

# Are Schools Prepared to Respond to Sex Abuse? Latest Probe Reveals Shortcomings

## Chicago one of many districts falling short on Title IX

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September 24, 2019

A historic agreement [overhauling the Chicago district's sexual-harassment and -assault policies](#) raises a troubling insight for K-12 districts nationwide: Chicago's dysfunction in responding to sexual violence in school is probably not an anomaly.



The findings from the probe released Sept. 13 by the U.S. Department of Education's office for civil rights document a complete breakdown of Chicago's systems for protecting students from sexual harm. But many other districts also appear to be failing to meet even basic requirements under Title IX—which governs sex discrimination in K-12 schools and in colleges—to appoint a coordinator and publicize their resolution processes, experts say. They, too run the risk of attracting similar bad press and, more importantly, failing to support vulnerable students in their care.

In most districts, those observers point out, Title IX coordinators juggle their duties alongside several others, and few of them get any intensive training on how to follow the law—or do right by students dealing with traumatic life events.

"It should be exceptionally concerning because, yes, we expect the larger school districts that have more budget for more central-office personnel, they should at least have the awareness and wherewithal to have somebody appointed and trained and knowledgeable about these federal guidelines and mandates," said Elizabeth J. Meyer, an associate professor of education foundations, policy, and practice at the education school at the University of Colorado at Boulder. "For a district of that size to be out of compliance for that long and for us to see the intense consequences should be a huge wake-up call to the educational community."

There are also signs that sexual harassment in schools is on an uptick—or at least is being reported more often. OCR officials say they've seen a "steady and substantial" increase in sexual-harassment and -violence claims. And in a separate study issued just weeks ago, the statistical wing of the Education Department found a significant increase in schools reporting an incidence of sexual violence—from 3 percent to 5 percent from the 2015-16 to the 2017-18 school years.

The Chicago announcement came as sexual harassment remains a hot topic in public discourse.

"Over the last several years, Americans have become increasingly aware of sexual violence on college and university campuses. This case may be a wake-up call that the problem exists on elementary and secondary campuses as well," said Kenneth Marcus, the assistant secretary for civil rights at the Education Department. "This is something we cannot stand for, cannot tolerate."

### Local Fallout

The findings show that Chicago officials failed to systematically investigate complaints and sometimes displayed outright indifference toward students facing sexual harassment or violence.

OCR officials called the probe the agency's most comprehensive Title IX investigation ever in a large, urban school setting. Investigators reviewed 2,800 student-on-student complaints of sexual harassment and 280 complaints from students about adult conduct in the district over the last decade.

As the agreement was made public, Chicago officials quickly pointed to comprehensive reforms the district has undertaken since last June, many of which are also required under the terms of the federal

agreement.

"We will not be satisfied until I and every CPS parent believe we have created a safe and supportive district culture," schools CEO Janice Jackson wrote in a letter to parents, community members, and staff.

Even so, the reverberations could continue for months as the district fulfills the terms of the agreement.

Two complaints to the OCR prompted the investigation, both from young women in high school. One alleged that a teacher's inappropriate advances escalated, until he ultimately forced oral sex on her. In the other, a student on her way home from school said she was surrounded by a group of boys, some she recognized from school, who then raped her inside a vacant building.

But the OCR investigation turned up thousands of other incidents of students being touched or assaulted against their will or being threatened with violence for reporting harassment. Some educators were found to have groomed students for sex.

The district, the investigation found, failed to investigate in some cases, failed to communicate the results to the students or their families in others, or did not provide emotional and educational supports to the students.

And for nearly two decades—from 1999 to 2018—the district did not even have a Title IX coordinator, a basic responsibility under federal law. When Chicago finally designated a coordinator in December, that person did not have full authority to conduct investigations and also represented the district in private lawsuits and complaints dealing with alleged sexual harassment—a conflict of interest.

In her letter, Jackson also pointed to stricter background checks of all staff and volunteers the district conducted last year, the creation of a Student Bill of Rights, and the formation of a centralized Title IX office. Marcus, the assistant secretary, said the department was "pleased" with those steps.

"Nevertheless, it is clear there is a great deal more they need to do," he said.

## What Districts Can Do

Advocates were split on whether the Education Department's crackdown on Chicago signals more vigorous enforcement going forward, or whether it wanted to make an example out of two egregious—and well-publicized—breakdowns. (Earlier this month, the department levied a record \$4.5 million fine against Michigan State University for its Title IX failures related to its handling of complaints against Dr. Larry Nassar, who was accused of sexually abusing hundreds of young women, including some Olympians, and was convicted on multiple accounts of sexual abuse of minors.)

"This resolution, and the similar content in the recent Michigan State University resolution agreement, reflect that OCR remains willing to hold funding recipients' feet to the fire on Title IX compliance and to

## What's Next for Chicago?

The agreement with the U.S. Department of Education's Office for Civil Rights specifies that the Chicago school district must:

- Require that the Title IX coordinator report directly to CEO Janice Jackson.
- Ensure that employees who handle complaints of sex discrimination be different from those who represent the district in litigation on those issues.
- Review its Title IX policies and grievance procedures to ensure they provide for quick, fair resolutions of complaints, and provide notice to all parents, students, and employees about where to file complaints.
- Authorize the Title IX coordinator to oversee the training of employees in the new grievance process and monitor its effectiveness.
- Annually train all employees responsible for investigating and resolving complaints of sexual harassment.
- Provide training every year for students and parents on the district's sexual harassment policies.
- Review the conduct of employees who failed to take appropriate action involving a student and sanction them, including via counseling, demotion, or firing.
- Re-hear complaints from 2016 from those who believe the district mishandled theirs.

Source: U.S. Department of Education

publicize that enforcement vigor to other colleges and school districts," said a spokeswoman for the Association of Title IX Administrators.

But many others were far less convinced of a lasting change in practice. Districts continue to be reactive in their handling of Title IX, training remains incredibly haphazard, and cultural obstacles are legion—especially decades of normalization of sexual harassment that remains hard to overcome.

"I'm applauding that effort, but I'm not sure how much change it's going to make," said Joel Levin, who co-founded Stop Sexual Assault in Schools, a nonprofit advocacy and resource group.

More effective, he suggests, are publicizing examples of Title IX best practices and training that schools can draw on. "School districts can be proactive, and it wouldn't cost them a lot of money, but they don't know what steps to take," Levin said.

Most districts, as a basic first step toward better practice, should designate a coordinator and make it easy to find Title IX information on their websites. Even that seemingly simple step is often neglected. The University of Colorado's Meyer, who studies sexual-harassment processes in schools, recently examined websites from a sample of 400 school districts nationwide and found only seven that listed Title IX information.

One good example? Portland, Ore., whose website clearly lists the Title IX coordinator, allows students to submit reports online, and explains the complexities of the law in an attractive, graphic format on its website. That was the brainchild of Portland's newly appointed Title IX Director, Liane O'Banion.

"I believe that the best way we can serve students consistently and fairly and holistically, from that trauma-informed default, is to centralize the response when these things happen in the building," she said, rather than putting the onus on individual principals.

Still, the ambiguous structure of Title IX itself presents more conceptual challenges for districts to overcome. Meeting the federal requirements—and protecting the district from liability—often clashes with the crucial job of ensuring that students reporting harassment receive support and care. But it doesn't have to.

"Title IX is an opportunity to educate and interrupt problematic behaviors in a developmental way, so we ultimately support kids and teach kids expectations for the world that will come next," O'Banion said.

### **All Eyes on Washington**

Education Department watchers, meanwhile, struggled to square the OCR's recent Title IX enforcement actions with other policy shifts critics say have weakened the law.

One of U.S. Secretary of Education Betsy DeVos' first moves at the agency was to rescind Obama administration guidance directing schools to apply Title IX's sex-discrimination language to transgender students. The Education Department has also taken fewer OCR actions in response to LGBTQ-related complaints, independent reports show.

DeVos has also proposed regulations on Title IX policy that higher education officials say would make it harder for victims to prevail in a Title IX grievance.

"What I see is the OCR's enforcement arm is at cross-purposes with its policymaking arm," Levin said.

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