



Changes to Title IX: Department of Education Guidance on Sexual Misconduct impacts survivors

Last Friday the Department of Education announced major changes to the guidance on campus response and investigation of sexual misconduct and Title IX violations. The changes are a step backwards and will have real consequences for the students on our college campuses.

Sexual assault is pervasive *and* preventable. Research studies on campus sexual assault have found that 1 in 5 and 1 in 16 men will experience sexual assault while in college. Title IX was enacted nearly fifty years ago, including brief yet powerful language providing protections against gender discrimination in education. In 2011, the Department of Education's Office of Civil Rights reminded educational institutions of their Title IX obligation in the Dear Colleague Letter. The letter recognized sexual assault as a form of sex discrimination as well as how it impacts a person's equal access to educational programs and activities. It further established a framework for reporting and investigations in educational institutions.

Educational institutions have an obligation to prevent behaviors that contribute to hostile environments, including sexual assault. Numerous NC colleges and universities have instituted prevention programming and clear standards for response and investigation. Additionally several K-12 institutions have begun to provide training for their Title IX personnel. NC is not alone; educational institutions across the country recognize that it is not only their obligation to create safe environments free from sexual assault, but it is the right thing to do.

Make no mistake, as advocates we will not go backward. We will fight more boldly than ever for the rights of survivors to receive fair treatment.

The guidance on Friday focused on the accused. This further discourages both reporting of sexual assault and prevention efforts. The evidentiary standards used in criminal courts and those that govern school-based disciplinary processes should not be the same nor should they be compared. A student who is found to have violated their school's code of conduct by committing sexual assault does not face criminal penalty or the possibility of a criminal record.

Talk to your educational institutions, support their current progress, and remind them that this conversation is about gender discrimination, including sexual assault, and that it must be treated exactly the same as other civil rights offenses.

In solidarity,
Monika and the NCCASA staff

Campus resources

Campus policy talking points (May 2017):

<http://endsexualviolence.org/files/CampusSexualAssaultHandoutMay2017.pdf>

NAESV statement (July 2017):

<http://endsexualviolence.org/files/DOE%207-14.pdf>

Know Your IX's state policy playbook:

<https://www.knowyourix.org/statepolicy-playbook/>