

From: Sobia Saleem
Sent: Sat, 5 Jun 2021 23:49:46 +0000 (UTC)
To: T9PublicHearing
Subject: Re: Written Comment: Title IX Public Hearing

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To Whom It May Concern:

I would like to address the harms of the Trump Title IX Sexual Harassment Rule as well as what the Biden administration can do to improve the new Sexual Harassment Rules.

Firstly,

Trump and Betsy DeVos made schools less safe and welcoming for students.

Last year, DeVos made changes to the Title IX rule that are discriminatory and illegal. They weakened protections against

sexual assault and other sexual harassment in schools and were based on the myth that women and girls often lie about having been sexually assaulted.

DeVos's changes to the Title IX rule only further sweep sexual harassment under the rug by requiring schools to ignore many reports of sexual

harassment and to use uniquely burdensome procedures for sexual harassment that aren't required for any other type of student or staff misconduct, like non-sexual assault. DeVos's changes make it harder for students who have experienced sexual violence to

come forward. DeVos's changes to the Title IX rule have been challenged in five separate lawsuits filed on behalf of 18 states and the District

of Columbia, as well as student survivors, a student organization, and advocacy organizations.

Over 120,000 people spoke out through public comments when DeVos proposed changes to the Title IX rule, the overwhelming majority of whom opposed

her changes. Students, survivors, civil rights advocates, teachers, principals, superintendents, schools, mental health professionals, parents, and many others opposed the rule changes because they believed the changes would make schools less safe.

Moreover, The DeVos Title IX rule denies survivors equal access to education. The

DeVos rule discourages students from reporting sexual assault and other forms of sexual harassment, creating an environment based in fear, not support. The rule flies in the face of Title IX's purpose as a civil rights law, which is to protect equal access

to education. The stress of ongoing sexual harassment can make it impossible to succeed in school and can lead to serious emotional and mental health

problems, including anxiety, depression, and substance addiction. When schools fail to respond effectively, the impact of sexual harassment and

assault can be devastating. Many students won't speak up about sexual harassment or assault at all if they don't believe their school will do anything to help. Too

many students who experience sexual assault or other forms of sexual harassment end up dropping out of school because they do not feel safe on campus; some are even expelled for lower grades in the wake of their trauma. Many are burdened with student loan

debt, even if they don't finish their education. When a school denies survivors the services and support they need to recover, students can spend

thousands of dollars on necessary counseling services or on rent for an off-campus apartment. Some survivors have to withdraw from classes, losing tuition and risking increased student loan debt if they re-enroll at a later date. And if victims fall below

half-time enrollment, they often need to begin paying their loans—a tall order for individuals without a degree, already struggling with the effects of trauma.

The previous administration showed little concern for how sexual harassment and trauma affects students' educational experiences, and the DeVos Title IX rule reflects that. The COVID-19 pandemic has taken a toll on students, further exacerbating current barriers to education for student survivors, especially survivors of color. Students survivors need support and to learn without discrimination. As the country begins to reopen, we must make sure that students are returning to environments with the resources they need to succeed.

Consequently, the Biden-Harris administration must restore and strengthen Title IX protections against sexual harassment for students. The new administration must restore longstanding protections for student survivors. The Biden administration must reinstate the well established principle that school officials should respond to all sexual harassment that interferes with a person's ability to participate in or benefit from their education, respond to sexual harassment in a timely manner, and address all sexual harassment that may create a hostile environment for students in schools, regardless of where the harassment occurred. The administration must protect student survivors from retaliation. Title IX prohibits retaliation against those who complain of sex discrimination. Yet student survivors—and especially survivors of color—continue to face punishment when they turn to their schools for help in the wake of violence. Too often they are disbelieved, their trauma is minimized, or they are blamed for the harassment. The Title IX rule must make it clear that this type of treatment constitutes unlawful retaliation. Finally, the administration must ensure fair and prompt disciplinary procedures and school flexibility. DeVos's changes to the Title IX rule require specific disciplinary procedures for sexual harassment—and sexual harassment alone—that dissuade reporting, are unfair to complainants, and unnecessarily burdensome. The Title IX rule should restore fairness and equity, central to Title IX's purpose.

Title IX is for everyone.

We need fair and just ways to address and prevent sexual harassment and assault. First and foremost, survivors of sexual assault deserve justice, healing, and dignity. All students are entitled to safe and supportive learning environments. We also need fair, unbiased solutions that focus on getting to the bottom of what happened. People who cause sexual harassment or assault should be held accountable so they can learn from their mistakes, make amends, and change their behavior.

It's equally important that we work to change our institutions and culture to prevent sexual harassment and assault in the first place. As a community, we are all connected. When we each do our part to create accountability and healing, we help create a future where everyone can feel safe and equal. For these reasons, it's critical for the Department to hear directly from students, educators, and other stakeholders as it considers how to restore civil rights protections under Title IX. We are pleased that the Department of Education's Office for Civil Rights is holding a hearing on June 7 - June 11, and we encourage broad participation through providing an oral comment or a written comment.

Thank you for your time and consideration.

Warmly,

Sobia Saleem
Sexual Assault Survivor
Title IX Participant