



**PART C.**

**SPEAKING**

**OUT**

**AS A**

**STUDENT**

**IF YOU ARE A STUDENT**, you should also keep in mind the following factors:

- The value of naming your abuser and warning your classmates to keep them safe
- The potential of using your story to demand policy changes at your school
- The benefit of your school offering you supportive measures and, if you want, investigating the harassment (**Q12**)
- The risk to your education (**Q12**)
- The risk of your school opening an investigation into your report if you don't want one (**Q13**)
- The risk that your school could try to prevent you from speaking out publicly about the harassment (**Q14**)
- The risk of being punished by your school for "bullying" or "harassing" your abuser (**Q15**)

## **Q12. CAN SPEAKING OUT AFFECT MY EDUCATION?**

Speaking out can be a way to get the help you need to end the harassment and address any harm from the harassment on your education. 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. Supportive measures are actions or strategies that help ensure that the harassment (or the time and energy needed to speak out about it) does not harm your ability to succeed at school. For example, supportive measures may include a safety plan, tutoring, or deadline extensions.

In addition, if you report sex-based harassment to your school, you can ask for a Title IX investigation. If your school's investigation concludes that you were harassed, your school may decide to discipline your abuser or remove them from your school environment. See **Q13** for more about school investigations. *Note:* You can get supportive measures even if you don't want an investigation.

**Helpful Tip:** If you are thinking about how to speak out and want to reduce the chances that your abuser will claim you are bullying or **defaming** them, it is probably less risky to file a complaint with your school or OCR (see **Q1** for how to do this) than, say, naming your abuser on social media.

Unfortunately, speaking out at school can also have negative consequences. When a school's response to **sex-based harassment** results in more harm to the victim in addition to the harassment itself, this is called "institutional betrayal." For example, a recent **Know Your IX study** found that 15% of survivors who reported sex-based harassment to their schools faced or were threatened with punishment by their schools. Furthermore, 63% of those who faced or were threatened with punishment either took a leave of absence, transferred schools, or dropped out. It is illegal for schools to **retaliate** against students who make good-faith reports of sex-based harassment. See **Q1** for more info on how to **file a complaint** against your school with a federal or state agency or with a court.

## Q13. IF I SPEAK OUT ABOUT HARASSMENT BY ANOTHER STUDENT OR A SCHOOL EMPLOYEE, CAN MY SCHOOL INVESTIGATE THE HARASSMENT EVEN IF I DON'T WANT THEM TO?

Yes, in some cases. Many school employees who find out that you've faced **sex-based harassment** are required to tell the school's **Title IX** office about it. Once the Title IX office knows about the harassment, it is required to offer you **supportive measures** and tell you how to **file** a "formal **complaint**" asking for an investigation. In general, your school will not investigate sex-based harassment unless you ask them to. But in some cases, your school may decide they will investigate even if you don't want an investigation. For example, if you speak about sexual abuse by a teacher or report that your abuser has harmed other victims, your school may decide to investigate regardless of whether you want an investigation, if the school decides it's necessary to protect other students or prevent additional harassment.

**Helpful Tip:** If you're worried your school may decide to investigate the harassment without your consent but you would still like other help from your school, you can try telling a trusted school employee that it happened to your "friend" instead. For example: "My friend was sexually assaulted and is struggling in chemistry. How can they move to another class?"

## Q14. CAN MY SCHOOL PREVENT ME FROM SPEAKING OUT PUBLICLY ABOUT THE HARASSMENT?

It depends. Some schools have asked students who reported **sex-based harassment** to sign a **nondisclosure agreement** or "gag order" that prohibits students from publicly naming an abuser or sharing information about sex-based harassment outside of a Title IX investigation. Some schools have also required students not to **disparage** (say bad things about) their abuser.

- If you signed a **nondisclosure** or **nondisparagement agreement** before reporting **sex-based harassment**, then those agreements cannot be enforced against you. This is because Congress passed the Speak Out Act in December 2022, which bans nondisclosure and nondisparagement agreements that prevent someone from speaking out about sexual harassment or assault if they were signed before a dispute related to sexual harassment or sexual assault arose.
- If your school wants you to sign a **nondisclosure** or **nondisparagement agreement** after you report **sex-based harassment**, keep in mind that **Title IX** does not require victims to keep quiet during a school investigation.

It is a good idea to talk with a **lawyer** before signing any agreement with your school that would force you to not talk to anyone about your **complaint**.

## **Q15. CAN MY SCHOOL PUNISH ME FOR “BULLYING” MY ABUSER BECAUSE I HAVE SPOKEN OUT ABOUT THE HARASSMENT?**

Your abuser may try to get you in trouble by claiming that you are the “bully.” For example:

- Your abuser might claim that by publicly naming them as your abuser, you are the one who is “bullying” or “defaming” them, in violation of school policy or state law.
- Your abuser might **file a Title IX complaint** against you, claiming that you are the one who “harassed,” “assaulted,” or “abused” them.

It is important to know that **Title IX** prohibits schools from punishing you for reporting **sex-based harassment**; this is called **retaliation**. For example, it’s illegal for your school to suspend or expel you, give you lower grades, remove you from an activity or leadership position, force you to take time off, force you to change your classes or activities, or do anything else that has a negative effect on you because you reported the harassment. If your school investigates or disciplines you because your abuser wrongly accused you of bullying them, then you may have a **retaliation claim** against your school. It is a good idea to talk with a **lawyer** about your legal options (see **Q1** for more info).