

FREQUENTLY ASKED QUESTIONS



On Betsy DeVos' Title IX Rule:

Q: I've heard DeVos changed the rules of Title IX. What does this mean?

A: DeVos recently finalized her Title IX rule, meaning she has issued legally binding alterations to the ways schools handle sexual misconduct reports and proceedings (investigations, hearings, informal resolutions). These changes won't take effect until August 14th, 2020- but advocates like Know Your IX are suing to make sure they never go into effect.

But the rule would make some huge changes to Title IX. If it goes into effect, schools will be unable to take formal complaints of sexual violence if the violence occurred outside of a university program or controlled space. Sexual harassment that doesn't effectively deny your access to education, meaning the harassment hasn't gotten so bad that you've stopped going to class or plan to drop out of school, isn't covered by schools anymore. And

schools are required to allow live cross-examination by each party's representatives. This means survivors could be directly questioned by their rapists family member, romantic partner, friend, or fraternity brother. Further, the list people survivors can report to for it to "count" has been limited.

Q: Wait, so if I was assaulted off campus, my school won't investigate?

A: They might, but probably not. The rule narrows the off-campus violence that schools can investigate to violence that occurs within an "education program or activity." That means violence that occurs at school-sanctioned off-campus events will still be investigated, but that's a pretty narrow category. For example, a party that is hosted by a school-recognized frat house is covered, but one at the unofficial frat house -- that off campus apartment where all the brothers live -- is not. This also means schools

won't investigate violence that happens during a study abroad program or out-of-the-country trip, even if the program is through your school.

Q: Yikes! Can I still even report to my school, and will they respond to my complaint?

A: Definitely. First, remember the rule isn't in effect yet, and if courts make the right call, it may never go into effect. Even if it does go into effect, you can still file a complaint with your school if you are harassed, assaulted, stalked, or otherwise face sexual misconduct. Whereas before schools had to investigate any unwelcome conduct of a sexual nature, they now have to investigate only sexual harassment they think qualifies as "severe, pervasive, and objectively offensive." Reports that don't meet that narrow definition may not be investigated, but you still have the right to file the complaint.

The rule limits who survivors

FAQ CONTINUED

can make actual reports to, so make sure you report to the correct person. While disclosures to responsible employees –such as RAs, teachers, and coaches– previously required action from your school, this would not be true if the rule goes into effect. Moving forward, ensure you are reporting to folks that can take “corrective action,” like your Title IX Coordinator or dean. This will make it easier for you to get the support you need to stay in school, and make it harder for your school to ignore your report.

If you are a K-12 student, your reports to school employees still technically count, but we would still encourage you to report to your school administrators or district Title IX Coordinator with the help of a trusted adult. If you are under 18, some state mandatory reporting laws could require your school to contact the police if you disclose sexual violence. You can find out what your state’s mandatory reporting law is [here](#). If you are still unsure, try posing the question of a report before sharing your story if you don’t want to police involved (“if my friend was to report [act of sexual violence] to the school, would you have to call the police?”).

If your school chooses not to investigate your report because it’s not “bad enough,” [contact us](#) and [fill out this form](#).

Q: Do I still have access to confidential resources at my school?

A: Many school employees -- like RAs, professors, and teachers -- are mandatory reporters, meaning if you disclose to them, they are required to report up the chain of command. But every campus also has folks designated as confidential resources, so you can learn about your rights and options without formally notifying your school you’ve experienced misconduct. If your school has a Title IX or gender violence webpage, you might be able to find out who your confidential employees are. Additionally, check out [RAINN’s website](#) for local confidential resources.

Q: I saw that the rule now allows schools to use informal resolutions. What’s the difference between informal and formal processes?

A: An informal resolution process allows schools to use an unregulated mediation process instead of pursuing a formal investigation resulting in a formal resolution, which may involve disciplinary consequences for the respondent. Mediation encourages the parties to engage in discussions to reach a voluntary decision. This process can be especially problematic where there is a power dynamic at play

between the parties, like in situations of dating or domestic violence.

Q: If I file or have filed a Title IX complaint, how long will my case take?

A: Under the new rule, there is no recommended maximum time like there used to be. Cases can take several months, or even years, to conclude. The rule does say time frames should be reasonably prompt, but there’s no specification as to what that means, so it may vary school to school. However, if your case is delayed, your school should provide you with written notice and an explanation of that delay. If you are experiencing delays beyond 90 days, please [fill out this form](#) and [contact us](#).

Q: Can I get help from my school without making an official report to them?

A: Yes. You still have a right under Title IX to seek reasonable accommodations to ensure your access to education, even if you don’t move forward with a formal complaint. These accommodations might include a deadline extension, a schedule change, or a new place to live where you can feel safe. Your school also must still provide you with free counseling services.

FAQ CONTINUED

Q: My school delayed my case because of remote learning, what does DeVos' rule mean for me?

A: First, your school should not delay your case because of remote learning. If they have, [reach out to us](#) and send them [this letter](#) from survivor advocates and civil rights experts outlining how schools can continue Title IX proceedings during school closures.

If you didn't experience violence outside of a university program or activity, your school can probably still move forward with your case. If you reported violence that occurred off campus out outside of a university controlled location or activity, [fill out this form](#). Your school may be required to dismiss your case, but we want to make sure that doesn't happen. While there isn't a perfect solution, we can work to connect you with lawyers and advocates who can help!

If you have an open sexual misconduct case that may be impacted by the rule, or thinking about filing a report with your school but think your school may reject your case, please fill out [this form](#).

