



Title IX Frequently Asked Questions

Q---What is Title IX?

A---- (1) Part of the Education Amendments of 1972, Title IX prohibits sexual discrimination in any form; to include any form of sexual harassment and gender discrimination. Federal law states: **“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance.”** (2) Title IX includes dating violence, domestic violence, and stalking. (3) Requires policies and procedures for sexual assaults and requires timely warning and external reporting of crimes

Q---To whom does Title IX apply?

A----Title IX applies to all educational institutions, both public and private, that receive federal funds. Almost all private colleges and universities must abide by Title IX regulations because they receive federal funding through federal financial aid programs used by their students.

Q---Does Title IX protect all students from sexual violence?

A----Yes. Title IX protects all students at recipient institutions from sex discrimination, including sexual violence. Any student can experience sexual violence: from elementary to professional school students; male and female students; straight, gay, lesbian, bisexual and transgender students; part-time and full-time students; students with and without disabilities; and students of different races and national origins.

Q---Will parents be notified?

A----Generally, no. Whether you are the Complainant or the accused student, the College's primary relationship is to the student and not the parent. However, in the event of major medical, disciplinary, or academic jeopardy, students are strongly encouraged to inform their parents. College officials will directly inform parents when requested to do so by a student or in certain instances where a health or safety emergency exist.

Q---Which school employees are obligated to report incidents of possible sexual violence to school officials?

A----Under Title IX, whether an individual is obligated to report incidents of alleged sexual violence generally depends on whether the individual is a responsible employee of the school. A responsible employee must report incidents of sexual violence to the Title IX coordinator or other appropriate school designees, subject to the exemption for school counseling employees.

Q---How should a school respond to a student's request that his or her name not be disclosed to the alleged perpetrator or that no investigation or disciplinary action be pursued to address the alleged sexual violence?

A----Students, or parents of minor students, reporting incidents of sexual violence sometimes ask that the students' names not be disclosed to the alleged perpetrators or that no investigation or disciplinary action be pursued to address the alleged sexual violence. OCR strongly supports a student's interest in confidentiality in cases involving sexual violence. There are situations in which a school must override a student's request. The school will need to determine whether or not it can honor such a request while still providing a safe and nondiscriminatory environment for all students, including the student who reported the sexual violence.

Q---What are the key differences between a school's Title IX investigation into allegations of sexual violence and a criminal investigation?

A---A criminal investigation is intended to determine whether an individual violated criminal law; and, if at the conclusion of the investigation, the individual is tried and found guilty, the individual may be imprisoned or subject to criminal penalties. By contrast, a Title IX investigation will never result in incarceration of an individual and, therefore, the same procedural protections and legal standards are not required. Further, while a criminal investigation is initiated at the discretion of law enforcement authorities, a Title IX investigation is not discretionary; a school has a duty under Title IX to resolve complaints promptly and equitably and to provide a safe and nondiscriminatory environment for all students, free from sexual harassment and sexual violence.

Q---Is a school required to process complaints of alleged sexual violence that occurred off campus?

A---Yes. Under Title IX, a school must process all complaints of sexual violence, regardless of where the conduct occurred, to determine whether the conduct occurred in the context of an education program or activity or had continuing effects on campus or in an off-campus education program or activity.

Q---Is a school required to take any interim measures before the completion of its investigation?

A---Title IX requires a school to take steps to ensure equal access to its educational programs and activities and protect the complainant as necessary, including taking interim measures before the final outcome of an investigation.

Q---What type of training on sexual violence is provided to students?

A---To ensure that students understand their rights under Title IX, a school should provide age-appropriate training to its students regarding Title IX and sexual violence. OCR recommends that, at a minimum, the following topics (as appropriate) be covered in this training:

- Title IX and what constitutes sexual violence, including same-sex sexual violence, under the school's policies;
- the school's definition of consent applicable to sexual conduct, including examples;
- how the school analyzes whether the conduct was unwelcome under Title IX;
- how the school analyzes whether unwelcome sexual conduct creates a hostile environment;
- reporting options, including formal reporting and confidential disclosure options and any timeframes set by the school for reporting;
- the school's grievance procedures used to process sexual violence complaints;
- disciplinary code provisions relating to sexual violence and the consequences of violating those provisions;
- effects of trauma, including neurobiological changes;
- the role alcohol and drugs often play in sexual violence incidents, including the deliberate use of alcohol and/or other drugs to perpetrate sexual violence;
- strategies and skills for bystanders to intervene to prevent possible sexual violence;
- how to report sexual violence to campus or local law enforcement and the ability to pursue law enforcement proceedings simultaneously with a Title IX grievance; and
- Title IX's protections against retaliation.

For more information, please contact: Mrs. CaDedria Hill, Title IX Coordinator/Compliance Officer at (229) 500-3302 cadedria.hill@asurams.edu