

**June 26, 2020**

**ATTORNEY GENERAL RAOUL OPPOSES RULE THAT WEAKENS PROTECTIONS FOR SURVIVORS OF SEXUAL VIOLENCE IN SCHOOLS**

***Federal Regulations Force Schools to Implement Burdensome New Requirements Amid COVID-19 or Risk Losing Federal Funding***

**Chicago** — Attorney General Kwame Raoul, along with 17 other attorneys general, today [sought to block implementation](#) of the U.S. Department of Education’s new Title IX rule, which weakens protections for survivors of sexual harassment and creates inequitable disciplinary proceedings for students from kindergarten through college.

Title IX prohibits sexual harassment in education programs and activities receiving federal funding. The department’s new rule narrows Title IX’s protections and undermines fair process by imposing onerous and unnecessary grievance procedures. Raoul and the attorneys general filed a motion for a preliminary injunction, or stay, to stop the rule from going into effect on Aug. 14. Raoul and the coalition argue that school resources are already stretched thin due to COVID-19, and the rule and its unreasonable timeframe for compliance threaten to inflict direct, immediate and irreparable harm to states and schools across the country by requiring schools to divert already-limited resources away from educating students.

“Survivors of sexual assault and sexual harassment should have wide access to protections and processes at their schools and universities,” Raoul said. “This rule will make it more difficult for survivors to learn and grow at their schools. I will work to ensure that survivors and schools have the resources and avenues they need to fight sexual assault.”

Title IX is a landmark law that is immensely important to states, students, families, teachers and their communities. For nearly 30 years, it has required schools that receive federal funding to provide students with an educational environment free from sexual harassment.

Despite the frequency of sexual harassment and its devastating effects on students, those subjected to harassment often refrain from reporting it. One national study found that only 12 percent of survivors in college and only 2 percent of female survivors ages 14 to 18 reported sexual assaults to their schools or the police. An even smaller fraction of survivors officially reported sexual harassment to a Title IX officer.

Students may often choose not to report for many reasons, but federal regulations should never be a barrier to survivors seeking relief — and that is what the new Title IX regulations do. For example, the new rules limit the geographic scope of investigating complaints and may require a higher burden of proof for schools to act on sexual harassment claims. The new rules also will prohibit the person who investigates any sexual harassment claims from being the person who decides whether the accused person is responsible. While many colleges have multiple staff members or entire departments dedicated to Title IX, many K-12 schools will have to hire additional staff or give additional responsibilities to staff who are already overworked. The new regulations also will force schools to comply with an unreasonable timeline and onerous requirements or face the prospect of losing federal funding at a time when the country’s education system can least afford it.

In the motion for preliminary injunction supported by more than 70 declarations from schools and state agencies, Raoul and the coalition assert that the new Title IX rule will cause immediate and irreparable harm to schools and students in several ways, including by:

- Improperly narrowing what constitutes sexual harassment, where the harassment must take place and who may submit complaints about it under Title IX.
- Unlawfully mandating that schools dismiss complaints that fall outside the interpretation of Title IX according to the new rule.
- Failing to address the unique circumstances of K-12 schools, unreasonably creating a one-size-fits-all approach.
- Setting an arbitrary effective date that directly impedes efforts by schools to address an ongoing health crisis.

Joining Raoul in filing this motion are the attorneys general of California, Colorado, Delaware, the District of Columbia, Massachusetts, Michigan, Minnesota, New Jersey, New Mexico, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, Washington and Wisconsin.