

# Higher Education Title IX Fact Sheet

Title IX is a federal law that prohibits sexual discrimination in educational institutions that receive federal funding (the majority of schools). Title IX protects students regardless of gender identity and provides protections against sexual harassment and sexual violence.

New Title IX regulations took full effect on August 14, 2020 and cover incidents taking place on that day onward.

## 1: Who can file a complaint?

Any student can file a complaint but they must be currently enrolled or trying to get an education at that school.

## 2: Location, location, location...

Title IX's scope only covers incidents that happened on-campus and at school regulated or school recognized places and activities. Incidents that happened off-campus, abroad, and online fall outside of Title IX's scope.

## 3: How to launch an investigation.

- Students must sign a formal complaint with their school's Title IX Coordinator to trigger an investigation.
- It is no longer enough to tell a coach, academic advisor, athletic director, professor, or other school employee.

## 4: What types of sexual misconduct are covered by Title IX?

Title IX covers 3 types of sexual misconduct:

- Quid Pro Quo harassment by a school employee: harassment where the abuser offers a benefit in exchange for sexual favors. Example: if a professor says they will give you an "A" if you have sex with them.
- Conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access. Example: a combination of frequent and inappropriate touching, name calling, stalking, and sexual advances. Something that happened only once occasion may not meet this definition.
- Conduct that meets the federal law's definition of sexual assault, stalking, dating violence, and domestic violence. See the Clery Act and the Violence Against Women Act (VAWA).

## 5: Live Hearings and Cross-examinations

- The new Title IX regulations require live (in-person with all parties) hearings and allow cross-examinations.
- This puts the student filing the complaint at risk of re-traumatization and re-victimization. It is important for students to find resources that will help guide them through this process.

## 6: What happens if a student leaves or graduates?

- If the student who filed the complaint leaves (transfers/withdraws) or graduates, the school MUST dismiss the complaint, even if the investigation has not been completed.
- If the student/teacher/employee who has a complaint filed against them leaves or graduates, the school MAY dismiss the complaint.

## 7: What are Supportive Measures and why you should request them?

- Supportive Measures are provided by the school to a student who files a complaint to help them with their education. They include (but are not limited to): 1) permission to re-take classes or exams; 2) extension of deadlines; 3) counseling; and 4) campus mapping (making sure students and their harasser's schedules do not overlap.)
- You can request Supportive Measures even if you have not submitted a formal Title IX complaint.
- However, the Supportive Measure cannot be too harsh for the person who has the complaint filed against them.

## 8: What about sexual harassment that happens before August 14th?

The new regulations DO NOT apply to incidents of sexual harassment that occurred before August 14th.

## Questions or Concerns?

For more information, please contact Darryl Glenn at [dglenn@tessacs.org](mailto:dglenn@tessacs.org)

**\*\*Disclaimer:** This fact sheet does not constitute legal advice or representation.



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