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<th><strong>Title IX Geography: Will my school investigate sexual misconduct that happened off campus?</strong></th>
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For free help with Title IX, contact NVRDC!  
Learn more at nvrdc.org or call (202) 742-1727
Title IX Process: How will my school’s Title IX processes change?

Prior to 2020, schools were allowed to decide their own processes under Title IX as long as they were prompt and impartial. This required that schools create a process for determining the responsibility of a respondent and deciding who made that determination. Some schools chose to have investigators make that decision, some schools used hearing panels, and some used a mix of the two.

Now, higher ed. schools MUST have (1) an investigation and then (2) a live hearing. This means that a decision-maker will hear from both parties and any witnesses, will review the evidence, and make a decision. This format is similar to a courthouse trial. HOWEVER, students can choose an informal resolution instead of a hearing.

Title IX Process: Will I have to go through cross-examination during the hearing?

Prior guidance discouraged schools from allowing cross-examination. A big reason for this was the likelihood that cross-examination would cause further trauma to the survivor. Instead of cross-examination, many schools allowed parties to submit questions that the hearing panel would then ask the parties.

Now, higher ed. schools are required to allow the advisor for each party to cross-examine the opposing party and all witnesses. This means the survivor will undergo cross-examination by the respondent’s advisor; however, the respondent themselves will not be allowed to directly question the survivor.

Title IX Process: If I file a complaint, will my school force me to negotiate with my assailant?

Previously, mediation or informal resolutions were discouraged by the Department of Education, but schools could choose to allow such methods of resolving sexual harassment complaints. Informal resolutions do not necessarily require the parties to ever speak to, or be in the same room with, each other.

Schools can still choose to offer informal resolution processes, but both parties must agree in writing that they wish to engage in the informal process instead of the school’s formal grievance process. Schools must allow either party, if they wish, to withdraw from the informal process and resume the formal grievance process.

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Title IX Supportive Measures

Do the Title IX changes affect whether I can get accommodations from my school, such as moving dorms or rescheduling an exam, if I am sexually assaulted?

What were previously called “interim measures” or “accommodations,” are now called “supportive measures.” Supportive measures are tools schools are required to provide students following sexual violence in order for the students to feel safe and supported. Supportive measures must not “unreasonably burden” the respondent. These measures can include changing classes, rescheduling exams, etc. Survivors can still access these services without filing a formal complaint to the school under Title IX.

Title IX Advisors

Who can be my advisor during the hearing?

The Title IX rule still provide students with the right to an advisor of their choice. The advisor can be another student, an attorney, a counselor, or any other person the student chooses. Even if a student chooses not to have an advisor for the investigation, they must use an advisor to conduct cross-examination of the respondent and witnesses during the live hearing. This means a school will assign an advisor for students who do not pick their own for the purpose of conducting cross-examination.

Inclusion of Sexual Assault, Stalking, and Intimate Partner Violence

Is sexual assault, stalking, and intimate partner violence considered “sexual harassment”?

The new rule include sexual assault, stalking, and intimate partner violence (referred to as "domestic violence" and "dating violence") as types of sexual harassment that school must investigate when they receive a formal complaint.

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Complainant: according to the new rule, a complainant is “an individual alleged to be the victim of conduct that could constitute sexual harassment” including sexual assault, dating violence, domestic violence, and stalking.

Respondent: according to the new rule, a respondent is “an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.”

Parties: the complainant and the respondent.

Cross-examination: the direct questioning of a party or a witness by a party or their advisor.

Title IX (“Title 9”): a federal law that protects people from discrimination based on sex in educational programs or activities that receive federal financial assistance.

Sexual harassment: an umbrella term that captures a variety of prohibited conduct of a sexual nature, all of which may constitute sex discrimination under Title IX. It includes sexual assault, domestic violence, dating violence, stalking, and other offenses. You should be able to find your school’s list and definitions in the student code of conduct, or in other Title IX documents.

Advisor: someone who supports and advises the complainant or respondent in accessing supportive measures and in navigating a university’s grievance process. Both parties have the right to an advisor of their choosing, who may be an attorney. Advisors will conduct cross-examination in live hearings under the new regulations.