

Congress of the United States
Washington, DC 20515

May 17, 2018

The Honorable Virginia Foxx
Chairwoman
House Committee on Education and the Workforce
2176 Rayburn House Office Building
Washington, DC 20515

The Honorable Robert C. Scott
Ranking Member
House Committee on Education and the Workforce
2101 Rayburn House Office Building
Washington, DC 205125

Dear Chairwoman Foxx and Ranking Member Scott:

On the 64th anniversary of *Brown v. Board of Education of Topeka*, we write to you with grave concerns regarding the roll back of civil rights under the current Administration. Specifically, we want to highlight threats to crucial protections for students under Title IX of the Education Amendments of 1972, and urge the Committee to reaffirm its commitment to ensure that students may pursue an education free from sexual harassment and violence.

We have spoken to hundreds of survivors of sexual violence in our K-12 schools and on college campuses. These survivors have bravely shared not only the pain they experienced while being attacked, but the additional indignity and hardship they suffered when their school failed to live up to the Title IX promise to protect and support them. Secretary of Education Betsy DeVos's decision last fall to rescind the Title IX Guidance from 2011 and 2014 – which made clear the requirements for schools to protect students – and replace it with the 2017 Interim Guidance, stood in direct opposition to the requests from survivors, advocates, and policymakers. This shortsighted and harmful decision has set the country back decades in the fight against sexual violence at a time when we should be leading the world on eradicating this national epidemic.

The overwhelming evidence points to a plague of sexual violence in our K-12 schools and on our college campuses. Girls are subject to sexual violence at young ages with 21 percent of girls, ages 14 to 18, reporting that they had been kissed or touched without their consent. These statistics are even higher for certain populations, including Latinas (24 percent) and LGBTQ girls (38 percent).¹ Additionally, studies show that 1 in 5 women attending college will fall prey to sexual assault or attempted sexual assault, with certain populations of students experiencing

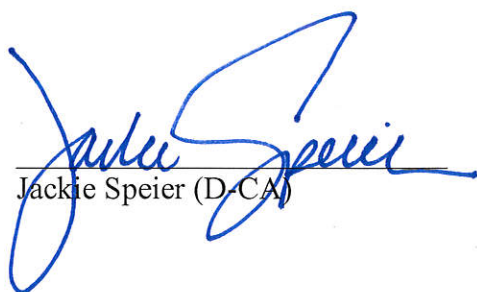
¹ National Women's Law Center, *Let Her Learn: Stopping School Pushout for Girls Who Have Suffered Harassment and Sexual Violence* (2017), available at <https://nwlc.org/resources/stopping-school-pushout-for-girls-who-have-suffered-harassment-and-sexual-violence/>.

disproportionate levels of sexual violence.² For example, over 31 percent of female undergraduates with disabilities reported nonconsensual sexual contact involving physical force or incapacitation, compared to over 18 percent of female undergraduates without a disability.³ Despite these alarming statistics, the Administration has deliberately chosen to ignore the facts and weakened regulations that prevent allegations of sexual violence from being swept under the rug.

By rescinding the 2011 and 2014 Guidance, and issuing the wholly inadequate 2017 Interim Guidance, schools are no longer required to follow commonsense standards such as completing investigations in 60 days or less, upholding the “preponderance of evidence” standard, and making sure sexual violence survivors are not forced into mediation or cross-examination with their attackers. Additionally, schools are now only required to provide the option of an appeal to accused students, but not to survivors. Schools are no longer under explicit instruction to respect students’ requests for confidentiality when they report harassment, or to minimize the burdens on survivors when implementing interim measures – such as extensions on assignments and modifying class schedules. The Administration’s actions have had a chilling effect on the willingness of survivors to come forward and has plunged our academic institutions into uncertainty.

Survivors deserve a world where they can safely seek and receive justice, where they have the support they need, and where sexual violence is not dismissed, laughed off, or made light of. Title IX protections are critical to ensuring academic achievement and access to education for all students, without the threat of sexual or gender-based violence. Students should never be forced to drop out of school or abandon dreams of higher education because they were attacked. That is why, on the 64th anniversary of this landmark civil rights ruling, we urge the Committee to reaffirm its commitment to all educational civil rights and protect students by providing oversight and preventing the Administration’s attempts to weaken Title IX regulations.

Respectfully,



Jackie Speier (D-CA)




Susan A. Davis (D-CA)


² U.S. Department of Justice, *The Campus Sexual Assault (CSA) Study* (2007), available at <https://www.ncjrs.gov/pdffiles1/nij/grants/221153.pdf>.

³ National Council on Disability, “Not on the Radar: Sexual Assault of College Students with Disabilities,” available at https://ncd.gov/sites/default/files/NCD_Not_on_the_Radar_Accessible_01292018.pdf.

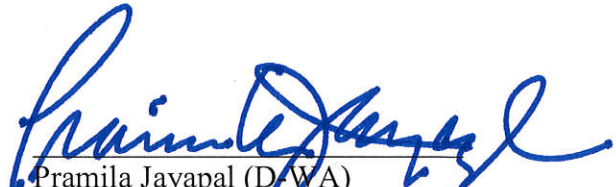

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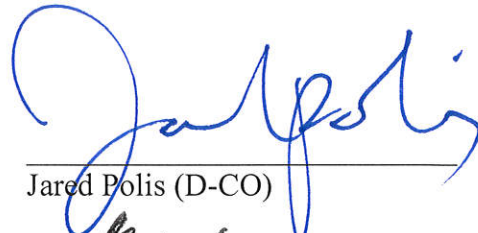

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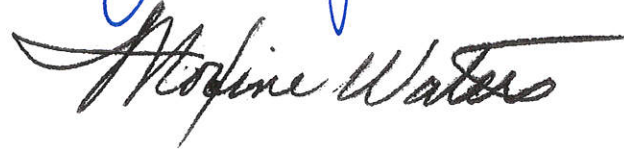

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