



What to Do if You Have Been Wrongly Accused of a Title IX Violation

A guide
for higher
ed students

Immediate, intelligent steps to help
safeguard your well-being and future

Title IX for All

Advising | Data | Advocacy

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Message From the Founder

If you are a college student wrongly accused of a Title IX violation (sexual harassment, sexual assault, dating violence or threats of violence, sexual exploitation, stalking, or similar allegations), I'm sorry. The road ahead will be difficult and stressful to an extent few can understand, but it is not hopeless, and the choices you make going forward can radically impact the outcome.

Upon receiving notice that a complaint has been filed, you should take immediate, intelligent steps to safeguard your well-being and your future. In this guide, we'll give you actionable and extensive information on what you should do. You can also follow many of these suggestions if you have not been formally accused but suspect you might be accused soon. Please also feel free to distribute this guide to anyone you know who has been wrongly accused.

Each suggestion in this guide has a story behind it from students who learned - too often the hard way - that schools should not be blindly trusted, and the truth does not always set you free. The suggestions here come from analysis of [850+ lawsuits](#) filed by accused students against their universities, our own experience advising accused students, and hard-earned wisdom from those who have walked the path you are walking now.

The road ahead will almost certainly be difficult and stressful to an extent that few can appreciate. But it is not hopeless.

While this guide addresses the first steps you should take after being accused, it is not a guide for defending yourself throughout the process. For that, we highly recommend seeking professional assistance from a [Title IX advisor](#) (see section three for more).

Jonathan Taylor

Founder and Title IX Advisor, Title IX for All

Consequences of Being Found Responsible

Being found responsible (“guilty”) of misconduct can substantially change your life trajectory. Suspension, expulsion, denial of employment, loss of academic opportunities, denial of occupational licensing, referral for criminal prosecution, or even (if you are an immigrant) loss of immigration status and deportation are all possibilities that can result from such a finding. This is in addition to the impact an “official” punishment can have on relationships with friends and loved ones. For these reasons, you owe it to yourself to do everything in your power to ensure the best possible outcome.

The School’s Interests

Some accused students think that their situation will work itself out if they just tell the school the truth about what happened because schools generally prioritize truth and fairness. Unfortunately, this is not how Title IX proceedings work. A school’s primary interest is not in determining the truth of what happened but in minimizing its potential liability. This bias exceeds the rest.

Schools may also be biased in favor of those who bring the school money or have special relationships with the school, such as athletes or relatives of donors and trustee members, but this bias has limits and does not always extend to accused students (e.g., [Rossley v. Drake University](#) in the case of an accused son of a trustee member, or the many lawsuits by accused student athletes in our [Accused Students Database](#)).

Title IX proceedings also tend to be biased in favor of women or accusers (“complainants”) generally. School Title IX personnel often have a background in advocacy for women’s issues or victims of sexual violence, never for men’s issues or victims of false accusations, and only in the most fringe cases for due process. Cultures of “zero tolerance” and “safetyism” that err on the side of punishing students accused of misconduct (“respondents”) are pervasive.

Additionally, lawsuits by women accusing schools of failing to sufficiently respond to their complaints are, on average, much more costly to schools in terms of attorney fees and reputational damage

(which in turn impacts their enrollment and tuition revenue) than lawsuits by accused students claiming their schools denied them due process or otherwise treated them unfairly.

That said, the cause is not hopeless. Administrators are humans too. There is variation among them in experience, temperament, and partiality. Engaging them meaningfully often requires an approach that “helps them help you.” Administrators don’t usually want trouble if they can reasonably avoid it. The easier we can make it for them to do the right thing, the more likely they will do it.

To summarize, this is not a battle easily won alone by simply telling administrators what happened. It is also not enough to simply be a good person. You are going to have to be smart, present yourself well, make good decisions, and anticipate what comes next. To do this, you will need assistance, and more than you may suspect.

About Title IX for All

Title IX for All, a Texas-based organization, was founded to advocate equal treatment in academia. Our core value is that the benefits and protections of gender equality should not be just for one sex; they should be for all—including men who are wrongly accused. For that reason, we tend to focus extensively (but not exclusively) on issues that disproportionately impact male students, a demographic often underserved and overlooked.

Our first mission is to inform. We fulfill this in everything from writing to advocacy, database development, and advising. We recommend visiting our website at titleixforall.com for more resources.

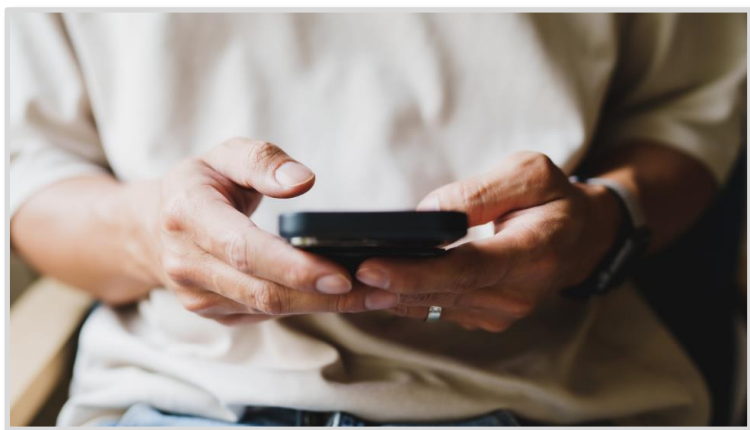
Disclaimers

Title IX for All is not a law firm and cannot provide legal advice, legal representation, or engage in attorney-client relationships. Assistance to parties in the scope of in-school Title IX proceedings is not legal advice (per [34 CFR 106.45\(b\)\(5\)\(iv\)](#), an advisor to parties in Title IX proceedings “may be, but is not required to be, an attorney”). Nothing in this guide should be regarded as a substitute for the advice of an attorney.

1. Call Your Parents and Tell Them You Have Been Accused

This is the first step you should take. No one will be in your corner, no one will fight for you, and no one will seek help on your behalf like your parents. Your accuser already has a support network in place. You need to set up yours, and your parents are an essential cornerstone of that network.

You may not want to tell your parents because doing so may lead to revealing embarrassing step-by-step details of a sexual encounter or behavior you are not proud of, even if you did not do what you are accused of.



Assuming at least a semi-decent relationship with your parents, their first concern will be your well-being and your future. This, and the help they can provide, is worth it. Remember that if the school finds you responsible (“guilty”) and you are suspended or expelled (which is more likely if you do not take steps to establish a support network), your parents will learn about the accusation anyway and in a far more devastating manner.

You may also be reluctant to tell your parents because the accusation or the potential punishment does not seem that serious. Some accused students are surprised to learn later that schools not only can and do upgrade or add charges throughout the process, but schools can also issue sanctions (punishments) disproportionate to the alleged misconduct.

There is another benefit to informing your parents: by telling them what happened, you will practice piecing together the core elements of your story so that you can tell it more confidently in the future. You do not want the first time you tell your story to be in front of a school investigator when you are alone, unpracticed, unadvised, and in a heightened state of emotional vulnerability.

Barring exceptional circumstances, your parents are the safest and most receptive audience you will ever find on earth—much safer, in any case, than a school investigator.

Of course, there are some students who do not have access to their parents due to a major life event. There are also students whose parents may be unfairly prejudiced against them for other reasons beyond their control—a deep commitment to “believing women,” perhaps, or simple old-fashioned “bad blood.” If you are absolutely certain such is the case, we recommend reaching out to your most trusted family member instead.

2. Choose an Advisor

Regulations governing Title IX proceedings¹ allow accused students to be assisted by “an advisor of their choice” who “may be, but does not have to be, an attorney.” In our view, the best-case scenario is that you will be assisted from the very beginning by an attorney who is both (1) experienced in and (2) specializes in Title IX.

While the benefits of working with such an attorney are substantial, it can be costly, and there is no money tree that every accused student can shake. For those students, we offer our advisory services at a fraction of the cost ([learn more here](#)). We have been working on Title IX matters since 2010 and have been advising accused students for years. Our databases, such as our [Accused Students Database](#) (which we use for our own advising work), are also used by Title IX attorneys and accused students throughout the country.

Our mission has long been to advance the rights of the wrongly accused in the education system. We have done this by assisting individual students, raising awareness of the issues, and advocating for fairness at local, state, and federal levels. Because of our advocacy, we are instinctively aware of the interests at work in the education system and can anticipate certain things before they happen for the benefit of our clients.

¹ [34 CFR § 106.45\(b\)\(5\)\(iv\)](#)

Title IX proceedings can be surprisingly complex to those new to them. A professional advisor can assist you with navigating them, help you avoid many of the pitfalls, and help you take advantage of time-sensitive opportunities. This can include, but is certainly not limited to:

- ❖ Raising timely objections to unfair procedures based on an understanding of relevant regulations, laws, best practices, and the school's own policies
- ❖ Assisting with submitting, obtaining, and preserving evidence
- ❖ Crafting written communication to administrators that portrays you and the evidence in a favorable light
- ❖ Requesting accommodations to assist you with academic, well-being, or other matters
- ❖ Navigating no-contact orders which are sometimes vague, excessive, or otherwise unfair
- ❖ Helping you practice telling your story - what you should include and emphasize, and how you should tell it
- ❖ Preparing you for tough questions during interviews and hearings
- ❖ Evaluating and helping you navigate school policies which are sometimes misapplied, confusing, vague, or contradictory
- ❖ Evaluating investigative reports used in decision-making for omissions or errors
- ❖ Preparing questions for interviews with witnesses, and interviewing witnesses while avoiding witness tampering
- ❖ Evaluating appeal strategy and crafting the language of an appeal

As in chess, there are no “unimportant moves” in Title IX proceedings. Everything, depending on how well it is done (or whether it is done at all), will make a particular outcome more likely.

In general, it is easier to win during the school's initial proceedings than it is to win on appeal, and easier to win on appeal than it is to win a lawsuit. For that reason, if you can afford an experienced

Title IX attorney, we caution you not to avoid using one on the presumption that the money would be better reserved for a potential court battle. Similarly, we caution you not to forgo a non-attorney advisor if you can afford one but not an attorney.

When considering expenses, be aware that the hours required for an advisor to effectively assist you can range from a couple dozen to well over a hundred. Several factors can skew the amount considerably, such as criminal charges, multiple accusers or accused students for the same incident, many witnesses, where you are at in the process, and so forth.

How to Find an Attorney?

Title IX proceedings are a world all their own, so it is best to find not just an attorney, but one who specializes in assisting accused students. We have a [database of such attorneys](#). Users can sort attorneys by whether their firms specialize in student conduct matters. They can also view their litigation volume in this area, check whether they have litigation victories on record, and so forth (keep in mind that the [Accused Students Database](#) is a much better resource for researching litigation specifically, however). You can also simply search the internet for a Title IX attorney.



Attorneys and firms come in all shapes and sizes. Some build their practices around criminal defense or personal injury and have one or two attorneys occasionally working on Title IX matters. Others have entire teams built around Title IX. We know from our database work that, of the [850+ lawsuits](#) brought by students accused of Title IX violations against their schools, around 90% of attorneys who have litigated such cases have only litigated one or two of them. These lawsuits are also much more likely to have a favorable critical judicial decision (an order on a motion to dismiss, summary judgment, injunctive relief, etc.) when the student is represented by a Title IX attorney.

Despite the many benefits an advisor (whether an attorney or non-attorney) can bring, it's important to keep in mind that they are not a guarantee of success. Title IX proceedings lack many of the

safeguards a court of law would provide and, as with any professional relationship, you will need to take an active part in “helping them help you.”

If You Cannot Afford to Hire Anyone

In such a case, you may consider a friend, parent, advocate, mentor, or other individual. Choose someone who has a clear concern for your well-being but can also navigate difficult and highly personal and emotionally charged matters objectively and professionally.

Some schools offer a member of their own staff to serve as the respondent’s advisor. Use caution here. Because they are employed by the school, any written communication between you and this advisor may be obtainable by administrators overseeing your case. At minimum, do not choose an advisor that is directly overseen by Title IX or student conduct administrators. Such advisors will also have some conflicts of interest simply because they are employed by the school; they can only “rock the boat” to a certain extent. By contrast, a professional advisor from outside the school will have every incentive to pull out all the stops and put the best needs of the client (you) first. At some point, you really do get what you pay for.

School-appointed advisors have also been known to give accused students bad advice. In [John Doe v. New York University](#), for example, accused student John Doe did not seek the help of an external advisor because his “school-appointed advisor told [him] ‘under no circumstance will [he] be expelled.’” He was later found responsible and expelled, and his lawsuit was [unsuccessful in court](#). The judge for his case held that his claims regarding his school-appointed advisor failed because the advisor lacked sufficient decision-making capability for Doe to reasonably rely on his statements.

There are serious issues with relying on an advisor who does not specialize in Title IX matters at all. At minimum, they will be less familiar with the territory. They will have a harder time identifying or anticipating time-sensitive risks and opportunities and advising you appropriately. If they are employed by the school, they are disincentivized from pushing back against overreach or error by administrators. If they are not employed by the school and if they lack special experience in Title IX matters, they will be less familiar with how to productively communicate with administrators.

3. Read School Misconduct Policies Thoroughly and Save a Copy

Locate your school's misconduct policies and save copies on your computer. Be aware that there are often multiple such policies. Schools often have a Title IX misconduct policy and then separate or more generalized misconduct policies. Save both. Title IX misconduct proceedings often have different procedures than non-Title IX misconduct proceedings.

Too often, schools fail to follow their own policies. Some schools change the language of their policies and even their definitions of misconduct midway through an investigation. Some have also done this in a manner that made it easier to find the accused student responsible while also not providing notice to the accused student that they changed their policies (*Doe v. Pennsylvania State University*).



School policies must also follow state and federal laws. A skilled [advisor](#) can identify deficiencies or misapplications in school policies and push back whenever they disadvantage you.

4. Expand Your Support Network

We recommend that all students wrongly accused of Title IX violations join a group called [Families Advocating for Campus Equality](#) (FACE). This non-profit is a support group for wrongly accused students. It was founded by mothers whose sons were put through unfair and biased Title IX investigations.



Joining FACE will provide you with a support network that can help you immensely. You will be in contact with students and families who have gone through this process and

have come out of the other side. Their experiences will show you that there is a light at the end of the tunnel.

5. Maintain All Records

If you are presented with any records related to the incident—notes, documents, photos, messages, videos—save them in a safe place. Do not rely on the school to keep records. Not only do they sometimes fail to do so, some schools have destroyed investigation records when threatened with legal action ([Doe v. Quinnipiac University](#)).

If the school finds you responsible and you appeal their decision, records of the school's process will be critical to a successful appeal. As courts have found, some schools maintain such poor records that a rigorous appeal was impossible ([Khan v. Yale University](#)).

6. Strategically Manage Communication

Going forward, assume any communication that could be taken the wrong way will be taken the wrong way. Do not engage in further contact with your accuser and do not apologize for anything, even if you are just apologizing for the situation or for someone's hurt feelings.

Be aware that some accusers—even before filing a formal complaint—will attempt to pressure, bait, and trap those they accuse with harassing calls, text messages, and so forth, sometimes while using recording devices. They have also been known to perform this indirectly through friends and mutual acquaintances to lure the person they plan to accuse into a false sense of security. These digital records can be edited to mischaracterize your words and actions.

If you have received a no-contact order, read it carefully and follow its terms exactly. The no-contact order may be harsh and unfair, but you must follow it unless or until a fairer one has been negotiated (again, [an advisor](#) can help here).

Do not confront someone supportive of your accuser, even if they are a mutual acquaintance or a mutual friend. The school will likely regard this as retaliation and can then enter another misconduct charge against you. This will make everything more difficult and can snowball into you being found responsible for any other charges, since it is easier for people to believe the guilt of someone who has already broken the school's policy.

If you are using a university email address for personal matters, stop. Assume that any email sent or received via that address will be read by an administrator involved in your case.

Do not discuss your case on social media, even indirectly. Even messages on Snapchat (where posts are only temporarily viewable) can be recorded with a second device or screenshotted.

Managing social media can be trickier than it first appears. At minimum, you should probably disable the visibility of your accounts to those not already connected with you (i.e., the general public, "friends of friends," and so forth) and preserve any messages you have received or observed on social media about the alleged incident. Be aware that blocking or unfriending people related to the alleged incident can lead to you losing access to others' posts and evidence that could be used to help you. Alternatively, it could lead to others losing access to evidence that could be used against you.

Lastly, compose yourself in all your communications. Try to avoid appearing angry, even though you have every right to be. [As research has demonstrated](#), anger makes a wrongly accused person look guilty.

How to best manage communication can sometimes be a murky area. You may not be sure whom you can safely talk to or how you should talk to them. Remember that helping people manage communication is what [advisors](#) like us are here for.

7. Get a Recording Device

Student David Smith was accused of sexual assault at Brown University. He suspected the investigator hired by the university was biased, so he recorded his interviews with her. When he read her investigation report that the decision-makers would later rely on, he was shocked.

According to [his complaint](#) in *Smith v. Brown University*, her report was “replete with mistakes, omissions, and demonstrably false statements attributing admissions to David that were carefully designed to ensure a hearing panel would find him responsible. These mistakes were not remotely random: every single misstatement of David’s words and thoughts—and there were approximately 60—served to undermine David’s statements and defense.”

Judge John McConnell deemed David had established “a high likelihood of success on the merits” and ordered Brown to “immediately restore all rights and privileges to David Smith as a fully enrolled student in good community standing at Brown University.”

David’s experience is a warning: do not blindly trust that you will be treated fairly. Recordings can help you highlight discrepancies between what you say and what others claim you have said. Recording meetings without the knowledge and consent of other participants, however, is not legal in all states; check the [Reporter’s Recording Guide](#) or consult a qualified attorney. We can help you familiarize yourself with appropriate recording devices, some of which we keep on hand for matters just like this.

8. Draft a List of Witnesses

Witnesses can be friends, acquaintances, bystanders who saw you or your accuser around the time of the alleged incident, resident assistants, and so forth. Your school may also allow statements by a character witness. Start making a list of these people now.

An attorney or advisor can draft questions to ask witnesses. This can be trickier than it first appears because of concerns regarding witness tampering. Even the most truthful, compelling, and supportive witness statements can be turned against you as evidence of your guilt if a decision-maker believes the witness was coerced or otherwise unfairly pressured. For these reasons, it is best to let a third party interview them.

Conclusion

Following the above suggestions will prepare you for the road ahead. If you are thinking this is starting to sound like a lot of work, you are correct. But your well-being and future are worth it. If you or someone you care about has been accused, [contact us](#) so we can help.

And if you have been accused, remember: while wrongful accusations and wrongful findings of responsibility can alter the course of your life, there is always a future ahead of you.

Policies regarding Title IX misconduct proceedings are constantly changing due to changes in laws, regulations, and court decisions. Future versions of this guide may reflect those changes. [Visit our website](#) for the latest version.

Accused? Contact Us.

titleixforall.com | (903) 309-1845

Other Resources at Title IX for All

Accused Students Database

A feature-rich database ideal for those wanting to learn more about the battles of higher ed students accused of Title IX violations, both in school misconduct proceedings and in court. The only database of its kind, it has extensive information on regulations and judicial opinions affecting Title IX grievance procedures. It is also a warehouse of information on hundreds of lawsuits by accused students, their attorneys, schools, school personnel (investigators, hearing officers, etc.), courts, and judges.

Attorneys Directory

A basic directory for looking up Title IX attorneys, most of whom have represented parties in litigation by accused students.

OCR Resolutions Database

This database systematically tracks hundreds of resolved Title IX investigations in K-12 and postsecondary institutions that were resolved from mid-2010 to the present through the Department of Education's enforcement office: The Office for Civil Rights. The OCR Resolutions Database provides a suite of interactive tools - visual reports, files, tables, maps, search engines, and more - to assist Title IX professionals, advocates, reporters, students who are victims of gender bias and their families, and researchers.

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