

# Navigating the Title IX Process

A Guide for Student Survivors of Sexual Violence  
in College/University Settings

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## Disclaimer

This is an informational guide for self-represented student complainants undergoing their college or university's Title IX investigation and hearing process. While this publication is designed to provide accurate and current information about the law, it is not legal advice. Readers should contact an attorney or other expert for advice in particular cases, and should also consult the relevant statutes and court decisions when relying on cited materials, as the laws may change. The Title IX process can and does change, and the information provided within this guide is current as of April 1, 2026.

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## Preface and Content Warning

Navigating the Title IX complaint process can be both emotionally taxing and empowering. This guide aims to make that process more navigable and less daunting. You can use this guide simply to gain a better understanding of the Title IX process, or to inform how you approach the different stages of your proceedings.

The material in this guide will discuss sexual violence and other difficult topics related to the Title IX process. As you read this guide and undertake this process, please take breaks and be mindful of your emotional and mental health needs. Make sure to identify the resources available to you, as well as the support systems, both formal and informal, in your life.

At any stage of the process, you can always change your mind and end your participation if the process becomes too overwhelming or if the possible sanctions no longer meet your goals.

There is no single “correct” way approach to Title IX proceedings. Each case is different, and different schools use different processes. Not all of the information in this guide will be relevant to your circumstances. This particular guide focuses on Title IX complaints related to sexual violence at colleges or universities. However, there are many other types of Title IX complaints, and there are many different experiences related to sexual violence, dating violence, and/or stalking. We acknowledge that the guide may not speak to your particular experience. For additional information regarding the Title IX process, check out the other organizations listed at the end of the “Practical Resources” portion of the guide.

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# What is Title IX?

Title IX is a federal law that prohibits sex-based discrimination in any schools that receive federal funding. Under Title IX, it is unlawful for students to be denied access to their education based on their sex. Sex-based discrimination under Title IX includes sexual harassment, sexual violence, and denials of reasonable accommodations needed for pregnant and lactating students to access their education. Recently, some federal courts found that Title IX does not prohibit discrimination on the basis of gender identity. See *Tennessee, et al. v. Cardona*, No. 2:24-00072 (Jan. 9, 2025).

Despite these recent federal court rulings limiting the scope of Title IX protections, students in California remain protected from discrimination on the basis of gender identity and sexual orientation under California state laws.

Most schools have a dedicated Title IX office that is responsible for receiving and investigating reports of sex-based discrimination, harassment, and violence. When a school investigates these reports and holds related hearings, these proceedings often are referred to as “Title IX proceedings.”

Often “sex” and “gender” are used interchangeably when talking about legal protections and discriminatory behavior. However, there is a difference between the two terms.

“Sex” is typically assigned at birth based on biological traits.

“Gender” is far more expansive and fluid. It relates to societal and cultural expectations, as well as personal expression. How someone treats you is based on what they know or assume about your gender.

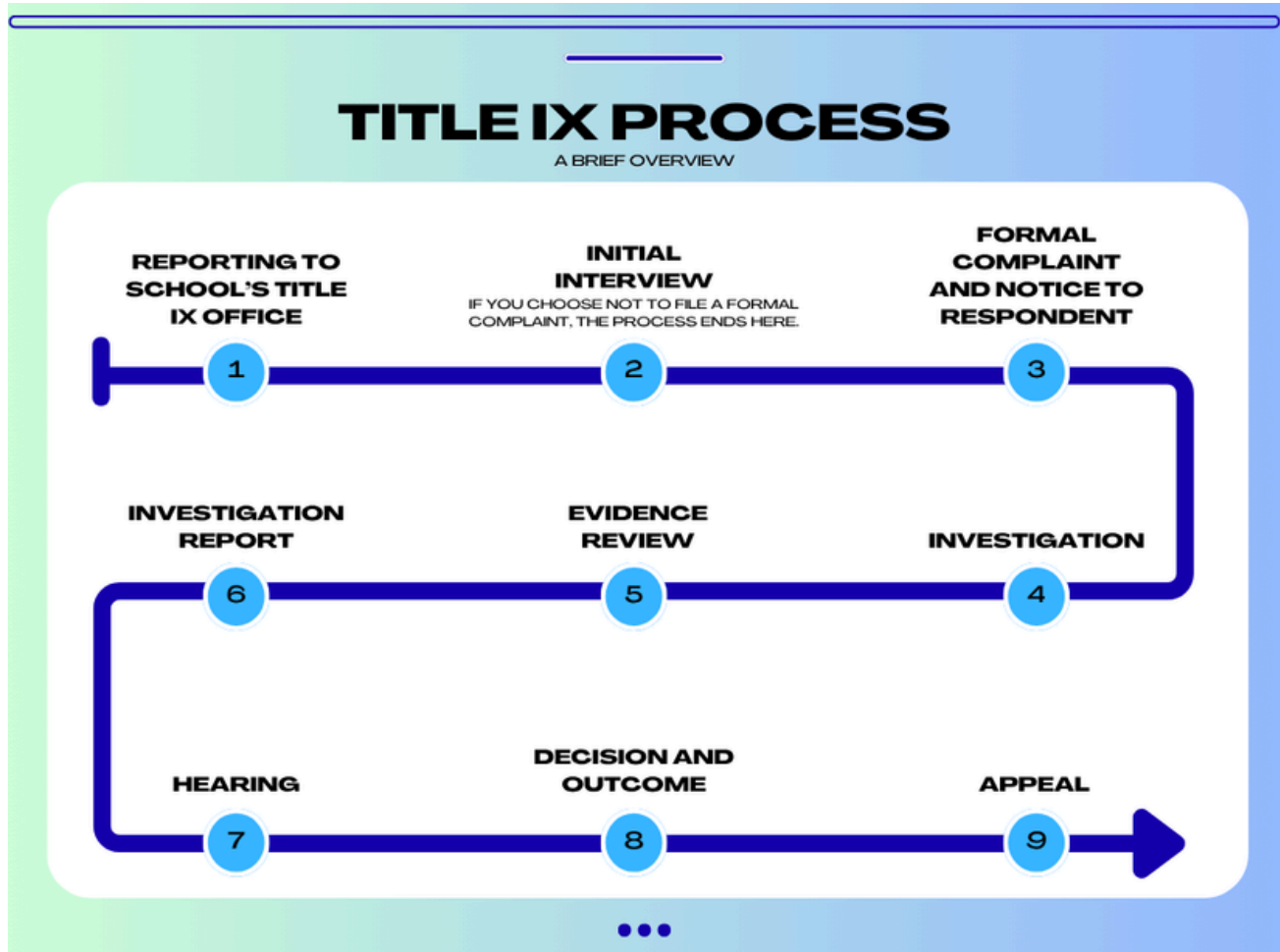
Gender identity is how you feel internally and whether you align with another identity. This is a person’s innate sense of their gender.

Gender expression refers to the way that a person presents their gender to the world. Gender expression includes how a person dresses as well as hairstyles, body features, interests, body language, voice, pronouns, and mannerisms.

We strive to use inclusive language that encompasses the full spectrum of gender expression and identity.

# Breaking Down the Title IX Process

# Title IX Process Overview



Each school has its own Title IX process that may have specific variations or rules. This overview attempts to describe the common features of the process, but we encourage you to consult your school’s Title IX website and office to make sure that you have a correct understanding of the steps of this process. Your school should have a copy of the Title IX hearing process on the school website.

Title IX regulations require that your school conduct proceedings within a “reasonably prompt timeframe.” Schools interpret this differently. Your school’s Title IX office should have an estimate for the timeline of this process on its website, or you can ask the office to provide you with an estimate.

The Title IX office has jurisdiction over certain types of incidents of sexual assault or harassment – specifically, incidents on campus or at a school-affiliated location by a fellow student or person affiliated with the university. However, when the incident occurs off-campus at a non-school affiliated location or involves someone who is not affiliated with the school, there may be limits to the type of action the office is able to take. If this is the case, your Title IX office should be able to help point you towards other resources or paths of action.

The formal term once you file a Title IX report with your school is “complaint.” This includes your account of your experience and the details of what happened.

# People in the Title IX Process

- **Complainant** – The person filing a Title IX complaint.
- **Respondent** – The person who you are filing the Title IX complaint against.
- **Title IX Coordinator** – The person at your school whose job it is to ensure that the school is complying with Title IX.
- **Title IX Investigator** – This is the person or people working for your school's Title IX office who are responsible for investigating your Title IX complaint.
- **Hearing Officer** – Once you reach the hearing stage, this is the person who will manage the hearing and reach the final decision on your case.
- **Advisor** – Throughout all stages of the Title IX process, you are able to have an advisor to provide you with guidance if you wish. For example, your advisor may accompany you to an interview and help you prepare a response to the evidence review. If you are able to hire an attorney to represent you in the Title IX process, your attorney would serve as your advisor. If you are not able to hire an attorney, you can select an advisor who is not an attorney, such as a friend or mentor. Some schools offer to provide students with trained, non-attorney advisors free of cost, although schools are not legally required to provide this service. However, if your school permits advisor-conducted questioning, then the institution must provide you with an advisor if you do not have your own advisor. Generally, you can have one advisor accompany you to the hearing. During some hearings, the advisor conducts the cross-examination of the Respondent. Additionally, recently passed legislation permits students to be assisted by an advisor if the student receives a notice of student conduct violations. A student may select their own advisor, or request the public postsecondary educational institution to provide one. (CA EDC § 66283).
- **Support Person** – In addition to your advisor, some schools permit you to choose a support person to accompany you to the hearing. Their primary role is to provide you with emotional support, and they do not get to speak on your behalf.
- **Respondent's Advisor and Support Person** – The respondent may also have an advisor and support person with them during the hearing.
- **Appellate Officer** – If your case is appealed, this is the person who will review the hearing officer's decision.

\*For Title IX office roles, some of these titles may be slightly different depending on the school.

\*\*Both your advisor and support person are not allowed to communicate with the Title IX office on your behalf – all communication must come directly from you. However, you are allowed to get help drafting your emails.

\*\*\*In addition to these people who will be formally involved in the process, we encourage you to identify a trusted person in your life who you feel safe reaching out to for support (this could be a therapist, social worker, survivor advocate, friend, family member, or someone else.)

# I. Reporting

The initial reporting process at each school may vary slightly, and you should consult your school's Title IX office website to confirm the specific procedure.

Generally, reporting typically begins with you either 1) filling out a form on the school's website; or 2) sending an email to the Title IX office; or 3) calling the office to make a report over the phone. It is up to you how much information you include in this initial inquiry, and making a report to the Title IX office does not mean that you must file a formal complaint. The term "complaint" refers to the formal written document that you can submit to the school after you make an initial report and complete an interview with staff from your school's Title IX office. The "complaint" includes your account of your experience and the details of what happened.

In some instances, if you have shared your experience with a university employee who is required under law or school policy to report that information to the Title IX office, the employee may make an initial report on your behalf. In this case, the Title IX office will reach out to you and let you know your options.

If you want to make sure that there is a record of your report, you may want to consider putting your report in writing, either through a form or an email. Your report does not have to be perfect in order to file, but can be a helpful step towards documenting what happened and how you have engaged in the Title IX process at your school. If you would prefer to talk to the Title IX office, we would recommend keeping a record of the meeting – for example, an email containing your appointment confirmation or a calendar entry of when you met with the office.

## II. Initial Interview

After you submit the initial report, the Title IX office at your school will likely schedule an interview to get more details from you, provide you with resources, and discuss your options moving forward. You will be asked if you wish to file a formal complaint against the Respondent. If you choose not to file a formal complaint, the school may decide not to pursue an investigation (although the Title IX office still has the option to pursue an investigation even if you do not request it). If you decide not to file a formal complaint, you are still able to request informal remedies from the school, such as accommodations.

If you choose to file a formal complaint, there are two main options for how to proceed.

- **Informal Resolution** – This requires both you and Respondent to participate in an informal resolution process like mediation. During mediation, you and the Respondent would meet with a neutral mediator to try to reach an agreement about how to resolve your complaint, without going through a formal investigation and hearing. If you decide to participate in Informal Resolution but you ultimately are not able to reach an agreement with Respondent, you still have the option of pursuing a formal investigation and hearing. Informal Resolution is not allowed in cases alleging sexual violence, per the California Education Code (CA EDC § 66262.5), and the school cannot require that you participate in mediation to resolve complaints of sexual harassment.
- **Formal Investigation** – A Title IX investigator or other member of the Title IX office will investigate your complaint, interview witnesses, and write a report on their findings. Depending on the outcome of that report, there may be a formal hearing after the report is completed.

If you choose to file a formal complaint, the Title IX office will prepare the formal complaint and provide the Respondent with official notice that will include a summary of your complaint. Your school should inform you of resources and accommodations that you may receive as part of the process. As noted above, you are still entitled to request accommodations even if you decide not to file a formal complaint.

Possible accommodations can include:

- academic extensions for assignments or exams
- excusing absences from class
- allowing you to withdraw from a class
- helping you take a leave of absence from school
- changes to your housing if you live in school housing with Respondent
- changes to your work location and schedule if you are employed by the school
- changes to your class schedule as relevant to your complaint
- a “no contact order” to prevent Respondent from contacting you
  - A No Contact Order is an administrative measure issued by the school, which orders that there be no contact between you and Respondent. This can be issued just to one party (Respondent cannot contact you) or a mutual order (you cannot contact each other). This is different from a restraining order, which must be requested from and issued by a court.

It is completely okay not to know which options you want to pursue in the interview. If you are unsure, you can notify the interviewer that you would like to take some time to think about your options and that you will follow up with them to inform them of your decision.

## III. Notice to Respondent

If you decide to file an official complaint, the Respondent is entitled to written notice that includes a summary of your complaint, your identity, the specific policy that the Respondent violated, information about your rights and Respondent's rights, and information about the investigation process. The notice will also state that Respondent is automatically presumed to be not responsible for the "alleged conduct" in your complaint pending the outcome of the investigation. This statement does not mean that the Title IX office will necessarily make a decision favorable to the Respondent. Rather, it means that the Title IX office is not permitted to decide whether the Respondent violated your rights under Title IX until the investigation and hearing process is completed.

## IV. Investigation

The timeline for the Title IX office's investigation can vary. You are entitled to a "reasonably prompt timeframe," but there is no formal definition for what that means. It is a good idea to ask the Title IX office for an estimated timeline and for updates throughout the process. Generally, the investigator will start with interviewing you, the Complainant, first. The investigator will then interview the Respondent, and then any witnesses. After those interviews have concluded, the investigator may interview you again. Because you may be questioned multiple times during the Title IX process, it is important to be as consistent as possible when you are describing the events related to your complaint.

The investigative process can be lengthy, as it may involve multiple interviews, and it can be retraumatizing to have to revisit your experience. We encourage you to lean on any available supports, whether personal or campus-based, to help you through the process. It can be helpful to come up with a plan for how to take care of yourself throughout the investigation. For example, consider scheduling time to debrief after your interviews, accessing campus resources, and communicating your needs to people you trust so you don't have to navigate this process alone.

During the investigation, you will have the opportunity to meet with the investigator to provide information to them. This information will include people you think could be witnesses to the incident or witnesses with information about the incident, as well as any evidence you might have in support of your complaint. You are allowed to speak to potential witnesses to determine what they know and whether or not they might be a good witness for the investigator to speak with. You may want to let people know in advance that the investigator will reach out to them.

**Potential Witnesses May Include:\***

- People who saw the incident(s) that you describe in your complaint
- People who saw you or spoke to you shortly before or after the incident
- People who saw you with Respondent during the time period described in your complaint
- People who you spoke to about the incidents described in your complaint
- Medical professionals who treated you after the incidents described in your complaint
- People who can talk about changes in your behavior or demeanor after the incidents described in your complaint

**Potential Evidence May Include:\***

- Photos from before, during, or after the incidents described in your complaint
- Screenshots of messages from the time of the incidents described in your complaint or messages sent afterwards about the incidents
- Records of phone calls made after the incidents described in your complaint
- Records of medical or mental health appointments you made after the incidents described in your complaint
- Screenshots of rideshare rides going to or from the location where the incidents described in your complaint occurred
- Social media posts around the time of the incidents described in your complaint
- Audio files that are relevant, including voicemails or voice memos
- Results from a rape kit that you had taken as a result of the incidents described in your complaint
- Police reports related to the incidents described in your complaint

\*These lists are not comprehensive. However, they are meant to give you an idea of the types of witnesses and evidence you should consider sharing with the investigator if applicable to your case. Note that you are not required to have certain types of witnesses or evidence in order to pursue the Title IX process.

The Respondent will have the opportunity to meet with the investigator separately from you during the investigation. It is worth noting that the Respondent and the investigator have the right to add witnesses to the investigation. This may mean that your experience is disclosed to others in your peer group without your authorization. In addition, the Respondent will have the right to submit evidence to be considered by the investigator.

The investigator will interview you as part of the investigation process. You will have to repeat what you have already reported to the Title IX office when you submitted your complaint, and this can be another challenging aspect of the process. Different schools have different policies, but you should be entitled to have your advisor and/or support person with you during this interview.

## V. Evidence Review

Prior to the completion of the investigator's report, you will receive a summary of the evidence compiled by the investigator, including a summary of what you have said and what the Respondent has said in their interviews. This part of the process may be referred to as the "evidence review," although the term varies from school to school.

If you disagree with how the investigator is describing what you said, or you are concerned about certain witnesses or pieces of evidence being excluded, you can submit objections to the Title IX office. This will be covered later in the guide on page 53.

## VI. Investigation Report

After both you and the Respondent have had a chance to respond to the evidence review/summary, the investigator will write a final investigation report. The contents of the report will depend on your school's specific policy. Some investigators identify all of the evidence they collected in the report, without coming to any preliminary conclusions about whether the Respondent is responsible for violations of Title IX. Other investigators may not only summarize the evidence they gathered, but also include a preliminary determination regarding whether the Respondent violated Title IX.

If the investigator includes a preliminary determination in their report, it may take different forms. For example, it may be a recommendation from the investigator about how they believe the case should be interpreted by the hearing officer. Alternatively, the investigator may include a decision regarding whether the Respondent violated Title IX in their report. If the report includes the investigator's decision about whether the Respondent violated Title IX, you can challenge that decision.

The initial official notice from the Title IX office should outline this part of the process, and the investigation report should make clear what the process is for accepting or contesting the determination of the report.

## VII. Hearing

A later portion of this guide will go over strategies to help you prepare for your hearing. Different schools use different formats for hearings and have different hearing rules, so you should consult your school's guidelines to make sure that you understand what will take place. As a note, you may not get access to a hearing if the Respondent is a student who transfers or graduates, or if it is a faculty member who resigns.

A hearing may take more than one day. The Respondent has the right to be present at the hearing. If the Respondent does not show up, the hearing can still proceed in their absence. You will see and hear the Respondent at this hearing. Your school may have ways to limit your exposure to them (for example, some schools permit the hearing to take place via Zoom instead of in person), which will be outlined in the Title IX office's rules.

If you have not already selected an advisor by the time of the hearing, the school will appoint one for you if it is required in their Title IX rules. Even if the rules do not state whether or not you will be provided or allowed an advisor and/or support person, you can and should still ask for them. Most likely, your advisor and Respondent's advisor will be the ones questioning witnesses. However, some schools require all questions to be submitted to the hearing officer, who will ask questions of all witnesses for both sides. During the hearing, you and Respondent will not be permitted to speak directly to witnesses, and you will not be permitted to speak directly to each other either.

## VIII. Decision/Outcome

You are entitled to receive a copy of the decision in your case. The language used by the Title IX office will vary from school to school, but the hearing officer will either find that there is enough evidence to prove your claim or that there is not enough evidence to prove your claim. If they find that your claim has been proven by the evidence, they will issue a sanction or sanctions against the Respondent, which may vary. A sanction is the term used for penalties or punishments that may be issued in a Title IX proceeding.

Some possible sanctions include:

- Official reprimand – this may look different from school to school, but can be a formal written statement that goes in the student’s official school record.
- Requiring Respondent to move out of university housing
- Requiring Respondent to drop their shared classes with you and/or barring Respondent from taking future classes with you
- No contact order
- Disciplinary probation
- Suspension
- Withholding of degree
- Expulsion

## IX. Appeal

If you are not happy with the hearing officer's decision, you have the chance to appeal. When you receive the decision in your case, you should also receive information about how to appeal: where you should direct your appeal, what information you must provide, and the deadline for doing so. The deadline to appeal the decision varies at different schools, but you should review the school's instructions carefully to make sure you don't miss the deadline and appeal as quickly as possible if you want to do so. If you want to sue your school for how the school handled your hearing, you must appeal the hearing officer's decision through the school's internal process before you can file a lawsuit in court regarding this issue.

There is more information about the appeals process later in this guide.

# Statute of Limitations

## Deadlines for Filing a Title IX Complaint with Your School

A statute of limitations is a law that prevents someone from pursuing their legal claims if they fail to do so after a specified period. In other words, statutes of limitations set deadlines for when you must file a civil lawsuit after your rights were violated. For example, in California, the statute of limitations for property damage is 3 years. This means that if someone damaged your car on January 1, 2020, and you want to sue them in court for the cost of damages to your car, you must file the lawsuit by December 31, 2022. If you fail to file by the deadline, the court may find that you gave up your right to file the lawsuit.

There is no statute of limitations on filing a Title IX complaint against a respondent with your school. However, because a Title IX investigation is an administrative process rather than a legal process, the school only has the power to penalize people who are connected to your school in certain ways, such as other current students or faculty at your school. Therefore, the school's ability to impose penalties on respondents after they graduate diminishes or may be completely gone. For example, some schools will dismiss a complaint once the Respondent is no longer enrolled or employed by the university.

As you think about timing, there are some questions you may want to consider. If the Respondent is about to graduate, do you still want to file a Title IX complaint? You may want to speak to the Title IX office about what the process would look like given the possible constraints.

Separately from the Title IX process, you have the option to file a civil lawsuit against another student or faculty member who sexually assaulted you, and you have the option to file a civil lawsuit against the school itself provided the school failed to meet certain legal duties for you. When considering your legal options, you should check in with yourself to figure out what feels like the safest and most supportive option for you before you decide to move forward. You also should discuss with an attorney your potential claims and options for filing a lawsuit.

## **Civil Lawsuit**

Filing a civil lawsuit can potentially lead to financial compensation, unlike an administrative Title IX complaint that you file with your school. You can either file a lawsuit against the Respondent based on the sexual assault or harassment, or against your school if the school committed misconduct during the Title IX process. In both cases, you should consider consulting with a lawyer before pursuing action.

### **Against Respondent**

There is no requirement to appeal your school's Title IX decision before filing a private lawsuit against the Respondent. If you wish to file a lawsuit against the Respondent based on sexual assault or sexual harassment, keep in mind that claims that form the basis for civil lawsuits have statutes of limitations. The chart below lists some of the potential claims that a survivor could assert in a lawsuit against a respondent based on sexual assault or harassment. Please note that every case is different and these potential claims may not be applicable to your case. You should consult with an attorney to determine if you have a legal basis for asserting any of these claims or other claims not listed below, based on the specific facts of your case.

Potential Cause of Action	Statute	Statute of Limitations
<b>Sexual Assault/Battery</b> (for adults experiencing sexual assault/battery)	CA Civ. Code § 340.16	<b>Within 10 years</b> of the event, or <b>within 3 years since the discovery</b> of any injury or illness resulting from the assault
<b>Gender Based Violence</b>	CA Civ. Code § 52.4	<b>Within 3 years</b> of the violence or 3 years from when the survivor reasonably should have discovered injury from the violence
<b>Domestic Violence</b>	CA Civ. Code § 340.15	<b>Within 3 years</b> of the last act of domestic violence
<b>Stalking</b>	CA Civ. Code § 335.1	<b>Within 2 years</b> of the last incident of stalking
<b>Recording of Sexually Explicit Photos or Video without Consent</b>	CA Civ. Code §1708.86	<b>Within 1 year</b> of the date on which it is discovered, but not more than four years after, an image was intentionally distributed
<b>Intentional Infliction of Emotional Distress</b>	CA Civ. Code § 335.1	<b>Within 2 years</b> of the wrongful act

## **Against Your School**

Additionally, you may feel that your school mishandled your Title IX proceeding in a way that violated your rights, or that the school responded with deliberate indifference despite having actual knowledge of sex discrimination or harassment. Bringing a suit against your school for violating Title IX has a statute of limitations of **2 years**. Bringing a suit under the California Education Code for gender-based discrimination and/or failure to actively prevent discrimination has a statute of limitations of **2 years**. Before filing such a lawsuit, you are required to first exhaust your school's administrative remedies, which includes appealing your case after the initial hearing within the school's administrative process. If you are interested in pursuing this avenue, it is a good idea to speak to an attorney who can advise you.

## **Criminal Lawsuit**

You cannot file a criminal lawsuit against the respondent. A criminal lawsuit is filed by the government, and can potentially lead to fines, imprisonment, or other penalties, such as being added to the sex offender registry. If you are a victim of a crime and you would like the police to investigate, you can file a police report. Based on their investigation, the police decide whether to refer the case to the district attorney's office. The district attorney then decides whether or not to prosecute the accused person.

# Your Rights and Advocating for Yourself

As you go through the Title IX complaint process with your school, you are entitled to certain rights. Your school should outline these for you or provide you with resources to help you understand and exercise these rights. A non-exhaustive list of these rights include:

- Right to access and understand your school's policies – your school's Title IX policies should be easily accessible and should not be confusing or difficult to understand.
- Right to have your report investigated in a timely and comprehensive manner.
- Right to a resolution in a manner that you choose – your school should not pressure you to pursue a particular type of resolution (such as informal resolution or mediation) if that is not your preferred method of resolution.
- Right to talk freely about your experience – your school should not make you sign an order prohibiting you from talking with others about what you experienced, or about the investigation after it's completed.
- Right to be fully informed about the resolution of your case – the school should inform you of the outcome of your investigation and hearing.
- Right to review and respond to evidence – you have the right to review the evidence collected and raise objections to choices the investigator has made, such as excluding certain evidence.
- Right to appeal – you have the right to appeal any sanctions as well as the hearing officer's decision.
- Right to an advisor and support person during meetings and the hearing – as outlined above, you are entitled to one advisor and may be entitled to one support person.
- Right to be free from retaliation – the Respondent and school staff are not allowed to retaliate against you in connection with your complaint.

If your school does not proactively provide you this information, you should feel empowered to ask for it and to seek out additional resources such as campus advocates, counselors, or community organizations that can help you understand and navigate your rights throughout the process.

If, at any stage of the process, you believe that any of these rights have been violated, take notes to document what is happening and collect evidence. This documentation will be helpful if you decide to appeal the decision made in your case, and/or to file a lawsuit related to your complaint.

While your school's Title IX office should follow federal Title IX regulations, you may find yourself in a position where you have to advocate for yourself. Some offices may make mistakes regarding their own internal policy or may not be aware of recent changes to federal Title IX policy. While it may be challenging, if you feel like a mistake is being made, don't be afraid to email your Title IX office with specific language from federal policy or their own policy and ask them to comply.

Though it may be tedious, it is a good idea to read your school's Title IX policy and procedures. This familiarity will help you identify instances where the office or proceedings may violate policy, and will help you advocate for yourself.

Additionally, you may request accommodations and modifications to the policies that will help you during the process. For example, a school's policy might state that you can only have an advisor or a support person, but if you think having one of each would help you, you may ask if the office will accommodate your request. Additionally, if the Respondent asks for and receives an accommodation, you should be entitled to that accommodation as well.

# Practical Resources

# Initial Report and Complaint

## Tips for Your Initial Report:

- It may help to write down your memory of the account in one document that you save.
- If you are submitting something in writing to your Title IX office, it can be helpful to organize what happened under headings (such as the date on which events occurred, or categories of violations).
- Tell the story of what happened as you experienced it, and make sure that you are being completely truthful.
- Include details that you are confident about/aim to include accurate details.
- Try not to censor yourself. Disclose as much as you feel comfortable sharing, with as much detail as possible. This will make your case as strong as possible. In some cases, when you introduce information later in the process that was not included in your initial report, the investigator, hearing officer, or Respondent's advisor may scrutinize that information more heavily. However, trauma can make it difficult to process your experience, and there are scientific studies that show that memory deficits can occur immediately after an assault, and steadily improve overtime. (Mechanic, M. B., Resick, P. A., & Griffin, M. G. (1998). If you find this to be your experience, you should share that with the investigator. If you remember new information that you think is relevant to the case, you can email the investigator to document your recollection.
- You may want to begin gathering any evidence you have of the incident (such as screenshots of texts, etc.). This will help make sure that you are reporting as accurately as you can.
- It can be helpful to review your school's policy to understand exactly how they define the terms "sexual harassment" and "sexual assault," as there may be minor differences from school to school. Knowing these definitions will help you identify all relevant information to support your complaint. Even though schools may define these terms differently, please remember that your experience and the impact it has had on you is valid.
- Describe the ways in which this incident has impacted you, especially any impact that the incident has had on your education. Below are examples of how sexual assault or harassment could impact a student. Please bear in mind that this list does not contain every type of impact, and your experience is valid whether you experienced every single impact listed, or just a few, or none of them.

**Examples of Impact:**

- Academic impact – failing a class; getting bad grades on particular assignments or tests; participating less in a class; asking for academic accommodations related to your experience; avoiding class or events related to your career/academic program to avoid seeing Respondent
- Mental health impact – seeking counseling or therapy; feelings of depression, anxiety, stress; being unable to or afraid to leave your home; feeling disinterested in activities that previously brought you joy; avoiding places or routes to avoid the Respondent
- Physical health impact – inability to eat; feelings of nausea; exhaustion and difficulty with your sleep schedule; any injuries or infections as a result of the assault
- Career impact – having to quit a job because you are unable to work; missing shifts or calling out of work; getting a poor performance review at work
- Social impact – isolating yourself from your friends; declining invitations for social events that you previously would have attended

As noted above, schools will differ in the process they use to help you submit a formal complaint after your initial report. Some will base it on the interview they conduct with you. Others will use written material that you submit as the basis of the complaint. The sample complaint included in this guide is just one example of how you could structure your complaint if you are submitting a written complaint to your school's Title IX office.

Here are tips to consider if you are submitting a written document as part of your complaint:

- Make sure your account is as clear as possible.
- Sometimes, the Respondent might have engaged in behavior that is upsetting or immoral, but does not constitute a violation of Title IX policy (for example, cheating). While it is very valid to feel upset about elements like this, it can help streamline your complaint if you do not include it.
- If you have the capacity to do so, it can be helpful to highlight the central issue in your experience. If your complaint is about a lack of consent or your inability to consent, make sure to include that in clear terms.

**For an example of a written complaint, please see page 50.**

At this point in the process, you should also consider your support network and the resources available to you. First, your school should give you access to support services, such as a school-provided advocate who can work with you to discuss your options for reporting and support. These services are confidential and often are covered by your student fees.

Additionally, you can start to think about getting an advisor for this process. If you do not have someone specific in mind to serve as your advisor, your school may be able to appoint one for you during the hearing. While having an advisor that is an attorney can be helpful, the advisor is not required to be an attorney. You could ask a friend, family member, or someone outside of your university to serve in this role. As you consider this, you should read your school's Title IX hearing policy to understand exactly what the advisor role entails, as it can vary.

# Evidence

As you begin to move through the investigation and hearing process, one way to frame your thinking is to consider credibility. Generally, you are much more likely to get a favorable resolution in your case if the Title IX investigator and hearing officer find that your version of events is more believable than the Respondent's version of events. There are three main strategies to help establish your credibility:

- Consistency
  - Demonstrate the ways in which you have been consistent, both throughout the multiple times you have been interviewed or questioned, and when you were speaking with or observed by other witnesses.
  - Emphasize the times that Respondent has been inconsistent, throughout their multiple interviews or compared to the statements of other witnesses.
- Contradictions
  - Show that there is no contradictory evidence in your complaint.
  - Point out contradictions within Respondent's story.
- Plausibility
  - Is Respondent's story even plausible? If there are parts of their story that seem unrealistic, draw attention to them.

The evidence report may include statements from the Respondent that are an attempt to challenge your credibility. This is another part of the process where it may be important for you to rely on your support systems, as discussions about credibility may be stressful or retraumatizing.

After you receive the evidence report and summaries, you can raise objections to the exclusion of witnesses and evidence, as well as noting any discrepancies from witnesses that you had identified to support your complaint.

Before you respond to the evidence report, it can be helpful to read through your school's guidance and rules and quote specifically from there as to why something should be included. When quoting from the school's own regulations, it can be helpful to bold and/or underline that portion of the text to highlight your basis for your objection and further strengthen your argument.

This part of the process may be difficult, and we encourage you to seek support from your support system as needed. Please note that your school may have a confidentiality policy to protect the integrity of the process. This kind of policy usually requires you to maintain the details of the investigation confidential except with your advisor, or any confidential resource, such as a CARE Advocate, or a professional who is required to maintain confidentiality, such as a mental health professional. This means that sharing information from the investigation with potential witnesses would compromise the integrity of the investigation. However, you can connect with your support system without talking about the details of the investigation which may be helpful to process your feelings.

If you notice that the investigator failed to ask questions about issues that you think are relevant to the case, you can also note this in your response to the evidence report. Your response may also include additional proposed questions for witnesses or additional evidence.

Generally, you must be the one to send all emails related to your matter to the Title IX office – your advisor or support person is not permitted to send anything on your behalf. However, you can receive help on preparing your emails from your advisor or support person.

**For an example of an email you could send with evidence objections, please see page 55.**

# Investigation Report

There is no set time when you will receive the investigator's report. This section will assume that the investigator's report is followed by a hearing, or that you will request a hearing after receiving the report. This report is very useful to use for your hearing preparation. The hearing officer will also receive a copy of this report, so you have a sense of what information the hearing officer has prior to the hearing. The report will also include the Respondent's answers and potentially the investigator's assessment of those answers, giving you a sense of what the Respondent might try to argue during the hearing and how their answers come across to a neutral third party.

The investigation report can provide you with a road map for your hearing approach. Don't be afraid to challenge conclusions or statements within the report if you disagree with them, especially if they are based on interviews. Be aware that the investigator or witnesses may be bringing their own bias or interpretation to what is contained within the report. If you disagree with an assessment or the way in which something is framed, think about ways to respond to questions and raise the issue.

It can be useful to break down the investigator's report into different sections or categories of information to help you organize the material. The report likely will be long, so organizing it in a way that makes sense to you may help you use the report as a tool to prepare for the hearing.

**For sample charts you can use to organize your analysis of the report, please see page 54.**

# Hearing Preparation

Prior to the hearing, you will receive an official notice of the hearing. The notice should include the basic hearing rules, an overview of the hearing process, the scope of what topics will be covered during the hearing, a list of the witnesses and evidence that has been approved for use in connection with the hearing, and important dates and deadlines related to the hearing.

It is also important to note that some investigations may not lead to hearings.

Hearing protocol varies from school to school, so it is important to review your hearing notice carefully. It will tell you important information, such as who will be asking the questions. Some schools allow your advisor to ask questions of the witness, while some require that questions be submitted to the hearing officer, who will ask all questions. The hearing notice will also tell you the format – whether it is in person or online – and if there are rules regarding appearing in person or appearing remotely. Some schools allow you to have your camera off when you are not speaking, while others require you to stay visible on screen.

The Respondent has the right to attend the hearing as well, so you may have to see them. They will not be allowed to speak directly to you, but they will also have the chance to deliver an opening statement.

Make sure to review the deadlines in your hearing notice and set aside sufficient time in your schedule to prepare for the hearing. The two main things you will need to prepare for the hearing are an opening statement and questions for witnesses. This guide will walk you through how to prepare both of those items.

It can help to create a preparation schedule with intentional pauses, grounding activities, and supportive rituals that help you regulate before and after reviewing difficult material. You might choose to prepare in a calm, comforting environment, using time-limited study blocks to avoid overwhelming yourself, or keep a soothing object nearby.

It can be very useful to make use of your support system here, whether it is asking friends to read your opening statement or having someone read questions to you so you can practice answering them. You may also want to work alongside someone from your support system to help you regulate your emotions or consider checking in with a therapist or advocate afterward. These steps can help you prepare emotionally as well as practically.

Breaking the preparation into smaller steps may help to make the process more manageable. As with every other part of the Title IX process, the guide below is just one suggestion for how to approach the hearing. Your experience probably will not fit exactly into the guide we have created, and that is okay. Feel free to take what is useful and ignore what is not.

**Suggested Hearing Materials Checklist:**

- Opening Statement
- Closing Statement
- Questions for:
  - Yourself (Complainant)
  - Respondent
  - Any witnesses
- Timeline of your complaint vs. Respondent's story (suggested format included later in this guide)
- Notes on witness statements from investigator's report (suggested format included later in this guide)
- Your school's relevant Title IX policy that Respondent violated

# Opening Statement

The opening statement is your chance to tell the story of what happened to you, on your own terms, with your own words. You have a great deal of freedom to say what you want, within the constraints laid out by your school's Title IX proceeding rules. Below is a suggested outline for your opening statement. However, ultimately, you should deliver an opening statement that feels right for you.

Although it may be challenging, the opening statement is also a good place to address any vulnerabilities in your case, giving you a chance to lay out the narrative of what happened.

## **Suggested Outline for Opening Statements:**

- Start by talking about who you are, including your name and a little bit about you: What do you study? Why did you come to this school? What are your future aspirations? What are some of your strengths, values, passions? This is a chance to connect with the hearing officer and help them see you more holistically.
- Explain what happened, including how it impacted you. This is your chance to share your account without being interrupted by questions.
  - You can use this opportunity to walk through the elements of the violations, and how the Respondent's actions violated policy. However, if that feels too clinical for you, you can also just share your account of what happened without explaining how it violated policy.
- Talk about the personal impact of the assault or harassment. How has this investigation and process impacted you emotionally? Sharing the impact on you at the beginning of the hearing helps set the stage for how important this proceeding is, and can center your experience in the mind of the hearing officer.
- Talk about the consistency in your account of the relevant events. This can be especially important if Respondent's story has been inconsistent or contains inconsistencies. Highlighting your own consistency can help begin to establish that you are more credible than the Respondent.
- Based on the investigation report, you may have already identified topics or areas that may be problematic during the hearing (details you didn't tell anyone, inconsistencies in witness' memories, etc.). Addressing them in a straightforward way in your opening statement can be a good way to get ahead of those questions. Be truthful and as direct as possible.

**For an example of an opening statement, please see page 61.**

# Closing Statement

The closing statement is your chance to summarize your thoughts and feelings as they relate to what has occurred during the hearing. It is your last chance to address the hearing officer. Writing a draft beforehand will help make sure that you say everything you want to before the end of this process.

The procedure for closing statements differs from school to school. Some will allow both you and Respondent to submit closing statements in writing. Others will ask you to give your closing statement right after the conclusion of questioning.

It can also be a good strategy to use your closing statement to respond, at least partially, to some of the things said during the hearing. If you choose to take this approach, you should continue to update your statement throughout the hearing, particularly during breaks, lunch, or overnight if the hearing lasts for more than one day. That way, you are as prepared as possible when it is time to give your closing statement. You can highlight any evidence or testimony that supports your complaint, or draw attention to inconsistencies in the Respondent's story.

The tone of your closing statement may depend on how you feel the hearing is going. If you feel the hearing is going well, you can thank the hearing officer and highlight the points you want the hearing officer to remember. If you feel that the hearing is not going as favorably, then address the issues that have come up and emphasize your arguments.

Although the hearing officer is not the person who will be deciding what sanctions will be issued to the Respondent, you can state what consequences you would like Respondent to face. If you do so, explain clearly why you want that.

You may also want to talk about how you have felt over the course of this process and this hearing. You can talk about the impact of having to see the Respondent. Additionally, if you have had issues with the Title IX process itself (especially if you believe your rights have been violated), you could talk about them in your closing statement. Mentioning them briefly could be used as evidence for your appeal or a future external complaint.

**For an example of a closing statement, please see page 63.**

# Drafting Questions

You will also need to prepare questions that you want the hearing officer to ask the Respondent and the witnesses. Some schools may allow you to submit questions for the hearing officer to ask you directly so that you have an additional opportunity to explain your version of events, but other schools will only allow you to prepare questions directed to the Respondent and witnesses. Check your school's rules to see what types of questions you are permitted to submit.

Organizing your questions under subheadings by topic can be very helpful. Depending on the format of questioning, the hearing officer may be determining what questions get asked, so this will make it easier for you and for them to follow along. During the hearing, you should keep track of what questions get asked to make sure that no important questions go unanswered. It can also be helpful to format your questions with page numbers and a table of contents so you can easily find what you are looking for.

This guide includes sample hearing questions based on the story in the samples throughout the guide. These questions may not be relevant to your experience, and you may need to draft additional questions to make sure you cover all of the important points in your case.

It may be helpful to go through your complaint, read it sentence by sentence, and draft questions that correspond to the facts in each sentence. These types of questions are an opportunity to address any vulnerabilities you have identified.

It may be helpful to frame your questions for the Respondent as “yes” or “no” questions. This allows you to clearly demonstrate inconsistencies and contradictions and to better control the Respondent's testimony.

For questions for your witnesses, you can also think about areas or topics where their testimony will help your case. In these areas, you may want to submit open-ended questions to allow them to speak broadly.

Grouping questions by category is another organization strategy that can make this process easier, both in terms of brainstorming and during the actual process. Below are suggested categories of questions to help you draft lists for yourself, Respondent, and witnesses.

**Overview for Categories of Complainant Questions:**

- Introduction section – brief questions to establish who you are and any relevant background facts
- Before the Incident – covering any of the events leading up to the event, your relationship or lack of relationship with Respondent, any interaction between you and Respondent
- During the Incident – covering what happened during the incident, with as much detail as possible, level of intoxication if applicable, anything pertaining to consent (Respondent’s perception, what was said, etc)
- After the Incident – covering what happened immediately after the incident, who you talked to, any resources you might have used, medical care you received, how you felt, what you were worried about
- Vulnerabilities – preemptively addressing things that you think might be asked of you on cross examination
- Investigator Interview – include any questions related to your interview with the investigator and what they put in the report, addressing any inconsistencies or discrepancies
- Motive – you can preemptively address any suggestions about your possible motive that Respondent might have raised in their interview with the investigator to attack your credibility

**Overview for Categories of Respondent Questions:**

- Start off with asking if they received the Notice of Investigation.
- If relevant:
  - Questions about a no contact order, if one has been implemented
  - Questions about Respondent being nonresponsive or delaying the process
- Background – questions about Respondent’s previous interactions with you
- Inconsistencies – highlight inconsistencies in Respondent’s own statements, or comparing Respondent’s statements to witness statements or other evidence
- Implausible Statements – highlight any parts of Respondent’s story that are not plausible
- Admissions – ask about anything that Respondent has partially or fully admitted
- Policy Violations – ask specific questions about what happened

**Overview for Categories of Witness Questions:**

- Introduction – who they are and what their relationship is to Complainant or Respondent
- Questions about what this witness has knowledge of, which could include:
  - Your history with Respondent
  - Eyewitness account of the incident in question
  - Conversations you had during or after the fact with them
  - Any changes the witness may have noticed in you

**For examples of hearing questions for Complainant, Respondent, and witnesses, please see page 64.**

# Preparing for Cross Examination

Another important part of the hearing will be the cross examination. During this portion, you will have to answer questions either asked by Respondent's advisor or submitted by Respondent to the hearing officer.

Some difficult topics that may be covered during the cross examination include:

- Questions about your level of intoxication, capacity, and consciousness
- Questions about any actions you may have taken or things you might have said that Respondent is claiming made them think they had your consent to engage in the sexual acts described in your complaint
  - Note: Your sexual history should generally be off limits for questioning. However, there may be questions asked specifically about your interactions with Respondent.
- Questions about why you didn't leave or call for help, if applicable
- Questions about a delay in reporting, if applicable
- Generally invasive questions about the assault
- Questions about inconsistencies in your current and prior statements
- Questions about inconsistencies in witnesses' current and prior statements
- Questions about inconsistencies between your statements and witnesses' statements
- Questions about your memory – why you remember certain things but not other things, or why you remember certain things but state that you lacked capacity to consent
- Questions about your motive for reporting

If you can, it might be a good idea to ask someone from your support system to help you practice answering these questions. These questions may feel intrusive and combative – like your character is being questioned. This can be incredibly upsetting. It is important during cross examination that you stick to your truthful story that you have been telling the whole time, even if it feels like Respondent's advisor or the hearing officer is skeptical about your experience. This is your story – you know what happened, regardless of the types of questions you are asked.

**For examples of potential cross examination questions, please see page 71.**

# During the Hearing

Once you get to your hearing, things will move quickly. This is why the preparation process is so important – it makes it easier for you to access information quickly and stay focused at the hearing.

Your hearing notice should tell you what the rules are regarding asking for breaks, but you have the option to request a break whenever you need.

It is a good idea to take notes during the hearing. This will help you add to your closing statement and to keep track of what evidence and testimony has been presented.

Keep in mind that the hearing may take more than one day.

# Preparing for the Hearing Decision

Once you have prepared all your written materials, you should also take stock of how you are feeling. You may be feeling calm or nervous or just eager to be done with this process as you are heading into the hearing. Whatever emotions you are feeling are valid.

It is important when beginning this process to think about your long-term goals – whether that’s a particular outcome or resolution, or something more personal and internal.

The Title IX process might not resolve in the way that you want. This is not a reflection on you or your experience. It is important to prepare for the possibility that your case may not resolve in a way that gives you closure.

You do not have to go through this process alone. As has been stated throughout this guide, it is essential to have a support system in place, whether that be friends, family, mental health professionals, care resources provided by your school, or someone else.

# Appeal Process

After you receive the decision or findings of responsibility, and if applicable, sanctions, you will have the option to appeal those determinations. If the Hearing Officer(s) found that there was no violation or only partially found the Respondent liable, you may want to consider appealing. This means that you are asking someone who was not involved in the original complaint to review the decision.

If you do not appeal, the Hearing Officer's decision is final.

The appeals process varies between schools, but typically the grounds for an appeal are very narrow. You must consult your specific school's policy to see what types of appeals are available to you.

Typical grounds for an appeal include:

- Procedural error – there was some type of error made by the Hearing Officer or some other person involved in the process related to the school's Title IX policy.
- New evidence – there is some new evidence that was not available at the time of the hearing and therefore could not be considered at the hearing.
- Conflict of interest – someone from the Title IX office or the Hearing Officer had a conflict of interest that led to a biased outcome.
- The sanctions were disproportionate to the findings.
- Fact finding determination was unreasonable based on evidence considered.

Your appeal can be based on just one of these grounds, or it can be based on multiple grounds. You will have to decide what applies to your case and what argument will be the most compelling.

The hearing decision will identify the procedure for filing an appeal and will tell you your timeline for doing so. If that information is not provided, then contact the Title IX coordinator for more information. The deadline for you to file an appeal is likely very short, so you must work quickly to complete your appeal. If you feel that you cannot complete your appeal in that timeframe, you can ask for an extension.

Schools have differing policies for who will review your appeal, and the school should provide you with information on who this person will be.

What is reviewed during the appeals stage varies by school. Sometimes all of the evidence is reviewed again or sometimes only the procedural issues identified in the appeal are reviewed.

What you put in your appeal depends on the basis for the appeal. Be sure to include relevant information and citations to the evidence and to the transcript for additional support.

Whether your appeal is successful depends on many factors. While some hearing decisions are appealed successfully, it is possible that the appellate officer will affirm the hearing officer(s) decision. You may want to think through how it would feel to you have the decision affirmed by another party.

After your appeal is considered, the decision on the appeal is final.

Additionally, if you receive a decision in your favor, the Respondent in your case may appeal. In this case, you may have the opportunity to respond to Respondent's appeal.

**For an example of how you can structure your appeal, please see page 72.**

# Resources

Your school should have a list of available resources on their website, and they should also go through those resources when you meet with them and provide you a list in the documents they give to you.

Additionally, there are many other organizations that have incredibly helpful resources that we highly recommend exploring.

- [Equal Rights Advocates](#) (ERA) – ERA is a national organization that focuses on gender justice in the workplace and schools.
  - Their [Student Survivor Toolkit](#) is an incredibly powerful resource that offers specific strategies for managing your mental health, as well as identifies specific advice for LGBTQ and Muslim students.
- [Victim Rights Law Center](#) (VRLC) – VRLC is a nonprofit based in Massachusetts. Their [resource library](#) includes recorded webinars and state-specific guidance on Title IX proceedings.
- [Know Your IX](#) – Know Your IX is a campaign by Advocates for Youth that provides resources, including toolkits on the experiences of survivors and campus organizing around ending sexual violence.
- [End Rape on Campus](#) – End Rape on Campus has a variety of resources aimed at providing specific support to a variety of populations, including survivors of stalking, LGBTQ survivors, undocumented survivors, and more.

# Samples

The following samples use fictitious names, facts, and scenarios that do not refer to any specific individuals who may coincidentally have the same name. Any similarity between these samples and real-life events is purely coincidental.

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## Preface and Content Warning

Please note that these samples include detailed narratives describing incidents of sexual violence. The samples include graphic language because they reflect the level of detail that is often expected or required when filing a Title IX complaint. The samples are meant to help you understand how to write a clear and comprehensive complaint if you choose to file on your own. We include this note to offer care and transparency. Our intention is to help you make informed choices about how and when to engage with the material. Please engage with this section only if and when it feels right for you.

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# Sample Complaint

## October 1 (Night of Incident)

On October 1, I attended a party at Robin Choi's apartment. I did not know Robin, I was invited by my friend, Emily Ogun, who was friends with Robin. I arrived at the party with Emily at 9:23 pm, which I know because we took a picture outside the apartment complex.

When I walked into the party, I immediately had two shots of vodka. I had eaten a very light dinner, so I began to feel tipsy very quickly. After that, my friend gave me a beer, which I drank over the course of the next hour or so. At some point after this, a few hours later, I met Bryan Smith. I recognized Bryan from a class that we were both in, Life Sciences 1, but had never spoken to him before. We started talking and Bryan asked me and Emily to do a shot with him. I did another shot. After that, Bryan got me a mixed drink, which I drank. At this point, I was very intoxicated and got dizzy. Bryan took me over to a couch and sat with me while I drank some water.

The dizziness did not go away, so Bryan offered to drive me home. My friends tried to say that they would take me home, but Bryan insisted that they stay so they could enjoy the party. I was not feeling well, so I agreed. Bryan helped me walk to his car, which was parked down the street, and helped me into the backseat of his car. Instead of getting in the front seat of his car, he got into the backseat of his car with me. I asked him what he was doing and he started to kiss me. I told him no and tried to push him off of me, but I was not able to. I do not remember anything after this point and I believe I passed out or blacked out at this point.

## October 2

I remember waking up in the car early in the morning. Bryan was not there. I had a really bad headache and my lower body felt very sore. I saw that I had some bruises on my legs. I was not wearing any underwear and could not find my underwear in the car. I got out of the car and walked home.

At 5:43 am, I texted Emily, "where are you? I think something bad happened to me." She did not respond. I walked myself back to my apartment and fell asleep. When I woke up, Emily had texted me back asking what happened. At 9:04 am, I texted her, "I think I got SAed last night." After that, she called me and we talked on the phone for 1 hour and 2 minutes. Afterwards, I went back to sleep.

When I woke up, at 2:17 pm, I called my older sister, Neda, for 35 minutes. I told her what had happened to me, and she told me that I should go to a hospital and get a rape kit done, and that I should use my school's resources for survivors. I did not feel comfortable getting a rape kit, but I went onto the website for my school's Title IX office and made an appointment for later in the week.

After this, I had my weekly phone call with my best friend from high school, Chris LeRoy. The call was at 4:35 pm and lasted for 48 minutes. I also told him what had happened. He told me that I should call a national hotline to get support after I told him that I felt very numb and wanted to hibernate. After we hung up, I called the national hotline at 5:58 pm and spoke to someone for 24 minutes.

I couldn't fall asleep that night and ended up staying awake until around 4:00 in the morning, when I finally passed out.

#### October 3-5

I felt so depressed about what had happened and didn't go to class that week. I emailed all of my professors and said that I couldn't attend class this week for personal reasons. Two of them emailed back and told me that my absences would be unexcused. One of my professors, Professor Ji, emailed me back and offered to talk if I needed additional support. On October 5, at around 2:00 pm, I went to her office. I did not tell her exactly what happened, but asked about her experience with students who had filed Title IX complaints and asked if she had any advice. She provided a list of resources and encouraged me to meet with the Title IX office. I told her that I had an appointment scheduled for the next day.

When I got home that night, I felt overwhelmed. I couldn't stop replaying what I remembered in my head. I went online and cancelled my appointment for the Title IX office. I decided that I was going to forget about what happened and just go on with my life.

#### March 7

After several months where I experienced intense sadness and disinterest in my hobbies and socializing, and also had recurring nightmares about what happened to me, I went to an appointment with a doctor. The doctor diagnosed me with depression and PTSD.

After I received this diagnosis, I decided to schedule a new meeting with my school's Title IX office.

March 14

I went to the Title IX office for my meeting. My meeting was at 10:00 am. I met with the Title IX coordinator and told them everything that had happened. They gave me a list of campus resources and connected me with a school therapist who I could meet with. They told me about the different options I had, and I decided to file a formal complaint against Bryan.

# Sample Evidence Objections

I, as the complainant, object to the decision to exclude witness Emily Ogun, and the evidence of my medical records. I would also like to note the discrepancies in witness Chris LeRoy's interview.

1. **Exclusion of Emily Ogun** – I object to the exclusion of witness Emily Ogun. Ms. Ogun's testimony directly disproves the testimony of Respondent. Respondent has claimed that I knew him from class and had been flirting with him for weeks leading up to the night of the party. Ms. Ogun would testify that I have been in a long-term relationship with my girlfriend for over two years, and that the party was the first time I had ever spoken to Respondent outside of class. It is fundamentally unfair to allow Respondent to present this motive without allowing me the opportunity to rebut these claims with my own witnesses.
2. **Discrepancy in Chris LeRoy's Interview** – I would like to note two discrepancies in Mr. LeRoy's interview and what I told him. I believe these discrepancies could be because of the length of time between when I told Mr. LeRoy and when this interview was conducted.
  - a. **Misremembering what I remember** - In the transcript, Mr. LeRoy says, *"I think the last thing she remembered was him taking off her underwear and then she passed out."* I told him that the last thing I remembered was Respondent kissing me and me trying to push him off of me.
  - b. **Clarifying how much I drank** – In the transcript, Mr. LeRoy said I had two shots and one beer. That is true. I also drank another shot and a mixed drink after the shots.
3. **Failure to Ask Chris LeRoy About Support Given** – In my interview, I noted that Mr. LeRoy suggested that I call a national hotline for survivors of sexual assault. Mr. LeRoy suggested this after I told him that I had been feeling numb and wanting to hibernate, and I then called the hotline. The investigator did not ask Mr. LeRoy about this subject at all. It supports my account of what happened to me, and further demonstrates the impact this had on me.

For the above reasons, I object to the investigator's decision to exclude Ms. Ogun as a witness and evidence directly related to Evidentiary Considerations from the school's Title IX guidelines and which directly rebuts the Respondent's account. I request the investigator reconsider her decision to exclude these witnesses and evidence. I also ask the investigator to reinterview Mr. LeRoy to address his recommendation that I call the national sexual assault hotline.

# Sample Charts for Analyzing the Investigator’s Report

## Comparing Respondent’s Story

Comparing your memory of what happened with what Respondent said in their interview is important to help determine what Respondent will argue during the hearing. This chart creates a timeline of both accounts, as well as identifying what evidence or witnesses support the different accounts.

Date/Time	Complainant	Respondent
10/1, 9:23 pm	<p>C arrives at the party. Shortly after, C takes two shots of vodka, drinks a beer over the course of an hour.</p> <p>Evidence: Time-stamped photo at 9:30 pm with C holding two shots.</p>	
10/1, approximately 10:30 pm	<p>C runs into R. R asks C and friend to take a shot with him. They do.</p> <p>Evidence: Time stamped video at 10:35 pm (taken by bystander) that shows C and R talking in the background.</p> <p>Witness: C’s friend, Emily, who says that she remembers R coming up to C and “pestering” her to do a shot. When C said no, R tried to convince Emily to do one, and then returned with three shots.</p>	<p>C chases down R. C asks R to do a shot with her. R initially says no because C appears to be overly intoxicated, but eventually agrees. They do the shot together.</p> <p>Witness: R’s friend, Daniel, who says that R told him the next day about C being “all over him” to take a shot.</p>

<p>10/1, approximately 10:45 pm</p>	<p>R gives C a mixed drink. C gets dizzy and sits on the couch with R. C drank some water.</p> <p>Witness: C’s friend, Emily, who said she remembers C got very dizzy after the shot, but R handed her a mixed drink and told her to drink up. After a while, C was having trouble standing, so R immediately grabbed her hand and led her to a couch.</p>	<p>C asks R to get her a mixed drink. After C begins to drink it, she put her arm around R and almost fell over. R took her over to a couch and brought her a glass of water.</p> <p>Witness: R’s friend, Daniel, who says that R told him C was “very handsy” and had rowdily “demanded” another drink after the shots.</p>
<p>10/1, approximately 11:00 pm</p>	<p>C still feels dizzy, so R offered to drive her home. C’s friends offered to take her home, but R insisted.</p> <p>Witness: C’s friend, Emily, who says that she offered to take C home, but R insisted that Emily was too drunk and that he would do it himself. Emily tried to grab C, but R pulled her away and Emily lost them in the crowd.</p> <p>C’s friend, Stella, who says she remembers asking C if she was okay. Before C could respond, R had walked away with C. Stella tried to chase them down, but couldn’t find either.</p>	<p>C asked R to drive her home. R asked if C’s friends could take her instead, but they were very intoxicated.</p> <p>Witness: R’s friend, Daniel, who says that Daniel told him that C’s friends were “wasted” and he didn’t trust them.</p> <p>C’s friend, Stella, who says that she was “pretty lit and so was Emily.”</p>

	<p>R took C down to his car parked down the street. R helped C into the backseat and then got in with her. R began to kiss C. C said no and tried to push him off. C does not remember anything after this point.</p> <p>Witness: Three of C's witnesses corroborate hearing this from C after the fact.</p>	<p>R took C to his car. R put C into the backseat, and she took his hand and invited him to join her. C kissed R, and they then had consensual intercourse. Afterwards, C said she was tired and fell asleep in the backseat of the car. R returned to the party.</p> <p>Witness: R's friend Daniel and another friend both were told this story the day after the party.</p>
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**Witness Statements:**

Organizing witness statements is very important going into your hearing. First, witness statements are important pieces of evidence. Secondly, some witnesses may be questioned during the hearing. If you are able to have a well-organized copy of what they said in their interview, you can follow along as they speak and compare what they're saying in the hearing to what they said previously, allowing you to more easily identify and spotlight any inconsistencies. This chart will also help you identify if there are any witnesses you suggested that have said things that might harm your case.

Name	What They Said	Harmful/Helpful
Emily Ogun	R came up to C at the party and “pestered” her to do a shot, repeatedly stated they were “buddies” from class. When C said she didn’t want to take the shot, R turned to Emily and asked her to make it a “group shot.” R then left and returned with three shots.	Helpful. Shows that R initiated contact, was overly familiar with C, and ignored boundaries/being told no.  Potential Flag: C does not remember what Emily described. Potential memory gap.
	C got very dizzy after the shot, but R handed her a mixed drink and told her to drink up. After a while, C was having trouble standing, so R immediately grabbed her hand and led her to a couch.	Helpful. Shows R was taking actions to increase C’s intoxication and was also aware of C’s potential over intoxication.  Potential Flag: See above.

	<p>Emily offered to take C home, but R insisted that Emily was too drunk and that he would do it himself. Emily tried to grab C, but R pulled her away and Emily lost them in the crowd.</p>	<p>Helpful. Shows R isolated C and took steps to get her away from friends.</p> <p>Potential Flag: See above.</p>
<p>Stella Gonzales</p>	<p>She saw C standing with Emily and R and walked over. Stella asked C if she was okay, says C seemed “out of it.” Before C could respond, R had walked away with C. Stella tried to chase them down, but couldn’t find either.</p>	<p>Helpful. Corroborates Emily’s account, shows R isolated C and took steps to get her away from friends.</p>
	<p>“I was pretty lit and so was Emily.”</p>	<p>Potentially harmful. Supports R’s story that he had to take C home because her friends were overly intoxicated. Could also support that C was at a similar level of intoxication as her friends.</p>

**Elements to Prove (using the University of California’s Sexual Violence and Sexual Harassment Policy):**

This can be a more difficult chart to complete, but you should be able to find your school’s sexual violence and harassment policy online. In that document, the specific elements needed to prove certain violations should be laid out. By breaking that down into pieces, you will have a better idea of what is needed to prove that those violations occurred.

Element	Description	Facts
Incapacitation	The Respondent knew or a reasonable person should have known that the Complainant was unable to consent because the Complainant was <b>incapacitated</b> , in that the Complainant was: <b>a. asleep or unconscious;</b>	<ul style="list-style-type: none"> <li>• C says that she does not remember anything after R kissed her. Unclear if she was unconscious or blacked out.</li> </ul>
	<b>b. unable to understand the fact, nature, or extent of the sexual activity due to the influence of drugs, alcohol, or medication;</b>	<ul style="list-style-type: none"> <li>• R provided C with one shot and one mixed drink.</li> <li>• R saw C stumble and had to help her sit down.</li> <li>• R felt it necessary to take C home due to her level of intoxication.</li> <li>• By R’s account, R saw that C’s friends were at a high level of intoxication.</li> </ul>

In this particular example, the Complainant would not have to prove that sexual penetration occurred because the Respondent admitted it. However, in other cases, a Complainant may have to prove that sexual contact occurred.

<p>Sexual Assault – Aggravated</p>	<p>Sexual Assault–Penetration and Sexual Assault–Contact are aggravated when they include any of the following:</p> <ul style="list-style-type: none"> <li>Overcoming the will of Complainant by: <b>deliberately causing the Complainant to be incapacitated</b> (for example, through drugs or alcohol)</li> </ul>	<ul style="list-style-type: none"> <li>R provided C with one shot and one mixed drink, despite her saying that she did not want to drink anymore.</li> </ul>
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# Sample Opening Statement

My name is Karen Kim. I'm a junior here at UCLA, majoring in Biology. After I graduate, I hope to follow in my mom's footsteps and become a doctor. Since I was young, I always dreamed of attending UCLA. I remember how excited I was, and my first two years here were like a dream come true. I felt so lucky to be pursuing the career I wanted, to have met and made so many wonderful friends, and to be experiencing so many new and exciting things.

That all changed when Bryan Smith sexually assaulted me. On October 1, while I was already very drunk, Bryan gave me multiple drinks, isolated me from my friends, and then took me to his car and sexually assaulted me. I was incapacitated and completely unable to consent or stop him. Since then, Bryan has tried to say that what happened was consensual. That is impossible. Not only did he give me multiple drinks, he saw me almost fall over due to the amount I had had to drink and claimed that he would help me get home because I was too drunk. He knew that I did not have the capacity to consent, and what he did to me was assault.

Since that night, I haven't felt safe on campus. I'm scared to leave my dorm room. I barely want to go to class anymore, let alone do anything of things I used to – go to meetings for the clubs I am in, attend dance practice, or get dinner with friends. It feels like he took something away from me. I have recurring nightmares about what happened. I have been diagnosed with depression and PTSD, and I attend counseling to try to heal from what happened to me.

I was terrified to go through this process. I didn't want to have to face Bryan again, to relive what happened to me. But no one should be able to do what Bryan did. I hope that by going through this process, Bryan will not be able to do this to another person ever again.

Bryan will try to tell you that I wanted this – that before the assault, I was “all over him.” He is the one that approached me. He pressured me to drink, and placed the cups into my hands, encouraging me to drink to the point of incapacity. I did not consent to what happened to me.

I tried to forget what happened to me. That is why I did not get a rape kit done, and why it took me so long to seek mental health care and to finally make a report to the Title IX office. This was not because I was unsure about what happened to me, or because I did not think of what happened as assault. Even despite this, I have been very consistent, when I told the story to friends immediately after it happened, when I finally reported it to the Title IX office, and when I spoke to the Title IX investigator.

I didn't file the report when it happened because I was worried about what my friends and family would think, what my classmates might say. It took me months to come to this decision because what happened to me was so traumatic. But I am here before you today because I wanted to speak up. Thank you for your time, and for listening.

# Sample Closing Statement

I never thought I would be sitting here, at this hearing. After Bryan assaulted me, I made the decision that I was going to forget about what happened to me and move on with my life. Filing a report against him seemed too daunting. So I cancelled my appointment with the Title IX office and tried to go back to normal. But I couldn't. My nightmares made it impossible to sleep. I felt hollow inside. I forgot why I had wanted to come to this school, what made me excited and passionate to pursue this career. All I wanted was to hide.

Then, I knew that I couldn't move on without taking some sort of action. As much as I wanted to leave this night behind, my brain wouldn't let me. When I walked into my Title IX meeting, I wasn't sure what I wanted, if I was ready to face what happened to me and file an official complaint. But by the end of the meeting, I knew that this was the right course of action.

I want Bryan to face consequences for the way he took advantage of me. He knew what he was doing when he gave me multiple drinks to the point where I could barely stand, isolated me from my friends, and got me into his car, alone, where he could do whatever he wanted. I absolutely did not consent to his assault. There is no way I could have. I was incapacitated, and Bryan knew that.

During this hearing, he has tried to say that I was interested in him. That I approached him initially, that I was the one who initiated what happened. Multiple witnesses have said this is not the case. In fact, the only witness that supports Bryan's version of the events is his best friend, who heard about it the next morning when Bryan was bragging about assaulting me.

It has been incredibly difficult to relive one of the worst periods of time in life for this hearing. Having to talk about what happened, over and over again, and listen to Bryan lie about me and what happened has been very painful for me. But I felt that it was important to go through this process, and I don't regret it.

I am asking you today to find that Bryan violated the school's Title IX sexual assault policy. I ask that you hold him accountable for what he did. He should be expelled from this school so that he cannot do this to anyone else, and so that I can feel safe on this campus again. I deserve to feel safe at my own university, so that I can continue to study and pursue the career in medicine that I have always aspired to. Thank you.

# Sample Questions – Complainant

## Introduction:

- Please introduce yourself.
- Where do you go to school and what year are you?
- Where do you live/did you live at the time of the incident?
  - [note: this may or may not be relevant to your experience]
- [note: if there is any other background facts that is relevant to your experience (your membership in a fraternity or a sorority, your job, etc), this may be a good place to put an introductory question about that]

## Before the Incident:

- Where were you on the night of [date of incident]?
- Who were you with prior to the incident?
- What was your plan for the night?
- Prior to arriving at the party, how many drinks did you consume?
- What did you eat prior to drinking?
- What time did you arrive at the party?
  - When you arrived, did you consume additional alcohol?
  - How much did you drink?
- How did you feel when you arrived at the party?
  - How intoxicated did you feel?
- How did you know Respondent?
- What was your relationship with Respondent like prior to this night?
  - Had you ever spoken to Respondent during class or outside of class?
  - Had you ever communicated with Respondent via text or social media?
  - What was your impression of Respondent before this night?
- Who was with you at the party?
- What were you doing at the party prior to Respondent approaching you?
- When and how did Respondent approach you?
- When Respondent approached you, what did he say?
- Did Respondent ask you to do a shot with him?
  - Why did you initially decline?
  - If you initially declined, why did you ultimately accept and consume the shot?
  - How did you feel after you did the shot?
  - How intoxicated did you feel?
  - Did you say or do anything after consuming the shot?

- What happened after you did the shot with Respondent?
  - Why did you accept another drink from Respondent?
  - How did you feel after you began drinking the new drink?
  - How intoxicated did you feel?
- What happened after you accepted the drink from Respondent?
  - How did you feel after you began drinking the new drink?
  - How intoxicated did you feel?
  - Where were your friends when you were sitting on the couch with Respondent?
  - Did you consume anything when you were sitting on the couch?
  - Approximately how long were you sitting on the couch?
- Whose idea was it for Respondent to take you home?
  - How was this decision reached?
  - Who initiated the conversation?
  - Where were your friends when you decided to leave the party?
  - Why didn't your friends go with you?
- What time did you leave the party?
  - Who saw you leave the party?

**During the Incident:**

- How did Respondent say he was going to take you home?
  - Where was his car located?
  - Did anyone see you walk to or get into his car?
- What part of his car did you get into?
  - Why did you get into the backseat?
  - What part of the car did Respondent get into?
- What happened after Respondent got into the backseat with you?
  - Did you say anything to him?
  - Did he kiss you?
  - What did you say in response to him kissing you?
  - Did you say anything to him that indicated the conduct was unwelcome?
  - Did Respondent say anything to you during the incident?
- Please share the last thing you remember.
- Please share with us the next thing you remember.
  - Was Respondent there when you woke up?
  - How did you feel when you woke up?
  - Did you have pain anywhere on your body?
  - Did you have any injuries on your body?
  - Where was your underwear?
  - Were you still intoxicated when you woke up?

- What happened next?
  - Did you see anyone when you got out of the car?
  - What did you do after that?
- When did you text your friend, Emily Ogun?
  - What did you text her?
  - Why did you text her “I think something bad happened to me.”?

**After the Incident:**

- When you woke up, did you text anyone?
  - Why did you text your friend, Emily Ogun, “I think I got SAed last night.”?
  - Why did you text her first?
  - What happened after you texted her?
  - What did you speak about with Emily during your phone call?
  - How long did you speak for?
  - How did you tell Emily what happened?
  - Were you crying or emotional when you told her?
- Did you contact anyone else to tell them about the incident the day after it happened?
  - Why didn’t you go to get a rape kit done after speaking with your older sister, Neda?
  - Why did you decide to make an appointment with your school’s Title IX office?
  - Prior to that, did you know anything about the Title IX office?
- Why did you call the national sexual assault hotline?
  - What did you speak with the hotline about?
- What were your thoughts about that night the day after it happened?
  - What emotions were you feeling?
  - Were you sure that you had been sexually assaulted?
- Did Respondent contact you?
  - Were you expecting Respondent to contact you?
- How did you feel physically?
  - Why didn’t you attend class in the week that followed the incident?
- What made you decide to talk with Professor Ji about what happened?
  - How did Professor Ji respond?
  - Did she tell you she would have to report it?
- How did you feel after talking with Professor Ji?
- Why did you cancel your Title IX appointment?
  - What factors were you considering when you decided to cancel the appointment?

- What happened in the months following the incident?
  - What symptoms were you experiencing?
  - How frequent were these symptoms?
  - Why did you decided to go to the doctor?
  - What did the doctor diagnose you with?
  - What treatment are you receiving for your diagnosis?
- Why did you decide to reschedule your meeting with the Title IX office?
- What happened during your meeting with the Title IX office?
  - What factors were you considering when you decided whether or not to make a formal complaint?
  - What were your worries about making a complaint?
  - Why did it take you so long to make a formal complaint?
  - Why did it take you so long to meet with the Title IX office?

**Vulnerabilities:**

- Why did you take over a year to report the incident?
- Did you voluntarily consume the alcohol you drank?
- Did anyone force you to consume the alcohol?
- Do you remember the assault?
- What is the last thing you remember?

# Sample Questions – Respondent

## Notice of Investigation:

- Did you receive the March 30 Notice of Investigation that contained the charges?
  - Did you read the document?
- Did you receive a copy of the investigative report dated May 2?
  - Do you note any incorrect statements or details in the report?

## Background:

- How did you meet Complainant?
- How would you describe your relationship with Complainant from when you met her to October 1?
- How frequently did you see Complainant?
- How frequently did you communicate with Complainant?
- Were you ever interested in Complainant romantically?

## Inconsistencies:

- Did you tell the investigator that Complainant approached you and asked you to take a shot?
- Did you read Witness 1's interview in which she said that you approached Complainant and "pestered" her to take a shot?
- Did you tell the investigator that you did not tell anyone what happened between you and Complainant?
- Did you read the statements of three witnesses in which they said you told a crowded room of people that you "hooked up?"

## Implausible Statements:

- Did you tell the investigator that you offered to take Complainant back to her home because she was too drunk to stay at the party?
- Did you also tell the investigator that you believed the complainant was sober enough to consent to sexual activity with you in your car?
- Approximately how long did it take you to walk to your car with the Complainant?
- Is it your testimony that the complainant sobered up between leaving the party and entering your car?

**Admissions:**

- You admit that there was sexual contact between you and Complainant.
  - What was her demeanor like?
  - Did she seem like she was intoxicated?
  - Was she fully conscious?

**Policy Violations:**

- The school Sexual Violence policy describes incapacitation as being “unable to understand the fact, nature, or extent of the sexual activity due to the influence of drugs, alcohol, or medication.”
  - When Complainant allegedly consented, did she seem inebriated?
  - How did you know she was not incapacitated given that you witnessed her consuming multiple drinks in a short span of time?

Note: In cases involving lack of capacity to consent, like this example, you might also want to ask questions to establish the lack of affirmative consent. In this case, even if Complainant was sober, there is not necessarily an indication that Respondent received affirmative consent. Below are some examples of questions you might ask related to affirmative consent.

**Affirmative Consent:**

- The school Sexual Violence policy describes affirmative consent as “affirmative, conscious, and voluntary agreement to engage in sexual activity.”
  - Is it your position that you received affirmative consent from Complainant?
  - Did Complainant verbally provide affirmative consent?
  - What led you to believe that you had affirmative consent?
- The school Sexual Violence policy states that affirmative consent may be revoked at any time.
  - Is it your position that Complainant continuously consented to sexual activity?
  - Did you read Witness 1’s statement, which stated that they overheard Complainant tell you to “go away?”

# Sample Questions – Witness

## Introduction:

- Please introduce yourself.
- Are you a student at the same school as Complainant and Respondent?
- Do you know Complainant?
  - How do you know Complainant?
- How would you describe your relationship with Complainant?
- Do you know Respondent?

## Conversations with Complainant:

- Did you receive a phone call from Complainant on October 3rd?
- What, if anything, did the Complainant disclose to you during that conversation?
- How would you describe the Complainant's tone or emotional state during the call?
- Did you refer the Complainant to any resources during or after the call?
- Please describe any further conversations you had with the Complainant about the sexual assault.

[for text messages/conversations with documentation]

- Did Complainant text you on October 3rd?
- Did the text you receive from Complainant state, "I was SAed last night at the party?"
- When Complainant said they thought they were "SAed," what did you understand this to mean?

## Impact:

- Since the assault, have you noticed any changes in Complainant?
  - What have you noticed?
- What has Complainant told you about the impact that the assault has had on her?
- What areas of Complainant's life were impacted by this assault?

# Sample Questions – Cross Examination

- Did Respondent threaten you or lock the doors or otherwise prevent you from leaving?
  - Why didn't you leave?
- Earlier in the night, Respondent felt you were being flirty with him. Were you romantically interested in him?
- It took you several months to file a formal complaint against Respondent? Why is that?
- Did you voluntarily consume alcohol?
- Did you have your cell phone with you?
- Did you try to call anyone from the car?
- Were you attracted to the Respondent?
- You stated that you do not remember the sexual activity with the Respondent. Is it possible that you told him that you did want to have sex with him?

# Sample Appeal

Complainant Karen Kim submits this appeal based on procedural irregularities affecting the outcome of the matter.

I. Procedural irregularities that affected the outcome of the matter.

a. The Hearing Officer failed to send the correct Zoom link to a witness, which prevented them from speaking during the hearing.

The Hearing Officer failed to send the correct Zoom link to witness Emily Ogun. In multiple emails, the Hearing Officer mistyped Emily's email address. As a result, she did not receive the emails with the Zoom link for the hearing. Despite repeated requests by Complainant for the Hearing Officer to resend the email link to the correct email address, the Hearing Officer did not resend the link and did not allow Complainant to send the link. Ultimately, when witness Ogun did not appear at her scheduled time, the Hearing Officer did not reschedule her questioning and concluded the hearing.

As a result, witness Ogun was not able to provide vital information that would have strengthened Complainant's case.

**For more information,  
contact us.**

Public Counsel

Education Equity Project

<https://publiccounsel.org/issues/education-equity/>