

FREQUENTLY ASKED QUESTIONS

About Betsy DeVos + Title IX

I heard that Betsy DeVos recently held a controversial press conference. What did she say?

DeVos announced that she plans to roll back years of civil rights protections for students across the country. She's using a dry, procedural, and seemingly innocuous administrative process—called “notice and comment”—to launch what is an outright attack on students' civil rights.

Yikes. What's that mean for survivors?

Right now: nothing. Title IX is still the law of the land, *which means schools must still promptly and equitably investigate sexual harassment and assault.* (And college students are still entitled to their rights under the [Clery Act](#), too.) Schools receiving federal funds still must identify Title IX coordinators, publish a nondiscrimination policy, adopt grievance procedures, and investigate complaints. In

addition, schools must provide survivors the accommodations and support services, including counseling, they need in order to remain in school and learn. Students can learn more about their rights at knowyourIX.org.

DeVos claimed that the Obama Administration pressured schools to deny due process to students accused of sexual assault. Is that true?

No. To the contrary, Title IX and the Obama Administration's [Dear Colleague Letter](#), provide accused students more protections than arguably any other federal law—including the U.S. Constitution. For example, the Dear Colleague Letter and its sister guidance, the [2014 Questions and Answers](#), state that both the victim and the accused:

- “Must be afforded similar and timely access to any information that will be used at the hearing.”
- “Must have an equal

opportunity to present relevant witnesses and other evidence.”

- “If a school chooses to provide for an appeal of the findings or remedy or both, it must do so equally for both parties.”
- “If [a] school allows one party to be present for the entirety of a hearing, it must do so equally for both parties.”
- “If [a] school allows one party to cross-examine witnesses, it must do so equally for both parties.” Further, the DCL recommends that “the parties . . . submit questions to a trained third party (e.g., the hearing panel) to ask the questions on their behalf.” That's consistent with court's approaches.

If DeVos actually cared about accused students, as she purports, what would she do?

Enforce existing civil rights law. Given the wealth of procedural protections available under

FAQ CONTINUED

Title IX, when schools violate accused students' rights, the Education Department should enforce Title IX, not undermine it. Indeed, in 2016, the Obama Education Department did just that, [issuing a finding of noncompliance against Wesley College](#) for its failure to provide an accused student an opportunity to respond to the complaint against him.

DeVos made it sound like wrongful accusations occur at the same rate as rapes. Is that true?

No. That's a myth the DeVos team has peddled repeatedly. Though research places the rate of false accusations at 2-6%—the same rate as that of other crimes—DeVos's colleague, [Candice Jackson, told the New York Times that 90% of rape allegations were false](#). DeVos and her team have created a false equivalency between the prevalence of wrongful accusations (which are rare) and the prevalence of sexual assaults (one in five women, according to numerous studies), perpetuating the same old misogyny we've seen for centuries.

Wait, why do schools even handle sexual assault? Shouldn't the cops do that?

Rape is a crime, and students who report to their schools can also report to the police.

However, rape and other forms of gender-based violence can make it hard to show up to class and learn, and [federal antidiscrimination law](#) recognizes that. To make sure that all students, regardless of their gender identity and expression, have equal access to education, schools are required to prevent and respond to reports of sexual violence. This isn't a replacement for reporting to the police; it's a parallel option for survivors based in civil rights—rather than criminal—law. To learn more about schools' obligations under Title IX, visit [knowyourIX.org](#).

What can I do to help?

Glad you asked! Here are three steps allies can take today:

- 1. SIGN-UP** for our list [here](#).
- 2. SEND** the president of your university or alma mater a letter, urging him or her to commit to upholding existing protections for student survivors. We have a sample you can use [here](#).
- 3. SUPPORT** survivors. [Donate what you can to help us fight back](#).

