

THE TITLE IX PROCESS

While there is no legal deadline, the Title IX process should usually take about 60 - 90 days. However, in some cases it takes much longer. This is just an estimated timeline.

Please see instructions on how to complete each step in the Step-by-Step Guide below.

Step 1 Make a Report

Contact your school's Title IX Officer. You should be able to find contact info on your school's website or in the student handbook, or ask a trusted teacher. Email or call to set up a meeting.

**about
1 week later**



Step 2 Meet with the Title IX Office

During the meeting, you'll likely be asked to decide whether you want to file a formal Title IX complaint or not. The investigative process and alternative options should be explained so you can make an informed decision.

at the same time

Step 3 Supportive Measures

During the meeting, you should be told what help is available to you (exam extensions, housing change options, counseling), even if you do not move forward with a formal complaint.

1-3 weeks later



Step 4 Respondent is Notified

If you decide to move forward with a formal complaint, the person who assaulted or harassed you (called the Respondent) will be notified that a Title IX complaint was filed against them and an investigation is beginning. They will be given a summary of your complaint.



continued

The Investigation

Overall, the investigation (Steps 5-7) can take 2-12 months

Step 5

Interviews & Evidence

Takes 1-4 weeks

You will be interviewed by an investigator about what happened. Separately, the Respondent will be interviewed. You can present evidence and identify witnesses. You can suggest follow-up questions for the investigator's interviews with the Respondent and witnesses.

1 - 4 weeks later

Step 6

Statements & Responses

Takes 1-6 months

You'll receive a summary of how you answered the interview questions from the investigator, called your Summary Statement. You'll also receive a separate Summary Statement from the Respondent. Review both carefully and make any corrections. The Respondent will do the same. There may be some back and forth to finalize the Statements.

2 - 4 weeks later

Step 7

Investigation Report or Alternative Resolution

The investigator will issue the final report before the hearing. If you don't want to move forward with a hearing, you may decide at this point (or any point earlier in the process) to pursue an Alternative Resolution instead.

2 - 4 weeks later

Step 8

The Hearing

Lasting 1 to 3 days, the hearing is where you and the Respondent will both testify and answer questions about your experiences. Your advocate/advisor will ask questions of the Respondent, and the Respondent's advocate/advisor will question you. Witnesses will provide their testimony.

1-2 weeks later

Step 9

Finding Issued (Final Results)

The hearing officer or hearing panel will make a final decision about whether the Respondent is responsible (Title IX equivalent of "guilty") or not responsible. If responsible, sanctions (consequences) or discipline will be issued against the Respondent.

Optional Step 10 - Appeal (Within 10 days - 1 month)

If the final outcome is not in your favor, you may be able to appeal. You typically have 10 days to submit an appeal. Contact an advocate like the ones at Equal Rights Advocates right away if you want help with this.

This guide offers a general map of how the Title IX process should go, given current laws. At some schools, the process will vary. But if it is significantly different and you believe your rights have been violated, you can contact a free legal advocate by going to equalrights.org/enough or by texting #ENOUGH to 40649.

See also the “Your Rights & What To Do If They're Violated” section of this toolkit for more. It’s possible a legal advocate could help you navigate this process.

How long will it take?

Unfortunately, there is no answer to how long it will take to complete the Title IX process, because there is not currently a legal deadline for schools. The process typically takes several months, but it could last for a year or more depending on your school and the facts of your complaint. Your school might provide an estimated timeline in its Title IX policy or grievance procedures, which should be publicly available online. (California law requires schools to publish timelines for each stage of the process.)

Be aware that your school could issue extensions at any point during the process, meaning they need additional time to complete a certain step. Likewise, if you need more time to complete a step of the process, do not be afraid to ask for an extension. Extensions generally should not last more than 30 days, and your school should not issue more than a few extensions throughout the whole process. Legally, your school must have a good reason for issuing an extension, such as disability accommodations, exam periods, or a temporary absence by a party, key witness, or investigator. (More on this below in Step 3: Supportive Measures).

If you believe your school is dragging out your Title IX case unnecessarily, contact a free legal advocate: equalrights.org/enough.

STEP 1: REPORT THE INCIDENT(S)

If you decide that reporting is right for you, start by talking to the Title IX Coordinator for your school, whose contact information should be available on your school’s website or in your student handbook. Or, you can report to a school employee who you trust. That person should be able to tell you about Title IX and how to report sexual harassment/sexual assault. Every school employee is supposed to be trained on how to direct you to your school’s Title IX Office. If they don’t know, ask them to help you figure it out confidentially.

- **If you are under age 18**, most states’ legally require any teacher/school employee who learns of incidents involving child abuse (including sexual assault by peers) to report the information to **police or Child Protective Services**, even if you do not want them to.
 - **If you are over 18 and in college or another post-secondary school**, and you report to an employee with “authority to take corrective action,” that employee must relay your report to the Title IX office, even if you don’t want them to.
- If you’re not sure whether you want to involve your school’s Title IX office, and you are 18 or older, you should be able to report to a school counselor, who should be able to keep your report confidential if you want them to, and provide you with information and resources.

If you report the incident(s) by email, be sure to clearly state that you are emailing about Title IX, and that you experienced sexual harassment or sexual assault. (See the [Glossary](#) section of this Toolkit for official definitions of those terms.) There may be an online reporting form to fill out, which could be available on the Title IX page of your school's website. You do not need to share the details of what happened yet — you will likely have to tell the whole story at a later meeting — but be sure to say generally what happened, when it happened, and who was involved. If you do not want to share names at first, that's OK, but you should say whether the person was another student, professor/faculty, or a school employee. In order for the report to be official, you must sign your name to the email so they know who is making the report.

Usually within 1 week

STEP 2: MEETING WITH THE TITLE IX COORDINATOR

Someone from your school's Title IX office should respond to set up a meeting a few days later. At this meeting, you can decide whether you want to file a formal Title IX complaint or an informal complaint. Regardless of what you decide, the Title IX Coordinator should ask you at this point if you would like to receive any supportive measures to help you feel safe.

The meeting should take place at a safe, private place on campus during normal school hours. There may be more than one person in the meeting, for example, the Title IX Coordinator and an investigator.

In this meeting, you should be asked whether you want to file a formal Title IX complaint. A formal complaint means continuing on with the Title IX process, including an investigation involving the person who harmed you and any potential witnesses, which could result in accountability or punishment for the harmer. If you file a formal complaint, that decision will be documented in writing and signed by you, which may occur during this first meeting.

You should also be offered supportive measures at this point in the process, which might include safety measures, resources, and/or support to help you manage your classes or housing. (See the Supportive Measures section below).

If you do not want to go through the formal Title IX complaint process, you have the option of filing an informal complaint instead. With an informal complaint, you would not be required to name the person who harassed or assaulted you if you don't want to. But if you do want to report the person by name, an informal complaint is another way to let your school know what the person did so that there is a record on file in case others come forward to report the same person. Your school should still offer you supportive measures if you decide to file an informal complaint and forego the Title IX process. (See Supportive Measures section below).

If you choose to file an informal complaint, it is possible that an investigation could still take place, because your school has a legal obligation to make campus safe. So they may feel obligated to investigate the incident in order to keep other students safe. If that happens, the person who harmed you could be notified and investigated, even if you haven't filed a formal complaint. Your name should not be shared as the person who reported them, and you would not be required to

participate in the investigation. (Request and confirm this with your school.) However, it's possible the harmer might be able to identify you based on the investigator's questions about when and where the incident occurred. If you do not want an investigation of any kind to occur, you should not reveal any details during your initial Title IX meeting. In that case, the meeting would simply be a way for you to ask for supportive measures.

During this meeting, the Title IX Coordinator should also explain your option of pursuing an Alternative Resolution, which means not going through the formal investigation and hearing process, but rather trying to reach a resolution with the other party that feels right for both of you. At many schools, you can ask to engage in an Alternative Resolution at any point during the Title IX process, and if you're not satisfied, you can choose to return to the formal Title IX process at any time. For more information on this, see the Alternative Resolutions section under Step 6.

If the incident(s) you report do not fall under Title IX jurisdiction (i.e. it took place off campus, the harmer is a student at a different school, or the incident does not meet Title IX's official definition of harassment/assault), the school should let you know during this meeting. Some schools have set up alternative processes within the same office for cases that fall outside of Title IX's jurisdiction but involve similar types of harm. Or the Title IX Coordinator might choose to refer the incident to another school office, such as the Student Misconduct office.

Also during this meeting, you should be told about your right to have an advisor accompany you throughout the Title IX process. That person can be, but does not have to be, a lawyer or legal advocate. You may choose to change advisors during the process, for example if you are initially working with a counselor and then decide you'd like an attorney advisor for the hearing. Be sure to communicate any changes in advisor to your school in case they need any additional information or documentation.

If your school refuses to investigate your report under Title IX, or dismisses it entirely because they claim the conduct does not constitute sexual harassment/assault, contact a legal advocate: equalrights.org/enough

STEP 3: SUPPORTIVE MEASURES

During your first meeting, the Title IX Office should offer safety and/or support options for you, which might include:

1. **No-Contact Orders:** The campus equivalent of a restraining order, a No-Contact Order could help you to feel safer at school. It usually means you and the Respondent (the person who sexually assaulted or harassed you) are not allowed to be in the same place at the same time, and not allowed to contact one another in person, by phone, email, social media, or any other form of communication. Sometimes the No-Contact Order may also bar you both from asking someone else to contact the other person on your behalf. Some No-Contact Orders specify that if either of you shows up at the same location as the other at the same time, the second person to arrive must leave. If either of you violate the No-Contact Order, there may be consequences from your school, which could include anything from a warning to suspension.

A No-Contact Order is usually an interim measure, meaning it is temporarily in place only for the duration of your Title IX process. If the Respondent is found responsible (“responsible” is the Title IX equivalent of “guilty”), the No-Contact Order may be extended until one of you graduates. If you have requested a No-Contact Order as a supportive measure without pursuing a formal Title IX investigation, or if the Respondent in your case is found to be not responsible, you could try asking your Title IX office to keep the mutual No-Contact Order in place until one or both of you graduate. However, there is no guarantee that the school will agree to that.

- Mutual No-Contact Orders: Under current federal law, schools are supposed to offer supportive measures to the parties equally. This may result in your school attempting to issue a Mutual No-Contact Orders (meaning that the order goes both ways, against you and the Respondent, prohibiting both of you from contacting each other). However, Unilateral (“one-way”) No-Contact Orders (which only prohibits the Respondent from contacting you) that ban direct communication between the parties are permitted

In California, beginning January 1, 2022, a new law that ERA helped pass requires schools to issue a Unilateral (one-way) No-Contact Order protecting survivors unless there is a specific reason why the Respondent also needs protection (for example, the Respondent alleges that you harassed them, or you are interfering in the investigation in some way). If the Respondent is found to be responsible, the law requires the No-Contact Order to be one-way without exceptions.

2. Academic Support: The Title IX Coordinator might offer to communicate with your professors on your behalf and ask them to excuse absences, grant extensions on assignments or exams, or consider allowing you to withdraw from or defer a class without it impacting your transcript. However, while the school (and therefore its professors and instructors) are required to provide supportive measures to preserve/restore your equal access to education, the Title IX office may not be able to force your professors to provide requested accommodations in all cases.

3. Housing accommodations: If you’re living in the same dorm or school housing as your harmer, the school might offer you the option of immediately moving, and they may help facilitate a move for you. Under current federal law, your school may not be able to force your harmer to move before they are officially found Responsible if such removal would constitute an “unreasonable burden” on the Respondent or be deemed disciplinary or punitive. However, moving the harmer might be permissible at your school depending on the circumstances.

4. Other resources: The Title IX office might offer you a list of resources both on and off campus for medical and mental health support.

If you decide not to file a formal Title IX complaint, this will likely be the end of the process for you. Your school may decide to investigate the incident on their own, but you would not be required to participate. See the Healing and Power through Activism section of this toolkit for other ways to speak out.

If you do file a formal Title IX complaint, continue to Step 4.

About 1 - 3 weeks later

STEP 4: THE RESPONDENT (HARMER) IS NOTIFIED

If you file a formal Title IX complaint and your school decides to open an investigation, the Title IX Office will immediately notify the person who harmed you (the assailant or harasser) that you have filed a complaint against them and that an investigation will take place. At the same time, but separately, the school should send you an official notification as well.

From now on, the harmer will be called the Respondent, because they are the one responding to your Title IX complaint against them, and you will be called the Complainant because you are the one who filed the complaint.

- Note: Federal law currently requires that the Respondent will be assumed to be “not responsible” (not guilty) until proven otherwise. This does not mean the school should assume you are lying or that you are responsible for proving that the incident(s) occurred.

THE INVESTIGATION

*Usually lasts 2-12 months**

*While your school is legally obligated to complete the Title IX investigation in a “reasonably prompt timeframe,” there is no set timeline for how long it should take. We recommend asking your school’s Title IX Office for a timeline at the beginning of the process. The timing may vary depending on the availability of parties and witnesses, the amount of available evidence, when during the school year the investigation is opened, and other factors. If you feel that certain parts of the process are taking too long, ask the Title IX Coordinator for an update. If the slowness continues, or if the Title IX Office is unresponsive, you may want to seek free help from a legal advocate ([equalrights.org/enough](https://www.equalrights.org/enough)).

STEP 5: INITIAL INTERVIEW & EVIDENCE

About 1 - 4 weeks

The interview process varies from school to school. Most conduct in-person interviews, or interviews via Zoom, where you would typically speak to one or two people, such as the investigator and the Title IX Officer. During the interview, you will be asked to answer many questions about what happened. The Respondent separately will be asked to do the same in their own interview, which should happen after the investigator’s interview with you.

Recounting details of the incident(s) may be very difficult or triggering. For some survivors, it can feel like reliving the trauma. We highly recommend that you prioritize your emotional and physical health before, during, and after this interview. (Please see the Self-Care section of this toolkit for advice from other survivors.)

Common questions you should be ready to answer during the initial interview include:

- How do you know the Respondent?
- Where did the incident occur?
- What details do you remember about the events before, during, and after the incident?
- How did you react during and after the incident?
- Did anything affect your actions or awareness of the incident (intoxication, trauma response, etc.)?

Investigators who are not trained in trauma-informed practices may sometimes ask inappropriate or triggering questions that feel victim-blaming, shaming, gaslighting, or insinuate you are being dishonest, such as “why did you go back to the Respondent’s room if you didn’t want to have sex?” “why didn’t you say ‘no?’” or “why didn’t you call the police?” Sometimes these questions are necessary for the investigator to gather all of the relevant information, even if they feel victim-blaming. Ultimately, it is in your favor to answer honestly. However, if a question feels entirely inappropriate, you can point that out and ask why the investigator needs to know that information. You could say something like “I’m uncomfortable being asked what I was wearing because it feels like you’re suggesting that my clothes were relevant to the assault. Can you please explain why you need to know that information?”

Answer all questions as truthfully as you can, especially when you don’t remember something. It is always better to say **“I don’t know” or “I’m not sure”** instead of guessing if you’re unsure. For example, unless you are certain about a particular date or time, you can say “I’m not sure exactly when, but I believe it was on ____.”

If you and the Respondent had a prior dating or sexual relationship, or if you engaged in some consensual acts with the Respondent but others were non-consensual, you may be asked questions relating to how consent was communicated during the consensual activities. Again, you might receive questions that feel victim-blaming, such as “how did you communicate to the Respondent that you no longer wanted to engage in sexual activities with them?” While some of these types of questions may be allowed, others are not. For example, federal law prohibits some questions about your sexual history (such as questions about prior relationships you’ve had, or how many sexual partners you’ve had) except in limited circumstances, such as to prove that someone else other than the Respondent committed the misconduct in question, or to prove how consent was communicated between the parties.

In California, such questions are not expressly prohibited, but schools are prohibited from taking a survivor’s sexual history into consideration when making their decision in the case. Also in California, the law requires **affirmative consent**, meaning the Respondent would have to affirmatively get your consent for each sexual activity, as opposed to you being responsible for saying “no.”

Witnesses

You will also be asked to provide a list of witnesses at this time. Witnesses often include anybody who saw the incident happen, saw you shortly before or after the incident, or saw you with the Respondent shortly before or after the incident. Witnesses also include anyone you called, messaged, or spoke to any time after the incident if you told them what happened, or even if you just said that something bad happened to you or asked for their support. If you went to a hospital or doctor’s office afterward, a doctor or nurse could be a witness. Witnesses

could also include anyone who observed changes in your behavior that began after the incident, such as depression, anxiety, fear, or trauma responses.

You might want to check with potential witnesses before listing them to make sure they are willing to be interviewed during the investigation (and possibly to testify at your hearing). Or, you can provide their names and just let the investigator know that they might be hesitant to get involved. You must provide the contact information for all potential witnesses, and the investigator will contact anyone they think has information that might be useful to their decision making. You should be allowed to add witnesses to your list later in the process if you think of someone else, or if someone else agrees to testify for you, but it's best to tell the investigator as early in the process as possible, especially if you don't want delays. The investigator might decide not to interview all of the witnesses you suggest if they think it is unnecessary.

Evidence

Finally, you will be asked to submit any documentary evidence you have to the investigator. This includes written documentation, photos, audio files, screen shots, or other tangible proof from around the time of the incident that establishes where you were, who you were with, when it happened, any details of the incident, or how you felt afterward. Examples of evidence you could consider submitting include: text messages or voicemails with friends and/or with the Respondent; screenshots of social media messages and posts explaining what happened or asking someone for support; emails, phone records or call logs; rideshare app receipts; results from a rape kit; police report; articles of clothing worn during the incident (if Respondent's DNA might be on them); or photos.

If you're considering the Title IX process, begin gathering evidence now, just in case. Screenshot messages, especially on social media, in case they are deleted later. Save voicemails. You may want to ask witnesses now to write down what they remember so they don't forget details if the investigation takes a few months.

If you are comfortable doing so, it is best to provide all details related to your encounters with the Respondent as early as possible rather than adding details later. If you mention any new allegations during this initial interview process, for example you remember an additional incident that took place on a different date, or a new detail about the incident that changes the allegation from harassment to assault, the Respondent is entitled to formal notice of this new allegation, and it could start the process over again from the beginning.

STEP 6: SUMMARY STATEMENTS & RESPONSES

1 - 6 months

After your initial interview, the investigator may follow up to ask further questions after speaking with the Respondent and/or witnesses. Once the interview process concludes, the investigator will send you a summary statement based on how you answered the interview questions.

Carefully read your summary statement. If the investigator got anything wrong, create a document noting the inaccuracies, which you should quickly send back to the investigator. Be explicit, i.e. "You misstated these details," and correct the details they got wrong with the correct information. This includes anything the investigator left out of your statement, or facts which are technically true but, in the context of the summary, give the incorrect impression. (For example, the statement

might say that you told the respondent the next day that everything was fine, but does not explain that you later told them you were not OK.)

Your statement is your chance to tell your version of the events, and those in charge will rely on it to make a decision later, so make sure everything is accurate. The Respondent will also have an opportunity to do this with their statement.

Once the investigator has approved statements from you, the Respondent, and the witnesses, as well as any other evidence, they will send a document for you to review that includes all statements and evidence that has been collected so far. This is usually referred to as Evidence Review. (For important details, see the Evidence Review section of this toolkit.) Please note that these documents can be very lengthy, sometimes up to hundreds of pages, so set aside plenty of time to review them, especially because you may be asked to respond to all the documents within a few days.

- **Warning:** It can be very triggering or emotionally difficult to read the Respondent's summary statement of what happened or their explanation for the evidence provided, as well as statements by some witnesses. We recommend having a trusted friend, loved one, or support person with you as you read, or "on call" to provide support. You could even have that person read it first and summarize it for you before you read it yourself. You may want to give yourself some time to process the information and your feelings before beginning to draft your response. (See the Self-Care section of this Toolkit for advice from survivors who have been through this process.)

Response

You will then have a very short period of time to respond to the evidence and the other party's summary statement. Typically you are given between 3 and 10 days to write a response. If the timeline feels too short or difficult to meet because of school, work, or other considerations, you could try asking the Title IX office for a brief (~1-2 week) extension.

You will want to be very organized in your written response. We recommend breaking it up into parts or sections rather than writing one long response all at once. By writing your response in a list or outline format, you can respond to certain details in specific ways, which will make your response stronger and help your case. For example, you could create a list of inaccuracies (things that are blatantly false) in the Respondent's statement one at a time, and list the correct information next to each one, along with any evidence or testimony to support that. Consult your school's Sexual Misconduct or Title IX policy that is being used for your case as you write your response, and try to focus on the things that must be established in order for the Respondent to be found responsible. Be as factual and objective as possible to increase your chances of winning your case.

For more tips on this step of the process, see the Evidence Review section of this toolkit.

It is common for this part of the process to provoke new memories of additional information that you may have accidentally left out of your first statement, or that you blocked from your memory. If this happens, just include this honestly in your response to the investigator.

It is scientifically proven that many victims of traumatic incidents cannot remember every detail, or mix up the timeline of events, as the brain's way of protecting you from the effects of trauma. Don't worry if this happens to you, or feel that you are to blame. Just tell the investigator as soon as you realize. Don't be afraid to simply say something like "I forgot," or "I mixed up the timeline." Include any new details you remember, as well as any additional evidence or witnesses.

Sometimes, the Respondent's statement or evidence includes something that may make you doubt your right to pursue the investigation, such as pointing to casual communications you had with them after the incident. This is common. Many survivors don't realize right away that what occurred was sexual assault or harassment, or they may not admit it to themselves at first. It's important to be honest with the investigator, but you should never have to explain yourself. It is perfectly valid to say, for example, "Yes, I sent that text. I was still processing a difficult situation and navigating how to respond."

The investigator may request another meeting or interview with you after reviewing the evidence, in order to discuss any new information that came up. Beware that any new facts, evidence, or witnesses you provide to the investigator will likely trigger another round of interviews with you, the Respondent, and any related witnesses, which could delay the process.

about 2 - 4 weeks later

STEP 7: INVESTIGATION REPORT (OR ALTERNATIVE RESOLUTION)

After both parties have a chance to respond to the summary statements and evidence, the investigator will write a final investigation report. Depending on your school, this report may just be a collection of all the evidence collected, or it may include assessments from the investigator, such as their understanding of your and/or the Respondent's credibility, or the credibility of witnesses. Sometimes, you and the Respondent will be provided an additional opportunity to review the report and make any final corrections or comments.

Once the final investigation report has been released, the Title IX Coordinator will set a hearing date, or they may ask if you are interested in an Alternative Resolution process instead.

Alternative Resolution

Alternative Resolution is a way to resolve a Title IX case without going to a formal hearing. The options vary from school to school. Your school may ask what your goals are to help determine if your needs can be met outside of a formal hearing process. For example, some survivors want the Respondent to apologize or complete a consent course to learn why their behavior was wrong and how to change it. These are outcomes that cannot be achieved through the formal process, which results in formal punishment for the Respondent if found responsible.

While Alternative Resolution will not result in formal punishment for the Respondent (unless they agree to it, such as agreeing to transfer to a different college or program), it may be a good option for survivors who, after the investigation, are not confident that the case will turn out in their favor. In order for an Alternative Resolution to be pursued, both parties must be willing. Your school cannot coerce you (or the Respondent) into pursuing an Alternative Resolution by, for example, saying they will not provide you with supportive measures unless you pursue a resolution outside of the hearing process. Before agreeing, you should ask the Title IX Office to explain in detail what the process would entail, the timeline, and who would be involved. See the [Alternative Resolution](#) section of this toolkit for more.

STEP 8: THE HEARING

**Note, in California, a hearing might not be required.*

See the [Preparing for your Hearing](#) section of this Toolkit for additional information and advice.

Current federal law requires your school to hold a live hearing in order to determine whether your allegations are true or not. If you go forward with a formal hearing, here are 10 important things to know:

- 1. Hearings often take between 1 and 3 full days.** They usually last multiple hours each day--often about 8 hours, but sometimes longer. Unfortunately, there is no law dictating hearing structure, so there is no way to know how long your hearing will be, how many days it will take, or how many breaks you should get throughout the process. We recommend asking the Title IX officer far in advance so you can mentally prepare. Usually the school offers a “pre-hearing conference” where these details are explained to you.
- 2. If the hearing’s length or structure seems unnecessarily trying or traumatic, **you can ask for a different structure**** that feels more manageable to you (or ask your advocate to do so on your behalf). Your request may be rejected, but it usually does not hurt to ask. Some examples include asking for a break every one to two hours, or asking for a day between hearing dates, if that feels best for you. You can make requests whether you are informed in advance or if you realize after the hearing begins that you need breaks.
- 3. The number of people who will be present varies.** In addition to you and your advisor, and the Respondent and their advisor, there will be a hearing officer or hearing panel that will decide the outcome of the case. Additionally, the Title IX Coordinator will usually attend the hearing to supervise and help with logistics. Witnesses, including the investigator, will only be allowed into the hearing room when it is their turn to be questioned.
 - **The hearing is private.** This means your family and friends cannot attend to support you (unless one of them is your official support person or advisor), and neither can the Respondent’s. If someone is invited to listen in who has nothing to do with adjudication of the case, this is a violation of your privacy rights, and you should say so as soon as you’re aware of it.
 - Typically, **each party is allowed one advisor at the hearing.** However, you can ask to be permitted to bring both a support person and an attorney. If your request is granted, the Respondent will be provided the same opportunity.
- 4. Your advisor and the Respondent’s advisor will be the ones asking the questions** of the other party. You and the Respondent will not be able to speak to each other directly or ask each other questions during the hearing. Your advisor will ask the Respondent questions, and the Respondent’s advisor will ask you questions.
 - In California, as of January 2022, advisors are not allowed to ask questions directly of the parties (you and the Respondent). Instead, questions are submitted to the hearing officer, who will ask the question in a less adversarial or aggressive way.

5. You will not get to see the questions that you'll be asked in advance. The person who is overseeing the hearing may ask you to submit your questions before the hearing, but they should not be shared with the other party. So prepare for a wide range of questions. You may want to ask a legal advocate to help you prepare. See the [Preparing for Your Hearing](#) section of this Toolkit for commonly asked questions and advice.

- If you feel a question is irrelevant (especially if the question is invasive or unfair), you can challenge it. According to federal law, the hearing officer must decide whether each question is relevant before the question is answered. So you can **ask the hearing officer to state whether the question is relevant** before you answer it. Doing so will ensure there is a record of the hearing officer's decision about the question's relevance should you choose to appeal the final decision later.

6. You do not have to be in the same room as the Respondent during the hearing. You have the right to request being located in a different room. Your school could, for example, set up the hearing to include video conferencing. If this is something you're interested in, ask well in advance--as soon as the hearing date is set, if not before. You can request a separate room if you know or suspect that the Respondent has hired a lawyer. Creating physical distance can help the hearing process feel less intimidating, especially if you will be questioned by a professional attorney. However, know that it can sometimes feel like the Respondent has an unfair advantage by physically being in the same room with the witnesses and Hearing Officer.

Tip: If you are participating in the hearing from your home via video conferencing, we recommend setting a **virtual background** so you can avoid the invasive feeling that may come from the Respondent seeing part of your home. You may also be able to request that the Respondent not see your video while you testify, and/or that you do not have to see them on video while they testify.

7. Before the hearing, arrange a way to privately communicate with your advocate/advisor. For example, with virtual video conferencing, some schools have told the survivor that they must stay on camera at all times. This is not strictly true: you have the right to communicate with your advisor during the hearing whether it is in person or not. If you need to speak to your advisor, try asking to be sent to a private video-conference "breakout room," or ask for a break to call your advisor while you are **off camera and muted** at the hearing. (Communications between you and your lawyer are confidential, unless you allow others to listen in.) If you and your advisor are in separate places during the hearing, you could also **text message** them or send them a private direct message in the video conference chat box to quickly ask and answer questions while the hearing is going on. However, **you cannot communicate with your advisor while you are being questioned**, unless you request and are granted a break.

8. If there are unfair, harassing, irrelevant, or unnecessarily repetitive questions, you can ask not to answer a question and briefly explain why. But unfortunately, your school can still require you to answer if they want to. If you do object out loud to answering a question (even if you are forced to answer it anyway), you can write down the question(s) and your objection, in case it comes up later. You can also submit objections to the hearing officer via email so they are documented if you want to challenge the fairness of the hearing later.

9. When a hearing is required, **the investigator should not be the person deciding the outcome of the case**. Instead, the investigator should hand over the investigation files to the hearing officer or panel, including summary statements, evidence, notes, and other information they ascertained during the investigation, to be used in the officer's or panel's decision making. The investigator may be questioned by the hearing officer about their investigation, and both parties should have an opportunity to ask questions of them as well.

10. You do not have to attend the live hearing or submit to cross-examination. Until recently, survivors were required to attend a live hearing and be cross-examined (questioned at the hearing) in order for the case to end up in their favor. This is no longer the case, thanks to a new change to the law resulting from a federal lawsuit brought by ERA and our partner organizations. When the hearing officer is making their final decision, they can still take statements and evidence into consideration even if the party or witness does not attend the hearing or participate in cross-examination.

about 1 - 2 weeks later

STEP 9: FINDING ISSUED **(FINAL RESULTS, CASE OUTCOME)**

After the hearing, the hearing officer or committee will issue a finding, which is the outcome of the investigation. This usually happens about 10 days after the hearing, but there is no official deadline.

A Finding of Responsibility means that the Respondent has been found to be responsible for ("guilty of") the assault or harassment, and will likely face consequences, known as sanctions. The sanctions likely will not be issued at the same time as the finding of responsibility; a separate individual or panel, such as the Dean, Principle, or student misconduct office, will decide that later. The Title IX office should notify you about which sanctions were issued. If you do not hear from them within 2 weeks, you could follow up with the Title IX Coordinator.

If the Respondent is found Not Responsible, or if the investigation was inconclusive, then no sanctions will be issued against the Respondent. If this happens, no sanctions should be issued against you, the survivor, simply for "losing" your case. You should only be subjected to sanctions if you commit a school conduct violation, such as violating a No-Contact Order, or making a knowingly false report.

Sanctions (consequences, or punishments) for the Respondent are usually based on the type of violation, how severe or intentional the incident was, any aggravating factors (such as whether you were intoxicated but the respondent was not), and past precedent at your school -- how they have handled similar findings before.

Common sanctions against the Respondent may include one or more of the following:

- Suspension (anywhere from a few weeks to years)
- Housing: required to move to a different on-campus dorm/living facility, or required to move off-campus
- Academic: required to drop any classes you share together; barred from taking the same classes as you in the future

- Extracurricular: banned from participating in a group, team, or organization (such as Greek life or sports)
- No Contact Order: prohibited from speaking to you or being within a certain distance of you
- Expulsion: kicked out of the individual school or sometimes the entire school system (such as the University of California system)

NOTE: A common misconception is that the finding of Responsibility will forever appear on the Respondent's school transcript. This is not true for most, if not all, cases. If sanctioned, the sanction itself will likely appear on the Respondent's transcript as, for example: "Suspension" or "Expulsion," but the transcript typically will not state the reason for the discipline, and it will only appear while the discipline is in place (for example, during the year the Respondent was suspended).

No-Contact Orders: Although your school may issue a Mutual No-Contact Order (applying to both you and the Respondent), you could request a Unilateral (one-way) No-Contact Order as one of the sanctions, which would apply only to the Respondent rather than limiting your movements and communications, too. The law permits your school to issue a Unilateral No-Contact Order at this stage, but sometimes schools still choose to only issue mutual orders.

- We believe survivors should never be negatively affected by sanctions, including by Mutual No-Contact Orders. If this happens to you, you could choose to **ask your Title IX office how to appeal that part of the sanction** while leaving the rest in place.
- **In California**, as of January 1, 2022, it is unlawful for schools to issue Mutual No-Contact Orders after a finding of responsibility has been issued, thanks to a new law ERA helped to pass.

If your school allows the respondent to appeal the sanctions decision, then you should be permitted to do so as well. (Federal law requires that appeal rights be made available equally to both parties.) However, the Respondent does have the right to appeal a sanction that is issued against them. If part of the sanction includes something that affects your rights, such as a Mutual No-Contact Order, you may be able to appeal and should seek legal help for this.

A finding of **Not Responsible** means the investigation ultimately did not find the Respondent responsible for ("guilty of") the assault or harassment. Sometimes the school finds affirmatively that the sexual misconduct did not happen. Other times, they do not have enough evidence to establish it was more likely true than not that the misconduct occurred. This does not mean they did not believe you, but simply that there was not enough evidence. Either way, if there is no finding of responsibility, the Respondent will not face consequences or sanctions. If this happens to you, it's possible that you could file an appeal and ask the school to redo parts of the investigation. If you decide to do this, you should act quickly. See Step 10 below.

STEP 10: POSSIBLE APPEAL

(FOR THOSE UNHAPPY WITH CASE OUTCOME)

If the Respondent is found Not Responsible and you would like to appeal (challenge) that decision, you can file an appeal. Usually, you only have about 10 days to do this, but it varies from school to school.

Appeal rights vary from school to school, but usually, you can appeal only for a few reasons, including:

- the investigator or hearing officer was biased
- there was a procedural error that impacted the investigation/outcome (for example, you were not given the opportunity to pose questions to the witnesses)
- you have new evidence that was not reasonably available to you during the process that would change the outcome; or
- the outcome is not supported by the evidence (meaning the hearing officer came to the wrong decision because the evidence overwhelmingly supported a finding of Responsibility).

If you want to appeal (or want help deciding whether to appeal), we advise contacting a legal advocate right away to help you with the process. You may even want to contact an advocate before the finding is issued if you think it might not be in your favor. It is difficult for lawyers to accept cases on short notice, so the earlier the better. You can also try asking for an extension from the Title IX Office as soon as possible to give you more time to get help for a possible appeal. Any extension granted to you will also be given to the other party.

For more, see the [How to File an Appeal](#) section of this Toolkit.

Conclusion

Although the Title IX process can bring safety, justice, and closure, the process itself can be long, trying, and even re-traumatizing. Knowing this information before you begin can help you mentally prepare and potentially adjust your schedule accordingly. Consider asking for extensions for class projects or exams. Gather your support system: tell those you trust that you may need extra support in the coming months, consider getting a therapist, and know that legal advocates like those at Equal Rights Advocates are here to answer your questions and guide you. Asking for help can make a world of difference in your experience.

For more advice, check out other sections of this toolkit, including Self-Care Tips, Advice from Survivors, and Advice for LGBTQ+, Muslim, and South Asian Survivors. For further explanations of the legal process, see these sections: Hearing Preparation, Evidence Review, Alternative Resolutions, Your Rights & What To Do If They're Violated, and Guide to Appeals.

Equal Rights Advocates provides free legal support to student survivors to help navigate every step of this process. Learn more here, or apply to speak with a legal advocate about your case here.

