

What Sets Criminal Charges Apart from Title IX Proceedings in Texas

Our experienced attorneys can help protect your future

When a student or faculty member in Texas is accused of sexual misconduct, the consequences can begin long before a single criminal charge is filed. For many, the first battle begins not in a courtroom, but in a university office, under the policies and procedures dictated by Title IX.

In Austin, home to major institutions like the University of Texas, St. Edward's University, and Huston-Tillotson, these cases are increasingly common.

Title IX is a federal civil rights law designed to ensure equal access to education. When applied to allegations of sexual misconduct, it triggers an internal investigation by the school. This process is separate from any law enforcement action, and in many cases, it moves faster, hits harder, and leaves more lasting damage, even if no criminal charges are ever filed.

For the accused, knowing the difference between criminal charges and Title IX proceedings isn't just academic, it's essential. And while the process can feel overwhelming, having the right [Title IX defense lawyer](#) on their side can make all the difference in protecting the accused person's freedom, education, and future.

Title IX focuses on education. Criminal charges focus on punishment.

Title IX proceedings are internal, school-run investigations. There are no judges, no juries, and no formal courtroom. But what happens in these private hearings can permanently alter someone's life. Schools can issue academic sanctions ranging from suspension to expulsion. A Title IX finding may appear on transcripts, bar future enrollment, and even impact licensing, immigration status, or job prospects.

Unlike criminal court, Title IX hearings rely on a lower burden of proof, typically "preponderance of the evidence." This means that a panel or administrator only needs to be slightly more convinced than not that the accused committed a violation. The rules of evidence are relaxed.

Schools must start with a presumption that the respondent is not responsible. But in practice, the process can still be damaging. In many cases, schools take a trauma-informed approach that presumes the complainant is telling the truth, while expecting the respondent to prove otherwise. These dynamics can be devastating without strategic, early intervention by someone who understands both the system and its pitfalls.

Title IX allegations that can lead to criminal charges

Title IX covers a broad range of conduct, including behaviors that violate school policy but not necessarily the law. However, some Title IX allegations, particularly those involving physical contact, coercion, or threats, can also expose the accused to criminal liability. In these situations, a case that begins as a campus investigation can escalate into a police matter, often without warning.

When universities receive reports of potential sexual misconduct, they are required to investigate, even if the complainant does not wish to involve law enforcement. But depending on the details of the allegation, the school may refer the matter to police or prosecutors independently. Sometimes, schools are legally obligated to do so, especially if the conduct involves violence, minors, or credible threats of harm.

The types of Title IX violations that most often lead to criminal investigations or charges in Texas include:

- **Sexual assault or rape:** Allegations involving non-consensual sexual contact, especially those that involve force or intoxication, can result in felony charges under Texas law.
- **Sexual coercion or incapacitation:** Claims that a person was pressured into sex through threats, manipulation, or while unconscious may lead to charges related to sexual abuse or aggravated assault.
- **Stalking or harassment:** Repeated unwanted communication, surveillance, or threats may violate both university policy and Texas Penal Code.
- **Dating or domestic violence:** Physical or emotional abuse between students in a romantic or sexual relationship can lead to criminal domestic violence charges, even if both parties are students.
- **Indecent exposure or public lewdness:** Allegations involving nudity, exposure, or sexual acts in public spaces may also be pursued by law enforcement under Texas law.
- **Retaliation or intimidation:** Attempts to interfere with a Title IX investigation, by threatening the complainant or witnesses, can lead to obstruction or witness tampering charges.

While not every Title IX allegation results in criminal prosecution, the potential is always there. Even when the complainant initially declines to involve the police, schools may still alert authorities if they believe a law has been broken. That's why anyone accused of Title IX misconduct must proceed carefully, knowing that statements made in one forum can trigger consequences in another.

A strategic, coordinated defense is the best way to contain the risk. With the right guidance, respondents can respond thoughtfully, protect their rights, and reduce the chances of a Title IX investigation spiraling into a [criminal case](#).

Key differences in process and protections

To understand the stakes and the strategy, it helps to compare how each system handles the same types of issues. The following list breaks down some of the most important distinctions:

- **Burden of proof:** Title IX uses “preponderance of the evidence,” while criminal cases require proof “beyond a reasonable doubt.”
- **Rights of the accused:** In criminal court, the accused has constitutional protections. In Title IX, many of these rights are limited or absent.
- **Control of the process:** Schools control the pace, procedures, and outcomes of Title IX cases, while courts follow strict legal standards and rules of evidence.
- **Potential consequences:** Title IX can lead to suspension, expulsion, or loss of academic standing. Criminal charges can lead to arrest, jail time, and a permanent record.
- **Evidence sharing:** Statements in a Title IX case can be used in criminal court, but the reverse is not always true.

These differences matter. Without coordinated defense, a respondent may protect themselves in one system only to suffer avoidable damage in the other. Legal support that understands both arenas is key to avoiding contradictions, missteps, or irreversible consequences.

Where criminal and Title IX cases overlap

In many cases, both proceedings stem from the same allegation. A student might report sexual assault to the school and also file a police report. Or campus security may alert law enforcement after an incident is brought to their attention.

What happens next is a legal tightrope. Evidence gathered in one case may be used in the other. Witnesses may give conflicting statements. Prosecutors and school investigators may take drastically different views of the same event. And while the accused is protected from self-incrimination in criminal court, speaking out during a Title IX hearing can jeopardize both cases.

The systems may be separate, but in practice, they’re dangerously connected.

Long-term consequences even without a criminal conviction

A common misconception about Title IX is that its penalties are less serious than those in the criminal system. In reality, the fallout from a Title IX finding can be just as damaging, and often more difficult to escape. The consequences don’t stop at academic suspension or expulsion. They can affect nearly every aspect of a person’s future, even if no criminal charges are ever filed.

The long-term effects of a Title IX sanction may include:

- **Academic barriers:** Students may be denied transfer opportunities, graduate program admission, or reentry to any institution within the same university system.
- **Employment issues:** Many employers conduct background checks that include questions about university disciplinary records, which can result in lost job opportunities.
- **Professional licensing problems:** Fields like law, healthcare, and education require disclosure of academic misconduct, which can delay or block certification.
- **Immigration consequences:** International students may lose visa eligibility or work authorization, even without a criminal conviction.
- **Reputational harm:** Even if the Title IX case is closed without a finding, public rumors, online posts, and school gossip can follow someone indefinitely.
- **Criminal fallout:** If a Title IX case escalates to criminal charges and results in conviction, additional consequences may include incarceration, probation, sex offender registration, and a lifelong criminal record.

These effects don't always arrive at once, but they have a way of compounding over time, quietly undermining educational goals and professional aspirations. A proactive legal strategy helps prevent Title IX findings from becoming permanent roadblocks. For those already facing allegations, the right advocate can mean the difference between a closed chapter and a lifetime of consequences.

Why a coordinated defense is not optional, it's essential

Too often, accused students or faculty try to handle the school process on their own, thinking it's "just academic." But universities are not neutral parties. They are under intense pressure to act swiftly and decisively, particularly in high-profile Title IX matters.

Without strategic coordination, one wrong move in a school hearing can sabotage the defense in court. And delays or silence in the criminal case may be interpreted as guilt by campus investigators.

A coordinated defense ensures the accused doesn't get blindsided. It balances short-term needs with long-term protections. And it's the only way to avoid contradictions between legal and school proceedings that could destroy both cases.

The right defense can save your future

If you're facing a Title IX investigation, especially one involving allegations of sexual misconduct, the pressure can feel overwhelming. And if there's even the possibility of criminal charges, the stakes become even higher. Every statement, email, and decision matters. Without the right strategy, a single misstep can jeopardize your education, your reputation, and your future.

At [Botsford & Roark](#), we've successfully defended students accused of Title IX violations and criminal sexual assault, including some of the most [challenging and high-profile cases](#) in Texas. We've helped top student-athletes and UT-Austin students protect their futures, securing reinstatement after wrongful expulsion and playing a key role in the dismissal of criminal charges stemming from campus allegations.

We understand how these systems overlap, and we know how to fight for you in both. If you or your child is under investigation, [contact us](#) for a free, confidential consultation. We'll help you take control of the process, protect your rights, and build the strongest possible defense.

"Best it gets, hands down. It was an easy and stressless experience having Brian handle my case, and I am forever grateful I was pointed in his direction. Do not think twice about having him represent you. From day one it was well laid out for me what the plan was, and he made it happen. Highly recommend!" - Blake B., ★ ★ ★ ★ ★