

#EDActNow

April 4, 2023

The Honorable Joseph Biden, Jr.
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Dear President Biden:

The 124 undersigned survivor advocacy organizations write to strongly urge your administration to finalize the Department of Education's rules implementing Title IX of the Education Amendments of 1972 by May 2023, as scheduled in the Fall 2022 Unified Agenda of Regulatory and Deregulatory Actions. We feel a responsibility to ensure that the White House and the Department of Education take the necessary action to actualize Title IX's mandate that all students be able to access the benefits of an education free from gender-based violence and discrimination.

Title IX's potential has yet to be fully realized, and your administration's proposed changes are a crucial step towards reaching that potential. We are pleased to see that the Department is working to undo many of the harmful pieces of the Trump administration's 2020 regulations, which rolled back the gains achieved by students organizing for robust enforcement of their civil rights. The current Title IX regulations shield schools from liability for violations of survivors' civil rights by: adopting interpretations of Title IX that contravene the statute's broad text and intent, exceeding the Department's statutory authority, and subverting Title IX's aims of protecting individual students against sex-based harassment and eliminating sex discrimination in federally-funded programs.

As a result, the 2020 Title IX regulations have had devastating impacts on student survivors seeking support and resources after facing discrimination and violence. According to recent data from the Centers for Disease Control and Prevention (CDC), teen girls are facing the highest levels of sexual violence, sadness, and hopelessness they have ever reported to the CDC's Youth Risk

Behavior Survey.¹ CDC data shows that 1 in 5 teen girls experienced sexual violence in the past year—a 20% increase since 2017.² Moreover, more than 1 in 10 teen girls reported they had been forced to have sex—up 27% since 2019, which is the first increase since CDC began monitoring this measure.³ Additionally, data shows that nearly 1 in 4 LGBTQI+ high school students experienced sexual violence, with 1 in 5 being forced to have sex.⁴

We as advocates are continuing to see student survivors experience punishment, retaliation, and forced leaves of absence, transfer schools, or drop out entirely due to the 2020 Title IX regulations, which give schools permission to shirk their responsibility to protect students. Currently, nearly 40% of survivors who report violence or harassment to their schools are pushed out of education.⁵ According to data from Know Your IX's report, *The Cost of Reporting*, 27% of survivors who reported sexual harassment took a leave of absence, 20% transferred schools, and nearly 10% dropped out of school entirely.⁶ These educational interruptions occur not because of sexual violence alone, but because of sexual violence exacerbated by schools' inadequate or otherwise harmful responses to reports of violence. Survivors describe being blamed for the violence against them, being told the school could do nothing, facing name-calling by school officials when seeking support, having their cases drawn out for years, and getting punished for their own assaults after seeking help. These harms especially fall on women and girls of color, disabled survivors, LGBTQI+ survivors, and pregnant and parenting survivors, all of whom face stereotypes casting them as less credible when they report sexual harassment.

Additionally, as you know, the Department of Education saw a sharp increase in the past year in the number of complaints of sex-based violence, harassment, and other discrimination in violation of Title IX.⁷ Students across the country are in crisis – experiencing violence and discrimination at high rates, being failed by their schools, suffering under the Trump administration's rules, and experiencing years-long wait times in filing discrimination complaints with the Office for Civil Rights (OCR) due to a need for greater funding and staffing in OCR.

1 "CDC report shows concerning increases in sadness and exposure to violence among teen girls and LGBTQ+ youth." Centers for Disease Control and Prevention, U.S. Department of Health & Human Services. <https://www.cdc.gov/nchhstp/newsroom/fact-sheets/healthy-youth/sadness-and-violence-among-teen-girls-and-LGBTQ-youth-factsheet.html>

2 *Id.*

3 *Id.*

4 *Id.*

5 Nesbitt, Sarah, and Carson, Sage. "The Cost of Reporting: Perpetrator Retaliation, Institutional Betrayal, and Student Survivor Pushout." Know Your IX. Advocates For Youth, March 2021. <https://www.knowyourix.org/thecostofreporting/>

6 *Id.*

7 Green, Erica. "Strife in the Schools: Education Dept. Logs Record Number of Discrimination Complaints." New York Times. January 1, 2023. <https://www.nytimes.com/2023/01/01/us/politics/education-discrimination.html>

As advocates for student survivors, we are unified in our mission to protect and restore gender equity in education, ensuring that all students feel supported and can thrive in school. We urge the Biden administration to uphold this mission by finalizing the proposed changes to the Title IX rules by May 2023, ensuring that schools will have time to revise their policies and students will have new, stronger protections by the beginning of the 2023-2024 school year. It cannot be overstated the extent to which students need these Title IX rule changes by the 2023-2024 school year to ensure robust supportive measures and fair grievance processes for all students, and to guarantee that students' educations are not further interrupted by the impacts of gender-based violence and discrimination. Students will continue to suffer under the harms of the Trump administration's Title IX rules until the Biden administration intervenes.

Your administration has repeatedly promised to address these harms. Survivors of sexual violence are depending on you to keep this promise.

Sincerely,

Advocates for Youth

End Rape On Campus

Equal Rights Advocates

Girls Inc.

It's On Us

Know Your IX

National Alliance to End Sexual Violence

National Women's Law Center

The Every Voice Coalition

joined by:

American Association of University Women

American Indians Against Abuse Tribal DV/SA Coalition

Ar. Coalition Against Sexual Assault

Arizona Coalition to End Sexual and Domestic Violence

Atlanta Women for Equality

BeLEAF Survivors

Campus Pride

CenterLink: The Community of LGBT Centers
Chicago Alliance Against Sexual Exploitation
CHS
Clearinghouse on Women's Issues
Cleveland Rape Crisis Center
Coalition for Equal Access for Girls
Colorado Coalition Against Sexual Assault
Congregation of Our Lady of Charity of the Good Shepherd, U.S. Provinces
Connecticut Alliance to End Sexual Violence
Crime Victim Services
DC Rape Crisis Center
Deaf Unity
Deaf World Against Violence Everywhere DWAVE
Devine Women Foundation Inc
Embrace Services, Inc.
Equality California
Equality Labs
Esperanza United (formerly Casa de Esperanza: National Latin@ Network)
FaithTrust Institute
Family Crisis Council of Rowan, Inc.
Family Service of the Piedmont
Fayetteville Police Accountability Community Taskforce
FCIC
Feminist Majority Foundation
FORGE, Inc.
Futures Without Violence
Gang Free Inc Nonprofit
Girls for Gender Equity
GLSEN
Human Rights Campaign
IAmProSe
Illinois Coalition Against Sexual Assault

International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW)

Iowa Coalition Against Sexual Assault

Jane Doe Inc.

Jewish Family Services

Just Solutions

KARE

Kentucky Association of Sexual Assault Programs, Inc.

Legacy of Hope International, Inc.

Legal Momentum, the Women's Legal Defense and Education Fund

love is respect, a project of the National Domestic Violence Hotline

Love Mercy Do Justice, The Covenant Church

Mahogany CARES Foundation Inc

Maine Coalition Against Sexual Assault

Maryland Coalition Against Sexual Assault

Men Stopping Violence, Inc.

Menominee County Human Services

Michigan Organization on Adolescent Sexual Health (MOASH)

Missouri Coalition Against Domestic & Sexual Violence

Mitchell County SafePlace

My Life My Choice

National Advocacy Center of the Sisters of the Good Shepherd

National Black Justice Coalition

National Coalition Against Domestic Violence

National Council of Jewish Women

National Indigenous Women's Resource Center

National LGBTQ Institute on Intimate Partner Violence

National Organization for Women

National Organization of API Ending Sexual Violence

NC Coalition Against Sexual Assault

NC Stop Human Trafficking

Nebraska Coalition to End Sexual and Domestic Violence

Nevada Coalition to End Domestic and Sexual Violence
New Beginnings
New Hampshire Coalition Against Domestic and Sexual Violence
New Horizons Shelter and Outreach Centers
New York State Coalition Against Sexual Assault (NYSCASA)
North Carolina Coalition Against Domestic Violence
Ohio Alliance to End Sexual Violence
Orange County Rape Crisis Center
Our VOICE
Partnership of Ashe
People Outcomes LLC
Pisgah Legal Services
Planned Parenthood Generation Action
Project Safeguard
Public Justice
Pueblo Rape Crisis Services
Rocky Mountain Victim Law Center
Safe Office, Wake Forest University
Safe Space, Inc.
SafeBAE
Sanctuary for Families
SARNCO
Second Bloom of Chatham
Sexual Assault Resource Network of Central Ohio
Stop Sexual Assault in Schools
Tahirih Justice Center
TeamTeal365 Inc
Texas Association Against Sexual Assault
The Army of Survivors
The Bridge to Hope
The Cocoon
The Women's Center

The Women's Community, Inc.

Townhall II

Tri-County Help Center, Inc.

True Ridge

UltraViolet

Union for Reform Judaism

ValorUS®

Victim Rights Law Center

Wisconsin Coalition Against Sexual Assault

Wise Women Gathering Place, Inc.

Women's Law Project

Wyoming Coalition Against Domestic Violence and Sexual Assault

YWCA USA

Cc:

Executive Office of the President

The White House

Civil Rights Division

U.S. Department of Justice

Office for Civil Rights

U.S. Department of Education