

## Parent FAQ Student on Student Sexual Harassment

### What is Sexual Harassment?

Under Title IX and FCPS Regulation 2118, Sexual Harassment is conduct based on sex, which occurs at an FCPS school during an FCPS school-sponsored activity, program or event that is one or more of the following:

1. Unwelcome conduct that is so severe, pervasive, and objectively offensive that it effectively denies a student equal access to an FCPS education program or activity; and/or
2. Dating Violence, Domestic Violence, Sexual Assault, or Stalking (each term is specifically defined in FCPS Reg. 2118 and 2601.35P)

### Examples of Sexual Harassment:

- A student is threatened, followed, and suffers substantial emotional distress as a result.
- A student is intentionally groped under the clothes on their private body part.
- A serious pattern of sexualized conduct directed toward a student while that student is in school or on a school-issued electronic device.

### If my child is the victim of Sexual Harassment, to whom do I report?

- For in-school intervention and support, report to any school employee and/or report directly to FCPS Title IX Coordinator at [titleixcoordinator@fcps.edu](mailto:titleixcoordinator@fcps.edu).
- If you want criminal charges to be filed, report to the local police.

### How do I file a formal Title IX Complaint for Sexual Harassment?

- You can file a complaint anytime online at [titleixcoordinator@fcps.edu](mailto:titleixcoordinator@fcps.edu).
- You can drop it off in-person or mail it via U.S. Postal Service it to:  
Office of Equity and Employment Relations  
8115 Gatehouse Road, 2nd Floor  
Falls Church, VA 22042  
Phone: 571-423-3070  
Email: [titleixcoordinator@fcps.edu](mailto:titleixcoordinator@fcps.edu)

### What if I don't want to file a Formal Title IX Complaint, but just want the FCPS student's behavior to stop?

- Depending on the behavior, a response from FCPS may be limited if the report is informal. However, your student will always be offered supportive measures to help them remain safe in school.
  - Examples of Supportive Measures (not a comprehensive list):
    - Referral to counseling
    - Changing bus assignment
    - Changing class schedule
    - Reassignment of locker
    - Increased security and monitoring
    - No-contact orders between people.
- FCPS strongly recommends reporting all incidents to any school employee at any time.
- There is no time limit on reporting an incident.

### Will reporting the incident or filing a Complaint make the situation worse?

- FCPS specifically forbids people from taking any negative action against you because of reporting or participating in an investigation. This threat or punishment is called retaliation.
- Complaints of retaliation are investigated and can have disciplinary consequences.

### Can parents file a Formal Title IX Complaint on behalf of their child?

- Yes. Under FCPS Regulation 2118, a FCPS parent or guardian may sign a formal complaint.

### **What is the Formal Title IX Complaint process?**

1. The Title IX Coordinator will work immediately with the Principal at your school to offer supportive measures to all students involved in the Complaint.
2. The Title IX Coordinator will review the Complaint and evaluate whether the allegations meet the definition of Sexual Harassment in FCPS Reg. 2118.
3. If the incident rises to the level of Sexual Harassment, then the case is assigned to a Title IX Investigator and the investigation begins.
4. If the incident does not rise to the level of Sexual Harassment, then the matter will be referred to the school administrator for follow up and resolution.
5. The Title IX Investigator is responsible for contacting all the parties involved and witnesses and reviewing all relevant information related to the incident.
6. After the Title IX Investigator is done gathering evidence, the case is sent to the Hearings Office for a final decision. You will receive a written decision based on the evidence.

### **How long does the Title IX process take?**

- Investigations are to be conducted within 30 business days of the filing of the Formal Complaint.
- At any point during the process, the Hearings Office or the Title IX Coordinator may extend the time frames for good cause with notice to the parties.
- FCPS will do its best to resolve formal complaints within 60 business days (not including appeals).
- Supportive Measures will continue to be in place during the entire process.

### **What rights does a student have during the Formal Title IX Complaint Process?**

- The right to be treated with respect and dignity by FCPS school administrators.
- The right to Supportive Measures; nothing punitive until process is completed.
- The right to be safe at school.
- The right to see all the evidence presented.
- The right to file a Title IX Complaint at any time.
- The right to have parents and an advisor present during meetings and interviews.
- The right to be free from retaliation.
- The right to have formal complaints resolved in accordance with FCPS Reg. 2118.
- To be informed in writing of the resolution of the complaint and any decision issued.

### **What if the incident is NOT Sexual Harassment under Title IX, but is still of a sexual nature? This is Sexual Misconduct.**

Sexual Misconduct is unwanted conduct of a sexual nature, but not as severe as Sexual Harassment. Misconduct generally refers to isolated incidents, and not a pattern of conduct. This can include unwelcome sexual advances, regardless of sexual orientation; requests for sexual favors; and other inappropriate verbal, electronic, or physical conduct of a sexual nature.

#### Examples of Sexual Misconduct:

- A student's "butt" is grabbed by another student in school.
- A student receives one Snapchat photo from another student who was naked.
- A student is touched on the thigh by another student on the bus.

This type of incident is handled at the school level, and therefore, you should report the incident to an administrator at the school. Any conduct violations or discipline that is issued by the Principal or the Hearings Office arises from the Students Rights and Responsibilities Handbook, FCPS Reg. 2601.