

Off-Campus Jurisdiction
Office for Civil Rights
U.S. Department of Education
September 15th, 2015

Question: If a student rapes a non-student off campus, on private property in no way connected with the university, what is OCR's expectation as to whether Title IX applies, jurisdictionally? Assume the victim has not filed a campus complaint, but the university found out through local police.

Answer: Each case is fact-specific and each determination is based on the particular set of facts presented. Although we do not give legal advisory opinions, we do provide information on how the civil rights laws that OCR enforces apply generally. While OCR has not addressed this particular issue in our policy guidance and I cannot opine on the specific hypothetical you pose in your email, I can provide information regarding the general principles that apply to off-campus conduct under Title IX.

As you are aware, OCR enforces Title IX of the Education Amendments of 1972 and its implementing regulation at 34 C.F.R. Part 106 (Title IX), which require schools receiving federal funding to respond promptly and equitably to allegations of sexual violence. As explained in Question F-4 of OCR's [April 2014 Questions and Answers on Title IX and Sexual Violence](#), if a school receives a complaint of sexual violence that occurred off campus, it must process the complaint to determine whether it occurred in the context of an education program or activity or had continuing effects on campus. Even if there are no continuing effects of the off-campus sexual violence experienced by students on campus, the school should still handle these incidents as it would handle other off-campus incidents of misconduct or violence and consistent with other applicable laws and its own code of conduct. For example, if a school, under its code of conduct, exercises jurisdiction over physical altercations between students that occur off campus, it should also exercise jurisdiction over incidents of student-on-student sexual violence that occur off campus.

In the context of private Title IX lawsuits, some courts have recognized that a school can have actual notice of the substantial risk that a student may pose to other students when a school official is aware of the student's history or pattern of sexual misconduct. *See, e.g., Doe v. School Bd. of Broward Cnty., Fla.*, 604 F.3d 1248, 1257-1259 (11th Cir. 2010); *Williams v. Board of Regents of the Univ. Sys. of Ga.*, 477 F.3d 1282, 12880-1290, 1294 (11th Cir. 2007). These courts have also recognized that school officials can be deliberately indifferent and violate Title IX when they "ignore an alleged pattern of sexual misconduct" or fail to adequately supervise a student with a known history of sexual transgressions. *See, e.g., Doe*, 604 F.3d at 1263; *Williams*, 477 F.3d at 1296.

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