

[Name of Student Group/Rep.]

May XX, 2020

[Name of Administrator]

[Title of Administrator]

[School Address]

[School City, State]

To [insert name of school district superintendent] and members of the school board,

On May 6th, the Department of Education issued its Final Rule changing the Title IX obligations of all schools receiving federal funding. Consistent with the harmful rhetoric and anti-survivor ideology Secretary DeVos has brought to the Department, the Rule contains dangerous provisions that go against best practices, tip the scales against survivors, and jeopardize tens of thousands of K-12 students' civil right to an education free from discrimination.

This rule will have devastating consequences for K-12 students and their families. Specifically, the rule will require schools to only investigate the most extreme forms of harassment and assault, require schools to ignore most violence that occurs off campus, and allow needless delays in the completion of Title IX investigations. Altogether, these changes will discourage survivors from coming forward and utilizing the Title IX process at their schools, resulting in rampant sexual violence going unaddressed.

We, as students and community members, are calling on [INSERT SCHOOL DISTRICT NAME] to uphold the rights of all K-12 students in your district. Multiple sections within the rule give schools discretion to choose how policies are implemented. We urge [SCHOOL DISTRICT NAME] to commit to taking sexual violence seriously by choosing the options that would create the least harm for student survivors.

Below we have listed our call to the District, which asks for your clear commitment to maintaining the safest and fairest policies that are legal under the Final Rule.

We, students [AND ALUMNI?] of [INSERT SCHOOL DISTRICT NAME] call on the District to commit to:

- 1. Establishing the preponderance of the evidence as the standard of evidence in all sexual misconduct, harassment, and discrimination cases.** Preponderance of the

evidence is the only standard that values the education of both complainants and respondents equally.¹

2. **[Maintaining/establishing] a time limit of sixty calendar days for the completion of sexual misconduct, harassment, and discrimination case adjudications, with exceptions only for substantial extenuating circumstances.** Lengthy investigations are emotionally taxing on survivors, often causing students to drop-out before their cases are complete. Drawn-out timelines are bad for complainants and respondents alike, leaving them uncertain of where things stand with their schools.
3. **Continuing to respond promptly to reports of sexual misconduct and carrying out existing investigations into sexual misconduct during the global health crisis.** The new rule makes clear that Title IX processes may continue remotely in the face of the COVID-19 Pandemic, and the rights of student complainants and respondents alike hinge on schools' maintaining their commitment to prompt and equitable investigations even during these unprecedented times.
4. **Guaranteeing all students access to reasonable interim measures regardless of where or when the violence or discrimination they faced took place.** Students need access to accommodations as the effects of violence and discrimination are serious whether a student was harmed at school, at a weekend social event, or on their walk home.
5. **Creating and following sexual misconduct procedures for investigating instances of otherwise not covered off-campus violence and violence that occurs outside of the country.** While the rule does not allow formal Title IX investigations of some off campus violence, schools can still create separate sexual misconduct policies that ensure students can report off campus violence. Whether you are raped in your on-campus classroom or at a weekend birthday party, having to see your rapist in the hallway at school equally interrupts your education.
6. **Barring the use of informal resolution mechanisms including but not limited to mediation in cases of sexual assault, rape², dating and domestic violence, and stalking that is an extension of such violence.** It is widely agreed upon that mediation is an inappropriate and even unsafe measure in these types of situations.

¹ It is extremely disappointing that by mandating that schools adopt one standard of evidence for all campus cases, the Department of Education has placed us in opposition to our labor allies, many of whom have worked hard to secure a clear and convincing standard of evidence prior to dismissal under bargaining agreements. We are hopeful that the Department's rule can be struck down so that we are not forced to oppose the interests of unions in such a way.

² Barring mediation is in line with the [2001 Title IX Guidance](#) released by the Department of Education under the Bush administration.

7. Following the Department of Education's rescinded [2016 guidance](#) on protecting LGBTQ+ students in order to ensure all students have equal access to a safe learning environment, regardless of gender identity or sexual orientation.

We call on the school district to issue a written public statement declaring its commitment to these seven policies by **[INSERT DATE].**

As dedicated members of this community, we believe in holding our schools to the highest standards. With a federal government that is failing students, it is up to school districts to assume leadership in protecting the civil rights of K-12 students. We look forward to seeing **[INSERT SCHOOL DISTRICT NAME]** issue its public statement in the coming days.

With power,
The Undersigned