

# United States Senate

WASHINGTON, DC 20510

September 14, 2017

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

Dear Secretary DeVos,

We write with concern regarding your recent announcement that the U.S. Department of Education (“Department”) intends to “revoke or rescind” the current guidance addressing enforcement of Title IX of the Education Amendments of 1972 (“Title IX”) related to sexual harassment, including sexual violence, and to undertake a formal rulemaking process to create new Title IX regulations on this topic. The current guidance is critical to ensuring that schools understand and take seriously their responsibilities under the law, and we urge you to leave the current guidance in place. Rescinding the guidance would be a step in the wrong direction in addressing the national epidemic of campus sexual assault.

For over four decades, Title IX has improved access to educational programs and benefits by prohibiting schools from discriminating against individuals on the basis of sex. In order to comply with this landmark civil rights law, schools must respond promptly and effectively to sexual violence and sexual harassment. Last week, you indicated that you plan to take a different approach to enforcing this law, including an end to the use of Dear Colleague letters and guidance. Confusingly, Department spokespersons have also now indicated that while the Department writes new regulations, you plan to rescind the existing guidance and replace it with new temporary guidance. This shows neither a dedication to a fully transparent process including robust stakeholder engagement, nor a commitment to supporting survivors in obtaining justice and ensuring they are safe on campus.

Students around the country are just starting school and wondering if the Department will continue to protect and enforce their rights under Title IX. Schools have policies in place that were developed based on the existing guidance, and putting out new temporary guidance will only confuse both schools and students as to how your Department and the Office for Civil Rights (OCR) plans to enforce Title IX. If the Department moves forward with a rulemaking process to change its enforcement of Title IX, we urge the Department to make clear to schools, parents, and students that the Department will continue to enforce the existing Title IX guidelines. This is the only way to avoid serious disruption and uncertainty on campuses, and to demonstrate that the Department continues to take the problem of campus sexual assault seriously. Rather than rescinding the existing Title IX guidance, you should be focusing on using all available resources at OCR to ensure there are staff available to answer questions from schools, students, and parents as well as to fully investigate complaints.

We ask that you uphold a fully transparent process, including the opportunity for substantive stakeholder engagement in the development of any potential changes to the Department's enforcement of Title IX. We also ask that you respond to this letter before you take any steps to rescind existing Title IX guidance. Thank you for your attention to this matter.

Sincerely,


  
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United States Senator


  
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United States Senator


  
RICHARD BLUMENTHAL  
United States Senator


  
KIRSTEN GILLIBRAND  
United States Senator

  
CLAIRE MCCASKILL  
United States Senator

  
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United States Senator

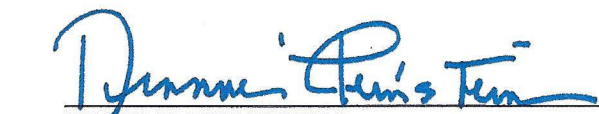
  
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United States Senator