



EDUCATION & TITLE IX

## HOW TO FILE A TITLE IX SEXUAL HARASSMENT OR ASSAULT COMPLAINT WITH THE U.S. DEPARTMENT OF EDUCATION

*The U.S. Department of Education's Office for Civil Rights ("OCR") enforces Title IX, among other civil rights laws, and has the authority to investigate sex discrimination complaints.*

**Who Can File a Complaint?** Anyone who believes a school has discriminated against someone on the basis of sex. You do not have to be a victim of the discrimination. Parents, friends, teachers, or school administrators may file on behalf of a student.

Because all students—male, female, LGBT, students with disabilities and those of different races, national origins and ages—can suffer sexual harassment or assault, all are protected by Title IX.

**Where Can I File a Complaint?** Complaints can be submitted either online or by printing and mailing a completed form to your [local OCR office](#). You can find the complaint form at <https://ocrcas.ed.gov/>.

**When Can I File a Complaint?** You must file a complaint within 180 days of the date of the discrimination. If the harassment is ongoing, you only need to file within 180 days of the *most recent* harassment, and the complaint can cover the earlier harassment. You can request a waiver of the 180-day limit but must explain why you did not file within the deadline (for example, victims of sexual violence might need more time due to the trauma they have suffered).

### **What Information Will I Need to Provide in My Complaint?**

- Description of the sexual harassment or assault, including:
  - When and where it occurred
  - Name of the harasser(s)
  - A description of what happened
- Contact information for you and anyone who was sexually assaulted or harassed
- Name and location of the school or educational program
- Description of any prior attempts you have taken to resolve your complaint
- What you would like the school or program to do as a result of the complaint, including any costs you have had to incur that you want reimbursed (complainants have received reimbursement for the costs of counseling and medical bills, for example).
- OCR will not reveal your identity (and/or your child's identity) without your consent. You have the right not to provide consent, but OCR may close your complaint if they cannot proceed without it.

### **Tips for Filing a Complaint:**

- Be as specific and detailed as possible.
- You may allege discrimination on multiple bases (sex, race, disability, etc.).
- Discrimination for failure to conform to sex stereotypes or on the basis of transgender status counts as sex discrimination.
- Remember to print, sign, and mail the consent form to your local OCR office. The consent form can be found here: <http://1.usa.gov/1EIUJOF>.



**NOTE:** It is illegal under Title IX for anyone to retaliate against you for complaining about sex discrimination (there is a retaliation box on the complaint form). You are protected from retaliation if you have informal conversations with school officials about harassment or assault, even if you never file a formal complaint.

3. **STEP 3: Appeal.** Within 60 days, you can appeal an OCR decision finding insufficient evidence of a violation. This process provides you with an opportunity to bring to OCR's attention any information that might change its decision.

#### ***What Are My Other Options?***

#### ***What does the process look like?***

1. **STEP 1: Investigation.** If OCR decides to investigate your complaint, it will notify you (and your school). OCR will then collect relevant information from you, your school, and possibly from others. An OCR staff member will likely interview you, administrators at your school, and any witnesses. OCR's role will be to resolve your complaint as a neutral fact-finder. In addition, an Early Complaint Resolution process might be available if both you and your school agree to it. This process would occur prior to the completion of an investigation and is essentially a private settlement agreement which OCR does not approve or monitor.
2. **STEP 2: Decision.** If OCR finds that your school failed to comply with Title IX or if the school is interested in resolving the complaint before the investigation is completed, OCR will contact the school to negotiate a Voluntary Resolution Agreement. The agreement will describe specific actions that the school must take and will require the school to report its progress to OCR. You most likely will not be involved in the negotiation of the agreement but you can follow up with your school or OCR for updates, and you will be notified once a resolution is reached. In the unlikely event that OCR is unable to negotiate an agreement with your school, it has the power to start proceedings to stop the flow of federal funds to your school. OCR may also refer a case to the U.S. Department of Justice for legal action.

1. **Filing a lawsuit.** You can file a lawsuit before you file a complaint with OCR, but OCR will not proceed with your complaint if you have filed a lawsuit in federal court. Remember, there are different time limits for filing a lawsuit and filing an OCR complaint, and filing one will not stop the clock running on the other. In addition, your state might have other laws that apply to your situation. Therefore, if you're considering filing a lawsuit, please check with a lawyer.
2. **Filing a complaint with another federal, state, or local civil rights agency or through your school or district's internal grievance procedure.** Please note that OCR may dismiss your complaint if it thinks that the agency you filed with will provide you with a comparable resolution process.

For additional help or information, please contact the National Women's Law Center at [info@nwlc.org](mailto:info@nwlc.org), or (202) 588-5180.

