

November 1, 2018

The Honorable Betsy DeVos
Secretary
U.S. Department of Education
400 Maryland Ave. SW
Washington, DC 20202

Kenneth Marcus
Assistant Secretary for Civil Rights
U.S. Department of Education
400 Maryland Ave. SW
Washington, DC 20202

Dear Secretary DeVos and Assistant Secretary Marcus:

We are former students and survivors of the horrific sexual abuse perpetrated by Larry Nassar at Michigan State University, George Tyndall at University of Southern California, and Richard Strauss at Ohio State University. We write to you because we are deeply concerned about the proposed changes to regulations interpreting and implementing Title IX of the Education Amendments of 1972. If our schools had complied with this critical civil rights law, thousands of acts of sexual abuse by Nassar, Tyndall, and Strauss, including some we suffered, could have been prevented. Our experiences demonstrate how common it is for university employees to use their position, influence, and trust to serially sexually abuse students, and how school officials can willfully ignore abuse for years. The proposed changes will make schools even less safe for survivors and enable more perpetrators to commit sexual assault in schools without consequence.

More than 1 in 5 women, nearly 1 in 18 men, and nearly 1 in 4 transgender and gender-nonconforming students will be sexually assaulted in college.¹ More than one third of students who experience sexual assault drop out of college, higher than the overall dropout rate for college students. Some of us came very close to dropping out of college because of sexual abuse. Some of us had grades that dropped, and we lost scholarships, changed majors and future plans to pursue graduate degrees. But we survived and now we're pleading with you to not move forward with the proposed rule, so that survivors remain protected under Title IX.

Despite the stated goal--which we share--of making it easier for schools to handle Title IX cases fairly so that students can continue learning, we do not believe this proposal accomplishes that. Nor does it establish a fair process. Instead, it will keep survivors from reporting at all. Under the proposed rules, schools are not required to investigate assaults that take place off campus, shutting out thousands of us who experience sexual violence. Shockingly, under the proposed rules, schools would only be required to investigate complaints made directly to individuals who have the "authority to institute corrective measures." This could lead to schools claiming they have no obligation to address sexual abuse known to school officials such as coaches, assistant coaches, athletic directors, professors, or other school employees who are not Title IX coordinators, deans, or other high-ranking officials. In fact, that is what our schools have argued

¹ "Transgender and gender-nonconforming" includes "transgender, genderqueer or gender nonconforming, questioning, or not listed."

to avoid responsibility, but under the current rule those arguments would likely fail. In contrast, under the proposed rewrite of Title IX, our schools could claim they had no responsibility to investigate Nassar, Tyndall, or Strauss, simply because we did not report our assaults to the “right” individuals, despite so many school employees knowing about the abuse. Under the proposed rules, schools with a formal hearing process must allow survivors to be cross-examined by their abuser. We hope you can appreciate how cruel and inhumane it would have been if we had been cross-examined by Nassar, Tyndall, or Strauss. That should not be the price of coming forward to report abuse. If it is, too many survivors would be deterred from moving forward on their complaints.

We can confidently foresee the results these rules will have if finalized: fewer survivors will report their assaults and harassment, schools will be more dangerous, and more survivors will be denied their legal right to equal access to education after experiencing sexual assault.

The proposed rules will return us to a time when schools could sweep rape, assault and harassment under the rug without any consequences. We had to live through this when we were students, and we do not want future generations to have to suffer a similar fate. You still have time to ensure that Title IX continues to protect equal access to education for all students. Please do not take these steps to protect schools’ complicity in sexual assault.

Respectfully submitted,

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Alia Malley	University of Southern California
Allison Rowland	University of Southern California
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Amy Labadie	Michigan State University
Amy Place	Michigan State University
Ann Marie Knecht Potter	University of Southern California
Anna Lisa McClelland	University of Southern California
Anna Ludes	Michigan State University
Ariel Batiste	University of Southern California
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Carolina Coleman	University of Southern California
Charla M. Burill	Michigan State University
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Tiffany Thomas Lopez	Michigan State University
Anonymous	Michigan State University
Anonymous	Michigan State University
Anonymous	Michigan State University
Anonymous	Michigan State University
Jane Doe 25	University of Southern California
Jane Doe 44	University of Southern California
Jane Doe 47	University of Southern California
Jane Doe 69	University of Southern California
Jane Doe, Class of 1992	University of Southern California

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Jane Doe	University of Southern California
Jane Doe	University of Southern California
John Doe	University of Southern California