

(a federal law that protects students from abuse and discrimination)

1 WHAT IS TITLE IX?

- Title IX is a federal law that requires schools (Kindergarten through College and Graduate Schools) to protect students against discrimination based on gender & sexuality.
- Sexual violence and domestic violence are discrimination under Title IX.
- Title IX protects students being physically, mentally, and sexually abused at school when it is based on their gender or assumptions about their gender.
- Who is protected?
 - Female victims, male victims, transgender victims, and victims of same-sex sexual violence.

2 WHY WE NEED TITLE IX (STATISTICS):

- 83% of women are sexually harassed in middle school and high school.
- 1 in 5 women and 5-6% of men are sexually assaulted in college. 50% of these assaults happen within the first 3 months of college.
- 90% of campus sexual assaults are committed by someone the survivor knows, like a friend or acquaintance.
- These assaults are underreported: only 12% of college student survivors report an assault to police.
- For every 100 rapes committed, approximately 2 rapists will serve a day in prison.

Source: <https://www.knowyourix.org/issues/statistics/>

3 WHAT DOES TITLE IX PROTECT AGAINST?

- Sexual violence: sexual touching or conduct that is unwanted and without your permission or “consent.”
- You are never able to give consent if:
 - You are drunk or high to the extent that you cannot communicate consent.
 - You are unconscious.
 - You are under the age of consent (which is 17 in New York).
- Harassment on the basis of sex, including sexual harassment, like name-calling, images and graphics, written statements, or other actions that may be physically threatening, harmful, or humiliating. Harassment can include the use of cell phones or the internet (“cyberbullying”). Harassment does not necessarily require repeated incidents.
 - Sexual touching, sexual comments, jokes, gestures, graffiti, drawings, pictures, and writing can all be examples of sexual harassment.
 - Harassment or bullying does not need to come from a student of the opposite sex.
 - Gender-based harassment is harassment or bullying because a student is not acting the way that their peers think that gender should act.
 - Any harassment toward a student based on their gender/how they act or don’t like a particular gender, being transgender, or transitioning genders is harassment based on sex.
 - Harassment creates a hostile environment when it is so severe or persistent that it interferes with a student’s ability to participate in or benefit from school, including all activities and services.

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4 WHAT DOES TITLE IX REQUIRE YOUR SCHOOL TO DO?

- Investigate sexual violence and abuse.
 - Abuse could come from another student, a teacher, professor, staff member, someone visiting campus, etc.
- Provide protection and support for victims.
- Make sure there is no hostile environment in the school. This is one where students feel unsafe or uncomfortable.
- Provide education for students about sexual harassment and consent.
- Train employees to report and respond to sexual harassment and assault.
- Appoint Title IX Coordinator
 - A person there to fairly investigate reports of sexual harassment and determine whether the school should take action.
- Ability for victims to formally report sexual violence or harassment to which they have been subjected.
- A quick and fair resolution of any reports.
- A school's failure to respond and protect you is sexual discrimination. If this discrimination is found, it means that the school will lose their funding. Know your rights!

5 WHAT ABOUT OFF-CAMPUS CONDUCT?

- Is off campus conduct protected by Title IX? Yes, off campus conduct is protected by Title IX.
- Schools must investigate incidents that include students regardless of where the assault occurred. Schools must indicate if:
 - A student assaults another student at an off-campus party.
 - A student touches another student on a field trip.
 - A student harasses another student either at-home game or away game.
- Off-campus violence may still create a hostile environment at school.

6 LEGAL OPTIONS:

- It is possible that local police may be willing to receive a confidential report -- meaning a report without the victim's name -- and wait to take action until the victim makes a decision.
- Try to get a no-contact order (a protection that will keep an abuser away) from the local court.
- Contact local police to report crime -- keep in mind that school security or campus police are not the same as local police.
- Victims can bring someone with them to meet with police.
 - This can be a friend or family member or clergy person, or call the National Sexual Assault Hotline 800-656-HOPE for help.
- Inform school through Title IX Coordinator about the assault and ask for an investigation and protections.

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7 DUTY TO INVESTIGATE:

- Schools must investigate whenever they receive information about sexual violence.
- Schools must protect the identity of victims during investigations if requested.
 - Keep in mind that confidentiality may limit the effectiveness of the investigation.
 - For example: the Title IX Coordinator interviews a witness but can't ask questions that reveal the victim's identity, thus the witness's responses might be vague/off-topic.
- Schools must promptly resolve complaints.
- If a student is found responsible for sexual violence they may not be allowed to contact the victim, removed from classes with the victim, removed from living on campus, suspended or expelled from school.

8 PROTECTIONS AND ACCOMODATIONS:

- The school must protect students, even if they are still investigating an incident.
- Be assertive. Victims can request:
 - Ordering the person who assaulted/harassed/abused them not to have any contact with them during the investigation.
 - An escort to and from classes/activities.
 - Not taking the same classes as the person who assaulted/harassed/abused them.
 - Transferring the abuser to a different residence/different school within the district. Unless victims request it, schools should not transfer victims (as opposed to abusers) out of their classes/residence.
- Other possibilities:
 - Counseling or medical services
 - Tutoring
 - Additional time for academic deadlines
 - Tuition/student loan interest reimbursement

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9 IF YOU BELIEVE YOUR SCHOOL HAS FAILED TO INVESTIGATE/DECIDE YOUR CASE PROPERLY:

- If the problem occurred within the last 180 days, you can fill out an online complaint form with the Department of Education's Office of Civil Rights (OCR), or email (ocr@ed.gov) or call (800-421-3481) them.
- This process can take a very long time.
- If you need help right away:
 - Contact your local rape crisis center.
 - Contact a private attorney. Call the local Bar Association for referrals. Tell them it is for a campus assault matter.
 - Call Legal Momentum's Helpline at 212-925-6635 ext. 650.
 - Email help@legalmomentum.org

LEGALMOMENTUM

The Women's Legal Defense and Education Fund