

Guide

A Survivor's Guide to Civil Lawsuits for School-Based Sexual Abuse or Harassment

By: Cari Simon, Esq. and Jacob R. Goodman, Esq.



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Introduction

You deserve to be safe at school. When that safety is compromised by sexual assault or harassment—and your school didn't respond the way it should have or failed to protect you—it's understandable to feel overwhelmed and unsure of what to do next. You've already been let down by the very people who were supposed to protect you.

This guide is here to give you a starting point. It walks through what a civil lawsuit is and what the process might involve if you decide to take that path. Civil lawsuits are just one of several tools that survivors can use to seek accountability and protection. Whether you're a student, a parent, or an advocate, this resource is meant to help you better understand your legal options and feel more equipped moving forward.

What Is a Civil Lawsuit?

A civil lawsuit is a legal case you can file in court to seek damages (money) or other remedies for harm you've suffered. While criminal cases are brought by the government to punish the perpetrator, civil lawsuits are brought by the survivor to hold responsible parties accountable and seek compensation.

You can file a lawsuit against the individual who caused the harm, a school or institution that failed to protect you, or both. When an organization is sued for contributing to or failing to prevent the harm, this is known as institutional or third-party liability.



What to Expect from the Process

If you decide to pursue legal action, here's a simplified roadmap of how civil litigation typically works:

- 1. Investigation/Pre-suit Negotiations:** Your attorney works with you to investigate the factual circumstances underlying your potential civil lawsuit to identify your potential legal claims. Armed with this information, your attorney may contact the attorneys representing possible Defendants and discuss a potential pre-suit settlement. Your attorney will not file a lawsuit until you make the decision to do so.
- 2. Filing the Complaint & Statute of Limitations:** Your attorney files a formal complaint in court. This formal document outlines what happened, who is responsible, and what compensation you're seeking. There is a strict legal deadline—called the *statute of limitations*—for doing this. These deadlines vary by state and may be extended for minors.

3. Discovery: This is the evidence-gathering stage of the lawsuit. It may involve:

- **Depositions:** Sworn interviews where lawyers ask questions under oath.
- **Document Production:** The exchange of relevant documents, like school policies and incident reports.

4. Settlement or Trial: Most civil cases resolve without a trial through a settlement—a voluntary agreement where the defendant agrees to pay money or make policy changes. If a settlement isn't reached, the case proceeds to trial, where a judge or jury decides the outcome.

5. Appeals and Timeline: If either side disagrees with the outcome of the trial, they can choose to appeal, which typically extends the process. Civil lawsuits can take months or even years to resolve, depending on the complexity of the case and whether it settles early or proceeds through trial and appeals.



Throughout the process, you remain in control. You can decide whether to accept a settlement or move forward.

Understanding Damages

If a court finds a defendant liable, or if a settlement is reached, the compensation you may receive is called damages. These are intended to compensate you for the harm you've suffered and can include:

- **Economic damages:** Specific financial losses, such as costs for therapy, medical care, and lost wages.
- **Non-economic damages:** Compensation for intangible harm like pain and suffering, emotional distress, or loss of enjoyment of life.
- **Punitive Damages:** In some states, these may be awarded for especially egregious or malicious conduct. Their purpose is to punish the wrongdoer and deter similar behavior in the future—not just to compensate the survivor.

Myth vs. Fact: Common Questions

Myth: You can't sue if you didn't file a police report.

Fact: Filing a police report is not required. Many survivors never report to law enforcement.

Myth: You can't sue if it's just "he said/she said."

Fact: Civil courts can and do hear these cases. You are entitled to be believed, and your testimony is evidence.

Myth: If you sue, everyone will find out.

Fact: Survivors can often proceed under a pseudonym (like "Jane Doe") to protect their identity.

Myth: All your personal records will become public.

Fact: Courts can issue protective orders to limit access to sensitive records, such as medical or mental health information.

Myth: You have to sue immediately.

Fact: Deadlines vary by state, but survivors who were minors often have extra time to file.



You do not need a perfect case or a police report to be taken seriously. You do not have to give up your privacy or publicize your story. You do have the right to be heard—and to hold those who harmed you accountable.





How Can I Protect My Privacy?

It's completely understandable to be concerned about your privacy when thinking about legal action. The good news is that the legal system offers tools to help protect your identity and personal information.

One common option is to file under a pseudonym—a placeholder name like “Jane Doe” or “John Doe”—to prevent your real name from appearing in public court records. Judges don't automatically grant pseudonym status, but many will approve it in cases involving sensitive facts and privacy concerns.

You can also protect your medical and counseling records. Filing a lawsuit does not mean you automatically waive your privacy rights. Your lawyer can ask the court to issue a protective order to limit who can access sensitive information like therapy notes or medical files. This ensures your well-being is protected by controlling how and when this information is shared.

What Should I Do First?



If you're thinking about pursuing a lawsuit:

- 1. Document what happened.** Write down what you remember and gather any existing evidence—texts, emails, school reports, etc.
- 2. Seek support.** Talk to a trusted adult, school counselor, Title IX coordinator, or contact a local crisis center or support organization. Many of these groups offer free, confidential help from trained advocates.
- 3. Consider speaking to a lawyer.** Many law firms offer free consultations to help you understand your options and the potential strength of your case.
- 4. Act sooner rather than later.** Civil cases are subject to strict legal deadlines. These can be particularly short for claims involving a public school, so it is essential to act in a timely manner to preserve your options.





What About Sexual Misconduct in Higher Education?

Although this guide focuses on K-12 schools, the same legal principles apply to colleges and universities. Survivors can bring civil lawsuits against an institution or, in some cases, individual employees for failing to protect students from harm. Many of these cases involve Title IX, a federal law that prohibits sex-based discrimination—including sexual harassment and assault—in any educational program or activity that receives federal funding.

While Title IX applies to both K-12 and higher education, civil lawsuits have historically been more common at the college level. This is partly because colleges tend to have more formalized grievance procedures, making them more likely to be challenged in court. These lawsuits often focus on issues like unfair investigations, denial of accommodations, or retaliation.

Importantly, K-12 students can also bring Title IX lawsuits—particularly when a school knows about ongoing harassment or abuse and fails to take meaningful action. In those cases, the school may be held legally responsible if the misconduct was severe enough to interfere with a student’s access to education.

Final Note

This guide is intended to provide general legal information to help you better understand your rights and options. It is not legal advice, and laws vary by state. If you are considering taking legal action, speak with an attorney to discuss your specific situation and the steps you should take next.

This document was prepared by Cari Simon, Esq., and Jacob R. Goodman, Esq., attorneys at The Fierberg National Law Group. Ms. Simon's legal practice focuses on representing survivors of sexual assault, stalking, dating violence, and sexual harassment in university and K-12 settings nationwide. Mr. Goodman's legal practice focuses on representing survivors of sexual abuse, hazing, and other violent crimes.



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