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Congress of the United States
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RANKING MEMBER, ENERGY POLICY, HEALTH CARE,
AND ENTITLEMENTS
NATIONAL SECURITY
GUN VIOLENCE PREVENTION
TASK FORCE
Vice Chair

January 29, 2014

Ms. Catherine Lhamon
Assistant Secretary for Civil Rights
Office for Civil Rights
United States Department of Education
Lyndon Baines Johnson Department of Education Building
400 Maryland Avenue, SW
Washington, D.C. 20202

Dear Ms. Lhamon:

Over 40 years since Title IX became law to improve educational opportunities, students still report unequal access to educational opportunities due to sexual harassment and assault on college campuses. Nearly 20 percent of young women are victims of attempted or actual sexual assault, along with 6 percent of young men. Despite this widespread problem, the National Institute of Justice has estimated that 63 percent of universities shirk their legal responsibilities to address sexual violence. This is unacceptable. We applaud the White House for establishing the Task Force to Protect Students from Sexual Assault, which targets the key challenges for this issue and facilitates stronger interagency coordination. As you work to combat sexual assault on campuses, we urge you to issue a new Dear Colleague to improve transparency of campus data, investigations, and enforcement actions, and provide additional guidance for responding to same-sex violence and gender identity discrimination.

Transparency about Department Investigations and Enforcement Actions

We urge your office to be more transparent about its own investigations and enforcement actions against colleges and universities regarding campus sexual harassment and sexual assault. As the President's Task Force recognized, coordination across federal agencies is essential, which is why we encourage your office to pursue interagency solutions with the Department of Justice for more aggressive enforcement actions. More collaborative work across agencies may yield strategies to better serve survivors and hold schools accountable. Most importantly, this will send a powerful signal to survivors that their health and safety is an important priority for the Department.

Create a Central Public Database of Campus Agreements

The April 2011 Dear Colleague policy guidance your office issued, along with the passage of the Campus Sexual Violence Elimination Act as part of the reauthorization of the national Violence Against Women Act, established important standards for colleges and universities to report sexual violence and provided overdue guidance about their obligations to respond promptly and

effectively under Title IX of the Education Amendments of 1972. We applaud the Department of Education's work with the Department of Justice to create tough, comprehensive resolution agreements at the University of Montana-Missoula and the State University of New York, and the decision to make these agreements public so students can hold their colleges and universities accountable for the commitments they have made in these agreements.

Unfortunately, while many recent agreements are available online, not every agreement has been made available and many are not easily accessible because they are not hosted in a single place. It is currently difficult for students and parents to find the information they need to make informed decisions about the safety of the colleges and universities they plan to attend, including: (1) pending complaints filed with the Department of Education; (2) which colleges and universities are under investigation for violations of Title IX and the Clery Act; (3) safety statistics reported under the Clery Act; and (4) any previous resolution agreements with and fines issued to colleges and universities to resolve deficiencies under these Acts. We urge you to create a centralized, publicly accessible repository of up-to-date policies and enforcement actions similar to what was created by StopBullying.gov.

Collect Better Data Through School Climate Surveys and Exit Interviews

As you are well aware, sexual assault is a crime that is systemically underreported. Many survivors have reasonable fears of retaliation, victim blaming, and social isolation if they come forward. Data about the scope of the problem will be key to each campus's development of an effective prevention program. We therefore urge you to issue guidance that would require colleges and universities to conduct anonymous school climate surveys and exit interviews that would provide information to students and universities about the true scope of the problems on each campus.

Greater Disclosure from Colleges and Universities about Campus Safety

While the White House Task Force plans to issue best practices to prevent and respond to campus sexual assault, it remains essential that schools disclose their own practices. When students and parents look to school websites to determine which higher education institution best fits their needs, it can be difficult to find key information about security statistics, enforcement actions, and students' rights under Title IX. More transparency is essential to hold colleges and universities accountable for their obligations, and to show survivors that there will be enforcement of those obligations by making the agreements public. We believe the Department of Education should require colleges and universities to post records of past incidents and deficiencies on their own websites, alongside the information schools should already be providing about campus safety policies and Title IX coordinators.

Guidance for Schools Responding to Same-Sex Violence

Many public discussions of campus violence fail to consider incidents of same-sex violence and ignore the fact that lesbian, gay, bisexual, and transgender (LGBT) students are also frequently victimized in violation of Title IX. The American Association of University Women (AAUW) found that more than 70 percent of LGBT students encounter sexual harassment at college, and a 2010 study by the Centers for Disease Control and Prevention reported that one in eight lesbians,

nearly half of bisexual women, four in ten gay men, and nearly half of bisexual men have experienced some form of sexual violence during their lifetime. Another study published in *Professional Psychology: Research and Practice* found that one in four transgender individuals has been sexually assaulted after the age of 13. Many sexual violence prevention programs and services on college campuses, however, can be ill-suited for helping LGBT survivors or survivors of same-sex violence. Additional guidance from the Department of Education to colleges and universities would help to ensure LGBT students' access to education is not compromised by sexual harassment or sexual violence. Specifically, the Department should clarify that Title IX protects against harassment and other forms of discrimination based on sex stereotypes about appropriate romantic partners.

Guidance Clarifying the Coverage of Gender Identity under Title IX

Transgender victims of sexual violence in particular often face barriers to accessing services on campus because of discrimination on the basis of gender identity. We encourage the Department of Education to issue guidance clarifying that Title IX requires schools to treat students consistent with their gender identity for all purposes. This includes ensuring access to all school programs, activities, and facilities based on gender identity. Discrimination based on transgender status, gender transition, or gender identity constitutes sex-based discrimination under federal law. This view is consistent with the Department's EEO policy and is evident throughout the resolution agreement in *Student v. Arcadia Unified School District*.

We look forward to your response on these matters. While we know the Department of Education strives to meet its mission "to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access," the aforementioned steps would continue to encourage and support colleges and universities in achieving that goal.

Sincerely,




Jackie Speier
Member of Congress



Carolyn Maloney
Member of Congress



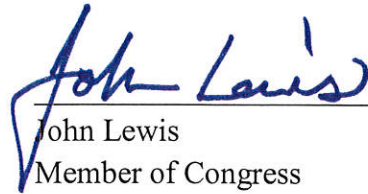
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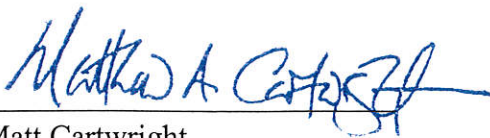
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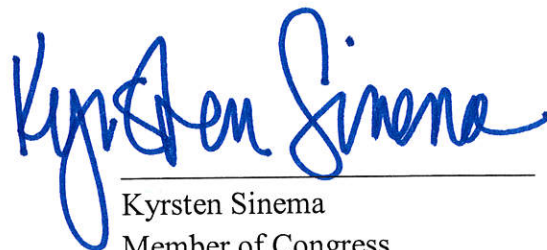
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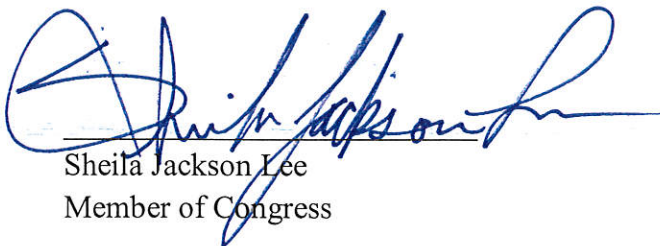
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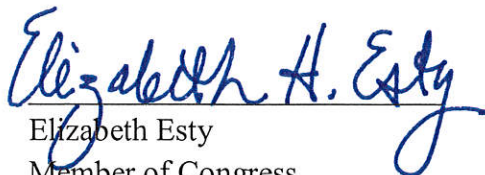
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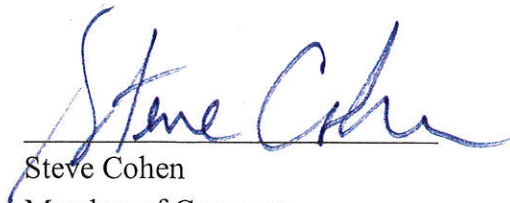
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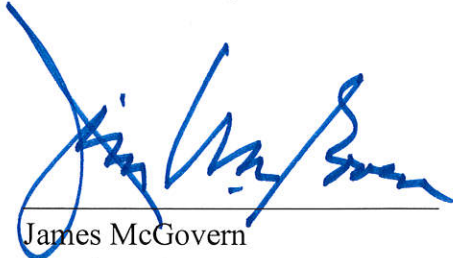
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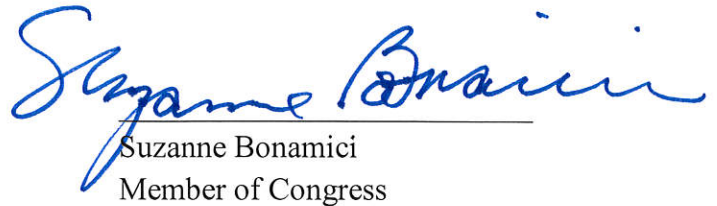
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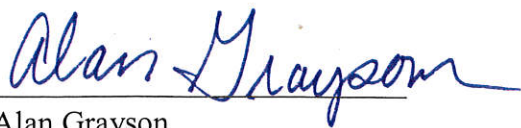
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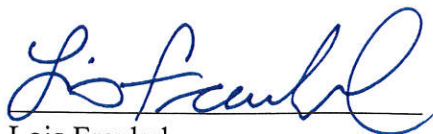
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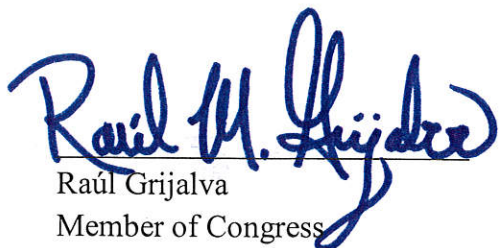
Barbara Lee
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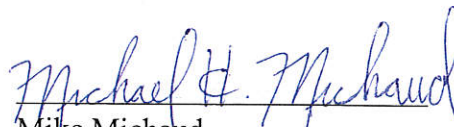
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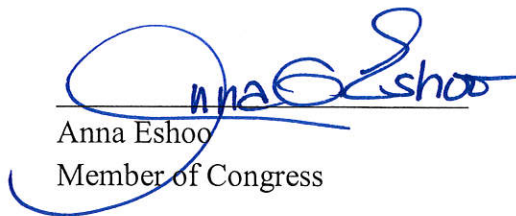
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