

From: Paulina Durham
Sent: Fri, 11 Jun 2021 13:43:06 -0700
To: T9PublicHearing
Subject: Written Comment: Title IX Public Hearing (survivor-centered support at schools)
Attachments: SHARE Title IX Written Comments.pdf

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Hello,

We are the SHARE student advocates at Reed College in Portland, OR, and are part of a survivor-centered and student-focused advocacy program that provides resources and support for survivors of sexual assault and other forms of interpersonal harm. We are submitting our comments on the state of Title IX at our school and more broadly, and have included suggestions for improvement; the document is attached to this email as a pdf. If you would like to follow up or have any questions, we can be reached at advocates@reed.edu.

Best,

The SHARE advocates

Notes and Disclaimers

Throughout this response, we will sometimes use the term ‘sexual harassment’ as an umbrella term that encompasses sexual harassment, sexual assault, relationship abuse, and stalking; this is the way this term has previously been used in Title IX language and we are choosing to do so again for simplicity’s sake. Sometimes we will refer to sexual assault, relationship abuse, and stalking specifically. In our role as advocates, we have been trained to respond to all of these crimes individually and are familiar with their dynamics.

We also would like to note that since Title IX was drafted in the 1970s and was never intended to address interpersonal harm, some of the ways in which it is applied to student survivorship are complex, nonlinear, and sometimes outdated. For example, historically sexual harassment (and lack of prevention by schools) has been called sex discrimination because it has been seen as something that only affects women. While we believe calling sexual harassment discrimination is, appropriate given that sexual harassment disproportionately affects women, we would also like to note that interpersonal violence affects people of all gender identities, and that those who do not identify as women often face even more stigma. Taking this into consideration, we will use primarily gender-neutral pronouns and language when possible (unless citing or quoting other sources). We believe that the Department of Education should avoid reading Title IX narrowly and should make sure that it is providing *all* survivors with the same support and resources. Sexual harassment does often fall within broader patterns of sex discrimination, but sexual harassment and the broad category of abusive interpersonal harm is a matter of power, and accordingly tends to affect many marginalized groups more acutely. This includes students of color, students of low socioeconomic status, LGBTQIA+ students, undocumented students, students with histories of trauma, and other marginalized groups, many of which qualify as protected classes under other anti-discrimination laws such as the Civil Rights Act and the Americans with Disabilities Act. Many survivors who identify as multiple identities listed above experience intersectional discrimination, and this may be reflected in their trauma. We urge the Department of Education to recognize this and reformulate policy accordingly.

Occasionally, we cite statistics on rates of sexual harassment and sexual assault and abuse specifically. We would like to note here that sexual misconduct statistics generally underrepresent the true numbers of cases. One reason for this is that the shame and self-blame a survivor often experience may lead them to not label their experience as explicitly non-consensual even if they did not consent, leading to a strong response bias in data collection. There is a general consensus that all or most statistics collected reflect numbers that are lower than the true number of survivors, and that this is especially so for those that identify as men due to the intense stigma experienced by male survivors in particular. We would also like to note that many of the available statistics only work within the traditional gender binary, meaning that there are no statistics for those who identify as non-binary, and many do not distinguish between those who identify as cisgender versus transgender. This means that we are missing valuable information about how sexual harassment affects the transgender community, and we encourage any efforts to bridge this gap.

Recommendations

We are recommending that the Biden administration adopt the following policies regarding Title IX and sexual assault in the context of educational institutions.

- The Biden administration should formally repeal the recent Title IX regulations imposed by former Secretary of Education Betsy DeVos.

- The Biden administration should formally reinstate the provisions of the 2011 Dear Colleague Letter, this time either through the federal rulemaking process or Congressional legislation.
- The Biden administration should introduce specific additional guidelines for school investigations of Title IX complaints, including a broad amnesty policy for survivors and the stipulation that schools must investigate all incidents in which both survivor and perpetrator were members of the campus community in any capacity, regardless of where or how long ago the incident occurred. These guidelines should expand the scope of resources offered to survivors while mitigating limitations such as requirements that an official report be filed in order to access a given resource.
- The Biden administration should introduce a mechanism by which schools reporting incidents of sexual harassment under the Clery Act are automatically investigated for underreporting or mistreatment of survivors if their numbers are statistically significantly low relative to the expected value based on statistical analysis, taking the burden off of survivors to preserve accountability. This could be done through a somewhat randomized audit system.

These policies should be adopted in order to ensure survivors' safety and equality within educational settings. This policy proposal, if enacted, will help affirm that survivors have the right to occupy educational spaces, and that they are entitled to the promise of the 14th Amendment: "equal opportunity to aspire, achieve, participate in and contribute to society based on their individual talents and capacities" (*United States v. Virginia (1996)* and the Legal Information Institute).

Title IX under Secretary DeVos

The Title IX regulations imposed by Secretary of Education Betsy DeVos (U.S. Department of Education) make a system already stacked against survivors (Armstrong et al.) even more discriminatory. Though DeVos has argued that they create a fair and transparent process (U.S. Department of Education), nearly all of her regulatory proceedings give perpetrators and school administrations far more ability to intimidate survivors with proceedings that have no demonstrated merit when it comes to the pursuit of truth in an investigation (Armstrong et al.), disincentivizing them to come forward at all.

At Reed College, the policies created by Secretary DeVos have created a fragmented system. Originally, Title IX fit within our DHSM policy (where survivor rights are far more expansive and reflect Oregon's more progressive laws); if sexual harassment was reported, they were essentially one and the same. Now, we still have our DHSM policy for incidents that don't fall within Title IX's current jurisdiction but follow a new procedure to comply with the current Title IX regulations. It is essentially at a staff member's discretion to decide whether an incident is "severe, pervasive, and objectively offensive" (U.S. Department of Education) enough to fall within Title IX's new jurisdiction. As advocates, we cannot give survivors any guarantees about which category their experience falls within. Almost paradoxically, the less serious the incident of sexual harassment, the more rights a survivor is likely to have. This system is incredibly fragmented and is likely to be ineffective and create serious problems down the road if it is allowed to stand.

Accountability and the Effects of Sexual Assault

The Dear Colleague Letter provided unprecedented levels of protection for survivors on campuses (Ali, Melnick), but it both did not go far enough and had the weakness of being non-

binding as “guidance” (Ali, Gersen) rather than regulations. It is difficult to quantify the effect that the Dear Colleague letter had, though data shows that campus sexual assault is a continuing and pervasive problem that an alarming percentage of students have dealt with (Pauly). This means that the extremely important provisions of the Dear Colleague letter must be reinstated, ideally through legislation, and that the Biden Administration must do more to protect survivors in schools.

We have also proposed that the Biden Administration introduce new rules that better hold schools accountable for protecting survivors. This would be accomplished through a broad amnesty policy that protects survivors reporting sexual harassment from punishment by their schools for violating school rules (e.g., alcohol and drug policies, honor policies, COVID policies), as long as the violations did not entail a malicious intent to seriously harm another person. Comprehensive and guaranteed amnesty policies would help encourage survivors to come forward without fear of negative consequences.

School accountability would also be accomplished through a policy that stipulates that all schools must investigate incidents of sexual harassment or violence that occurred between two or more members of the campus community (broadly defined as students, faculty, staff, or other affiliates), regardless of where or when the incident happened. This measure is especially important considering just how many sexual assaults must occur off school grounds. Almost 90% of undergraduate students don’t live on campus (United States Senate Committee on the Judiciary), and any public K-12 school is not residential. These conditions make sexual assault off school grounds extremely likely. Secretary DeVos, in failing to mandate that schools investigate these incidents (United States Senate Committee on the Judiciary), made the erroneous assumption that if students do not fear being harassed on school property, their education is not impacted. But according to RAINN, “38% of victims of sexual violence experience work or school problems” (RAINN). Survivors are at increased risk for debilitating mental health issues such as PTSD (Campbell), which in turn impacts their ability to function daily (Mayo Clinic). Secretary DeVos’s policy gave schools leeway to ignore sexual harassment unless it is “severe, pervasive, and objectively offensive” (U.S. Department of Education)—vague language that willfully ignores the profoundly debilitating effects that sexual harassment has on survivors and their ability to complete their education. Our proposed policy would serve to give survivors broader protections on campus as well as mandating that schools and perpetrators are held accountable to a greater degree.

Overseeing Reporting and Resource Allocation

We have proposed that the Department of Education automatically investigate schools for suppressing their data and/or failing to support survivors if their number of incidents of sexual harassment as reported under the Clery Act fall below a threshold determined to be statistically significantly low and they are selected by a randomized audit. This is in response to concerns about schools underreporting incidents of sexual misconduct, which prevents survivors from receiving much-needed resources and perpetrators from being held accountable. As of 2016, 91% of schools failed to report any incidents of sexual misconduct under the Clery Act, while in reality roughly 20% of female students become survivors before receiving bachelor’s degrees (Kingkade). This indicates that either schools are failing to create environments in which students feel safe coming forward, or that they are failing to respond to reported incidents in meaningful ways. Automatically investigating schools for these failures removes the burden from survivors to report their school to the OCR, which is how institutional mishandling of Title IX cases was previously addressed (Know Your IX). Given the extremely debilitating impact that incidents of sexual harassment often have on survivors (RAINN), it is unreasonable to

expect them to have the ability and inclination to go through yet another difficult complaint process. Automatically investigating schools whose Clery Act numbers fall below a certain threshold will hold schools accountable for the environment that they create and foster, likely leading to a rise in supportive, survivor-centered school policies.

Our proposed audit system investigates schools who may not be fulfilling their obligations under the Clery Act in a way that was inspired by Section 5 of the Voting Rights Act. This was an unusual innovation in American anti-discrimination law that was effective because by putting the burden of proof on the discriminator rather than the victim, the law changed the imbalance of power between the marginalized and the oppressor (Berman 2016). By expecting the individual victim of discrimination to file suit themselves, traditional legislation failed to account for the fact that long histories of inequality and oppression left many victims unable to afford an attorney or withstand a lengthy lawsuit. This expectation also treated instances of discrimination as discrete and unrelated, rather than part of a larger pattern that fosters an oppressive society. As we have shown above, with regard to the Clery Act and Title IX, many schools are fairly blatantly refusing to fulfill their obligations and likely creating a hostile environment for survivors. Relying on student survivors to call attention to this problem is unreasonable and is clearly not working; more oversight is needed, and we offer a clear and fair solution.

If schools fall below a certain (statistically significantly low) threshold for reporting assaults under the Clery Act as a percentage of their student population, under our proposal they might be randomly selected for an audit that would include confidential interviews with students, faculty, and staff. Our hope is that this system would provide sufficient incentive for schools to appropriately alter their practices in order to comply with the relevant laws.

Resource Guidelines

In our experience as both students and advocates, we are well-versed in the resources that Reed College provides, as well as its limitations. We note here that Reed is an extremely small institution; it may be reasonable to adjust some of our recommendations based on the size of the school in question.

Reed is able to provide peer advocates to survivors; we are certified confidential with privilege by the state of Oregon. We are paid through Reed funds, under the umbrella of our program, SHARE. We are survivor-centered, trauma-informed, and, with the exception of our program director, entirely student-operated. Survivors can come to us without fear of a report being filed or of confidentiality being broken, and our services are entirely free and accessible to all students. This is an important resource that more schools should have. Many schools have no advocacy programs at all (survivors are referred to Title IX coordinators or school counselors on the school's website). Many students may be willing to become peer advocates with the appropriate resources and funding; as advocates, we are qualified to work at many rape/domestic crisis centers in Oregon and gain numerous interpersonal and leadership skills. Supporting programs such as these would help provide survivors resources and students agency amid an area of well-warranted distrust towards school administrators in the handling of interpersonal harm.

No-contact orders (similar to restraining orders) are a common resource offered to survivors on campuses. At Reed, no-contact orders must be initiated through an official report of sexual harassment; our head of campus security handles the request. There will be an investigation of the allegation whether the survivor wishes it or not, but they may choose not to cooperate. No-contact orders, if granted, go both ways (the survivor cannot initiate contact with the perpetrator). In general, public spaces are available to whoever enters them first, but there are sometimes exceptions (to accommodate work schedules, for example). Class schedules may be

changed, but unless there is a finding of responsibility under Title IX, the survivor will be negatively impacted by these changes before the perpetrator. However, no-contact orders do not apply to campus residences (such as dorms). We feel that many of these rules are counterproductive and may hinder survivors' well-being. We recommend that the Biden administration take the steps necessary to expand the scope of no-contact orders.

The main argument against more progressive regulations is that the rights of the accused will not be respected. But these recommendations do not give schools the leeway to summarily expel accused students with no investigation. And it is, in fact, possible to give survivors far more resources than they have now without unnecessarily infringing upon the rights of the accused. To be survivor-centered and trauma informed does not entail simply erasing the rights of the accused from the decision-making calculus. To us, as advocates, these terms mean recognizing that the dynamics of domestic and sexual violence impact survivors in ways that make it difficult for them to succeed in traditional academic settings and to access resources traditionally available to students experiencing other kinds of difficulty and distress. The solution is to create resources and accommodations specifically geared towards mitigating these harms, ideally without survivors going through a traditional complaint process. Many of these measures can be accomplished with little or no inconvenience caused to the accused.

When the rights of the accused are called into question, the safety and well-being of the survivor should be prioritized before the comfort and convenience of the accused. This is a rule that desperately needs to be applied to no-contact orders.

No-contact orders often require a report to be filed, automatically triggering an investigation with or without the survivor's participation. They do not always apply to dorms or living spaces or workspaces. And a survivor must often face a high standard of proof to establish a violation. But this issue is one of the survivor's sense of safety versus the respondent's sense of convenience. Taking the survivor's part might cause the respondent to take a detour walking through campus or see their friends in a different dorm. Presumptively taking the respondent's part might cause the survivor to have repeated panic attacks and difficulty functioning. They might have trouble attending classes or their job at all. Equal opportunity here means looking at the impact as well as the initial situation.

Time Limits on Reports and TIX Complaints

The 180-day limit on Title IX complaints should be revoked. Justice Ginsburg's dissent in *Ledbetter v. Goodyear*, and the subsequent Lilly Ledbetter Fair Pay Act of 2009, revealed the ways in which stringent time limits imposed on complainants (particularly another 180-day limit on filing a complaint) can limit and hamper the complainant's case, and the fact that this was not Congress's intent when originally passing the relevant anti-discrimination legislation.

Ledbetter v. Goodyear was a case in which a woman was clearly paid a discriminatory low salary relative to her fellow male employees, but where she was not able to file a Title VII complaint under the Civil Rights Act for the simple reason that she didn't know that this discriminatory behavior was taking place. Title VII only allowed the injured party 180 days to file that complaint, and the Court ruled against Ledbetter. Justice Ginsburg's dissent, however, would prove to be far more influential, because this dissent described both "the insidious nature of pay discrimination" and the power imbalance inherent in many environments in which pay disparities occur (Ginsburg 2007). Ginsburg's dissent proved incredibly powerful precisely because she implied that the Court's error lay not only in misinterpreting Congress's intention for this 180-day time limit, but also in assuming that both parties in discrimination cases are equally equipped to withstand a legal complaint process. Where discrimination occurs, there is often a long history of inequality, and a discrepancy between the resources of the guilty and

injured parties. Discrimination, in short, is about an *already existing* imbalance of power, and this reality must be accounted for in order to make good law.

There are many reasons why survivors in schools that experience discrimination may have less agency than employees. The first is that many survivors who are protected by Title IX are minors, still in high school or even middle school or elementary school. Many college students do not necessarily know their rights under Title IX, and minors are even less likely to be aware that they have any recourse to combat discrimination that they experience. Students may not even be aware that they are being discriminated against. Though this discrimination, unlike that in *Ledbetter*, may be in the form of “discrete acts”, these acts are not necessarily “easy to identify” (Ginsburg 2007). For example, a student whose case is dismissed by their school, or who is denied supportive measures needed for them to be successful, may not think that this constitutes discrimination. Indeed, dismissing a case for lack of evidence may not be nefarious—unless it is a pattern. Much of these proceedings tend to be confidential, so that a student would not be aware that this pattern exists and therefore constitutes a hostile environment. This is especially so if students do not know their rights in the first place. Yes, schools are required to release these rights to students, but many survivors are not in a position to commit to reading a long and lengthy legal document, and elementary and middle school students are likely incapable of doing so in the first place.

We already know that the court system does not work for survivors for many reasons. Why should schools and the legal framework they follow imitate such a flawed system where fewer resources are available?

This change would reflect a legislative precedent and the intent of lawmakers to introduce protections for students experiencing discrimination.

Most of these changes could be enacted through a change in the federal regulations, but we recommend that the Biden administration goes further and create legislation specifically meant to address interpersonal harm in the context of all campuses. Title IX was never meant to accomplish this...and this is a big part of why schools have continued to discriminate against survivors. Without new legislation, survivor policy will be a patchwork quilt riddled with holes that well-meaning actors will be forever trying to mend.

--The SHARE advocates at Reed College

CW: Sexual Assault, Eating Disorders, Sexual Harassment, Stalking, TIX Reporting Process

These are the personal stories of multiple student advocates of Reed's Sexual Health, Advocacy, and Relationship Education program who identify as survivors. To maintain anonymity, we are using consistent first-person pronouns and "I" statements throughout the following testimony

During my freshman year of college, I was sexually harassed by someone in my dorm. I was taken advantage of while I was intoxicated and unable to consent. I was ashamed of the state I was in when the assault occurred and was scared that I would be punished for using substances on campus while underage. Had my school provided more explicit amnesty for survivors, I likely would have come forward. Likewise, my experience highlights the ways in which Title IX privileges schools and perpetrators over survivors. My perpetrator had significant financial resources; I did not. As a result, in addition to the lack of survivor-centered support offered through my school's Title IX policy, I chose not to come forward. I knew that if it were to reach the stage of legal action, my perpetrator would have a substantial advantage. I could not afford a lawyer and did not feel that the resources provided to me under the current Title IX policies were sufficient to combat the resources he had access to. Had the Title IX policy in place been more supportive of survivors in regard to amnesty and financial support (in addition to other resources such as mental health support), I would have reported my assault.

During my freshman year, someone in my dorm was repeatedly aggressive towards me. The situation eventually escalated to harassment and voyeurism. I later made sure to live in a building that he wasn't in, but he repeatedly entered my new floor even after I switched floors. I was having panic attacks nearly every day and was afraid to sleep. I didn't feel safe leaving my room to use the bathroom or to get a drink of water. My anorexia dramatically worsened as well. After weeks of suffering, I went to my institution to discuss pursuing a no-contact order. I specifically asked about dorm access and was informed that even if I secured one, this person would not be barred from my dorm, and I might have to contend with an unwanted investigation. Since there was apparently nothing that could be done to make me feel safe in my dorm, I chose not to file a report.

My situation not only illuminates the limitations of the current Title IX policy within on-campus housing, but the broader problem of limiting the scope of Title IX's jurisdiction based on location. Limiting the coverage of Title IX to on-campus incidents effectively ignores many of the repercussions of sexual violence and the realities of trauma while punishing the survivor for something that was never within their control. Survivors, regardless of where the assault occurred, have to navigate their academic careers in the midst of processing an incredibly traumatic event. There is no reason why location should be used to bar a survivor's access to resources under Title IX.

Following my experiences with sexual assault and harassment, I chose not to make a Title IX report...not because I didn't want to, but because my previous experiences illuminated the numerous ways in which Title IX fails to support survivors. Until we make substantial changes to the structure of Title IX, the document will continue to fail to live up to its intended purpose. What is the point of having a policy for reporting if the very structure of the document causes survivors to feel as though coming forward will do them more harm than good?

--The SHARE advocates at Reed College

Works Cited

- Ali, Russlyn. "Dear Colleague Letter from Assistant Secretary for Civil Rights Russlynn Ali." *U.S. Department of Education*, U.S. Department of Education, 11 Sept. 2020, www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.html.
- "ACLU Comment on Department of Education's Final Title IX Rule on Sexual Harassment." *American Civil Liberties Union*, American Civil Liberties Union, 22 May 2020, www.aclu.org/press-releases/aclu-comment-department-educations-final-title-ix-rule-sexual-harassment.
- Armstrong, Elizabeth A., et al. "Opinion | Why the Cross-Examination Requirement in Campus Sexual Assault Cases Is Irresponsible." *The Washington Post*, WP Company, 8 May 2020, www.washingtonpost.com/opinions/2020/05/07/what-education-department-gets-wrong-its-rules-campus-sexual-assault/.
- Barrett, Ted. "Romney, Ernst Say Rape Allegation against Trump Should Be Investigated." *CNN*, Cable News Network, 26 June 2019, www.cnn.com/2019/06/25/politics/joni-ernst-mitt-romney-trump-rape-allegation/index.html.
- Berman, Ari. 2016. *Give Us the Ballot: The Modern Struggle for Voting Rights in America*. Picador.
- "Joe Biden's Plan to End Violence Against Women: Joe Biden." *Joe Biden for President: Official Campaign Website*, Joe Biden for President, 11 Oct. 2020, joebiden.com/vawa/.
- Campbell, Denis. "80% Of Teenage Girls Suffer Serious Mental Illness after Sexual Assault." *The Guardian*, Guardian News and Media, 22 July 2018, www.theguardian.com/society/2018/jul/22/sexually-abused-teenage-girls-likely-suffer-mental-health-issues-months-later-study.
- Carter, S. Daniel. "In Defense of the Title IX Dear Colleague Letter." *HuffPost*, HuffPost, 17 Sept. 2017, www.huffpost.com/entry/in-defense-of-the-title-ix-dear-colleague-letter_b_59bddb9ae4b06b71800c3a2f.
- "Preventing Sexual Violence." *Centers for Disease Control and Prevention*, Centers for Disease Control and Prevention, 17 Jan. 2020, www.cdc.gov/violenceprevention/sexualviolence/fastfact.html.
- Fantz, Ashley. "The Untold Financial Cost of Rape." *CNN*, Cable News Network, 20 Nov. 2015, www.cnn.com/2015/11/19/us/rape-financial-costs/index.html.

Geddes, Linda. "Why Sexual Assault Survivors Forget Details." *BBC Future*, BBC, 26 Sept. 2018, www.bbc.com/future/article/20180926-myths-about-sexual-assault-and-rape-debunked.

Gersen, Jeannie Suk. "Assessing Betsy DeVos's Proposed Rules on Title IX and Sexual Assault." *The New Yorker*, The New Yorker, 21 Feb. 2019, www.newyorker.com/news/our-columnists/assessing-betsy-devos-proposed-rules-on-title-ix-and-sexual-assault.

Gersen, Jeannie Suk. "How Concerning Are the Trump Administration's New Title IX Regulations?" *The New Yorker*, The New Yorker, 16 May 2020, www.newyorker.com/news/our-columnists/how-concerning-are-the-trump-administrations-new-title-ix-regulations.

Ginsburg, Justice. 2007. "ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT [May 29, 2007]." : 20.

Gringlas, Sam. "Democratic Bill Aims To Block Title IX Rule Changes Pushed By Trump Administration." *NPR*, NPR, 10 Dec. 2019, www.npr.org/2019/12/10/786810875/democratic-bill-aims-to-block-title-ix-rule-changes-pushed-by-trump-administrati.

Jackson, Candice. "Dear Colleague Letter from Acting Assistant Secretary for Civil Rights Candice Jackson." *U.S. Department of Education*, U.S. Department of Education, 22 Sept. 2017, <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-title-ix-201709.pdf>.

Kingkade, Tyler. "Colleges Are Likely Underreporting Sexual Assaults, Senators Warn." *HuffPost*, HuffPost, 1 July 2016, www.huffpost.com/entry/colleges-underreporting-sexual-assault-senators_n_577684e8e4b09b4c43c0133e.

Kingkade, Tyler. "Biden Wants to Scrap Betsy DeVos' Rules on Sexual Assault in Schools. It Won't Be Easy." *NBC News*, NBC Universal News Group, 12 Nov. 2020, www.nbcnews.com/politics/2020-election/biden-wants-scrap-betsy-devos-rules-sexual-assault-schools-it-n1247472.

"Taking Legal Action Under Title IX." *Know Your IX*, Veracity Media, 26 Dec. 2019, www.knowyourix.org/legal-action/taking-legal-action-title-ix/.

"Clear and Convincing Evidence." *Legal Information Institute*, Legal Information Institute, Cornell Law School, www.law.cornell.edu/wex/clear_and_convincing_evidence.

"United States v. Virginia Et Al., 518 U.S. 515 (1996)." *Legal Information Institute*, Legal Information Institute, 26 June 1996, www.law.cornell.edu/supct/html/94-1941.ZS.html.

- “Post-Traumatic Stress Disorder (PTSD).” *Mayo Clinic*, Mayo Foundation for Medical Education and Research, 6 July 2018, www.mayoclinic.org/diseases-conditions/post-traumatic-stress-disorder/symptoms-causes/syc-20355967.
- Melnick, R. Shep. “Analyzing the Department of Education's Final Title IX Rules on Sexual Misconduct.” *The Brookings Institution*, The Brookings Institution, 11 June 2020, www.brookings.edu/research/analyzing-the-department-of-educations-final-title-ix-rules-on-sexual-misconduct/.
- “Black Women & Sexual Violence.” *National Organization for Women*, National Organization for Women, <https://now.org/wp-content/uploads/2018/02/Black-Women-and-Sexual-Violence-6.pdf>.
- Pauly, Madison. “The Largest–Ever Survey of Campus Sexual Assault Finds It's Still Outrageously Common.” *Mother Jones*, Mother Jones, 16 Oct. 2019, www.motherjones.com/crime-justice/2019/10/campus-sexual-assault-survey/.
- “Campus Sexual Violence: Statistics.” *RAINN*, RAINN, www.rainn.org/statistics/campus-sexual-violence.
- “The Criminal Justice System: Statistics.” *RAINN*, www.rainn.org/statistics/criminal-justice-system.
- Speier, Jackie. “Text - H.R.4030 - 115th Congress (2017-2018): Title IX Protection Act.” *Congress.gov*, U.S. Congress, 12 Oct. 2017, www.congress.gov/bill/115th-congress/house-bill/4030/text.
- “U.S. Department of Education Releases List of Higher Education Institutions with Open Title IX Sexual Violence Investigations.” *U.S. Department of Education Releases List of Higher Education Institutions with Open Title IX Sexual Violence Investigations | U.S. Department of Education*, U.S. Department of Education, 1 May 2014, www.ed.gov/news/press-releases/us-department-education-releases-list-higher-education-institutions-open-title-ix-sexual-violence-investigations.
- “Secretary DeVos: Proposed Title IX Rule Provides Clarity for Schools, Support for Survivors, and Due Process Rights for All.” *Secretary DeVos: Proposed Title IX Rule Provides Clarity for Schools, Support for Survivors, and Due Process Rights for All | U.S. Department of Education*, U.S. Department of Education, 16 Nov. 2018, www.ed.gov/news/press-releases/secretary-devos-proposed-title-ix-rule-provides-clarity-schools-support-survivors-and-due-process-rights-all.
- U.S. Department of Education Launches New Title IX Resources for Students, Institutions as Historic New Rule Takes Effect.” *U.S. Department of Education*, U.S. Department of

Education, 14 Aug. 2020, www.ed.gov/news/press-releases/us-department-education-launches-new-title-ix-resources-students-institutions-historic-new-rule-takes-effect

“Senate Democrats Urge DeVos to Listen to Students and Survivors of Sexual Assault, Start Over on Title IX Rule.” *United States Senate Committee on the Judiciary*, United States Senate Committee on the Judiciary, 31 Jan. 2019, www.judiciary.senate.gov/press/dem/releases/senate-democrats-urge-devos-to-listen-to-students-and-survivors-of-sexual-assault-start-over-on-title-ix-rule.