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United States Senate

COMMITTEE ON HEALTH, EDUCATION,
LABOR, AND PENSIONS

WASHINGTON, DC 20510-6300

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September 8, 2017

The Honorable Betsy DeVos
Secretary
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Dear Secretary DeVos,

I urge you to leave in place the current U.S. Department of Education (“Department”) Dear Colleague on Title IX of the Education Amendments of 1972 (Title IX), often referred to as the ‘2011 guidance.’ Your comments yesterday indicate that you are planning to fundamentally change the Department’s approach to addressing sexual harassment and sexual assault in our nation’s schools in a way that will undermine survivors’ rights. There have been confusing and contradictory statements from the Department about whether you intend to leave the 2011 Guidance in place until you decide what approach you will take to addressing campus sexual assault. Rescinding the 2011 guidance will cause further confusion for schools about what their responsibilities are and allow them to return to a time when students coming forward to share their experiences of sexual assault are once again swept under the rug. I ask that you clarify that the existing guidance remains in place.

For over 40 years, Title IX has improved access to educational programs and benefits by prohibiting schools from discriminating against individuals on the basis of sex. As a part of complying with this landmark civil rights law, schools must respond promptly and effectively to sexual assault and sexual harassment. By indicating you are changing what the Department expects from schools, you risk undermining the effectiveness of this law.

As Secretary, upholding students’ safety and civil rights must be a top priority of yours. You indicated that you plan to find a “better way” to enforce Title IX than the previous Administration did. The 2011 guidance was a part of the Administration’s dedication to listening to the needs of survivors and ensuring that schools are held accountable for sexual assault and harassment. It is very concerning that you appear to be reassessing that approach, particularly in light of other decisions you have made, including continuing to leave Candice Jackson in place as Acting Secretary of Civil Rights despite her disturbing comments that 90 percent of sexual assault accusations stem from intoxication or regret.

You must make it clear to schools and to survivors of sexual assault that the Department expects schools to take sexual assault seriously. That means leaving current guidance in place as you develop a path forward. I hope that you will consider my request and please contact my staff, Laurel Sakai or Carly Rush at (202) 224-5501 if you have any questions.

Sincerely,



PATTY MURRAY
United States Senator
Ranking Member, Senate Health,
Education, Labor and Pensions Committee