

Title IX

& NON-STUDENTS

Q&A



nvrdc

Network for Victim Recovery of DC



I GRADUATED BUT THE PERSON WHO SEXUALLY HARASSED ME IS STILL A STUDENT. WHAT CAN I DO?

In order to file a formal complaint with a school's Title IX office, the new Title IX regulations require that a complainant is accessing or attempting to access a school's educational program or activity at the time that they file the complaint. However, an alumnus of a college or university may still qualify to file a complaint with their alma mater's Title IX office. Alumni of a college or university often participate in school-sponsored alumni events or continuing education programs. It is possible that attempting to take advantage of opportunities available to an alumnus would make a person eligible to file a formal complaint with their school.

There may be other circumstances where someone who has graduated would be eligible to file a formal complaint because of continued contact with the school. What could qualify as continued contact will depend on the facts and circumstances of a complainant's case. While the definition of "complainant" is limited under the new Title IX regulations, a school may still choose to permit survivors who are alumni to file a complaint under the school's student conduct policy, rather than under their Title IX obligations. Information about options for alumni wishing to file a complaint against a current student should consult the school's conduct policy (usually available online) or contact the school's Title IX Office.



THE PERSON WHO SEXUALLY HARASSED ME GRADUATED, BUT I'M STILL A STUDENT. WHAT CAN I DO?

In general, when a complainant files a formal complaint, it is because they are asking the school to hold the respondent accountable for committing sexual harassment. When the respondent is no longer a student, the school has little power to hold the respondent accountable and so most schools will not accept formal complaints or conduct investigations against former students.

Even if the respondent graduated, a school may still offer supportive measures to a student-survivor, though it is not required under Title IX. This means that a student-survivor may be able to access accommodations as a result of the Clery Act, another federal law that informs schools on how to respond to crimes on campus.



THE PERSON WHO SEXUALLY HARASSED ME GOES TO A DIFFERENT SCHOOL. WHAT ARE MY OPTIONS?

Under Title IX, a non-student who is harassed by a student does not have a right to file a formal complaint with the respondent's school. However, a Title IX Coordinator may file a formal complaint even if the complainant is not associated with the school in any way. In some cases, a school may be in violation of Title IX if the Title IX Coordinator does not do so. Accordingly, there are circumstances when a Title IX Coordinator may need to file a formal complaint that obligates the school to initiate an investigation regardless of the complainant's relationship with the school or interest in participating in the Title IX grievance process. This is because the school has a Title IX obligation to provide all students, not just the complainant, with an educational environment that does not discriminate based on sex. In the past, many schools chose to accept and investigate such complaints anyway, given that the respondent's behavior, even though directed at a non-student, may have an effect on the safety of the campus community. Survivors who are not students but wish to make a formal complaint with the respondent's school can contact that school's Title IX Office to find out how they might handle this situation.

Because a school has no power over non-students, a survivor can't file a formal complaint in their school's Title IX Office against that non-student respondent. However, a survivor may choose to still disclose to their own school that they experienced a crime in order to get accommodations under the Clery Act, including protective measures such as prohibiting the respondent from coming onto school property or attending school-sponsored events or activities.

If you have questions about a DC college or university's policies, contact NVRDC to learn more about how they apply these principles to cases involving non-students. Call (202) 742-1727 or visit our website www.nvrdc.org

