

Speaking Up

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TEEN DATING VIOLENCE HOMICIDE LEADS TO SEXUAL HARASSMENT LAWSUIT

The mother of a teenager who was murdered by her ex-boyfriend while at school has filed a suit against the school district under Title IX, a federal law prohibiting sex discrimination in public schools. This month, Carolyn Mosley filed a lawsuit against the Austin (Texas) Independent School District seeking \$23.2 million in damages for the wrongful death of her daughter, Ortralla Mosley. The suit claims that school officials violated Ortralla Mosley's rights by failing to protect her, reports the *Austin American Statesman*.

Ortralla Mosley was stabbed to death in March by her former boyfriend, Marcus McTear. Both Mosley, age 15, and McTear, age 16, were students at Reagan High School, where the murder occurred. Mosley had broken up with McTear the day before her murder.

On the day of the murder, Mosley told teachers that McTear was "becoming increasingly violent with her and that she was worried about her safety," reports the *Christian Science Monitor*. Two hours later, McTear stabbed Mosley to death.

In juvenile court, McTear admitted his guilt and was sentenced to three to 40 years in detention. Carolyn Mosley also filed a wrongful death suit against McTear's family, which was settled in October for \$300,000. The lawsuit claimed that Ortralla Mosley died because the McTears failed to adequately control, supervise and discipline their son, according to the *Austin American Statesman*. It also said the parents knew about their son's violent tendencies toward his girlfriends.

Title IX

Congress enacted Title IX in 1972 to prohibiting sex discrimination in education. While the law is frequently cited to protect female athletes' equal access to school sports, it also has been used to prevent student-to-student sexual harassment. In 1999, the U.S. Supreme Court ruled that school districts must address student-to-student harassment and that they can be held liable for the harassment if school officials knew about it and did not take action to stop it. But legal experts note that these cases can be hard to win and that many suits of this type have failed, according to the *Monitor*.

Carolyn Mosley's lawsuit against the Austin school system claims that McTear harassed her daughter, and the school did nothing to stop it. The suit contends that McTear had a

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history of assaulting female students on the school's campus, and that schools officials were aware of the assaults but "did not take effective corrective action," reports the *Monitor*. The lawsuit also claims that, after Ortralla told teachers that she was concerned about her safety, they made no attempt to protect her.

Legal experts say that Carolyn Mosley's lawsuit against the Austin school system is one of the largest suits citing Title IX in terms of monetary demands, and the first Title IX lawsuit involving death. Mosley's attorney, Sergei Kachura, expects that the case will go to trial in the next few months. The Austin Independent School District has not commented on the suit, but the District's general counsel Mel Waxler told the *Austin American Statesman* that attorneys for the District "will actively seek dismissal of all claims asserted by Mrs. Mosley."

Teen Dating Violence

"Ortralla Mosley's murder is a tragic reminder that violence occurs much too often in teen relationships," said Family Violence Prevention Fund (FVPPF) President Esta Soler. "Dating violence affects women regardless of their age, but teens are particularly vulnerable." Women age 16 to 24 experience the highest per capita rate of intimate partner violence, according to the U.S. Department of Justice. A 2001 study published in the *Journal of the American Medical Association* found that up to one in five teenagers are victims of dating violence, experiencing physical and/or sexual abuse by a dating partner while in high school. And a 1996 study of eighth and ninth graders found that 25 percent had been the victims of teen dating violence.

"This tragedy underscores the urgent need for dating violence education in schools, intervention with teens who may be abusive, and more adequate resources for teen victims of violence," Soler added. "Teen victims need to know where they can access services and support when abuse occurs. And school officials need to know how to intervene effectively to prevent tragedies like this one. No woman or teenager should die because the help she sought or needed was unavailable."

The FVPPF's new publication, *Promoting Prevention, Targeting Teens: An Emerging Agenda to Reduce Domestic Violence*, concludes that reaching children, adolescents, and young adults is critical to preventing domestic violence and ensuring that children grow up to be productive and healthy adults. The report finds that support and intervention can help young people "reject violence," and focusing attention on girls and boys age ten to 15 can stem violence among 16 to 24 year olds. It is available at www.endabuse.org.

"In order to eliminate violence against women, we need violence prevention strategies that focus on adolescents and youth, as well as grown men and women," said Soler. "We need to teach boys that violence is unacceptable so we can stop abuse before it starts."

Teen Dating Violence: The Facts

- In a study of eighth and ninth graders, 25 percent indicated that they had been victims of dating violence, including eight percent who disclosed being sexually abused. (Foshee, VA; Linder, GF; Bauman, KE; Langwick, SA; Arriaga, XB; Heath, JL; McMahon, PM; Bangdiwala, S. (1996). **"The Safe Dates Project: Theoretical Basis, Evaluation Design, and Selected Baseline Findings."** *American Journal of Preventive Medicine*, 12(5 Suppl):39-47.)
- Approximately one in five female public high school students in Massachusetts reported ever experiencing physical and/or sexual violence from dating partners. (Silverman, J., Raj, A., Mucci, L., Hathaway, J. (2001). "Dating Violence Against Adolescent Girls and Associated Substance Abuse, Unhealthy Weight Control, Sexual Risk Behavior, Pregnancy, and Suicidality," *Journal of the American Medical Association*, 286(5): 572-579.)
- In a survey of 232 high school girls, 17.8 percent of the subjects indicated that they had been forced to engage in sexual activity against their will by a dating partner. (Jezl, D., Molidor, C. & Wright, T. (1996). "Physical, Sexual & Psychological Abuse in High School Dating Relationships: Prevalence Rates and Self-esteem Issues," *Child & Adolescent Social Work Journal*, 13(1): 69-87.)
- Among female students between the ages of 15-20 who reported at least one violent act during a dating relationship, 24 percent reported experiencing extremely violent incidents such as rape or the use of weapons against them. (Symons, P., Groer, M., Kepler-Youngblood, P., Slater, V. (1994). "Prevalence and Predictors of Adolescent Dating Violence," *Journal of Child & Adolescent Pediatric Nursing*, Volume 7, No. 3.)
- Girls who reported that they had been sexually or physically abused were more than twice as likely as non-abused girls to report smoking (26 percent versus ten percent), drinking (22 percent versus 12 percent), and using illegal drugs (30 percent versus 13 percent). In addition, 32 percent of girls who had been abused reported bingeing and purging, compared to 12 percent of girls who had not been abused. (Schoen, C., Davis, K., Collins, K., Greenberg, L., Des Roches, C., Abrams, M. (1997). *The Commonwealth Fund Survey of the Health of Adolescent Girls*. New York, NY: The Commonwealth Fund.)
- In a study of 724 adolescent mothers between the ages of 12-18, one of every eight pregnant adolescents reported having been physically assaulted by the father of her baby during the preceding 12 months. Of these, 40 percent also reported experiencing violence at the hands of a family member or relative. (Wiemann, C., Aguarquia, C., Berenson, A., Volk, R., Rickert, V. (2000) "Pregnant Adolescents: Experiences and Behaviors Associated with Physical Assault by an Intimate Partner," *Maternal and Child Health Journal*, Vol. 4, No. 2, 93-101.)