

## FREQUENTLY ASKED QUESTIONS ON

# TITLE IX

## and Supportive Measures for *Higher Education Students*



### Introduction

Sex-based harassment can seriously affect students' education. It can be hard to learn in school if your professor or classmates are sexually harassing you, if you have to be in the same spaces as your rapist or abusive partner, and/or if trauma from sexual violence is impacting your mental or physical health. That's why a federal civil rights law called Title IX requires schools to provide "supportive measures" that protect your ability to feel safe and learn in school if you have experienced sex-based harassment. For example, Title IX may require your school to give you extensions on assignments, a no-contact order, free counseling, a free campus escort, or a change in your class schedule or dorm.

But in 2020, the Trump administration made changes to the Title IX rules,<sup>1</sup> which reduced schools' obligations to help students who have faced sex-based harassment.<sup>2</sup> The Biden administration is planning to issue new Title IX rules, and we hope they **move fast** in doing so, but for now, the Trump rule, for the most part, is still the law.<sup>3</sup> Since the Trump administration released the new rule, survivors have been more confused than ever about how to get supportive measures

in school. The good news is that schools are still required to help survivors. Please read the FAQs below to learn more about your options as a survivor!

### Q1) "I've experienced sex-based harassment, and I'm struggling in school. What can I do?"

Many survivors struggle in school after facing sex-based harassment. That's because it can be really hard to learn when, for example, you're sharing a classroom with your rapist or living down the hall from your stalker. But schools have a unique ability, and a civil rights duty, to help when sex-based harassment interferes with students' access to education.

If you've experienced sex-based harassment and you are struggling in school, Title IX, a federal civil rights law that requires your school to address sex-based harassment, may be able to help you. If sex-based harassment has made you feel unsafe at school or has made it harder for you to learn, your school is required under Title IX to give you supportive measures. This is true even if your school is still investigating the harassment or isn't investigating it at all.

<sup>1</sup> Dep't of Educ., Office for Civil Rights, Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 85 Fed. Reg. 30026 (May 19, 2020), <https://www.federalregister.gov/d/2020-10512>.

<sup>2</sup> National Women's Law Center, DeVos's New Title IX Sexual Harassment Rule, Explained, (May 12, 2020), <https://nwlc.org/resources/devos-new-title-ix-sexual-harassment-rule-explained>.

<sup>3</sup> National Women's Law Center, Federal Judge Vacates Part of Trump Administration's Title IX Sexual Harassment Rule (Aug. 11, 2021), <https://nwlc.org/resources/federal-judge-vacates-part-of-trump-administrations-title-ix-sexual-harassment>.

## FAQ CONTINUED

### Q2) "I've heard the changes to Title IX limit what sorts of sex-based harassment schools can respond to. Does my situation even qualify for help?"

First, **sex-based harassment** refers to a wide range of behaviors, including:

- **Sexual harassment** is unwanted sexual conduct, including unwanted sexual "jokes," "catcalling," slurs, rumors, messages, pictures, or videos. It also includes sexual assault (see next).
- **Sexual assault** refers to unwanted physical sexual acts. This includes unwanted kissing or touching of private body parts, including rape.
- **Dating violence** includes insults, threats, violence, or stalking from someone you are dating or used to date. This includes threats or violence against you, a family member, friend, or pet, or threats to harm your job, money, home, or personal belongings.
- **Domestic violence** includes insults, threats, violence, or stalking from your current or former romantic partner or spouse, co-parent, or family member. This includes threats or violence against you, a family member, friend, or pet, or threats to harm your job, money, home, or personal belongings.
- **Stalking** refers to you being followed, watched, recorded, threatened, or contacted by someone (directly or indirectly) in a way that makes you worried about your safety or other people's safety.

**Under the Trump Title IX rule, your school is required** to provide you supportive measures in the following circumstances:

**First, were you harassed in at least ONE of these ways?**

- A school employee said or suggested to you that you would get good grades or other school benefits if you participated in sexual acts with them. Or they said or suggested to you that you would get bad grades or be punished if you said no. **Note:** *this is sometimes called "quid pro quo" sexual harassment.*
- You experienced sexual assault, dating violence, domestic violence, OR stalking.
- You faced sexual harassment that caused you to miss class, quit a school activity, get lower grades, or have trouble focusing on schoolwork. **Note:** *you don't need to fail a class, drop out of school, or prove you are traumatized in order to meet this test.*<sup>4</sup>

**Second, were you harassed in at least ONE of these places?**

- On campus.
- Online using a school platform like Zoom, Canvas, Google Classroom, etc.
- Off campus during a school-sponsored activity. **Note:** *this includes harassment that happens in your home during a Zoom class.*
- Off campus in a place where your school had "substantial control" over your harasser and the incident, like a house rented by an athletics team during a team retreat or recruitment event.
- Off campus in a building owned or controlled by an "officially recognized" student organization, like a recognized fraternity or sorority.<sup>5</sup>

<sup>4</sup> § 106.30(a) ("sexual harassment"); 85 Fed. Reg. at 30169-70.

<sup>5</sup> § 106.44(a) ("substantially controlled", "officially recognized"); 85 Fed. Reg. at 30196 (on campus), 30201 (school-sponsored), 30202 (online or digital).

## FAQ CONTINUED

Depending on your school’s policies, these places might also count:

- Off campus in a hotel room where students are staying during a school trip.
- Off campus during a teacher’s visit to a student’s home.
- Online using a personal phone or computer during a school activity.
- Off campus at a student’s apartment (not a dorm).<sup>6</sup>

**Third, were you harassed in the United States?**<sup>7</sup>

If you answered “yes” to all three of these questions, then Title IX **requires** your school to give you supportive measures.

### Does your school have a “non-Title IX” policy for addressing sex-based harassment?

If you answered “no” to any of these three questions, your school isn’t required under Title IX to help you. However, many schools have chosen to create a “non-Title IX” policy—such as a sexual misconduct policy—so that they can continue to help students facing sex-based harassment. Your state may also have a law that requires schools to help students facing sex-based harassment. You should find out if your school or state has a “non-Title IX” policy that has more protections than the Trump Title IX rule.

**Q3) “How do I ask my school for supportive measures? Do I have to tell my school about the harassment? Do I need to file a formal complaint or agree to an investigation?”**

In order for you to get supportive measures under Title IX, you must tell your school that you have faced sex-based harassment. That’s because your school is required under Title IX to give you supportive measures as long as it knows that you have faced certain types of sex-based harassment. (Read **Q2** to learn what types of harassment are covered.)

But you don’t have to file a formal complaint or agree to an investigation. You have two options to tell your school about the harassment, and you can get supportive measures no matter which option you choose: (1) make a confidential report or (2) file a formal complaint. Read **Q4** & **Q5** to learn more about both of these options.

**Q4) “I don’t think I want to file a formal complaint. What can I do to get supportive measures?”**

If you don’t want to file a formal complaint or start a Title IX investigation at this time, you can **make a confidential report** to get supportive measures.<sup>8</sup> A confidential report lets you choose what information you want to share with your school and provides more control over the reporting process than filing a formal complaint.

Your school or university system is required to have an employee called the “**Title IX coordinator**”—their job is to help students who report sex-based harassment.<sup>9</sup> You can ask your Title IX coordinator to help you

<sup>6</sup> § 106.44(a) (“substantially controlled”); 85 Fed. Reg. at 30093 (private apartment), 30200 n.877 (private hotel), 30202 (teacher visiting student; device during class).

<sup>7</sup> § 106.44(a).

<sup>8</sup> §§ 106.30(a) (“before or after the filing of a formal complaint or where no formal complaint has been filed”), 106.44(a), 106.45(b) (“With or without a formal complaint, a recipient must comply with § 106.44(a).”).

<sup>9</sup> § 106.8(a).

## FAQ CONTINUED

get supportive measures. If you can't find your Title IX coordinator or you don't feel comfortable talking to them, you can ask a trusted professor, TA, or RA instead.

### Either way, you can say:

*"I faced / I'm facing [**CHOOSE: sexual harassment, sexual assault, dating violence, domestic violence, AND/OR stalking**]. I don't feel safe in school / I'm having trouble with schoolwork. I'm making a confidential report because I don't want a Title IX investigation. Can you help me get supportive measures under Title IX?"*

### But keep in mind:

- Your school may have to investigate certain types of reports (like sexual abuse by an employee), even if you ask it not to.
- Many employees at your school are "**mandatory reporters**." This means they must tell the police if they know or think a student younger than 18 or who is protected under the Individuals with Disabilities Education Act has faced sexual assault (including child sexual abuse), dating violence, or domestic violence. To learn more about your state's child abuse reporting laws check out [this resource](#).

**Helpful tip:** If you're worried your school may contact the police and you don't want police involvement, you can tell school officials about your "friend" instead. For example: *"My friend was sexually assaulted by a classmate and is struggling in chemistry. What would they need to do to move classes?"*

### Q5) "If I do decide to file a formal complaint, what would that process look like?"

Filing a formal complaint allows you to have an **investigation** or an **informal resolution**, described in detail below:<sup>10</sup>

- If you choose to have an **investigation**, your school will try to find out what happened by interviewing you, your harasser, and other people who saw or know about the harassment, including people whom you (or your harasser) recommend. If you want an investigation, your school shouldn't try to discourage you from getting one. In fact, it's illegal under Title IX for your school to force you to give up your right to an investigation or to force you to agree to an informal resolution instead of an investigation.<sup>11</sup> Keep in mind your school can't prohibit your harasser from being at the same school-wide events as you—like a dorm party or football game—unless it investigates and decides your harasser did harass you. Similarly, your school generally can't remove your harasser from a school activity or leadership position unless it investigates and decides that your harasser did harass you. And your school generally can't remove your harasser from school altogether unless your harasser poses an "immediate threat" to your or your classmates' physical health or safety.<sup>12</sup> But your school does **not** have to investigate in order to prohibit your harasser from directly communicating with you or to remove your harasser from your class, dorm, dining hall, campus workplace, and/or transportation route. See **Q6** below to learn more.
- If you choose to have an **informal resolution**, your school will use a non-

<sup>10</sup> §§ 106.45(b) (investigation), 106.45(b)(9) (informal resolution).

<sup>11</sup> § 106.45(b)(9).

<sup>12</sup> § 106.44(c).

## FAQ CONTINUED

investigative method to help you and your harasser reach an agreement, like requiring your harasser to take a class about sex-based harassment. Before you can choose to do an informal resolution, your school must explain the informal resolution process to you in writing. This includes explaining whether you and your harasser can tell other people about the things you said during the informal resolution. It's illegal for your school to use an informal resolution if your harasser is a school employee.<sup>13</sup> You have a right to switch from an investigation to an informal resolution at any time before the process ends, and vice-versa.<sup>14</sup>

Your school should have a way to report sex-based harassment and other violations of school rules, such as an online complaint form. You can fill out this complaint form to ask for either an investigation or an informal resolution.

### You can also say to your Title IX coordinator or to a trusted professor, TA, or RA:

*"I faced / I'm facing [CHOOSE: sexual harassment, sexual assault, dating violence, domestic violence, AND/OR stalking]. I don't feel safe in school / I'm having trouble with schoolwork. Can you help me file a Title IX complaint? I would like [CHOOSE: a Title IX investigation OR an informal resolution]."*

Your school should have a policy or "complaint procedure" that explains how investigations and informal resolutions work. You might be able to find this policy on your school's website on a page called "Title IX Policy," "Sexual Misconduct Policy," or "Gender-Based Harassment Policy." If you can't find it on the website, ask your school

for it. Read this policy so you know what to expect during your investigation or informal resolution.

### Q6) "What types of supportive measures can I ask for?"

You have lots of options when asking for supportive measures! If you report sex-based harassment to your school, then your school is required to give you supportive measures at no cost to you, as long as those supportive measures are "reasonably available."<sup>15</sup> That means your school might not be able to give you every single supportive measure you ask for, but it must give you enough supportive measures to protect your ability to feel safe and learn at school. This is true even if you don't file a formal complaint, you don't want an investigation, or you want to delay the investigation until after COVID is over.<sup>16</sup> And if your school doesn't give you any supportive measures at all, it must explain in writing why it is not being clearly unreasonable.<sup>17</sup> You can ask for a written copy of this explanation at any time.

### Protecting Your Safety

If you don't feel safe at school, you can ask your school to:

- Issue a **one-way no-contact order** that prohibits your harasser from directly communicating with you (in person and online). Your school should make sure your harasser follows the no-contact order. It should also send a copy of the no-contact order to your and your harasser's professors, TAs, RAs, coaches, student life deans, and any other campus staff who need to know about it. You may also want to ask for the no-contact order to include your harasser's friends

<sup>13</sup> § 106.45(b)(9).

<sup>14</sup> § 106.45(b)(9); § 106.45(b)(9)(i).

<sup>15</sup> §§ 106.30(a) ("without fee or charge"), 106.44(a) ("supportive measures"); 20 U.S.C. § 1092(f)(8)(B)(vii).

<sup>16</sup> §§ 106.44(a), 106.45(b) ("With or without a formal complaint, a recipient must comply with § 106.44(a).").

<sup>17</sup> § 106.45(b)(10)(ii).

## FAQ CONTINUED

and family. **Note:** you don't have to agree to a **mutual no-contact order**. Unlike a **one-way no-contact order**, a **mutual no-contact order** would prohibit **both you and your harasser** from contacting each other, which would allow the school to punish you if you violate the order. Note also that a one-way no-contact order might not necessarily prohibit your harasser from being at the same school-wide events as you, but it can prohibit your harasser from **directly communicating with you**.

- **Move you** to a different class, dorm, dining hall, campus workplace, and/or transportation route—but only if you ask to be moved. If you live with your harasser or are staying with them temporarily, you can also ask your school to help you find another place to live.
- Give you a **campus escort** to walk with you between classes and other school activities.<sup>18</sup>

If your harasser is **another student**, you can also ask your school to:

- **Move your harasser** to a different class, dorm, dining hall, campus workplace, and/or transportation route. **Note:** your school can (and should!) move your harasser without forcing you to move too.
- **Remove your harasser** from a school activity or leadership position. Your school can do this as a supportive measure if removing a student from a school activity or leadership position is not a possible punishment for students who violate Title IX. If it is considered a punishment, your school can also do this if it has finished its investigation and

decided that your harasser did harass you. In rare cases, your school may be able to remove your harasser from school altogether if your harasser poses an “immediate threat” to your or your classmates’ physical health or safety.<sup>19</sup>

**Note:** Even if you don't fit any of these situations, your school can still think creatively about how else it can help you. For example, if you have a debate scholarship but can't attend debate practice anymore because your harasser is also on the debate team, your school can offer to move your scholarship to a different activity.<sup>20</sup>

If your harasser is a **student-employee** at your school, you can also ask your school to:

- Supervise your harasser in their workplace interactions with other students.
- Put your harasser on paid administrative leave during your investigation. (*This is not an option if you don't want an investigation.*)<sup>21</sup>

If your harasser is a **non-student employee** at your school, you can also ask your school to put your harasser on administrative leave during your investigation.<sup>22</sup> (*This is not an option if you don't want an investigation.*)

If your harasser is **not a student or an employee** at your school, you can ask your school to ban your harasser from coming onto school property. This is sometimes called a “*persona non grata* letter.”

### Protecting Your Health

If the harassment has affected your physical or mental health, you can ask your school to:

<sup>18</sup> §§ 106.30(a) (work or class schedules, work or housing locations, campus escort); 85 Fed. Reg. at 30184 (one-way no-contact order; ban on direct communication versus being in the same place), 30231 (change in seat, class, housing, or dining hall; one-way no-contact order prohibiting direct communication), 30267 (one-way no-contact order prohibiting direct communication). See also Clery Act, 20 U.S.C. § 1092(f)(8)(B)(vii) (changes to academic, living, transportation, and workplace schedules).

<sup>19</sup> § 106.44(c).

<sup>20</sup> §§ 106.30(a) (supportive measures must be “nondisciplinary” and “non-punitive”; campus escort), 106.44(a) (investigate before imposing sanctions); 85 Fed. Reg. at 30182 (supportive measure cannot be “possible disciplinary sanction”), 30231 (change in seat, class, housing, or dining hall). See also Clery Act, 20 U.S.C. § 1092(f)(8)(B)(vii) (changes to academic, living, transportation, and workplace schedules).

<sup>21</sup> Id. at 30236 (paid administrative leave), 30237 (supervision).

<sup>22</sup> Id. at 30236.

## FAQ CONTINUED

- Help you schedule visits with your school's nurse, therapist, psychologist, or another adult who is not your academic advisor. (It's important that your academic advisor can write you a fair recommendation letter for internships, jobs, or graduate school without being biased because they know about the harassment you faced.) If your school doesn't have a nurse, therapist, or psychologist, it can give you information about therapists and psychologists nearby and should help you pay for these appointments and any related transportation costs.
- Let you take a break or leave the classroom whenever you are feeling anxious or afraid, without having to get permission from your professor or TA.
- Help you find other local health and other services that can help you, such as a local hospital, rape crisis center, victim advocate, disability advocate, addiction counselor, housing advocate, or lawyer.<sup>23</sup>
- Let you attend your classes online. You could join the physical classroom via a Zoom screen, enroll in a separate online class, or ask for your lecture to be recorded. If you choose to watch recorded lectures, you may also want to ask for additional office hours with your professor, so that you still have the opportunity to ask questions. **Note:** *your school can't force you to take an online class instead of an in-person class because you experienced harassment.*
- Give you a tutor. If your school doesn't have any tutors, it can connect you to tutors outside of school and should help you pay for the tutoring and any related transportation costs.
- Adjust your transcript so that your grades don't suffer because of the harassment you faced. For example, your school can remove a bad grade, remove an affected assignment or test from your final grade, or change a C or D to a Pass. If your harasser is your professor or TA, your school can have another professor or TA regrade any assignments or exams that were unfairly graded.

### Keeping Up At School

If the harassment has made it harder for you to learn or go to school, you can ask your school to:

- Give you any excused late arrivals, absences, or leaves of absence that you need. **Note:** *your school can't force you to take time off if you don't want to.*
- Give you more time to submit an assignment or take an exam, or an opportunity to resubmit an assignment or retake an exam.
- Let you take a leave of absence, withdraw from a class (without putting a "W" on your transcript), or retake a class (without charging you for tuition again).
- Keep you in any school activities, leadership positions, honors programs, campus jobs, or scholarships that have a GPA, credit, or attendance requirement, even if you don't meet those requirements.
- Reimburse you for tuition or give you a tuition credit on any classes you didn't take or didn't finish, and apply any retroactive reimbursements as necessary.<sup>24</sup>

If you have a disability, the harassment may have made things even harder. Sex-based harassment can also cause new disabilities,

<sup>23</sup> § 106.30(a) ("supportive measures").

<sup>24</sup> § 106.30(a) (extend deadlines, course-related adjustments, leave of absence); 85 Fed. Reg. at 30134 n.595 (retake an exam), 30185 (retake class or exam, adjust transcript), 30416 (refund scholarship); Minot State Univ., Resolution Agreement, 19, (2016), <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/05142061-b.pdf> (modify transcript, retake class without penalty); Mich. State Univ., Resolution Agreement, 6, 19 (2015), <https://www2.ed.gov/documents/press-releases/michigan-state-agreement.pdf> (reimburse tuition, retake or withdraw from class without penalty); Univ. of Colo. at Boulder, Commitment to Resolve: Case No. 080912004, 3 (2001) <https://cdn.tngconsulting.com/website-media/nchem.org/unoffloaded/2017/08/154-UniversityofColoradoatBoulder-080912004.pdf> (refund tuition, expunge grade).

## FAQ CONTINUED

like anxiety, depression, or post-traumatic stress disorder (PTSD). Whether you have an old or new disability, you have a right to supportive measures or accommodations under both Title IX and Section 504. **Note:** *Section 504 is a federal civil rights law that prohibits schools from discriminating against disabled students.*<sup>25</sup> *To learn more your rights as a disabled student, check out our fact sheet: **Survivor Justice Is Disability Justice.***

### Protecting You From Punishment

If you reported sex-based harassment to your school, your school **cannot** punish you for:

- Breaking a school rule *during* the harassment—unless your school has a “zero tolerance” policy for that rule. **Note:** *A “zero-tolerance” policy means that students are always punished when they break a certain school rule. For example, if, during the harassment, you used drugs or alcohol, violated a COVID social distancing rule, had consensual sex with your harasser, or fought back against your harasser, your school can’t punish you for that unless it has a “zero tolerance” policy for breaking that school rule.*
- Telling other people about the harassment after you’ve filed a formal complaint with your school. **Note:** *If you file a formal complaint, your school can’t stop you from telling other people about the **allegations** in the complaint, but it can stop you and your advisor from telling other people about the **evidence**. And if you don’t file a formal complaint, your school is allowed to stop*

*you from telling other people about the harassment.*

- Making a so-called “false” statement without having actual evidence that you lied. For example, if your school did an investigation and decided that there wasn’t enough evidence that your harasser harassed you, that’s not actual evidence that you made a false statement.
- Asking the school to do a formal investigation instead of an informal resolution.<sup>26</sup>

You can also ask your school not to punish you for missing class or for causing a disruption in class because you were feeling anxious or traumatized as a result of the harassment. Punishing you for these things isn’t prohibited by the Trump rule, but many schools still want to do the right thing.

### Educating Your Harasser

If you want your school to teach your harasser that their behavior is wrong, you can ask your school to have an educational conversation with your harasser about their behavior and the school’s policies on sex-based harassment.<sup>27</sup> The Trump Title IX rule specifically allows these types of supportive measures, even if you don’t file a formal complaint.

### **Q7) “How long can I get supportive measures for?”**

Your ongoing access to supportive measures depends on whether you choose to have an investigation. If your school investigates and decides that your harasser did harass you:

<sup>25</sup> 29 U.S.C. § 794.

<sup>26</sup> § 106.45(b)(5)(iii) (discussing allegations in formal complaint), 106.45(b)(9)(i) (informal resolutions), 106.71(a) (code of conduct violations), 106.71(b)(2) (false statements); 85 Fed. Reg. at 30084 (“consensual” sex, underage drinking, self-defense), 30296 (discussing allegations without a formal complaint), 30297-98 (advisors discussing evidence), 30422-23 (parties discussing evidence); 30536 (“collateral” conduct; “zero tolerance”).

<sup>27</sup> *Id.* at 30182 (educational conversation, principal’s office).



## FAQ CONTINUED

- Your school is **required** to give you supportive measures for as long as you need them in order to feel safe and learn at school. **Note:** *At this stage, your school might call them “remedies” instead of “supportive measures.”*
- Your school is **allowed** to give you supportive measures that are punitive to your harasser. For example, your school can now prohibit your harasser from being in the same places as you or remove your harasser from participating in a school activity or holding a leadership position.<sup>28</sup> **Note:** *your school might refer to these punishments for your harasser as “sanctions.”*

In all other situations (if you don’t ask for an investigation, or if you ask for an investigation and your school decides that your harasser did not harass you), Title IX does not require your school to keep giving you supportive measures for any particular period of time, but your school is **allowed** to give you supportive measures for as long as you need them to feel safe and learn at school.<sup>29</sup>

### **Q8) “How does my school keep track of the supportive measures it decided to give me?”**

Once your school decides on which supportive measures to give you, it must keep track of them in writing.<sup>30</sup> You can ask for a written copy of your supportive measures at any time.

Your school should also give a written copy of your supportive measures to all employees at your school who need to know about them. For example, if one of your supportive measures is extra time on assignments or exams, you can request for

your professors and TAs to get a written copy of this supportive measure. Similarly, if one of your supportive measures is a one-way no-contact order against your harasser, you can request for your and your harasser’s professors, TAs, RAs, academic advisors, club advisors, athletics coaches, and deans to all get a written copy of the no-contact order, so they know that they need to keep your harasser away from you.

Your school should only tell your harasser about the supportive measures that are directly related to your harasser. For example, your harasser should get a written copy of a no-way no-contact order, so they know what they need to do to stay away from you. But your harasser should not be told if you get extra time on assignments or exams because it has nothing to do with them.

Your school should not tell anyone else about your supportive measures.

### **Q9) “My school claims that it can’t provide a certain supportive measure because it would be unfair to my harasser. Is that true?”**

It is true that your school generally can’t remove your harasser from a school activity or leadership position or prohibit your harasser from being at the same school-wide events as you unless it investigates and decides that your harasser did harass you. However, schools sometimes wrongly claim that a supportive measure is unfair, “punitive,” “disciplinary,” or too “burdensome” on your harasser, or that it violates your harasser’s “due process rights.” But all of the supportive measures listed under **Q6** are allowed under the Trump Title IX rule. You can share this FAQ with your school or send them the footnotes in **Q6**.

<sup>28</sup> §§ 106.30(a), 106.45(b)(7)(ii)(E) (remedies, sanctions); 85 Fed. Reg. at 30184 (one-way no-contact order prohibiting harasser from being in same place as victim).

<sup>29</sup> §§ 106.30(a), 106.44(a).

<sup>30</sup> § 106.45(b)(10)(ii).

## FAQ CONTINUED

### **Q10) “My school said they only need to offer me ‘reasonable’ supportive measures. How do I know if what I’m requesting is reasonable?”**

Each supportive measure listed in **Q6** is reasonable in some situations. We know this because the Trump administration said so! Your school might not be able to give you every single supportive measure you ask for, but it must give you *enough* supportive measures to protect your ability to feel safe and learn in school. If your school claims that a specific supportive measure you want is “unreasonable,” you can share this FAQ with your school or send them the footnotes in **Q6**. If you continue having trouble getting supportive measures, the below FAQs may be helpful (see **Q11-Q17** to learn more). You may also want to consider filing a complaint with the Department of Education or talking to a lawyer (see **Q18** to learn more).

If your school doesn’t give you any supportive measures at all, it must explain in writing why this is not clearly unreasonable.<sup>31</sup> You can ask for a written copy of this explanation at any time.

### **Q11) “My harasser is still bothering me. What can I do?”**

If your school gave your harasser a no-contact order, but your harasser isn’t following it, you should keep track of it in writing. Your notes should include when and where it happened, and if you know, which school employee was supposed to keep track of your harasser and whether anyone else saw what happened. (See **page 13** for an example of a **Title IX Incident Tracking Log**.) Then, show your notes to your Title IX coordinator. Your Title IX coordinator should make it clear to your harasser that they have to follow the no-contact order and what the consequences are if they don’t follow it. Your Title IX coordinator should also re-

send the no-contact order to your and your harasser’s professors, TAs, RAs, coaches, student life deans, and any other campus staff who need to know about it.

### **Q12) “My professor says it’s too hard to help me. What can I do?”**

If your school gave you a supportive measure, but your professor or other school employee says they don’t want to follow it for whatever reason, you should keep track of this in writing. Your notes should include when and where it happened, what excuses your professor gave, and whether anyone else saw what happened. Then, show your notes to your Title IX coordinator. Your Title IX coordinator should make it clear to your professor that they are required by federal law to give you that supportive measure and what the consequences are if they don’t follow the law.

### **Q13) “My Title IX coordinator is ignoring me. What can I do?”**

Your Title IX coordinator should not ignore you. If you continue having issues with your Title IX coordinator and/or your school, you may want to consider filing a complaint with the Department of Education or talking to a lawyer (see **Q18** to learn more).

Survivors also have other options besides Title IX for getting supportive measures. For example, you might be able to try your school’s disability officer instead. If you have anxiety, depression, or some other mental disability because of the sex-based harassment you faced, then your school is required to give you reasonable accommodations under Section 504. These **“504 accommodations”** can include more time on assignments or exams, adjustments to your grades, excused lateness or absences, or pre-approved visits to the school nurse, therapist, or psychologist.<sup>32</sup>

<sup>31</sup> § 106.45(b)(10)(ii).

<sup>32</sup> KidsHealth, 504 Education Plans (Sept. 2016), <https://kidshealth.org/en/parents/504-plans.html>.

## FAQ CONTINUED

Your school's disability office can give you more information on how to get disability accommodations. *To learn more about your rights as a disabled student, check out our fact sheet: **Survivor Justice Is Disability Justice.***

If you have experienced sexual assault, dating violence, domestic violence, or stalking, you also have a right to accommodations under the Clery Act.<sup>33</sup> However, keep in mind that many colleges and universities have a single office that provides supportive measures under both Title IX and the Clery Act. So it's possible that your Clery coordinator may be the same person as your Title IX coordinator.

### **Q14) "Do my supportive measures still apply if I take a leave of absence, transfer, or enroll in a new school?"**

It depends. If you take a leave of absence and go back to the same school or enroll in another school in the same university system, you have the right to get supportive measures, as long as the harassment is still affecting your ability to learn or feel safe.

If you transfer to or enroll in a new school in another university system, your new school is not required to give you supportive measures. But keep in mind that if you have anxiety, depression, or some other mental disability because of the sex-based harassment you faced, you have a right to get disability accommodations at your new school, regardless of whether you can get supportive measures under Title IX at your new school (see **Q13** to learn more).

**Note:** *that if your harasser starts harassing you again while you are at your new school, then you have the right to get supportive measures from your new school, as long as you can answer "yes" to all three questions in **Q2**.*

### **Q15) "How will the outcome of my investigation affect my supportive measures?"**

See **Q7**.

### **Q16) "I'm not 18 yet. Do the police or my parents need to be involved for me to get supportive measures?"**

**Do the police need to be involved?** It's not true that you or your school needs to file a police report in order for you to get supportive measures under Title IX. Title IX is a civil rights law, not a criminal law. That means you have a right to supportive measures under Title IX, regardless of whether anyone files a police report. And under a federal law called the Clery Act, you can get accommodations for sexual assault, dating violence, domestic violence, or stalking regardless of whether you report it to campus police or local police.<sup>34</sup>  
**Note:** *Many employees at your school are "mandatory reporters." This means they do have to tell the police if you are younger than 18 and report sexual assault, child sexual abuse, dating violence, or domestic violence.*

**Do I need to tell my parents?** Many students don't want their parents or other family to know they faced sex-based harassment, and Title IX doesn't require your parents to be involved. If your school claims that it can't give you supportive measures without talking to your parents first, you can tell them this isn't required under Title IX. And if your school claims this is required under a state or local law or a school policy, it should show you where that law or policy is. **Note:** *Many employees at your school are "mandatory reporters." This means they have to tell the police if you are younger than 18 and report sexual assault, child sexual abuse, dating violence, or domestic violence. And if the police get involved, they will probably reach out to your parents.*

<sup>33</sup> 20 U.S.C. § 1092(f)(8)(B)(vii) (changes to academic, living, transportation, and workplace schedules).

<sup>34</sup> 20 U.S.C. § 1092(f)(8)(B)(vii).

## FAQ CONTINUED

### **Q17) “I have a court order against my harasser. How does that work while in school?”**

If a court has issued a “restraining order,” “preliminary injunction, or “order of protection” that requires your harasser to stay away from you, your school can help make sure your harasser follows the law. For example, your school can issue a one-way no-contact order that prohibits your harasser from directly communicating with you.<sup>35</sup> Your school can also keep your harasser away from you by removing them from your class, dorm, dining hall, campus workplace, and/or transportation route.<sup>65</sup> However, your school is not required by law to do anything just because you have a civil or criminal court order against your harasser.

### **Q18) “I’ve tried everything, but my school still won’t support me. What legal action can I take?”**

You might be able to file a complaint with the Department of Education’s Office for Civil Rights (OCR) to make your school give you the supportive measures you need. These **quick questions** on OCR’s website will help you find out if you can file an OCR complaint against your school. It will also give you a link to the **online complaint form**.

You may also want to talk to a lawyer. If so, just fill out this **quick online form**, and the National Women’s Law Center’s (NWLC) Legal Network for Gender Equity will send you contact information of Title IX lawyers near you. When you call or email these lawyers, they will be required to give you a free legal consultation, and they might also decide to represent you.

---

<sup>35</sup> 85 Fed. Reg. at 30184.

<sup>36</sup> § 106.30(a) (work or class schedules, work or housing locations); 85 Fed. Reg. at 30231 (change in seat, class, housing, or dining hall). See also Clery Act, 20 U.S.C. § 1092(f)(8)(B)(vii) (changes to academic, living, transportation, and workplace schedules).

## TITLE IX INCIDENT TRACKING LOG

*You can use this log to note if your respondent harasses you again or otherwise violates their no-contact order.*

Date & Time of Incident	Method of Contact	Description of Incident	Witness Names	School Official Who Was Supposed to Enforce the No-Contact Order	Other Relevant Information