

What would happen if Title IX funds were cut?

Title IX was signed into law on June 23, 1972 and prohibits any discrimination based on sex in any educational program or activity that uses federal funding. Therefore, any traditional education institution (both public and private) that receives federal funding cannot discriminate based on an individual's sex.

These standards were broadened by the Obama Administration to address sexual violence (<https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.html>), including requiring a 60-day window for schools to complete sexual assault investigations and changing the standard of judgment in cases of sexual assault to a "preponderance of evidence" measure rather than the stricter "clear and convincing evidence" standard. Schools were not allowed to require victims to sign nondisclosure agreements. They recommended that schools use evidence based prevention programs and required schools to conduct campus surveys about sexual violence on campus. The Obama administration then opened investigations against 300 schools that did not respond appropriately to sexual violence. Unfortunately, Obama was not able to obtain additional funding from Congress for the Office of Civil Rights (OCR) to respond to them, leaving the OCR with the same resources to respond to an increase in reports. The Trump administration has reversed some of the Obama Administration changes to Title IX, such as allowing trans-identifying individuals to use their bathroom of choice, rather than the sex that was assigned that individual at birth.

What are some of the potential changes to Title IX? The changes to Title IX in 2014 were important, as many schools were ignoring and covering up sexual violence on their campuses. President Trump has the power to reverse (http://www.slate.com/articles/double_x/doublex/2017/02/trump_could_undo_obama_s_title_ix_protections_for_rap_e_victims_and_trans.html) or continue with many of these positive changes. His administration could decide to close all open investigations against schools not complying with Title IX or direct funding away from Title IX enforcement, which will make it difficult to investigate educational institutions or enforce altogether. He could also require a higher burden of proof for colleges and universities to use rather than the preponderance of evidence standard.

He can also take away pressure on colleges and universities to address sexual violence by ignoring open investigations against universities accused of mishandling, ignoring, or covering up sexual violence on their campuses. OCR has approximately 300 cases open, some from 2013 or 2014 that have not been completed. Some victims and survivors have not heard about their cases for periods of 2-3 years (https://www.buzzfeed.com/tylerkingkade/heres-why-so-many-title-ix-complaints-are-taking-years-to-be?utm_term=.stMoyNA2B#.auWd1DL6). If this trend were to continue victims and survivors could have their cases closed or completed in a slow fashion. A reduced or non-reaction from OCR could further embolden schools to cover up, mishandle, or outright ignore future complaints of sexual violence. Ignoring or closing cases of sexual violence that are not completed sends the message that sexual violence doesn't matter.

Do we know exactly what the Trump Administration is thinking? No. While there have not been formal statements on this at this time, the 2016 Republican platform stated that sexual assault claims needed to be investigated by police authorities rather than "a faculty lounge" and that the investigations were being "micromanaged" by the Obama administration. Betsy DeVos, the Secretary of Education (The Department of Education houses OCR), has stated that it would be premature to state that she would hold to the Obama administration's Title IX guidance, though it is rumored

that she disagreed with Attorney General Jeff Session regarding the protection for transgender students.

The Trump administration has hired Roger Severino as the Director of OCR, but has yet to name the assistant secretary, who will oversee the enforcement of Title IX. Though Candace Jackson (<https://www.ed.gov/news/press-releases/us-secretary-education-announces-chief-staff-and-additional-staff-hires/>) is now acting assistant secretary of OCR, there are some questions about how much she will support victims and survivors, especially on college campuses (<http://www.teenvogue.com/story/betsy-devos-hired-candice-jackson-who-once-called-trumps-sexual-assault-accusers-fake-victims>). Betsy Devos released a statement that OCR “remains committed to investigating all claims of discrimination, bullying, and harassment against those who are most vulnerable in our schools” as the Department of Education took away support for transgender individuals under Title IX. Either way, it is unclear at this time how OCR will continue with sexual assault investigations. What is clear is that a reversal of the pressure on schools and universities will aid in the return of a system that supports individuals accused of rape rather than victims and survivors.

Make Your Voice Heard

Show your support for ending sexual violence and for your local rape crisis center! Call your Senators or Representatives in Congress and tell them to keep the interpretations of Title IX!

Senator Pat Toomey (Hyperlink to his website: <https://www.toomey.senate.gov/>)

Phone numbers for his multiple offices are here (hyperlink to <https://www.toomey.senate.gov/?p=offices>)

Senator Bob Casey (Website: <https://www.casey.senate.gov/>)

Email and phone numbers are here (Hyperlink to <https://www.casey.senate.gov/contact>)

Pennsylvania has 18 Representatives. Find their contact information (<https://www.govtrack.us/congress/members/PA>)

Resources: https://www.buzzfeed.com/tylerkingkade/heres-why-so-many-title-ix-complaints-are-taking-years-to-be?utm_term=.stMoyNA2B#.auWd1DL6

<https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.html>

<http://digitalcommons.ilr.cornell.edu/articles/693/>

http://www.slate.com/articles/double_x/doublex/2017/02/trump_could_undo_obama_s_title_ix_protections_for_rape_victims_and_trans.html

<https://www.usnews.com/news/national-news/articles/2017-02-23/devos-pledges-to-protect-lgbt-students-after-nixing-transgender-bathroom-protections>

<https://www.knowyourix.org/>

<https://womenslawproject.wordpress.com/2015/02/27/wlp-attorneys-penn-professors-are-wrong/>