

#HANDSOFFIX

WOMEN'S LAW PROJECT - PUBLIC COMMENT WRITING GUIDE

On November 29th, 2018, the Department of Education published a proposed regulation that would drastically change schools' responsibilities under Title IX, a federal law that bars recipients of federal funds from engaging in sex discrimination. Secretary Betsy DeVos includes a wide range of deeply concerning changes in her 149 page proposal. **Below are the worst of the worst!**

5 THINGS TO KNOW ABOUT BETSY DEVOS' PROPOSED TITLE IX RULE:

The proposed rule would ...

1. Redefine "sexual harassment" in such a way that requires schools to only investigate the most extreme forms of harassment. The Department of Education has proposed redefining sexual harassment as "unwelcome conduct on the basis of sex that is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity." This means students would be forced to endure repeated and escalating levels of abuse without being able to ask their schools for help.

2. Allow - and in fact require -- schools to dismiss complaints of sexual violence that occur outside of a school program, including much off-campus and online harassment. This proposal would mean students who are assaulted walking to their middle school or at a café near campus could have no recourse, even if they are forced to sit next to their harasser or rapist in class everyday.

3. Let schools off the hook by increasing barriers to reporting sexual harassment and violence. Under the proposed rules, schools would only be held liable if a narrow set of school staff members had "actual knowledge" of alleged sexual misconduct. In other words, if you are a student experiencing sexual harassment or violence and report it to the "wrong" employee - like your coach, guidance counselor, or teaching assistant -- the school might not be responsible to address the issue. For example, under these new proposed rules, Michigan State University would have had no responsibility to stop Larry Nassar from sexually abusing girls and young women -- even though his victims reported the abuse to 14 university representatives-- because they told coaches and trainers instead of the Title IX coordinator.

4. Allow schools to give survivors weak (or even harmful) "supportive measures." Student survivors of sexual harassment and assault need support to stay in school. Under DeVos' proposal, supportive measures must be "non-disciplinary," "non-punitive," "without fee or charge," and "without unreasonably burdening the other party." Bottom line, schools could offer weak counter-productive "supportive measures" that don't really help ... and in fact could be harmful to survivors.

5. And under the new proposal, survivors in college and graduate school would be required to submit to live cross-examination by their rapist's advisor of choice. Rather than allowing a panel to test parties' credibility through the submission of written questions, which was the previous recommendation, DeVos proposes to let a representative of the accused - an attorney, frat buddy, or irate parent - directly question complainants, risking re-traumatization and discouraging reporting in general.

Want to learn more? Please see the resource list on the back of this page for links to the full proposal and in-depth analyses from our national partner organizations.



QUESTIONS? FOR MORE INFORMATION CONTACT THE WOMEN'S LAW PROJECT AT
BGREEN@WOMENSLAWPROJECT.ORG OR CALL 412-281-2787

*Post about your comment
using #HandsOffIX
and tag us
@womenslawproject*

RAISE YOUR VOICE

SUBMIT A PUBLIC COMMENT

IF implemented in their current form, DeVos' rules would make schools more dangerous and take rights away from sexual assault victims. **BUT THESE RULES ARE NOT A DONE DEAL!** Submit a public comment and join the fight to keep our schools and campuses safe.

HOW TO STRUCTURE YOUR COMMENT:

1. Start with an Intro Paragraph: Give context for who you are and why you're commenting.

2. Be sure to include the Docket ID Number (ED-2018-OCR-0064) and the RIN (1870-AA14) for this proposed rule at the top of your comment.

3. Share why YOU think this rule would harm students and survivors.

Pick one or two issues to write about. Try using the data bank below to support your argument. OR provide a personal story to illustrate your concerns.

3. Wrap Up with a Conclusion: Summarize your points in a few concise sentences.

To submit an electronic comment go to: <https://goo.gl/JhAKy7>

To submit a written comment, mail your comment to:

*Brittany Bull, U.S. Department of Education
400 Maryland Ave SW, Room 6E310
Washington, D.C. 20202*

*Please Keep
in Mind!*

*Use your own words

*Use evidence, data, or specific examples to illustrate your concern

*Maintain a respectful tone

ALL COMMENTS MUST BE RECEIVED

BY JANUARY 28, 2019 AT

11:59PM EASTERN TIME

Please be aware that your comments will be public.

You can share as much or as little of your personal stories as you are comfortable. And you don't need to include your return address on the comment itself.

DATA BANK: *Use some statistics to support your comment!*

- 3 million college students will be sexually assaulted this year.
- Less than 10% of college assault survivors report their assaults.
- 34% of students who have experienced sexual assault drop out of college.
- 1 in 5 women and 1 in 16 men will be sexually assaulted in college.
- 70% of women sexually assaulted on a college campus knew the perpetrator.
- Students with disabilities experience assault at almost 3 times the rate of non-disabled students.
- Approximately 40-60% of Black women report coercive sexual contact by the age 18.
- About 1 in 3 Latinas (34.4%) will experience interpersonal violence during her lifetime.
- Nearly one in four transgender, genderqueer, non-conforming, or questioning students experience sexual violence during their four years of undergrad.
- 78% of transgender or gender non-conforming individuals are sexually harassed during grades K-12, and 35% are physically assaulted.
- Men are more likely to be assaulted than falsely accused of assault.

FOR MORE INFORMATION:

Full Text of the Department of Education NPRM:
<https://www2.ed.gov/about/offices/list/ocr/docs/title-ix-nprm.pdf>

Women's Law Project Analysis of Proposed Title IX Regulations & Invitation to Submit Comment
<https://www.womenslawproject.org/2018/12/17/wlp-analysis-of-the-proposed-title-ix-regulations-invitation-for-you-to-submit-comment/>

"Betsy DeVos's New Harassment Rules Protect Schools, Not Students," NYT
<https://www.nytimes.com/2018/11/27/opinion/betsy-devos-title-ix-schools-students.html>

9 Things to know about Betsy DeVos' Proposed Title IX Rule, Know Your IX
https://actionnetwork.org/user_files/user_files/000/028/107/original/Two_pager_on_proposed_rule.pdf

Data Guide, Know Your IX:
[https://actionnetwork.org/user_files/user_files/000/028/106/original/Mini_Data_Guide_\(N_C\).pdf](https://actionnetwork.org/user_files/user_files/000/028/106/original/Mini_Data_Guide_(N_C).pdf)