



Stop Sexual Assault in Schools (SSAIS.org)
Portland, OR 97212

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Submitted via www.regulations.gov

Kenneth L. Marcus
Assistant Secretary for Civil Rights
Department of Education
400 Maryland Avenue SW
Washington DC, 20202

Re: ED Docket No. ED-2018-OCR-0064, RIN 1870-AA14, Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance.

Dear Mr. Marcus,

On behalf of the national nonprofit Stop Sexual Assault in Schools (SSAIS) I wish to voice our organization's strong opposition to the proposal by the Department of Education (the Department) to amend rules implementing Title IX of the Education Amendment Act of 1972 (Title IX), as published in the Notice of Public Rulemaking (NPRM) on November 29, 2018.

For the past four years, SSAIS has been educating K-12 students, families, and schools about the right to an equal education free from sexual harassment. We hear regularly from students and families across the country how their schools have mishandled sexual harassment complaints. These first-hand accounts paint an alarming and disturbing picture of traumatized young students whose educations have been derailed because school officials ignore, deny, or mismanage reported sexual misconduct.

I also speak from personal experience. Our family's life was devastated when our high-school age daughter was sexually assaulted by a classmate on a multi-day school field trip. Her school's failure to recognize her federally mandated Title IX rights, to acknowledge her report of sexual assault as required, to promptly and equitably investigate, to prevent retaliation, and to treat her with basic human dignity has been life-scarring beyond imagination. Our efforts to hold those accountable were met with avoidance, denial, misinformation, falsification, and violations at every juncture.

From our family's and organization's experience, we believe the proposed rules will further harm K-12 students who report sexual harassment to their schools and discourage victimized students from coming forward. As explained in our analysis below, the result of the proposed rules on K-12 students will be to worsen sex discrimination in K-12 schools, precisely in contradiction to the spirit of Title IX.

[The realities of sexual harassment in K-12 schools](#)

The proposed rules ignore the devastating impact of sexual harassment. Instead of implementing Title IX's purpose of protecting students from unlawful sex discrimination, they make it harder for students to report abuse, allow (and sometimes require) schools to ignore reports when they are made, and unfairly tip the investigation process in favor of respondents to the direct detriment of survivors.

Sexual harassment occurs regularly in K-12 schools.

K-12 students commonly experience sexual harassment:

- In grades 7-12, 56% of girls and 40% of boys are sexually harassed in any given school year.¹
- More than 1 in 5 girls ages 14-18 are kissed or touched without their consent.²
- Men and boys are more likely to be victims of sexual assault than to be falsely accused of it.³

Underrepresented groups are more likely to experience sexual harassment than their peers:

- 56% of girls ages 14-18 who are pregnant or parenting are kissed or touched without their consent.⁴
- More than half of LGBTQ students ages 13-21 are sexually harassed at school.⁵
- Students with disabilities are 2.9 times more likely than their peers to be sexually assaulted.⁶

Survivors generally underreport instances of sexual harassment and assault

The proposed rules would further discourage students from coming forward to ask their schools for help. Currently, 2% of girls ages 14-18⁷ report sexual assault to their schools or the police. Students often choose not to report for fear of reprisal, because they believe their abuse was not important enough or because they think no one would do anything to help.⁸ Some students—especially students of color, undocumented students,⁹ LGBTQ students,¹⁰ and students with disabilities—are less likely than their peers to report sexual assault to the police due to increased risk of being subjected to police hostility. For these students, schools are often the only avenue for relief.

¹ Catherine Hill & Holly Kearn, *Crossing the Line: Sexual Harassment at School*, AAUW (2011) [*Crossing the Line*], available at <https://www.aauw.org/research/crossing-the-line>.

² National Women's Law Center, *Let Her Learn: Stopping School Pushout for Girls Who Have Suffered Harassment and Sexual Violence* 1 (Apr. 2017) [*Let Her Learn: Sexual Harassment and Violence*], available at <https://nwlc.org/resources/stopping-school-pushout-for-girls-who-have-suffered-harassment-and-sexual-violence>.

³ E.g., Tyler Kingkade *Males Are More Likely to Suffer Sexual Assault Than to Be Falsely Accused of It*, HUFFINGTON POST (Dec. 8, 2014) [last updated Oct. 16, 2015], https://www.huffingtonpost.com/2014/12/08/false-rape-accusations_n_6290380.html.

⁴ National Women's Law Center, *Let Her Learn: Stopping School Pushout for Girls Who Are Pregnant or Parenting* 12 (2017) [*Let Her Learn: Pregnant or Parenting Students*], available at <https://nwlc.org/resources/stopping-school-pushout-for-girls-who-are-pregnant-or-parenting>.

⁵ Joseph G. Kosciw et al., *The 2017 National School Climate Survey: The Experiences of Lesbian, Gay, Bisexual, Transgender, and Queer Youth in Our Nation's Schools*, GLSEN 26 (2018) [*2017 National School Climate Survey*], available at <https://www.glsen.org/article/2017-national-school-climate-survey-1>.

⁶ National Women's Law Center, *Let Her Learn: Stopping School Pushout for Girls with Disabilities* 7 (2017) [*Let Her Learn: Girls with Disabilities*], available at <https://nwlc.org/resources/stopping-school-pushout-for-girls-with-disabilities>.

⁷ *Let Her Learn: Sexual Harassment and Violence*.

⁸ *Crossing the Line*.

⁹ See Jennifer Medina, *Too Scared to Report Sexual Abuse. The Fear: Deportation*, NY TIMES (April 30, 2017), <https://www.nytimes.com/2017/04/30/us/immigrants-deportation-sexual-abuse.html?mcubz=3>.

¹⁰ National Center for Transgender Equality, *The Report of the 2015 U.S. Transgender Survey: Executive Summary* 12 (Dec. 2016) [*2015 U.S. Transgender Survey*], available at <https://transequality.org/sites/default/files/docs/usts/USTS-Executive-Summary-Dec17.pdf>.

The proposed rules would discourage students from reporting sexual harassment and prioritize protecting schools over protecting reporting students

The Department’s 2001 Guidance defines sexual harassment as “unwelcome conduct of a sexual nature.”¹¹ It requires schools to address student-on-student harassment if any employee “knew, or in the exercise of reasonable care should have known” about the harassment. For staff-on-student harassment, the Guidance requires schools to address harassment “whether or not the [school] has ‘notice’ of the harassment.”¹² Additionally, schools that do not “take immediate and effective corrective action” would violate Title IX.

Consistent with Supreme Court opinion, the 2001 Guidance correctly differentiates administrative enforcement from private litigation for monetary damages against a school because of sex discrimination. It concluded that it was inappropriate for the Department to limit its enforcement activities to the narrower damages standard and that the Department would continue to enforce the broad protections provided under Title IX.¹³

The Department now asserts without compelling justification that there should be a “consistent standard” between private litigation and administrative enforcement. This creates an unworkable and impractical standard that will confuse K-12 school administrators and end up harming both reporting and responding students.

The proposed definition of harassment improperly prevents schools from providing a safe learning environment.

The proposed rule defines sexual harassment as “unwelcome conduct on the basis of sex that is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the [school’s] education program or activity”¹⁴ and requires that schools dismiss complaints of harassment that do not meet this standard. Schools would be required to ignore the student’s Title IX complaint if the harassment has not yet advanced to a point that it is actively harming a student’s education, even if it involved harassment of a minor student by a teacher or other school employee. Moreover, the proposed rules offer no guidance as to what “severe” and “objectively offensive” harassment looks like in elementary, middle, or high school.

The proposed definition limits schools’ responsibility to only the most extreme forms of in-person, physical, and ongoing sexual harassment. It does not encompass the breadth of experiences that K-12 students face: dating violence, stalking, cyber harassment, bullying, and hazing, all of which can deny a student equal educational opportunity on the basis of sex.

The 2001 Guidance, which defines sexual harassment as “unwelcome conduct of a sexual nature,”¹⁵ rightly charges schools with responding to a broad range of harassment before it escalates to a point that

¹¹ U.S. Department of Educ., Office for Civil Rights, *Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties* (2001) [hereinafter 2001 Guidance], available at <https://www2.ed.gov/about/offices/list/ocr/docs/shguide.html>.

¹² *Id.*

¹³ *Id.*, p. iv. “Commenters uniformly agreed with OCR that the Court limited the liability standards established in *Gebser* and *Davis* to private actions for monetary damages.”

¹⁴ Proposed rule § 106.30.

¹⁵ 2001 Guidance, p. 2.

students suffer “severe” harm. Under the proposed, narrower definition of harassment, students would be forced to endure repeated and escalating levels of abuse, from a student, school staff, or teacher, before their schools would be required to investigate and remedy the harassment. If schools rebuff students who report sexual harassment, the students are much less likely to report a second time when the harassment worsens.

The proposed notice requirement undermines Title IX’s discrimination protections by making it harder to report sexual harassment and assault

Under the proposed rules, schools would be responsible for addressing sexual harassment only when certain school employees have “actual knowledge.” The Department currently requires schools to address student-on-student sexual harassment if almost any school employee¹⁶ either knows about it or should reasonably have known about it. Many students disclose sexual abuse to the adults they trust the most and not to those who have the authority to take corrective measures because students are not informed which employees have authority to address the harassment.

It’s especially impractical to require young students, who see *all* adults as authority figures, to distinguish responsible employees from other school staff. If a K-12 student told a non-faculty school employee they trust—such as a guidance counselor, teacher aide, or athletics coach—that they had been sexually assaulted by another student, the school would have no obligation to help that student, and the reporting student would be discouraged from making a second attempt.

Further, the proposed rules assign the school’s Title IX Coordinator the responsibilities of filing a “formal complaint” and “coordinating the effective implementation of supportive measures,”¹⁷ even though the Department does not specify what these obligations entail. In practice, small-to mid-size school districts typically do not have the capacity to properly train their Title IX officials to assume these tasks. Many have no full-time Title IX Coordinator at all (that role is often tasked to a staff member who already has other full-time duties), and those assigned those duties lack the knowledge, training, or experience to carry out their responsibilities.¹⁸

Additionally, the proposed “actual notice” rule creates potential complications in jurisdictions where all K-12 school staff are mandatory reporters. In these cases, the coach or nurse must notify either law enforcement or child welfare agency of possible child abuse, creating scenarios where the school does not officially recognize that sexual assault occurred, even while public safety organizations are put on notice of possible child endangerment.¹⁹

¹⁶ This duty applies to “any employee who has the authority to take action to redress the harassment, who has the duty to report to appropriate school officials sexual harassment or any other misconduct by students or employees, or an individual who a student could reasonably believe has this authority or responsibility.” 2001 Guidance, p. 13-14.

¹⁷ NPRM § 106.30.

¹⁸ See: National Coalition for Women and Girls in Education (NCWGE). *Title IX at 45: Advancing Opportunity through Equity in Education*. Washington, DC: NCWGE, 2017, p. 88 (“In practice, many education entities fail to meet the most basic requirement of having a Title IX coordinator in place. In its investigations of alleged Title IX violations at more than 100 schools, the U.S. Department of Education’s Office for Civil Rights (OCR) found that many had not designated a Title IX coordinator. Not surprisingly, OCR has noted that some of the most ‘egregious and harmful’ Title IX violations occur when schools fail to have a Title IX coordinator in place, or when a Title IX coordinator does not have the training or authority to oversee compliance.”)

¹⁹ In some states, all adults are mandatory reporters. See Child Welfare Information Gateway. *Mandatory reporters of child abuse and neglect*. Washington, DC: U.S. Department of Health and Human Services, Children's Bureau (2016).

The proposed rules would require schools to ignore harassment that occurs outside of a school activity, even when it creates a hostile educational environment

Cyber sexual harassment among K-12 students is pervasive, both on-and off-campus,²⁰ and its harmful effects have motivated some states to enact anti-cyberbullying statutes.²¹ For almost two decades, the Department’s guidance documents have agreed that schools are responsible for addressing sexual harassment if it is “sufficiently serious to deny or limit a student’s ability to participate in or benefit from the education program,”²² regardless of where it occurs.²³

The proposed rules would require schools to ignore all complaints of off-campus or online sexual harassment that happen outside of a school-sponsored program—even if the student is forced to see their harasser at school every day and the harassment creates a hostile educational environment. The Department’s proposed rules even contradict its own findings that sexual harassment that happens off campus and outside of a school activity is no less traumatic than on-campus harassment.²⁴

The proposed grievance procedures would impermissibly tilt the process in favor of named harassers, retraumatize reporting students, and conflict with Title IX’s nondiscrimination mandate

The Department justifies the purported need to increase protections of respondents’ “due process rights” by weakening Title IX protections for reporting parties, and proposes a provision specifying that nothing in the rules would require a school to deprive a person of their due process rights.²⁵ This is unnecessary because the Department’s 2001 Guidance already instructs schools to protect the “due process rights of the accused.”²⁶

The presumption of not responsible is inequitable and inappropriate in school investigations

Under proposed rules,²⁷ schools would be required to presume that the reported harassment did not occur, which would ensure partiality to the respondent. This presumption reinforces the stereotype that women and girls often lie about sexual assault. Schools may be more likely to ignore or punish survivors who are

²⁰ *Crossing the Line*.

²¹ For example, Grace’s Law in Maryland. See <https://mrhs.hcpss.org/sites/default/files/Graces%20Law-Bullying.pdf>

²² 2001 Guidance, p. 12.

²³ 2017 Guidance, p. 1 n.3 “Schools are responsible for redressing a hostile environment that occurs on campus even if it relates to off-campus activities.”)

²⁴ The Department recently decided to cut off partial funding to the Chicago Public Schools for failing to address two reports of off-campus sexual assault, which the Department described as “serious and pervasive violations under Title IX.” See David Jackson et al., *Federal officials withhold grant money from Chicago Public Schools, citing failure to protect students from sexual abuse*, CHICAGO TRIBUNE (Sept. 28, 2018), <https://www.chicagotribune.com/news/local/breaking/ct-met-cps-civil-rights-20180925-story.html>.

²⁵ NPRM § 106.6(d)(2)

²⁶ 2001 Guidance, p. 22.

²⁷ NPRM § 106.45(b)(1)(iv)

women and girls of color,²⁸ pregnant and parenting students,²⁹ and LGBTQ students³⁰ because of harmful race and sex stereotypes that label them as “promiscuous.”

Moreover, all states have anti-bullying laws that require schools to adopt anti-bullying policies, none of which require as a component the respondent’s presumption of innocence.³¹ The Department provides no evidence-based justification for singling out sexual harassment, as opposed to other school conduct violations, including bullying, that necessitates importing this criminal law principle. Students could rightfully assert claims that they are being treated differently based on sex because schools would be forbidden to investigate sexual harassment but not harassment that is not sexual.

The proposed rules would allow schools to pressure survivors into traumatizing mediation procedures with their assailants

Schools sometimes use mediation to resolve peer conflict, where both sides must take responsibility for their actions and come to a compromise. Mediation is not suitable for resolving sexual assault or harassment, even on a voluntary basis. Survivors should not be pressured to “work things out” with their assailant, as though they share responsibility for the assault, or exposed to the risk of being retraumatized, coerced, or bullied during the mediation process. As the Department recognized in the 2001 Guidance, K-12 students can be pressured into mediation without informed consent, and even “voluntary” consent to mediation is inappropriate to resolve cases of sexual assault.

The proposed rules would force many schools to use a more demanding standard of proof to investigate sexual harassment than they would use to investigate other types of student misconduct

The Department’s decision to allow schools to impose a more burdensome standard of proof in sexual assault cases than in any other student misconduct case appears to rely on the unspoken stereotype and assumption that reporting parties are more likely to lie about sexual assault than students who report physical assault, plagiarism, or other school disciplinary violations.

The Department argues that Title IX investigations may need a more demanding standard because of the “heightened stigma” and the “significant, permanent, and far-reaching” consequences for respondents if they are found responsible for sexual harassment.³² This ignores the reality that all types of sexual harassment are precisely acts of power intended to humiliate and stigmatize individuals (of all genders), who face additional peer stigmatization for reporting sexual harassment as compared to other types of misconduct.

Further, the Department does not explain why discrimination based on sex allows for a higher standard of proof than discrimination based on race or disability. Suppose a student found responsible for sexual

²⁸ National Women’s Law Center, *Let Her Learn: A Toolkit to Stop School Pushout for Girls of Color* 1 (2016) [*Let Her Learn: Girls of Color*], available at <https://nwlrc.org/resources/let-her-learn-a-toolkit-to-stop-school-push-out-for-girls-of-color>.

²⁹ Chambers & Erasquin, *The Promise of Intersectional Stigma to Understand the Complexities of Adolescent Pregnancy and Motherhood*, JOURNAL OF CHILD ADOLESCENT BEHAVIOR (2015), available at <https://www.omicsonline.org/open-access/the-promise-of-intersectional-stigma-to-understand-the-complexities-of-adolescent-pregnancy-and-motherhood-2375-4494-1000249.pdf>.

³⁰ See e.g., David Pinsof, et al., *The Effect of the Promiscuity Stereotype on Opposition to Gay Rights* (2017), available at <https://doi.org/10.1371/journal.pone.0178534>.

³¹ See the Stopbullying.gov website: <https://www.stopbullying.gov/laws/index.html>.

³² 83 Fed. Reg. 61477.

harassment submits a complaint of “reverse discrimination” based on sex. Should that student’s claim be evaluated on a clear and convincing standard?

The proposed rules fail to impose clear timeframes for investigations and allow impermissible delays

Many K-12 students and parents who contact SSAIS complain that when they inform school officials about sexual harassment or assault, there’s no immediate response or action taken. Whereas the Department’s previous guidance recommended that schools complete their Title IX investigations within 60 days,³³ the proposed rules mandate only that such investigations be “reasonably prompt” and permit schools to postpone investigations until completion of “law enforcement activity,” which might extend for months. Meanwhile, as schools take no action, students reporting sexual harassment continue to experience retaliation and other forms of re-victimization that prevent them from keeping up academically, participating in school activities, or attending school at all.

The proposed rules are impractical and unworkable in a K-12 school context

Most K-12 schools are not well-prepared to respond appropriately when they learn that a student has sexually harassed or assaulted a peer, or that a teacher sexually abused a student. The Department’s proposed regulations will only worsen the situation, increasing barriers for students and families reporting sexual harassment and confuse school officials who already lack clear guidance on how to respond appropriately.

The Department rationalizes these proposed amendments as clarifying regulations and saving schools money spent investigating complaints. They would accomplish neither.

1. The proposed rules would force school districts to navigate competing definitions of sexual harassment from state law and existing district policies that, for the most part, are consistent with Title IX guidance issued over the past 20 years.³⁴ State education agencies typically distribute state and local taxes earmarked for public schools, and as recipients, local education agencies must comply with state anti-discrimination laws in addition to federal laws.

The Department notes that if conduct does not meet the proposed rule’s definition of harassment or occurs off-campus, schools may still process the complaint under a different conduct code, but not Title IX. This “solution” to its required dismissals for Title IX investigations is confusing and impractical. The proposed regulations offer no guidance or safe harbor for schools to offer parallel sexual harassment proceedings that do not comply with the detailed and burdensome procedural requirements set out in the proposed rules. Schools that did so would no doubt be forced to contend with respondents’ complaints that the

³³ 2011 Guidance

³⁴ *E.g.* Revised Code of Washington (28A.640.020 (2)(f)(iii)) “‘Sexual harassment’ ... means unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature if that conduct or communication has the purpose or effect of substantially interfering with an individual’s educational or work performance, or of creating an intimidating, hostile, or offensive educational or work environment.”; Seattle Public Schools Policy 3208: “Sexual harassment means unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact (including sexual assault), or other verbal or physical conduct or communication of a sexual nature between two or more individuals... Sexual harassment also includes dating violence and gender-based harassment. The latter may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.”

school had failed to comply with the requirements set out in the NPRM and thus violated respondents' rights.

2. It's not clear at all how much the proposed rules would result in cost savings for K-12 schools. Even if the new regulations deter families from seeking monetary relief through a Title IX private right of action, schools would still have liability risk under state non-discrimination statutes and tort laws.³⁵ In fact, when that legal avenue is closed, reporting parties would more likely pursue recourse through state and local laws, resulting in increased litigation costs for school districts.

Moreover, were the Department to approve the proposed rules, schools would face additional real costs in staff training, professional development, and legal consultation on policy changes. Money-strapped school districts simply do not have financial resources to implement the proposed rules.

3. The Department has not thought through the ramifications of its proposed rules on K-12 students, who are overwhelmingly minors, and who are protected under state and local laws that vary by jurisdiction. This promises to confound school administrators and staff who must wrestle with conflicting and overlapping requirements without the flexibility provided by the 2001 Guidance.

For example, every state has its own mandatory reporting law that require certain professionals, and in some cases all adults, to report suspected child abuse to law enforcement or child welfare agency. How will schools untangle staff responsibilities to report sexual harassment, including sexual assault as a mandatory reporter but not as a responsible employee as defined by the proposed rules?³⁶

All K-12 schools have anti-bullying policies, as required by state laws, which define a spectrum of bullying behaviors (hazing, cyberbullying, demeaning conduct) not limited to those that cause physical harm, and that could be verbal or non-verbal.³⁷ How does a school reconcile its reporting and investigation procedures for bullying with the sexual harassment grievance procedures mandated in the Department's proposed rules? What happens when the bullying overlaps with harassment based on sex?³⁸ If any staff can report on-campus bullying that triggers an administrative response, why must the school ignore sexual bullying unless it is reported by a responsible employee?

All states have age of consent laws, many of which include close-age ("Romeo and Juliet") exemptions.³⁹ An 18-year-old high school student having sex with a 16-year-old sophomore might constitute criminal activity in one state but not another. In this case, were the reported sexual contact unwelcome, but not "severe" and "objectively offensive," must the school ignore it?

³⁵ Some states recognize that public schools have a special duty of care. *E.g.* 42 Wn.2d 316: "The relationship between a school district and its pupils places upon the school district the duty to take certain precautions to protect the pupils in its custody from dangers reasonably to be anticipated." *See*: <http://courts.mrsc.org/supreme/042wn2d/042wn2d0316.htm>.

³⁶ NPRM § 106.30. The proposed rules do not define which K-12 school staff have "authority to institute corrective measures."

³⁷ Research shows that among middle school students, bullying perpetration predicts sexual violence perpetration. *See* Espelage, D, et al., Longitudinal Examination of the Bullying-Sexual Violence Pathway across Early to Late Adolescence: Implicating Homophobic Name-Calling, *J Youth Adolesc.* 2018 Sep; 47(9): 1880–1893. Available online at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6098975/>.

³⁸ The 2010 Guidance reminds recipients to review their bullying policies with respect to overlapping federal nondiscrimination requirements.

³⁹ *See*: <https://www.ageofconsent.net/states>.

High school students are enrolling in college courses at an increasing rate.⁴⁰ Suppose a high school junior or senior is sexually assaulted at a post-secondary institution they attend. Would they be subjected to a required live hearing with cross-examination because the incident occurred at a college?⁴¹ Had the assault occurred at their high school, why would they be subject to a different grievance process? What if the sexual assault that a high school student experienced at the college had repercussions that limited that student's educational opportunity in high school or in both locations?

We find it unimaginable to subject an elementary school student to a quasi-criminal investigative procedure as described in the proposed rules.⁴² A live cross examination would create unfair inequities if one party can afford an attorney and the other cannot. Why must school districts have to train or hire personnel to facilitate and monitor a live hearing and ensure appropriate participation and presentation of evidence?

Summary

SSAIS hears regularly from families across the county who express shock, dismay, and frustration that their elementary or secondary schools have failed to respond promptly, equitably, and compassionately to reported sexual harassment that prevents their students from enjoying the same academic and extracurricular activities other students enjoy. They feel bewildered and betrayed by the institution to whom they have entrusted their children's safety, well-being, and academic growth.

By proposing the regulations in the NPRM, the Department is taking precisely the wrong approach. The solution to K-12 schools mishandling sexual harassment complaints isn't regulatory, but educational.

We strongly urge the Department to withdraw the NPRM and instead offer school districts training and technical assistance, amplifying its 2001 guidance, which addressed due process, freedom of speech, confidentiality, and proactive measures as they apply to Title IX. It's imperative that all school staff have fair and effective Title IX guidance so we can stop the cycle of sexual harassment and assault in K-12 schools, colleges, the workplace and beyond.

Thank you for the opportunity to submit comments on the NPRM.

Sincerely,



Joel Levin, Ph.D.
Director of Programs, Co-Founder
Stop Sexual Assault in Schools

Educating about sex discrimination and the right to an equal education free from sexual harassment. SSAIS is a 501 (c) (3) non-profit.

⁴⁰ In the 2010-2011 school year, 1.4 million or 10% of high school students took over two million college courses from post-secondary institutions nationwide. National Center for Educational Statistics, *Dual Enrollment Programs and Courses for High School Students at Postsecondary Institutions: 2010-11*, available at <https://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2013002>.

⁴¹ NPRM § 106.45(b)(3)(vi)-(vii).

⁴² *Id.*