Education Amendments of 1972, 20 U.S.C. §1681, defines sexual harassment in the context of schools and protects people from discrimination based on sex. It states, "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."<sup>6</sup> While this brief does not provide an exhaustive exploration of Title IX or provide direct legal guidance, ensuring a local educational agency (LEA) complies with Title IX is one important way to improve safety.

Sexual harassment and bullying can occur in person or online through electronic communication, social media, or text messages.<sup>7</sup> Inappropriate touching or groping without consent is also a form of

sexual violence.<sup>8</sup> Sexual assault involves any non-consensual sexual activity, such as rape or attempted rape.<sup>9</sup>

When students share explicit images or messages without consent, it can lead to further exploitation and harassment.<sup>10</sup> Adults or older students may engage in grooming behavior to manipulate and exploit younger students sexually.<sup>11</sup> Students may also be pressured or coerced into engaging in sexual activities against their will.<sup>12</sup>

**Rape, Abuse & Incest National Network (RAINN)** defines grooming as a tool abusers use to gain access to their victims. Grooming is manipulative behaviors that can take place online or in person.

Grooming behavior patterns can include:

**Victim selection:** Abusers often observe possible victims and select them based on ease of access or perceived vulnerability.

**Gaining access and isolating:** Physically or emotionally separating a victim from those protecting them and seeking out positions in which they have contact with minors.

**Trust development and keeping secrets:** Gaining trust through gifts, attention, sharing “secrets,” and other means to make them feel that they have a caring relationship and to train them to keep the relationship secret.

**Desensitization to touch and discussion of sexual topics:** Touching a victim in ways that appear harmless: hugging, wrestling and tickling, and later escalating to increasingly more sexual contact, such as massages or showering together. Abusers may show victims pornography or discuss sexual topics with them to introduce the idea of sexual contact.

**Attempt to make the behavior seem natural** to avoid raising suspicions. Teens, who may be closer in age to the abuser, may have a harder time recognizing tactics used in grooming.

## Human trafficking

Human trafficking is the exploitation of an individual through force, coercion, or deception. Human trafficking, in the form of labor or sex trafficking, is a worldwide problem that impacts millions of individuals.<sup>13</sup> In a press statement on Jan. 19, 2023, the U.S. State Department reported that nearly 28 million people are trafficked worldwide.<sup>14</sup> While precise data on California’s children and youth

is not available, the National Human Trafficking Hotline states that of 1,334 cases reported in 2021, 20 percent involved minors.<sup>15</sup>

Human trafficking can impact K-12 students in many ways, and this section offers general background on potential indicators that a student has experienced or is experiencing sexual trafficking. It is important to remember that these indicators are not definitive proof of human trafficking but should raise concerns and prompt further investigation. As mandated reporters, staff, teachers, counselors, and administrators should be trained to recognize these signs and follow established reporting procedures to protect students and involve appropriate authorities. Collaboration with local law enforcement and child protective services is crucial in addressing suspected cases of human trafficking within the school community.

Students may or may not exhibit signs that suggest they are being trafficked, and many indicators can also be signs of other issues.<sup>16</sup> There are, however, some behaviors or home conditions of which educators should be aware that may be associated with exploitation. Drastic changes in a student’s behavior, such as withdrawal from friends, changes in hygiene, or increased aggression, may signal emotional distress or manipulation. Some traffickers use drugs to control their victims. Educators should be trained to look for signs of substance abuse, unexplained drug paraphernalia, or sudden shifts in a student’s behavior related to substance use.

Human trafficking often involves grooming, manipulation, and exploitation of vulnerable students. Grooming is a process in which a trafficker builds trust and dependency with a potential victim. This may involve excessive gifts, attention, or favoritism from an older individual. School staff are advised to watch for unverified adults who frequently visit or pick up a student from school, especially if they do not have legal custody or are not school-approved guardians.

Students who are consistently absent from school, especially those with no apparent explanation, or who have a sudden decline in their academic performance may be at risk of trafficking, because traffickers may keep their victims out of school to maintain control.<sup>17</sup>

Other potential indicators of trafficking include:

- ▶ Sudden possession of expensive items a student cannot afford, such as designer clothing or electronics
- ▶ Multiple cell phones or communication devices
- ▶ Frequent changes in a student’s residence, especially if they move in with an older individual<sup>18</sup>

Some traffickers force students into the commercial sexual exploitation of children. California Penal Code 236.1 states that, “sex trafficking of juveniles is separately defined as causing, inducing, persuading, or attempting to cause, induce or persuade a minor to engage in a commercial sex act.”<sup>19</sup> California is ranked number one in the United States for sex trafficking, with 2,122 individuals trafficked in 2021, 246 cases (cases may involve more than one victim) involved minors.<sup>20</sup>

Educators and other LEA staff should be vigilant for signs of commercial sexual exploitation, such as having multiple partners or

unexplained sexual activity (overt and/or inappropriate sexual behavior with peers and/or teachers). Victims of trafficking may exhibit signs of emotional manipulation, such as being overly submissive or fearful of certain individuals. Traffickers often isolate their victims from their friends and family to exert control. A student who cuts off communication with loved ones may be at risk. Victims may be closely monitored and unable to speak freely. They may seem anxious or fearful when discussing their relationships.

## What can boards do to address the issue of sexual violence?

There are several ways that governing boards can address sexual violence and other forms of exploitation. The remainder of this brief outlines some of these opportunities for improving student safety and well-being.

### *Establish comprehensive policies*

LEAs are encouraged to develop a set of comprehensive policies that explicitly address sexual violence prevention, reporting, and response. This brief provides a list of sample policies available to CSBA GAMUT Policy and Policy Plus subscribers (see page X). Forming a subcommittee or task force dedicated to addressing prevention and reporting can be useful when drafting or updating relevant policies. LEAs are advised to collaborate with experts, educators, students, parents, and community organizations to gather resources and educate on the risks of sexual violence. LEAs are also encouraged to seek legal counsel to ensure compliance with state and federal laws and to review the U.S. Department of Education's Title IX guidance. In addition to CSBA's sample policies, board members may also review model policies from organizations such as the Rape, Abuse and Incest National Network (RAINN) or the National Center for Safe Supportive Learning Environments.

### *Prevention and education programs*

Best practices to prevent sexual violence include implementing evidence-based prevention and education programs that promote healthy relationships, consent, and bystander intervention, and using appropriate curriculum materials and resources. Professional development for educators and staff is encouraged to deliver these programs effectively. Staff should evaluate the impact of these programs regularly, share relevant findings with the board, and adjust as needed. LEAs are also encouraged to seek guidance from organizations such as Futures Without Violence or Love is Respect or collaborate with local community organizations that specialize in sexual violence prevention.

### *Reporting and support systems*

It is imperative that LEAs establish clear reporting mechanisms for students and staff and ensure access to support services for survivors

of sexual violence. LEAs can develop a confidential reporting system and ensure staff are trained to respond appropriately. Partnering with local crisis centers or counseling services for survivors and providing information on available resources to students and families supports access. LEAs can consult with organizations such as RAINN or a local domestic violence and sexual assault services provider. Governance teams are encouraged to familiarize themselves with Title IX requirements related to reporting and support.

## Regular assessment and improvement

LEAs are encouraged to establish a system for regular assessment and improvement of sexual violence prevention and response efforts. This can be done by conducting annual surveys or focus groups with students and staff to gather feedback and reviewing and updating policies and programs based on feedback and evolving best practices. Additionally, monitoring and reporting on the effectiveness of these efforts to the community builds trust and aids communication. LEAs can use tools and resources provided by the National Sexual Violence Resource Center and stay informed about changes in relevant laws and regulations.

## Questions for governance teams to consider

By following suggested recommendations and asking questions, governance teams can take significant steps toward addressing sexual violence and creating safer learning environments for all students. Collaboration with education and community partners and ongoing evaluation of policies and programs are key to success in this endeavor. In addition to familiarizing themselves with local compliance with Title IX regulations, board members can review the questions below to inform discussions with LEA staff.

- 1) How can the LEA ensure that our sexual harassment and violence policies are inclusive and consider the unique needs of all students, including those with disabilities, LGBTQ students, students with language barriers, and students from diverse backgrounds?
- 2) How can the LEA provide clear guidelines on reporting procedures, confidentiality, and support for survivors? What measures will be taken to protect the confidentiality of survivors?
- 3) How can the LEA ensure that our prevention programs are age-appropriate and culturally sensitive?
- 4) How will the LEA measure the effectiveness of these programs and make necessary adjustments?
- 5) How can the LEA ensure that our reporting process is accessible and sensitive to the needs of all students, including LGBTQ students, students from diverse backgrounds, and those with disabilities or language barriers?
- 6) How will the LEA track and measure progress in reducing sexual violence incidents within the LEA?

- 7) How can the LEA ensure ongoing community engagement and transparency in our efforts?
- 8) How does the LEA communicate policies/reporting procedures to students and parents?
- 9) What mental health resources are available through the LEA for survivors of sexual exploitation to access?

## Relevant resources

### Centers for Disease Control and Prevention (CDC)

Information in English and Spanish on sexual violence and sex trafficking, including fast facts, resources and prevention strategies.

Sexual Violence | Violence Prevention | Injury Center (cdc.gov)

\*\*\* no links provided above — please provide! \*\*\*

### National Center on Safe and Supportive Learning Environments

School climate information, implementation resources, and tools for administrators, educators, staff, families and community members.

National Center on Safe Supportive Learning Environments (ed.gov)

### For educators and staff

#### Safe Place to Learn Implementation Guide

For administration and staff of students in kindergarten through high school, to address topics such as sexual harassment and violence in kindergarten through grade 12.

Safe Place to Learn Implementation Guide (ed.gov)

#### Leading a Safe Place to Learn: Implementation Guide for Administrators

Guide and resource package on three topics for creating a school community committed to preventing sexual harassment, which includes sexual violence. Title IX of the Education Amendments of 1972 (Title IX) protects people from discrimination based on sex in education programs and activities that receive federal financial assistance. Among other sex discrimination prohibitions, Title IX protects against sexual harassment, including sexual violence.

Implementation Guide for Administrators (ed.gov)

#### U.S. Department of Education

Sexual harassment resources from the U.S. Department of Education include a FAQ on sexual harassment and sexual violence, a checklist for addressing sexual harassment, and a Q&A on campus sexual misconduct.

Sexual Harassment Resources (ed.gov)

### National Sexual Violence Resource Center

Information sheet on facts about sexual violence and its impacts on victims.

National Sexual Violence Resource Center

### National Sexual Assault Hotline

Call **800.656.HOPE** to be connected with a RAINN support specialist or a local center from RAINN's network of more than 1,000 sexual assault service providers throughout the country. Survivors and loved ones can access help online ([online.rainn.org](https://www.rainn.org)) through a chat-based platform on any Internet-connected device. The confidential platform provides support to thousands of survivors each month, many of whom are disclosing their experience for the first time.

### The Commercial Sexual Exploitation of Children (CDE)

This California Department of Education [webpage](#) provides a current list of resources that provide information about the prevention and identification of commercial sexual exploitation of children, in addition to supports for survivors.

## Relevant CSBA board policies and administrative regulations

CSBA GAMUT Policy and Policy Plus subscribers have access to sample policies. The following are sample policies and administrative regulations relevant to sexual violence and Title IX.

- ▶ BP 0400 - Comprehensive Plans
- ▶ BP 0410 - Nondiscrimination in District Programs and Activities
- ▶ BP/AR 4030 - Nondiscrimination in Employment
- ▶ BP/E(1) 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures
- ▶ BP/AR 5131.2 - Bullying
- ▶ BP 5137 - Positive School Climate
- ▶ BP/AR 5141.4 - Child Abuse Prevention and Reporting
- ▶ BP/AR 5142 - Safety
- ▶ BP/AR 5145.3 - Nondiscrimination/Harassment
- ▶ BP/AR 5145.7 - Sexual Harassment
- ▶ BP 5145.9 - Hate-Motivated Behavior
- ▶ BP/AR 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction
- ▶ BP 6159.4 - Behavioral Interventions for Special Education Students



## Endnotes

- 1 Rape, Abuse and Incest National Network. (n.d.). Types of Sexual Violence. RAINN. Retrieved Sept. 7, 2023, from <https://csba.pub/3TAOMEb>.
- 2 RAINN. (2023). Victims of Sexual Violence: Statistics. <https://csba.pub/3Ve3t1h>
- 3 US Department of Education. (2022). Sexual Violence (PDF). Civil Rights Data Collection. Retrieved Sept. 7, 2023, from <https://csba.pub/485iuJb>.
- 4 See Endnote 3.
- 5 Human Rights Campaign. (n.d.). Sexual Assault and the LGBTQ Community. <https://csba.pub/4cia2WMM>
- 6 US Department of Education. (2021, August 20). Title IX and Sex Discrimination. Department of Education. Retrieved Sept. 10, 2023, from <https://csba.pub/3IFO8ix>.
- 7 US Department of Health and Human Services. (2023, May 8). California Anti-Bullying Laws & Policies. StopBullying.gov. Retrieved Sept. 10, 2023, from <https://csba.pub/3IEq9jl>.
- 8 Rape, Abuse and Incest National Network. (n.d.). Sexual Harassment. RAINN.org. Retrieved Sept.10, 2023, from <https://csba.pub/3VjrOTf>.
- 9 See Endnote 8.
- 10 Temple, J. R., Paul, J. A., & van dem Berg, P. (2012, September). Teen Sexting and its Association with Sexual Behaviors. JAMA-Pediatrics, 166(9), 828-833. <https://csba.pub/3v1ReKF>
- 11 Darkness to Light. (n.d.). Grooming and Red Flag Behaviors. Darkness to Light. Retrieved Sept.r 10, 2023, from <https://csba.pub/3wSMI1n>.
- 12 Talk With Your Kids. (2021). Sexual Coercion. Talk With Your Kids. Retrieved Sept. 10, 2023, from <https://csba.pub/3wOYhqi>.
- 13 Public Policy Institute of California. (2023). Human Trafficking in California. <https://csba.pub/49PUgkb>
- 14 U.S. Department of State. (2023). National Human Trafficking Prevention Month 2023. <https://csba.pub/4agtz8b>
- 15 National Human Trafficking Hotline. (2021). California. <https://csba.pub/49U4IMQ>
- 16 National Center on Safe Supportive Learning Environments. (n.d.). Indicators | National Center on Safe Supportive Learning Environments (NCSSLE). National Center on Safe Supportive Learning Environments. Retrieved Sept. 7, 2023, from <https://csba.pub/43gM75S>.
- 17 U.S. Department of Education, Office of Safe and Supportive Schools. (2021). Human trafficking in America's schools: What schools can do to prevent, respond, and help students to recover from human trafficking (2nd ed.). <https://csba.pub/3T9YVX2>
- 18 See Endnote 16.
- 19 State of California Department of Justice. (n.d.). What is Human Trafficking? <https://csba.pub/43kq2mJ>
- 20 See endnote 15.

