

A photograph of two young women in a library or study area. The woman on the right is wearing a grey hoodie and looking towards the woman on the left. The woman on the left is wearing a white hoodie and is speaking. The background shows bookshelves and a desk with books. The entire image has a purple tint.

PART A.

**WAYS**

**TO SPEAK**

**OUT**

**3**

SURVIVORS  
SPEAKING  
OUT

**SHARING YOUR STORY** publicly can come with certain risks. You are the only person who can decide whether speaking out is the best option for you.

Before you begin, these are words that we will use throughout the **FAQs**:

- **Sex-based harassment** means unwanted conduct based on sex. It includes **sexual harassment, sexual assault, dating violence, domestic violence,** and **stalking**. It also includes harassment based on sexual orientation or gender identity.
- **Retaliation** means punishment or backlash against someone who speaks out or reports misconduct, such as sex-based harassment.
- **Defamation** is a false statement that harms someone's reputation. **Libel** is written defamation. **Slander** is spoken defamation. Defamation **lawsuits** are sometimes filed against survivors to intimidate them and make it seem like their story of sex-based harassment is false.

As you think about speaking out, you may want to keep in mind the following things:

- What are my options for speaking out? (**Q1**)
- Is it possible to remain anonymous? (**Q2**)
- What if I don't name my abuser? (**Q3**)
- Does naming my abuser orally carry the same risks as writing or posting online? (**Q4**)

## **Q1. I'M THINKING ABOUT SHARING MY STORY AND/OR REPORTING MY ABUSER. WHAT ARE MY OPTIONS?**

If you want to speak out, there are many ways that you can share your story, report your abuser, or both. Here are some ways that folks choose to speak out:

You could tell people in your community:

- Tell your family and friends
- Post on social media
- Talk to a news reporter
- Write an op-ed or personal essay
- Make an anonymous public statement
- Make an anonymous online document, spreadsheet, or social media account for others in your community to share their stories of sex-based harassment
- Speak at a public event

**IF YOU ARE A STUDENT** speaking out about harassment you experienced related to your education, you are probably protected by **Title IX**. Title IX is a federal law that prohibits sex discrimination, including **sex-based harassment and retaliation**, in schools that receive federal funds. This means it applies to all public schools, some private K-12 schools, and almost all private colleges and universities. If Title IX applies to you, you have several more formal reporting options:

**School complaint:** Report the harassment to your school's **Title IX** office.

- If you report **sex-based harassment** to your school's Title IX office and it fits certain criteria, **Title IX** requires your school to offer you **supportive measures** that help you learn or feel safe at school.

- Your school should have a policy that explains how it responds to **complaints of sex-based harassment**. If you are a K-12 student, this policy might be on your school district's website on a page called "Policies," "Board Policies," or "School Board Policies." If you are a college or graduate student, this policy might be on your school's website on a page called "Title IX Policy," "Sexual Misconduct Policy," or "Gender-Based Harassment Policy." If you can't find the policy, you could ask a teacher, professor, or other school staff to help you find it.



**Government agency complaint:** If your school does not help you or makes things worse, you can **file a complaint** against your school with a government agency:

- **Federal agency:** You can file a **Title IX complaint** against your school with the U.S. Department of Education's Office for Civil Rights (OCR). Depending on your specific situation, OCR may investigate your school for violating your **Title IX** rights. In general, you have 180 days after the last act of discrimination by your school to file a complaint with OCR.
- **State agency:** Depending on where you live, you may also be able to file a complaint against your school with a state or city agency.

Different states have different systems for addressing harassment in schools, but depending on your state, you might file with the education department, attorney general's office, or another agency. The state agency may investigate your school for violating your rights under state law.

**Lawsuit:** If your school does not help you or makes things worse, you can file a **Title IX lawsuit** against your school.

- The deadline for filing a lawsuit is called the **statute of limitations**.
- In general, the deadline for filing a **Title IX lawsuit** depends on your state's personal injury law and ranges from **one to six years**.<sup>2</sup>
- Some states have a longer statute of limitations for **sexual assault**.

2 Different courts have different rules for calculating when this deadline starts running. For example, it could start from the last time you told the school you were harassed or the last time your school did something in response to the harassment (like finishing a **Title IX** investigation). In some courts, the deadline could start from when you realized an experience you had was **sex-based harassment**, when you learned your school should have helped you but didn't, when you learned your school knew about prior incidents of sex-based harassment but didn't help those victims, or another event.



You don't need a lawyer to **file** a school or **agency complaint**, but it can be helpful to have one. You also don't need a lawyer to **file a lawsuit**, but it's really recommended to have one. One way to be connected with **lawyers** is to fill out a quick form with the National Women's Law Center Fund's **Legal Network for Gender Equity**. Lawyers in the Legal Network have agreed to do a first free consultation with people who seek help related to sex-based harassment, discrimination, or retaliation at school.

**IF YOU ARE A WORKER** speaking out about workplace harassment you experienced, you are probably protected by **Title VII**. Title VII is a federal law that prohibits discrimination, including **sex-based harassment**, and **retaliation** against employees. It applies to private employers and state or local government employers with 15 or more employees. It also applies to all federal government employers. If Title VII applies to you, you have several more formal reporting options:

**HR complaint:** Report the harassment to your boss or human resources (HR) office. Your employer may have a policy that explains how to make a complaint and how it responds to complaints of **sex-based harassment**. You can ask your boss or the HR office about this policy or look for it in your employee handbook. (Even if **Title VII** does not apply to you, your employer may have a policy against harassment and process for making an internal harassment complaint.)

**Union complaint:** If you're part of a labor union, you can report it to your union and see if they can help you.

**Government agency complaint:** If your employer does not help you or makes things worse, you can **file a complaint** against your employer with a government agency:

- **Federal agency:** You can file a **Title VII charge** against your employer with the U.S. Equal Employment Opportunities Commission (EEOC). Depending on your specific situation, the EEOC may investigate your employer for violating your **Title VII** rights. In general, you have 180 days after the last incident of harassment to file an EEOC charge. Or, if your state or local government has its own fair employment practices agency that enforces state or local laws against sex-based harassment, then you have 300 days.
- **State agency:** Depending on where you live, you may also be able to **file a complaint** against your employer with a state or city agency. For example, you might file with the state labor commission, human rights commission, or civil rights department. There could also be another state or city agency that receives complaints about sex discrimination or workplace discrimination. Depending on your specific situation, the agency may investigate your employer for violating your rights under state or city law. Some of these state and city laws against workplace harassment cover more employers and workers than Title VII does.
- If your employer **retaliates** against you because you talked to your co-workers about the **sex-based harassment** that you or another co-worker experienced, you may be protected under the National Labor Relations Act (NLRA), even if you are not in a labor union. You can file an NLRA complaint against your employer with the **National Labor Relations Board** (NLRB).

**Lawsuit:** If your employer does not help you or makes things worse, you can **file a Title VII lawsuit** against your employer.

- To file a Title VII lawsuit against your employer, you must first file an EEOC charge against your employer (see page 7).
- Once the EEOC gives you a “Notice of Right to Sue,” you will have 90 days to file a Title VII lawsuit against your employer.
- You may also be able to file a lawsuit under state or local anti-harassment laws.

You don’t need a lawyer to **file** an HR, union, or agency **complaint**, but it can be helpful to have one. You also don’t need a lawyer to **file a lawsuit**, but it’s really recommended to have one. One way to connect with **lawyers** is to fill out a quick form with the National Women’s Law Center Fund’s **Legal Network for Gender Equity**. Lawyers in the Legal Network have agreed to do a first free consultation with people who seek help related to sex-based harassment, discrimination, or retaliation at work.

**IF YOU ARE A STUDENT, WORKER, OR ANYONE ELSE**, you can report **sexual assault, violence, threats, or stalking** to the police. Some people find it helpful to **file** a police report. Others find that the police are not helpful, or that going through a police investigation is more traumatizing than helpful. If you want to file a police report, there may be a **rape crisis center** near you that can help you, including by sending an advocate to go with you to the police.

## **Q2. IS IT POSSIBLE TO REMAIN ANONYMOUS?**

You can choose to tell your story anonymously—without sharing your name. Making a statement this way can help protect your privacy. But even if you share your story anonymously, there is always a chance that some people will recognize who you are based on the details you share or that your abuser may otherwise be able to identify you. Sadly, naming your abuser can increase the chances of you—and those who help you publish your statement anonymously—being sued for **defamation**.

The ability to remain anonymous may also depend on *who* you share your story with. For example:

- If you are under 18 and report **sexual assault, domestic violence, or dating violence** to school staff or medical staff, that person is probably a “mandatory reporter.” This means they are required to report the incident to the police or another government agency. Find out who is a **mandatory reporter** in your state.

- If you are a student, the person you talk to may be required to report the incident to the school's **Title IX** office (see **Q13** for more information).
- If you report harassment to your employer, your employer has a legal obligation to investigate, which may require identifying you to your abuser or relevant witnesses.
- If your abuser sues you, they will name you in the **complaint**, and your identity will be public. In some cases, you could ask the court to change your name to a pseudonym. Even if you can't change your name to a pseudonym, you might still be able to get a "protective order" from the court to redact (hide) your contact info and other private information from court documents. A **lawyer** can help you with this.

It is sometimes possible to be anonymous in a **lawsuit**. Most court documents are public information. But in some cases, you can use a "pseudonym"—a fake name like "Jane Doe" or "Alex Doe" or your first and last initials—instead of your full legal name.

- If you **file a lawsuit**, you might be able to do so with a pseudonym. This means the person or organization you are filing the lawsuit against would know who you are, but the public would not. In some courts, you can just file a lawsuit with a pseudonym. In other courts, you have to ask the court for permission first. Most courts will look at whether: (1) the lawsuit involves a highly sensitive and personal matter; (2) identifying you would cause you physical, emotional, or reputational harm; and (3) you've stayed anonymous so far. A **lawyer** can help you decide if you can sue under a pseudonym.

In some cases, people can be sued for **defamation**, even if they are anonymous. For example, in 2017, a news reporter made an anonymous spreadsheet for women in the media industry to share their stories of **sex-based harassment**. When the spreadsheet was made public, one of the men named in the spreadsheet sued the reporter for defamation, seeking \$1.5 million. He also sued 30 other anonymous women ("Jane Does 1-30") who added men's names to the spreadsheet and tried to force disclosure of the women's identities. In 2023, the reporter agreed to pay the man a six-figure sum to **settle** the entire case, including against the 30 anonymous women.

### **Q3. WHAT IF I DON'T NAME MY ABUSER?**

You can also share your story under your name without naming your abuser. In some cases, this makes it less likely for your abuser to sue you for **defamation**. But even this is not completely without risk. If many people know that you and your abuser were in a romantic or sexual relationship, then your abuser might claim you defamed them even if you didn't name them. For example, when actress Amber Heard published a Washington Post **op-ed** in 2018, she did not name her ex-husband Johnny Depp. She only wrote that she "spoke up against sexual violence" and "became a public figure representing domestic abuse." However, Depp sued Heard, and a **jury** sided with him on some of his defamation claims. Heard later **appealed** the jury's decision and then **settled** the case with Depp. (Importantly, the **settlement** does not stop Heard from making future statements that Depp abused her.)

It is also possible for your school, employer, or other organization to punish you, even if you don't name an abuser. For example, in 2019, a high school student in Maine posted a sticky note in the school bathroom that said, "There's a rapist in our school and you know who it is." While she did not name any student as the rapist, her school gave her a three-day suspension. (Luckily, a **judge** later **blocked** the suspension.) If you are punished by your school, employer, or other organization for sharing your story, even if you don't name your abuser, then you may have a **retaliation claim** against the organization. See **Q1** for more info on reporting retaliation.

### **Q4. DOES NAMING MY ABUSER ORALLY CARRY THE SAME RISKS AS WRITING OR POSTING ONLINE?**

Sharing your story in writing or in an online post creates a written record (or audio or video record) of you speaking out. This may make it easier for your abuser to sue you. But no matter how you choose to share your story, naming an abuser is never risk-free, as it is possible that an abuser might bring a **lawsuit**, threaten a **defamation lawsuit**, or otherwise **retaliate**. See **Q1** for ways to speak out, such as orally, in writing, or by posting a statement, image, audio, or video online.