



California Women's Law Center Files Amicus Brief in Lawsuit Challenging Sec. DeVos Over Title IX Rule

(Los Angeles, CA) – Today, one week after Title IX's 48th anniversary, the California Women's Law Center (CWLC) filed an amicus brief in support of a lawsuit brought by eighteen attorneys general against the U.S. Department of Education challenging a rule that would strip away protections for students who experience sexual assault and gender-based harassment on school campuses.

Passed in 1972, Title IX prohibits sex discrimination in schools that receive federal funding. But the pervasive problem of sexual assault and harassment prevents many female students from accessing as many educational opportunities as male students.

This lawsuit responds to regulation changes released by the Department of Education on May 6, 2020. The new regulations remove important protections for survivors of sexual harassment and assault, and reduce schools' responsibility to investigate and respond to sexual violence. The lawsuit attempts to block the Final Rule from going into effect as scheduled on August 14, 2020.

In our amicus brief, we argue that the Department of Education's Final Rule will have damaging effects on those who experience gender-based harassment and violence. It will "fail to adequately respond to or reduce incidents of sexual harassment and violence in educational programs, will deter reporting, and will limit access to educational opportunities in direct contradiction to the purpose of Title IX." The Final Rule does this by:

- Creates a severely restricted definition of "sexual harassment," effectively moving large categories of sexual harassment outside the scope of the rule;
- Only requires schools to address sexual harassment that occurs on campus or in buildings or educational activities controlled by the school;
- Requires schools to facilitate live, often adversarial, cross-examination of survivors in sexual harassment proceedings and lifts the ban on voluntary mediation in these cases;
- Does not require postsecondary schools to do anything to address complaints of sexual harassment or assault unless the school has "actual notice" via a formal complaint to a handful of school authorities; and
- Requires schools to respond to reported harassment merely by being "not deliberately indifferent" to the complaint.

Betsy Butler, Executive Director of the California Women's Law Center, says, "Students who experience sexual assault often miss class, struggle with school work, or drop out in attempt to avoid their assailants and cope with the trauma. The physical, emotional, and economic impacts of sexual assault and harassment can affect women throughout their lives. We know that one in

five women are sexually assaulted on campus, and far too often assault and harassment go unreported. If allowed, this new regulation will roll back a decade of progress and will impact students' ability to seek justice. Ultimately, it prevents women from accessing the educational opportunities they are entitled to under Title IX.

To read our full amicus brief, visit cwlc@cwlc.org.

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For over 30 years, the California Women's Law Center (CWLC) has been a champion in the pursuit of justice for women and girls. CWLC works to break down the barriers and advances the potential of women and girls in California through transformative litigation, policy advocacy, and education. Since 1989, CWLC has advocated for and achieved policy change on a wide range of issues affecting gender discrimination and equality, Title IX enforcement, women's health and reproductive justice, economic security, and violence against women.