

**Public comment written in response to Secretary of Education Besty DeVos's stated intention to roll back the enforcement of Title IX.**

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*September 20, 2017*

**We can do better**

Secretary DeVos is right – talking about sexual assault is a difficult and uncomfortable conversation, yet one that we are morally responsible to have and to get right. It is imperative to have conversations that illuminate our understanding of what it will take to create safe environments for all students. As a society at large, and as institutions of higher learning responsible for the safety of an estimated 20 million enrolled students, we have an ethical obligation to do better than eliminate the very processes that hold us accountable for the safety and well-being of anyone seeking an education. We can do better.

Title IX provides a map for strengthening campus's ability to practice and support safe and healthy boundaries and behaviors. Rather than disregarding or even eliminating Title IX's responsibilities to provide responsible, honorable and protective responses to any concern of sexual harm, officials and campus leadership need to collectively use conversation to guide the creation and maintenance of learning environments that promote respect, empathy, understanding and above all – safety.

**We can do better;** through ensuring that officials conducting investigations and hearing processes are provided annual and ongoing training on evidence informed understanding of what may contribute to sexual abuse dating violence, domestic violence, sexual harassment, sexual assault and stalking. All students do deserve a fair and impartial process. It is important to ensure that practices pertaining to investigations and hearings are fair. We need to respond with balance, without labeling individuals as sexual predators or "monsterizing" anyone accused of sexual misconduct in ways that they can't recover from in their adulthood. We need to develop resources that allows both the accuser and the accused to continue their education while the investigation continues and ensures that punishments are not administered before a finding has been achieved.. Schools are already required to do this through Title IX guidance and the Clery Act. The Clery Act requires that "proceedings must afford a "prompt, fair, and impartial process from the initial investigation to the final result" – with trained and non-biased officials. [http://www.huffingtonpost.com/entry/the-federal-jeanne-clery-act-already-addresses-many us 59bb128ce4b06b71800c37f7](http://www.huffingtonpost.com/entry/the-federal-jeanne-clery-act-already-addresses-many-us-59bb128ce4b06b71800c37f7)  
<https://www2.ed.gov/admins/lead/safety/handbook.pdf>

**We can do better;** we must use what we know about college campus life to institute proactive and protective measures, resources and responses. We know that the college campus culture is one that lends itself to many acts of heightened impulsivity and more risk taking behaviors. The youth and young adults on these campuses are still experiencing intellectual, emotional and physical development changes that may contribute to other (environmental, social and personal) risks that may lead to sexually harmful behaviors.

In campus culture, there are risks of many forms of sexual misconduct, and if schools use this opportunity to intervene earlier, then everyone will benefit. Colleges and universities have the opportunity to intervene in all forms and all levels of sexual misconduct with responses that are individualized yet hold to standards of safety, well-being and equality. By taking early advantage of these opportunities, we can set a different social norm that does not wait until a sexual assault or rape is reported. In fact, schools are responsible for understanding and addressing this, and do all they can do to "eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its effects", as stated in Title IX. Prevention must be part of a school's obligation. (Citation: <https://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>)

**We can do better;** for courageous survivors of sexual assault seeking responses that are not only validating and respectful, but also address security needs. Sexual assault remains vastly under-reported we need to understand that there are many victims of sexual assaults both on and off our college campuses, deserving of justice and respect.

**We can do better;** by recognizing that medical and mental health services for students are critical for safety planning. Treatment and recovery supports for victims will only help strengthen a campus community, and for any youth or adult recognizing their own risk of harm to others and who bravely seeks out help, providing skilled resources is part of any comprehensive prevention plan. Treatment services and resources for individuals with sexual behavior problems can help individuals move forward with their lives and allow them to interact as productive members of society. <http://www.atsa.com/sexual-offense-specific-treatment>.

**We can do better;** by having productive conversations that are informed with research, best practices and experience. Listening to every person affected by violence informs all of us of both compassionate and restorative steps to pursue, not only focusing on retribution. We know restorative justice brings about healing and change unlike retributive justice which brings only punishment. [http://www.cscsb.org/restorative\\_justice/retribution\\_vs\\_restoration.html](http://www.cscsb.org/restorative_justice/retribution_vs_restoration.html)

**We can do better;** we know this is not the time to scale back Title IX requirements. Rather it is time to fully embrace and embed a commitment to improve our practices and dedicate our resources and knowledge to improving the safety, liberty, and well-being of everyone across all environments, including institutions for high learning.

**We can do better.**