

# FREQUENTLY ASKED QUESTIONS

## About COVID-19 + Title IX

As schools move online to stop the spread of COVID-19, we have heard from survivors across the country who shared that their cases are stuck in limbo. Some Title IX Coordinators have remained silent on how the cases will be impacted; worse yet, others have delayed the cases indefinitely. **Despite school campus closures, your rights are still your rights.** Learn more about what your school should be doing to uphold and enforce your rights during this period of remote learning.

### **My school moved to remote learning while my case was open. Can my school still move forward with my case?**

Yes. Your school should continue investigations, interviews, and hearings as scheduled through remote channels. Your case should not be dropped, nor should you be encouraged to drop your case, because of school closures. Your case also should not be unnecessarily delayed. If your school can't

continue investigating your case as scheduled because of legitimate extenuating circumstances, they should notify you promptly, give you a justification for the delay, and provide you with a new projected case timeline. Schools should only delay cases when they are entirely incapable of proceeding with the original timeline because:

1. Either party has a disability that jeopardizes the fairness or accessibility of video conferencing;
2. Either party has limited access to internet or technological resources that the school cannot remedy;
3. Either party is ill or contending with an active personal or family emergency; or
4. The school is facing extraordinary circumstances that render proceeding impossible.

Even if your school uses a hearing model, there is no

universal legal requirement that hearings be conducted in person, as online hearings still allow for fact finders to make face-to-face contact with each party, who can respond in real time.

### **I'm no longer on campus with my perpetrator, but I'm still scared that they might contact or harass me. What should I do?**

Your school still has the authority to grant and enforce no-contact or stay away orders. Any in-person or cyber harassment for which a survivor could have sought recourse while physically on campus is covered just the same during remote learning. Consequences for violations might look different now that you are off campus, but your school should still be meaningfully enforcing these orders and prioritizing your safety.

## **Does my school still have to provide me with resources and accommodations?**

Yes. Whether or not you have filed a formal complaint, your school has to provide you with reasonable academic accommodations related to your experience of violence or discrimination, even if you have switched to online learning. Your school should also continue to offer you free counseling services as needed. Now that you're off campus, this might mean switching to tele-mental health services or a local provider so that you can continue receiving care. Your school should also help you find locally accessible high quality and affordable physical health care in your new location for issues related to your experience of violence or discrimination.

## **My school said they can't move forward with my investigation because live hearings and interviews are required, is that true?**

No, your school is not prohibited from moving forward with your case because they use a hearing model. Some who advocate for respondents have falsely claimed that moving forward with sexual misconduct investigations would violate the rights of respondents — this is an overgeneralization. According to case law, due

process for respondents is fundamentally about two elements: prompt notice and a meaningful opportunity to be heard. Even in the strictest decisions on Title IX proceedings — particularly those affecting Michigan, Ohio, Kentucky, and Tennessee — only require live hearings, not in-person ones. Video conferencing provides a sufficient opportunity for testing credibility, just like in-person hearings and interviews. Further, most schools already have the technological capabilities to conduct these hearings fairly over video conferencing, as many schools use this technology to allow parties to video conference in for hearings even while on campus in order to reduce the possible retraumatization of placing a complainant and respondent in the same physical space. If your school claims it is bound by case law to conduct in-person hearings, reach out to us to confirm.

## **Yikes, my school isn't doing any of this. What do I do?**

Glad you asked! Here's what we would recommend:

1. Contact a lawyer. [Check out our guidelines](#) on how to contact a lawyer to ensure your rights are being respected as you continue to pursue your case.

2. Send [this letter](#) from leading survivor advocates and civil rights organizations to your Title IX Administrators and University Presidents. It outlines how your university can and should move forward with Title IX cases during this period of remote learning.
3. [Reach out to us](#) with anything you need or any questions you might have! We are here to help.

