



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 institutions what they **must** do. At other times, Title IX provides guidance on what institutions **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: . This symbol means that there's more guidance in Title IX, the Clery Act, the VAWA Amendments to 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 violence 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 to the institution or for a disciplinary process. It's okay to tell someone because you need someone to talk to or because you need help finding services.

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

Confidentiality:



Your state laws may designate certain individuals with statutory privilege. If there is 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

¹ U.S. Department of Education, Office for Civil Rights, *Questions and Answers on Title IX and Sexual Violence* ("Q&A") (April 4, 2011), p. 5, available at: <http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>

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

² Q&A, 3; 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. Be sure you are clear on the individual's role and responsibilities before disclosing.

*Refers to rights conferred under the Clery Act.

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statutory privilege are religious leaders (i.e. priest, rabbi, or imam), therapists, and domestic violence/rape crisis advocates. You should consult with an attorney in your state for further information about state laws.

You have the right to request confidentiality from any individual you may disclose or report to. However, certain individuals are required to report identifying information, which must ultimately be reported to the Title IX Coordinator.⁴



Before you disclose to any individual affiliated with your institution, it is okay to ask them whether they are required to report any information to the Title IX Coordinator.



Before you disclose to any individual affiliated with your institution, or discuss with them private details related to the assault (i.e. counseling you receive or diagnoses you have), be aware of state laws or practices that would allow the perpetrator to subpoena your education records. If any of the information you share with individuals affiliated with the institution is recorded in your education record and it can be subpoenaed under state law, 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, 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 institution. You and your institution can determine what steps to take to protect you, including avoiding contact with the perpetrator, allowing you to change your academic circumstances, taking a leave, or changing your living situation.⁶



You have the right to be notified of your option to change your academic and living situations.*

Reporting On Your Campus:

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

If an informal procedure is an option, **you have the right** to end an informal procedure at any time and begin the formal procedure.⁷



Certain informal 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 perpetrator or his or her friends, club members, teammates, or more.⁹

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

⁴ Q&A, 39; DCL, 5

⁵ Q&A, 32; DCL, 16

⁶ Q&A, 3; DCL, 15

⁷ DCL, 8

⁸ DCL, 8

⁹ Q&A, 43; DCL, 16

¹⁰ Q&A, 12; DCL, 9

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Reporting Outside of Your Campus:

You have the right to decide whether or not to report 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, hospitals or doctors, or local therapists or mental health services providers.

Disciplinary Process:

You have the right to an advisor of your choice, which includes an attorney.^{11*}

You have the right to be afforded timely and equal access to information the perpetrator is given.^{12*}

Throughout an institution's investigation, including at any hearing, **you have the right** to an equal opportunity to present relevant witnesses and other evidence.¹³



Institutions are strongly discouraged from allowing the perpetrator to directly question you.¹⁴

You have the right to a process facilitated by individuals with training or experience.¹⁵

You have the right to have the proceeding documented, which may include written findings of facts, transcripts, or audio recordings, depending on your institution's process.¹⁶

You have the right to receive written simultaneous notification of the results, which includes the decision, sanctions, and rationale for the decision, as well as any available appeal procedures.^{17*}

Appeals Process:

If your institution has an appeals process, **you have the right** to an appeal.¹⁸

You have the right to written notification of the outcome.¹⁹

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/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 VAWA Amendments to the Clery Act § 668.46(k)(2)(iii) and (iv)

¹² VAWA Amendments to the Clery Act § 668.46(k)(2)(v)

¹³ Q&A, 12; DCL, 11

¹⁴ Q&A, 31; DCL, 12

¹⁵ DCL, 12

¹⁶ DCL, 12

¹⁷ Q&A, 36-37; VAWA Amendments to the Clery Act § 668.46(k)(2)(v)

¹⁸ Q&A, 37; DCL, 12

¹⁹ Q&A, 12; DCL, 13

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