

You have a right to be **safe from harassment** at school. In Texas public schools, harassment can include threats to cause you harm or bodily injury, sexually intimidating conduct, damaging your property, physically confining or restraining you, or other malicious acts like name-calling that are severe enough to substantially harm your physical or emotional health or safety.¹ The Texas Education Code requires public schools to prohibit, and take steps to prevent, student harassment.² Several federal courts have also found it unconstitutional if schools fail to enforce their anti-harassment policies equally on behalf of all students.³

If you have been harassed by someone at your public school, the first thing you should do is **make sure you are safe**. After that, you should **report the harassment**. Every public school district in Texas has its own policy on how to report harassment, usually contained in **Board Policy FFH**.⁴ The guidelines below are based on some common policies, but you should **check your school's policies** and follow them closely. If you can't find the policies online, ask for a copy in the school office.

When you report harassment, be sure to **keep a written record** of each step you take, including copies of anything you give the school and the dates each event happened. If reporting the harassment does not put an end to it, contact the ACLU of Texas⁵ to ask for help.

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¹Tex. Educ. Code § 37.001(b)(2).

²Tex. Educ. Code § 37.001(a)(7)-(8).

³Nabozny v. Podlesny, 92 F.3d 446, 454-58 (7th Cir. 1996) (harassment against LGBT student); Flores v. Morgan Hill Unified Sch. Dist., 324 F.3d 1130, 1134-35 (9th Cir. 2003) (same).

⁴Tex. Educ. Code § 37.0832(c)(6).

⁵www.aclutx.org/request-legal-assistance

⁶Tex. Educ. Code § 37.001(a)(7).

⁷Tex. Educ. Code § 37.083(c)(3).

⁸Tex. Educ. Code § 26.004.

⁹Tex. Educ. Code § 37.0832(c)(2).

Learn more online:

www.youthrightstx.org

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How to Report Harassment in Public School

Know Your Rights



Q&A

When should I report harassment to my school?

You should report harassment – whether it is committed by a student, a teacher, or any other school employee – as soon as possible after it happens.

How do I report harassment?

Make a *written* report stating that you have been harassed, and provide information about who harassed you, where and when it happened, what the harasser did to you, and who else saw what happened. In many districts, you should usually give your report to the principal, but you do NOT have to report harassment to the person who is harassing you. If your principal is the one harassing you or if you are uncomfortable reporting to your principal for any other reason, give your report to a teacher, the superintendent, or (in cases of sexual harassment) the Title IX coordinator.

Keep a dated copy of your written report, and any other documents you provide to or receive from your school about your report of harassment.

Some districts have a complaint form for reporting harassment. Check your district's policy or ask a counselor or administrator if you need a special form.

Is my report private?

Some districts have policies requiring school administrators to respect your privacy as much as possible. However, many also *require* school administrators to notify your parents, and sometimes the superintendent or Title IX coordinator, that you have been harassed.⁷ Your parents can also ask for a copy of any written records the school has about you.⁸ Finally, be aware that the person investigating your report may have to give some information about it to others in order to conduct the investigation.

Reporting harassment is the only way to be sure your school is legally responsible for addressing the problem, but if you can't file a report because of privacy concerns, consider sending an anonymous letter to the superintendent so that your school will know harassment is occurring. You can also ask the ACLU of Texas to help persuade your school to address harassment more generally.

What if the person I complained about tries to get back at me?

You can be punished if you intentionally make a false report, but school employees may *not* retaliate against you for honestly reporting harassment.⁹ If they do, or if a student you complained about continues harassing you, make another written report to the principal right away. You can also contact the ACLU of Texas to ask for help.

What if the school doesn't believe my report or ignores it?

Some districts allow you to file an appeal through the normal grievance procedure if the school rejects, or fails to respond promptly to, your report of harassment. If your school rejects or ignores your report, contact the ACLU of Texas to request help.

What happens next?

In many districts, if what you report sounds like harassment, the school will begin an investigation to confirm your story. The investigator may ask you for a written or oral description of what happened; review other documents relating to the incident; or interview the person who harassed you or others who witnessed the harassment. This investigation must be completed *promptly*—in some districts, within 10 business days of your report.

In any district, if you have not heard back from the person you reported the harassment to after 10 business days, inquire in writing about the status of your complaint. Keep a copy of your inquiry and make a written record of who you gave it to and the answer you received.

If, after investigating, the school concludes that you were harassed, it must respond *promptly* by taking disciplinary or corrective action to try to stop the harassment.⁶

Can I tell my parents or friends that I have reported harassment?

You may talk to others about the harassment report, and it is a good idea to discuss it with a parent or another adult you trust. But be aware that what you say to friends, reporters, or online may be used by your harasser or your school to discredit your report. Even true statements can be damaging if they are made in anger or can be misinterpreted to sound inconsistent with what you said in your report.

Be very cautious about making statements online. Even with privacy settings, your posts can often be located by anyone with an internet connection, including the media and your harasser.