



April 3, 2019

Committee on Health, Education, Labor & Pensions
United States Senate
Washington, DC 20515

Dear Senator:

On behalf of our 3 million members and the 50 million students they serve, we are submitting for the record the following comments in connection with the April 2 hearing, “Reauthorizing HEA: Addressing Campus Sexual Assault and Ensuring Student Safety and Rights.”

NEA members strive to provide students with supportive, protective environments in which they can focus on learning. Title IX is crucial to this. The Department of Education’s proposal to weaken rules implementing Title IX would make schools and campuses less safe, and discourage students from reporting sexual harassment and sexual assault. The proposed rule changes would tilt investigations in favor of the accused and make it easier for educational institutions to sweep incidents under the rug. The rule changes would particularly imperil those who, according to research, already experience higher rates of sexual harassment and assault, including women and girls of color, LGBTQ students, and students with disabilities.

The proposed rules:

- Narrow the definition of sexual harassment and mandate that institutions dismiss complaints if they do not meet the new, more limited standard.
- Require schools and colleges to ignore a complaint of harassment until it has already denied a student’s educational opportunity, even if the incident involves a minor student and a teacher, faculty member, or other school employee.
- Subject students who bring complaints to live cross-examination by an accuser or his or her “adviser of choice,” which could be a friend, a coach, or even a parent.
- Allow institutions to use the “clear and convincing” evidence standard in instances of sexual misconduct yet allow other misconduct cases to proceed based on the “preponderance of the evidence” standard, the only standard that treats all students equally.

We should be taking steps to make schools and campuses welcoming to all students. The proposed rule changes, however, take us in the opposite direction. Thank you for this opportunity to express our concerns.

Sincerely,

Marc Egan
Director of Government Relations
National Education Association