



## CAMPUS COUNSEL

A legal blog written for administrators, HR professionals, in-house counsel, and deans at colleges and universities

### Do your Policies and Conduct Rules Support Title IX Compliance in Study Abroad Programs?

MAY 5, 2014

Institutions sometimes overlook their study abroad programs when evaluating Title IX compliance. By in large, this is because OCR has taken the position that Title IX does not apply outside of the United States. However, the OCR's position does not insulate institutions from suits under Title IX. For example, in *King v. Board of Control of Eastern Michigan University*, 221 F.Supp.2d 783 (USDC, E.D. Mich. 2002), the Court held that Title IX protections applied to female students of Eastern Michigan University ("EMU") who claimed they had been sexually harassed by other EMU students during a University-sponsored study abroad program supervised by EMU faculty in South Africa ("Program"). The Court ruled that Title IX applied even though the alleged harassment occurred outside of the United States because the Program was an educational program under the control of EMU, rather than a program under the control of a foreign educational facility.

**Client Tip:** Courts regularly find liability under Title IX for off campus activities where the institution had control over the harasser and over the context of the harassment (e.g., property leased or controlled by the institution, institution sponsored programs and events, etc.). Based on the Court's ruling in *King*, institutions are well advised to evaluate the application of Title IX to their study abroad programs and to ensure that policies and student conduct rules support Title IX compliance in these programs.