

# ACLU Sues Betsy DeVos for Allowing Schools to Ignore Sexual Harassment and Assault

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CONTACT: Eva Lopez, 773-574-8529, [elopez@aclu.org](mailto:elopez@aclu.org)

NEW YORK — The American Civil Liberties Union (ACLU) and Stroock & Stroock & Lavan LLP filed a lawsuit today to block provisions of the U.S. Department of Education’s new Title IX [rule](#), which will slash schools’ obligations to respond to reports of sexual harassment and assault. The rule subjects reports of sexual harassment to a different and more skeptical review than reports of harassment based on race, national origin, or disability — creating a second-class standard for reports of sexual harassment and assault. The department itself anticipates that four-year institutions will now investigate 32 percent fewer reports of sexual harassment and assault.

The suit was filed on behalf of plaintiffs Know Your IX, Council of Parent Attorneys and Advocates, Girls for Gender Equity, and Stop Sexual Assault in Schools - all organizations dedicated to helping students who experience sexual harassment and assault continue their education.

The plaintiffs are challenging provisions in the DeVos Title IX regulations that:

- Redefine sexual harassment to exclude conduct that until now was included in the department’s definition and that would be recognized as harassment if based on race, national origin, or disability;
- Direct schools to ignore many Title IX reports of sexual harassment and assault that occur off campus or during study abroad, including in student’s homes;
- Require college and university students to report sexual harassment or assault to the “right” official or their complaints do not have to be even investigated; and
- Allow — and, in some cases, require — schools to use a higher standard of proof for reports of sexual harassment and assault than is required for other harassment proceedings.

The U.S. Department of Education released the final [rule](#) on May 6, 2020.

The comments are from the following:

**Ria Tabacco Mar, director of the ACLU's Women's Rights Project:** “Betsy DeVos has created a double standard that is devastating for survivors of sexual harassment and assault, who are overwhelmingly women and girls. We will fight to make sure this double standard never takes effect.”

**Sage Carson, manager of Know Your IX, a project of Advocates for Youth:** “Betsy DeVos and the Trump administration have shown, once again, that they have no interest in supporting student survivors and their rights. The final Title IX rule makes it harder for survivors to report sexual violence and easier for schools to sweep sexual violence under the rug. Know Your IX has been fighting for the rights of survivors for almost a decade and we refuse to back down.”

**Selene Almazan, legal director, Council of Parent Attorneys and Advocates:** “The regulations absolutely fail to consider the experiences, challenges, and needs of students with disabilities, who already face additional barriers to education. In developing the regulations, it's unfortunate the Administration chose to ignore research and best practices that fully support the rights of students with disabilities.”

**Ashley C. Sawyer, policy director at Girls for Gender Equity:** “The new Title IX regulations are a blatant threat to the years of work to create safe, supportive academic environments for students across the gender spectrum. We want to do everything we can to ensure that the true spirit and original intent of Title IX remains, to ensure that everyone has meaningful access to education, without being hindered by sexual violence.”

**Joel Levin, co-founder of Stop Sexual Assault in Schools:** “Sexual harassment and assault have no place in our schools. In a reprehensible move that puts students at risk, the new rule gives schools more leeway to ignore their Title IX responsibilities.”