

# LEGAL momentum

## The Women's Legal Defense and Education Fund

### KNOW YOUR RIGHTS ABOUT SEXUAL VIOLENCE AND SCHOOL

**If you are concerned about your school's response to you as a victim of sexual violence, please contact Legal Momentum's Helpline at [titleix@legalmomentum.org](mailto:titleix@legalmomentum.org) or (212) 925-6635, ext. 650.**

No public or private school, from pre-school to graduate school, can discriminate against its students on the basis of sex if the school has received federal funding (for instance, through the federal school lunch or college financial aid programs). Discrimination includes anything that limits a student's ability to participate in his or her education because of the student's sex, including because of sexual violence. "Because of the student's sex" includes sexual orientation, male students, and gender identity. The federal law that states these things is known as Title IX.

#### **What is sexual violence and how does Title IX address it?**

"Sexual violence" means any sexual touching or activity against your will or when you are not capable of giving consent (including when you were drunk, disabled, or under the influence of drugs).

If you experience sexual violence from any source in connection with school—another student, a teacher or professor, school staff, someone visiting your campus—and it is severe enough to interfere with your education, you can notify your school, and Title IX requires your school to help you. A *single* event of a severe behavior like sexual assault is sufficient to trigger your school's duty to protect you under Title IX.

#### **Something happened, but I'm not sure if it was "sexual violence."**

If you're not sure what happened, or you're not sure how to interpret what happened, whether it happened a minute ago or years ago, you can call the National Sexual Assault Hotline at 800-656-HOPE. It's a confidential 24-hour hotline that will connect you with a local rape crisis center. You can also use the online version at <https://hotline.rainn.org/online/>.

#### **How can I find out about my school's resources for dealing with sexual violence?**

Under Title IX, schools must have several methods to address sexual violence, including:

- Naming and publicizing how to contact a specific person, the "Title IX coordinator," with whom you can speak if you are a victim of sexual violence or simply want to learn more about your school's Title IX policies;
- Writing and publicizing a policy of not discriminating on the basis of sex; and
- Writing and publicizing the process you should use if you need to inform your school about discrimination or sexual violence.

To find out about these resources, call your school's administrator, check your student handbook, or check the school's web site.



### **What are my legal options if I am a victim of sexual violence in connection with my school?**

You have several legal options:

- You can call your local police to report the crime and ask that them to investigate and make an arrest. Be aware that your “campus police,” if you have them, are not necessarily the same as your “local police.” Consider taking someone with you to be your advocate when you meet with the police—(a friend, clergyperson, or call the National Sexual Assault Hotline at 800-656-HOPE for a referral).
- Your local police may be willing to receive a confidential report of a crime without expecting you to decide yet whether you want an arrest to happen—call and ask.
- Depending on your state and the type of relationship you have had with your assailant, you may also be able to seek a civil order of protection from your local family court or civil court.
- You can inform your school’s principal or Title IX coordinator that someone has assaulted you and that you want the school to investigate and protect you.
- You can always go to the hospital (not your student health services) to ask them to collect evidence of sexual violence without deciding which of these options, if any, you want to use.

### **If a criminal investigation is already underway, can I still make a complaint to my school?**

**Yes.** Your school is obligated to investigate reports of sexual violence affecting its students even if the police are also investigating, and even if the police have declined to investigate or prosecute.

### **What if I don’t want to make a complaint? What if I want my identity to be kept confidential?**

Be aware that Title IX obligates schools to investigate whenever they receive information about a risk or incident of sexual violence connected to their students, whether you make a formal complaint or not. However, Title IX requires your school to protect your identity during the investigation if you request it, although this may limit the effectiveness of the investigation.

### **Can I be protected from my assailant while my school is investigating?**

**Yes.** Under Title IX, you have the right to request that your school take steps to protect you at any point, including before the investigation is finished. Some of the interim measures may include:

- Ordering the perpetrator not to have any contact with you while the investigation is ongoing;
- Providing an escort to ensure that you can walk safely to and from your classes and activities;
- Ensuring that you and your assailant do not take the same classes;
- Counseling and medical services;
- Tutoring or additional time to meet your academic obligations if you need it; and/or
- Transferring the perpetrator to a different residence or a different school within the district.

Unless you request it, your school should not attempt to limit your contact with your assailant by transferring you, as opposed to your perpetrator, out of your classes or your residence hall.

### **How much time can my school take to resolve my complaint?**

Title IX requires schools to resolve complaints of sexual violence promptly and fairly. In the typical case, your school should issue a decision and announce any remedies within 60 days of your complaint.

### **What happens if my school concludes that my assailant is responsible?**

The outcome depends on the penalties your school imposes on members of its community who commit acts of sexual violence. Among other things, your assailant may be prohibited from contacting you, removed from any classes you take, barred from living on campus, suspended, or expelled altogether.

### **What can I do if I believe that my school has failed to investigate or decide my case properly?**

If your problem has occurred within the last 180 days, you can file an administrative complaint with the Department of Education’s Office of Civil Rights (OCR) at (800) 421-3481, [ocr@ed.gov](mailto:ocr@ed.gov), or by using the online form at <http://www2.ed.gov/about/offices/list/ocr/complaintintro.html>.