



**PART B.**

**THINGS**

**TO KEEP IN**

**MIND WHEN**

**SPEAKING OUT**

**THERE ARE MANY THINGS** to keep in mind when deciding whether to share your story. You should weigh the factors that are most important to you, including:

- The power of speaking and owning your truth
- The value of sharing your story with others who can support you in your healing journey
- The value of naming your abuser and warning others in your community to keep them safe
- The potential of using your story to demand change
- The effects on your physical safety and privacy (**Q5**)
- The effects on your mental and emotional well-being (**Q6**)
- The risk of being sued or threatened with a **lawsuit** (**Q7**)
- Whether you want to talk to a **lawyer** (**Q8**)
- The possible costs of defending against a **lawsuit** (**Q9**)
- The risk of the police opening up an investigation into your report, even if you don't want one (**Q10**)
- The risk of police using your statements in a criminal investigation (**Q11**)

## **Q5. HOW CAN I STAY SAFE WHILE SPEAKING OUT?**

Your safety is very important. In some cases, people who speak out publicly face threats of physical harm. Some people are harassed on social media or other platforms. Online harassment may include “doxxing,” which means putting someone’s private personal information, such as an address or phone number, online without their consent. This can be extremely threatening and intimidating.

So, if you are planning to share or have shared your story publicly, you should think about your access to support systems and safe spaces. A **support system** is a network of people who can give you practical or emotional support. This network can include family members, friends, or mentors whom you feel comfortable speaking with about your experiences. A **safe space** is a place that gives you physical and emotional safety. You can find safe spaces in school organizations, support groups for survivors of **sex-based harassment**, or among friends.

You might also consider making a safety plan. A **safety plan** is a personalized set of actions that can help keep you safe. This may include:

- Mapping safe routes to places you often go to, and finding a safe public place you can go to in an emergency.
- Making a list of people who are in your **support system** and telling them what to do if your abuser shows up.
- Blocking your abuser, changing your online passwords, deactivating or making private your social media accounts, and **removing** your personal information from the internet.

For more on making a **safety plan**, check out these guides from **Love Is Respect** and the **National Domestic Violence Hotline**.

## Q6. HOW MIGHT SPEAKING OUT AFFECT MY MENTAL HEALTH?

Survivors of **sex-based harassment** are more likely to experience anxiety, depression, and post-traumatic stress disorder (PTSD). For example, a recent **Know Your IX study** of student survivors found that more than 33% had anxiety, more than 25% became depressed, and more than 40% had PTSD.

For some people, speaking out can be a helpful way to regain control and heal from trauma. But for others, especially those with preexisting mental health conditions, recounting a traumatic experience can be overwhelming. Any public backlash can also be hard on one's mental and emotional well-being.

If you are deciding whether to speak out or have spoken out, it can be helpful to plan ways to protect your mental health. You can think about who in your life can be part of your personal **support system**. You may also want to research local therapists, psychologists, or other mental health providers. Some good starting points are the **National Sexual Assault Telephone Hotline (800.656.HOPE)** and the **National Domestic Violence Hotline (800.799.SAFE)**.

## Q7. CAN MY ABUSER SUE ME FOR SPEAKING OUT? CAN I SUE THEM?

People can be sued or threatened with a **lawsuit**, such as a **defamation** lawsuit, for speaking publicly about sex-based harassment. Defamation means falsely saying or writing things that tend to harm someone's reputation (like accusing them of **sex-based harassment**).

Unfortunately, there is no way to prevent an abuser from filing a lawsuit, even if they do not have a strong legal **claim**. While this does not always happen, even when a harassment victim is telling the truth, some abusers may sue or threaten to sue their victims to cause more harm. This is known as "abusive litigation." Abusers have sometimes **filed** pointless **claims** with the court, sought a protective order against their victim, or dragged out **lawsuits** to hurt their victim. See **Q22** for more information on how lawsuits work and what to do if you are sued.

You may have your own legal claims against your abuser. For example, you could sue your abuser for harassing you. Or, if your abuser **files** a **defamation lawsuit** against you, you may be able to countersue. **Countersue** means a **defendant** filing a **claim** against the **plaintiff** of the initial lawsuit. For example, if your abuser sues you for defamation, depending on your state and situation, you may be able to countersue your abuser for civil rape, aggravated assault, battery, and/or something else. Sometimes victims have sued their abusers for defamation for calling the victim a liar. For example, when Donald Trump called one of his victims' sexual abuse claims against him a "hoax" and "con job," she **sued** him for defamation, and the court **ordered** him to pay her about \$3 million. See **Q22**, **Q25**, and the **Appendix** for more information on countersuing.

## Q8. SHOULD I TALK TO A LAWYER ABOUT SPEAKING OUT?

When you are sharing your story, it can be a good idea to get advice from a **lawyer**, especially if you are afraid your abuser will sue you. A lawyer can also help you figure out if you have legal **claims** of your own. See **Q9** on where to find free or low-cost lawyers.

If you've already been sued, then you should get a **lawyer**. See **Q9** on where to find free or low-cost lawyers. See **Q24** on how to choose a lawyer to represent you.



## Q9. WHERE CAN I FIND A LAWYER? HOW MUCH COULD A LAWSUIT COST?

Hiring a **lawyer** can be expensive. Most lawyers charge an hourly rate, which depends on their experience and where you live. An hourly rate can range from a few hundred dollars to over a thousand dollars an hour. Even if a lawyer has a low hourly rate, a **lawsuit** can require many hours of work, which can lead to high costs. If you end up in a lawsuit, you'll also have to pay for the costs supporting your lawsuit, like postage, delivery, photocopying, filing papers with the court, and other costs. Before you hire a lawyer, you should ask them for a written cost estimate. If you are worried about the cost of a lawyer, keep in mind:

**Pro bono lawyers:** Some law firms provide "pro bono" (at no cost) or "low bono" (at a low cost) representation for certain groups of people or certain types of cases. There are also nonprofits that represent people at no cost. For example, **Electronic Frontier Foundation** accepts requests for help with defamation lawsuits related to online statements. Some law firms may represent survivors in **anti-SLAPP** lawsuits for free (see **Q25** and the **Appendix** for more about anti-SLAPP).

**Legal Network for Gender Equity lawyers:** If you want to speak out about **sex-based harassment** you experienced as a student, as a worker, or as a patient, you can be connected with lawyers through the National Women's Law Center Fund's **Legal Network for Gender Equity**. All lawyers in the Legal Network are required to give you a free first legal consultation. Some lawyers in the Legal Network offer pro bono or low bono services.

**Law school clinics:** Some law schools have a class (called a "clinic") where law students help people with lawsuits under the guidance of their professor, who is a practicing lawyer.

The clinic can give you free advice and may be able to take your case. You can look up law schools in your state to see if they have a **First Amendment clinic** (see the list on the right side of the linked webpage), technology law clinic, or another similar clinic that can help you. For example, Harvard Law School has a **Cyberlaw Clinic** that could help you.

**Contingency fees:** Some lawyers work for free (or very little money) upfront and only charge you if you win your case and recover money. This is called working on a "contingency basis."

**Lawsuit funding:** If you were harassed in the workplace, spoke up about it, and are now suing or being sued, and a lawyer is willing to take your case, your lawyer can apply to the National Women's Law Center's **TIME'S UP Legal Defense Fund** to ask for funding for your case. *Note: Funding decisions are made based on a set of criteria included in the application. Not all cases that meet the criteria will be funded.*

**Insurance policies:** Many renter's and homeowner's insurance policies include something called a "personal injury endorsement," which can help you pay for the costs of defending against a **defamation** lawsuit. Check your policy (or, if you live with your parent, your parent's policy) to see if you would be covered.

**Anti-SLAPP laws:** Your state may also have an **anti-SLAPP law** that requires your abuser to pay your lawyer's fees and other legal costs if you win (see **Q25** and the **Appendix** for more). But if you lose, depending on the state where the lawsuit happens, there is a chance you will have to pay for some or all of your abuser's **lawyer's** fees. You should discuss this risk with your lawyer.

It also takes a lot of time and energy to defend against a **lawsuit**. They often take years and can take time and energy away from the other parts of your life. For example:

- You may have to miss class or need to pay extra tuition to retake a class that you miss because of the time it takes to defend the lawsuit. See this [Supportive Measures FAQ](#) to learn more about how your school can help you make up classes and with tuition.
- You may have to miss work and lose out on wages.
- The lawsuit may be traumatizing, and you may need to pay more for mental health treatment.

## **Q10. CAN THE POLICE INVESTIGATE THE VIOLENCE AGAINST ME EVEN IF I DON'T WANT THEM TO?**

Yes. If you report sex-based crimes such as **sexual assault, domestic violence, or stalking** to the police, they may decide to investigate and arrest your abuser. If the police investigate the abuse, a prosecutor may **file** criminal charges and try to put your abuser in prison. They can do this even if you change your mind later on and no longer want to press charges or help the police with their investigation, although sometimes they will drop the case if you no longer want to participate.

**Note:** Many school staff and medical staff are mandatory reporters. This means they must tell the police or another government agency if they know or think a student or patient younger than 18 or who is protected under the Individuals with Disabilities Education Act (IDEA) has faced **sexual assault** (including child sexual abuse), **dating violence**, or **domestic violence**. Find out who is a **mandatory reporter** in your state.

In some cases, especially **domestic violence** cases, if you decide you don't want to testify anymore in the criminal proceeding against your abuser, a prosecutor could ask a **judge** to order you to testify. If you refuse a judge's order, you could be fined, arrested, or even jailed, depending on your state's law and the prosecutor's decision.

## **Q11. CAN SPEAKING OUT PUBLICLY AFFECT MY CIVIL PROTECTION ORDER HEARING OR A POLICE INVESTIGATION?**

A **civil protection order** is a court order that requires a person to stop doing something, like an order requiring your harasser to stay away from you or to stop contacting you. Depending on your state and the relationship between you and your abuser, it might be called a "protective

order," "injunctive order," "restraining order," or something else. Naming your abuser publicly while you are trying to get a civil protection order should not affect whether the court grants the order. Keep in mind that civil protection orders are typically public record, which means anyone can look them up.

A police investigation is a criminal investigation that could result in your abuser going to prison. Naming your abuser publicly should not stop the police from investigating your abuser. But the police may ask you not to share some information publicly because it could hurt their investigation. Keep in mind that any information you share publicly may be used as **evidence** in the investigation, and you may be questioned by police, prosecutors, or your abuser's **lawyer** about your statements.