



IF YOU'VE BEEN RAPED. • ALWAYS report to law enforcement and to the Title IX coordinator on campus. You should also report to an independent entity - such as NCAVA - to ensure that reports are being counted and handled responsibly by school-based authorities and outside law enforcement officials.

- Sexual assault is ALWAYS a crime and is ALWAYS a violation of Title IX. • Do NOT seek help from a university-based "counselor" or any university-based support service without FIRST seeking outside legal advice from an independent advocate NOT affiliated in ANY way with the school.
- You have a right not to reveal ANY personal irrelevant information unrelated to the assault. Therefore, you should NEVER answer questions that seek such information from school or law enforcement investigators, including information such as past mental health, sexual history, past drug or alcohol use, etc. NEVER reveal whether and to whom you had confidential conversations about the incident. NEVER reveal ANY personal irrelevant information. If a judge or school-based decision-maker later determines that revelation of personal information is necessary, you can decide at that time whether to answer probing questions about your private life.
- You have a right NOT to talk to any defense attorney or defense investigator in the school-based investigation OR criminal matter.
- Consider NOT submitting to a rape kit examination. If there is a chance your body suffered injuries, and/or that your assailant will deny sexual contact, a rape kit examination is a good idea. But you should know that such an examination will also reveal other sexual partners with whom you had contact in the past several days, maybe longer.
- Do NOT seek a rape examination at a medical facility associated with the school. Consider seeking an examination from an independent medical professional, even if it means going many miles away from campus to obtain a truly independent examination. You will want to avoid seeking care from a medical facility with unfair allegiance to the university.
- If you DO seek medical care and/or you choose to submit to a SANE or SART examination, do NOT provide a "medical history." Medical care providers will feel compelled to ask for a full medical history, but you should reveal ONLY information related to the incident. The more "history" you reveal, the more fodder you provide to the defense who will use it against you unfairly to undermine your credibility. If asked such questions, you should reply: "How is that relevant to my examination." In almost all sexual assault cases, medical history is completely irrelevant to your treatment needs.
- Remember to get the name and contact information of the SANE or SART nurse who examines your body. You may need to call her as a witness. Ask her what findings she made when she examined your body and take notes. For example, if she sees vaginal bruising, ask her for specific details and either have her handwrite notes for you to take with you, or have her sign the bottom of the page of the notes you have taken describing your injuries. Make sure she puts the date and time next to her name and that her signature is legible.
- Avoid seeking guidance and support from government funded non-profit advocacy groups - such as "rape crisis centers" in the area, without first talking to an independent expert. Government-funded crisis centers are often aligned with schools and deferential to local prosecutors - and because of government funding, are disallowed to protest against unjust treatment of victims.
- It is ILLEGAL for a school to delay handling your Title IX complaint as a disciplinary matter in the school while the criminal justice system conducts its own investigation and/or prosecution. A school MUST resolve your claim "promptly" which means BEFORE a decision is made regarding criminal charges. If you are forced to choose between criminal and school-based justice, your rights are being violated.
- Do NOT be swayed by people pressuring you not to file a report. No victim should be afraid to seek justice. While the process might be stressful, studies show that victims who decide NOT to report struggle in the long run because they never had their "day in court". Those who speak up - win or lose - suffer fewer emotional consequences and regrets. While not all victims have the same experience, too many are pressured into silence by people who say they will be revictimized by the process. With strong support and advocacy, more victims will achieve justice. Silence based on fear of seeking redress is unacceptable.
- If a prosecutor refuses to take your case as a criminal matter, you have a right to full access to the entire investigative because it is a "public record". While the case is pending, the prosecutor can refuse to give you the file under the "investigative privilege" exception to the public records law. But after your case is declined for prosecution, you can request a copy of everything.
- If your assault occurred because you were incapacitated due to drugs or alcohol, you should obtain a blood test immediately after the incident. The longer you wait, the greater the chance the substances will dissipate from your body. Do not go home after an assault, go straight to an independent medical facility (consider a neighborhood health center, for example) and demand an immediate blood test to determine drug and alcohol levels. If you know that a particular drug was involved, ask for a specific test. Basic screening tests may not look for all types of drugs. Also insist that your hair be tested. Hair retains information far longer than blood.
- Do NOT sign a "waiver" or a "release" allowing for disclosure of information to any person, until AFTER you have spoken to an independent attorney or advocate NOT affiliated in any way with the school. Victims are often asked to sign waivers without realizing that they are giving the hospital permission to release ALL information obtained during a rape exam, including medical history, past prescription use, whether DNA from other sex partners was found, etc.