



# Guide to Title IX on College Campuses

## Following the US Department of Education's September 2017 Interim Guidance

### What is Title IX?

A federal civil right that prohibits sex-based discrimination in an educational setting. Sex-based discrimination includes sexual harassment, gender-based discrimination, attempted or completed sexual violence, stalking, voyeurism, exhibitionism, and intimate partner violence.

### Definitions

**Conduct Violation** – Schools have conduct codes in place that line up with federal Title IX legal standards. When campus conduct codes are violated, an investigation and hearing may result.

**Complainant** – The person who makes a report to a Title IX Coordinator or conduct committee.

**Respondent** – The person who is reported to have violated a code of conduct.

### Things to know about Title IX

Title IX protects any student, faculty, or staff member regardless of their real or perceived sex, gender identity, or gender expression.

Schools must be proactive in ensuring campuses are free of sex discrimination. A school must take immediate steps to address any sexual harassment, discrimination, or violence, remedy the harm caused, and prevent future occurrences.

Schools are required to have, and follow, an established procedure for handling complaints of sexual harassment, discrimination, or violence. Every school must have a Title IX Coordinator who manages complaints, and their contact information should be easily accessible.

# Things to know about the 2017 Interim Guidance

The Department of Education has made temporary changes to how sexual assault is addressed on college campuses. It is currently unclear what the practical impact of this new guidance will be.

The timeline for permanent changes is unknown, but may be up to 18 months from now.

## Guideline Changes

Mediation and/or informal resolution between the Complainant and Respondent is now an option, but only when mutually agreed upon.

The Respondent can be given a written outline of the reported conduct violation and the name of the Complainant prior to any investigatory interviews.

There is no longer a recommended 60-day timeline from report to resolution. But, schools should still make a good faith effort to conduct a fair investigation in a timely manner.

The college may choose to change the standard of proof from “preponderance of the evidence” (lower standard) to “clear and convincing evidence” (a higher standard). But, the standard the school uses must be consistent with the standard the school applies in other student misconduct cases. For example, the school can’t apply a preponderance of the evidence standard to all misconduct cases, and then just choose to use the higher clear and convincing standard for a Title IX case.

The college may choose to allow only the Respondent an appeal of the adjudication outcome.

## How does Title IX continue to support survivors?

Victims of sexual harassment, discrimination, or violence are entitled to a number of rights under Title IX. If a complaint is filed, the school must promptly investigate it regardless of whether the matter is reported to the police.

**Survivors have a right to seek a formal disciplinary hearing.** Schools can provide interim measures to address safety concerns, such as a change in class schedule or campus housing. Schools are discouraged from allowing the Respondent to question a Complainant during a hearing. If the school allows that, a nonprofit attorney or other legal advocate may offer important help to a victim through the process. A Title IX complaint may be filed with the U.S. Department of Education about that school’s hearing process.

**Victims have a right to feel safe on campus.** Schools can issue a no-contact directive to prevent the Respondent from approaching or interacting with the Complainant. Campus security and police should enforce such directives. This is not a court-ordered restraining order, but schools should provide information on how to obtain a restraining order and assist with the process if one chooses to pursue it. An advocate from a local sexual assault support center can assist a survivor to access community resources. They can also help create a plan to enhance physical and emotional safety while attending school.

## How does Title IX continue to support survivors, continued

**Survivors have a right to remain on campus** and have every educational program and opportunity available to them. Schools may not retaliate against someone filing a complaint and must keep victims safe from other retaliatory harassment or behavior. Schools cannot discourage a Complainant from continuing their education, such as advising them to “take time off” or forcing them to quit a class, club, or team.

**Colleges should not make a victim pay** the costs of certain accommodations required to continue education after experiencing violence, such as counseling, tutoring, or changes to campus housing. If the school fails to take prompt and effective steps to eliminate the violence and prevent its recurrence, they may be required to reimburse lost tuition and related expenses.

## What you can do

**Stay informed and get involved** in efforts to raise awareness around the impacts of sexual violence on campus.

Communicate with MECASA about the impacts of guidance changes on safety, educational access, and justice for survivors of sexual violence on college campuses. Reach out to Katie Kondrat: [katie@mecasa.org](mailto:katie@mecasa.org).

Through the Civil Legal Services collaboration with MECASA and local sexual assault support centers, Pine Tree Legal Assistance is a valuable resource for survivors of sexual assault and their families who may be going through, or about to go through, a Title IX process. In appropriate cases, it may be possible for a survivor to have pro-bono representation from Pine Tree Legal Assistance.

## Where you can get more information

[Title IX Info](#)

[Know Your IX](#)

[Title IX and Sex Discrimination—US Department of Education](#)

[Office of Civil Rights](#)

