




Know Your Rights: Understanding Title IX for Campus Sexual Violence Victims

Wondering about all this Title IX talk?

We get it – so we put together this guide to help you better understand your rights. When reading through the guide, it is important to know that at times, Title IX tells schools what they **must** do. At other times, Title IX gives guidance on what schools **should** do. There’s a big difference legally, but we wanted you to be aware of both. Also, other laws are helpful on some of these points. So, keep your eye out for this symbol: . It means there’s more guidance in Title IX, the Clery Act, or potentially under your state laws.

You have the right to access the benefits of your education without gender-based or sexual discrimination. Gender-based or sexual discrimination includes sexual violence, domestic violence, dating violence, and stalking.¹

You have the right to choose whether or not to report or disclose sexual violence.

You have the right to report sexual violence that occurred on or off campus by a fellow student or campus employee.

You have the right to be notified of existing counseling, mental health or other student services for victims of sexual assault regardless of whether or not you file an informal or formal disciplinary complaint.² **

Disclosing and Reporting: How does the Victim Rights Law Center Interpret the Difference?

Disclosure is when you tell someone about the sexual violence, but not necessarily for the purposes of officially reporting the incident to the school or for a disciplinary procedure. It’s okay to tell someone because you need someone to talk to or because you want help finding services.

Reporting is when you tell someone because you want the school to be aware of the sexual violence or you want to initiate a complaint and/or start a grievance or disciplinary process.

Confidentiality:



Your state laws may designate certain individuals with statutory privilege. If you have an individual on your campus with statutory privilege, **you have the right** to disclose to that individual and they are required by law to keep that information confidential. This means information you disclose is protected under your state’s privilege laws and cannot be disclosed to anyone else without your permission.³ Individuals commonly, but not always, protected by statutory privilege are religious leaders (such as your priest, rabbi or imam), therapists, and domestic violence/rape crisis advocates. You should consult with an attorney in your state for further information about your state laws.

¹ U.S. Department of Education, Office for Civil Rights, *Dear Colleague Letter: Sexual Violence* (April 4, 2011) (referred to hereinafter as “DCL”), pg. 1 available at: <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf>

² DCL, 16

³ Your state may also designate certain individuals as mandatory reporters. These same individuals may have statutory privilege but depending on the laws in your state they might be required to report information regarding sexual violence if you are a minor, which is generally defined as a person under 18 years of age. You will need to examine the laws in your state to determine if a person you might disclose to is a mandatory reporter.

* Refers to rights also conferred under the Clery Act.

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You have the right to request confidentiality from professors, administrators, resident hall staff, or other school staff you may report to; however these individuals may be required to provide some identifying information about your disclosure to the campus Title IX Coordinator.⁴



Before you disclose to campus administrators, faculty, or individuals affiliated with your school, it is ok to ask them whether they are required to provide any information about your report to the Title IX Coordinator.



Before you disclose to anyone on campus or affiliated with the school, or discuss with them details of your life related to the assault such as any counseling you receive or diagnoses you have, be aware of state laws or practices that would allow the perpetrator to subpoena your school records. If any of the information you share with individuals on campus or affiliated with the school is recorded in your school file and it can be subpoenaed under state laws it could give the perpetrator access to that information.

Accommodations:

You have the right to be notified of available counseling,* mental health, medical or other student services for victims of sexual violence, domestic violence or stalking both on campus and in the community.⁵ This could include your campus women's center, local domestic violence/rape crisis organizations, legal services agency, hospitals or doctors, or local therapists or mental health services providers.

You have the right to ask for safety measures to be put in place by your school once you report or disclose. You and your school can determine what steps to take to protect you including giving you options to avoid contact with the accused, allowing you to change your academic circumstances, take a leave, or change your living situation.⁶



You have the right under another federal law which also applies to victims of sexual violence*, to be notified of your option to change academic and living situations.

Reporting On Your Campus:

You have the right to decide whether or not to file a formal grievance complaint with your campus.

If an informal grievance procedure is an option on your campus, **you have the right** to end any informal grievance process at any time and begin the formal stage of the complaint process.⁷



Certain informal grievance procedures, such as mediation, are discouraged.⁸

You have the right to report any retaliation that occurs after you report. This may include retaliation by the accused or his or her friends, club members, or teammates.⁹

You have the right to an adequate, reliable and impartial investigation of your complaint.¹⁰

Reporting Outside of Your Campus:

⁴ DCL, 5

⁵ DCL, 16

⁶ DCL, 15

⁷ DCL, 8

⁸ DCL, 8

⁹ DCL, 16

¹⁰ DCL, 9

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You have the right to decide whether or not to report sexual violence on or off campus to local law enforcement.*

You have the right to seek additional services from community resources, such as your local domestic violence/rape crisis organization, legal services agency, hospitals or doctors, or local therapists or mental health services providers.

Disciplinary Process:

You have the right to be afforded similar and timely access to any information the accused is given, that will be used at the hearing.¹¹

Throughout a school's Title IX investigation, including at any hearing, **you have the right** to an equal opportunity to present relevant witnesses and other evidence.¹²



Schools are strongly discouraged from allowing the accused to cross-examine or directly question you during the disciplinary process.¹³

You have the right to a grievance procedure facilitated by an administrator with training or experience in your campus process.¹⁴

For any disciplinary proceeding, **you have the right** to have that proceeding documented, which may include written findings of facts, transcripts, or audio recordings, depending on your campus process.¹⁵

If a school allows you or the accused to have an attorney participate in a disciplinary proceeding, then **you both must have the right** to have an attorney participate.¹⁶

You have the right to be notified, in writing, about the outcome of the complaint – whether or not the accused was found responsible.^{17*}



Your right to notice of the outcome only refers to information about the findings of responsibility and not disciplinary sanctions, unless otherwise noted by your school's conduct or disciplinary policy.¹⁸

Appeals Process:

If your school has an appeals process, **you have the right** to file an appeal.¹⁹

You have the right to be notified, in writing, about the outcome of any appeal.²⁰

Remember, you are not alone and it is always okay to ask for help!

There are organizations in your community and state that are there to support you. Please feel free to reach out to organizations and service providers such as:

- Your local domestic violence or rape crisis organization
- Organizations providing legal services to victims or a local attorney
- Your city or county victim assistance office
- Your primary care physician or local clinics and hospitals
- Organizations providing counseling services or a local therapist

¹¹ DCL, 12

¹⁵ DCL, 12

¹⁶ DCL, 12

¹⁷ DCL, 13

¹⁸ DCL, 13

¹⁹ DCL, 12

²⁰ DCL, 13

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