
September 8, 2017

Weakening Title IX guidance will hurt sexual assault survivors

Now is the time to voice your support for victims of sexual assault.

Yesterday, U.S. Secretary of Education Betsy DeVos announced plans to review and potentially alter Title IX guidance. Title IX is a federal civil rights law that prohibits sex discrimination in K–12 and postsecondary education settings. Title IX is a valuable protection from discrimination for all students, not only those who have experienced sexual assault.

PCAR/NSVRC supports the ongoing implementation and enforcement of Title IX and opposes efforts to roll back the current guidance.

Title IX guidance from the Office for Civil Rights in the U.S. Department of Education holds colleges accountable for timely responses to sexual assault—recognizing that sexual assault is a form of sex discrimination and can interfere with a person’s equal access to educational programs and activities. To these critical ends, Title IX guidance establishes a framework for reports to be received, investigated, and resolved in a timely, fair, and impartial manner in educational institutions.

Removing or rolling back these requirements would be a step backward in the fight to end sexual assault on college campuses.

Regardless of whether a case is investigated by law enforcement, schools are obligated to adjudicate sexual assault cases under Title IX, just as they would be obligated to adjudicate other student misconduct proceedings such as vandalism, possession of illegal drugs, or physical assault. Likewise, the same standard of evidence is used for sexual assault cases as all other issues of student misconduct. This standard has been upheld by the U.S. Supreme Court in civil matters.

Any attempt to roll back guidance or dilute the definition of sexual violence is misguided. The spectrum of sexual violence includes a range of acts and attempted acts that undermine the safety and well-being of the entire campus community.

Sexual assault is an underreported violent crime. Over 80% of college students do not formally report their victimization to school authorities and the rates of false reporting are very low for sexual assault: between 2 and 10%, according to multiple studies including the FBI’s report.



Pennsylvania Coalition Against Rape
National Sexual Violence Resource Center
Working together to prevent sexual violence.

By making allegations of a ‘broken system,’ and perpetuating the myth that false reporting is prevalent, victims of sexual assault and their experiences are minimized.

All students have the right to an education free from sexual harassment and violence.

We must all take action to strengthen collaborations between campuses and community-based partners working together to create safer campuses. The Department of Education is currently receiving comments from the public on Title IX and other Department of Education guidance documents until September 20. <https://www.federalregister.gov/documents/2017/08/11/2017-16876/evaluation-of-existing-regulations>.

As Secretary DeVos mentioned in her remarks yesterday, they will open up a second round of public commentary on Title IX specifically, in the near future.

Every voice counts in making the value of Title IX known. We owe it to our students to ensure their educational pursuits are free from sexual violence.