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ATTORNEY GENERAL RAOUL DEFENDS TITLE IX

New Regulations Force Schools To Accept Burdensome Requirements or Lose Federal Funding

Chicago — Attorney General Kwame Raoul today joined 17 attorneys general [in filing a complaint](#) against the Department of Education’s new restrictions to Title IX. The complaint is designed to stop new regulations from weakening protections for sexual assault and harassment victims, and block the creation of inequitable disciplinary proceedings — from kindergarten through college.

“Schools have a duty to protect students from sexual assault and harassment, but this regulation will restrict them from doing so in a time when resources are already thinly stretched,” Raoul said. “I oppose these new rules and will work to ensure that the civil rights of all students are protected.”

These new rules will force schools to use scarce resources for unnecessary hiring and implementation — distracting them from critical needs like remote learning and reopening plans for the fall.

Student sexual harassment is rampant within our schools. In grades 7-12, 56 percent of girls and 40 percent of boys are sexually harassed. In college, nearly two-thirds of both men and women will experience sexual harassment.

This chronic problem is vastly underreported and under-addressed, but instead of encouraging robust enforcement of Title IX’s antidiscrimination promise, the Department of Education has violated key protections by discouraging reporting and sowing confusion on campuses across the country.

In the complaint, Raoul and the attorneys general assert that the Department of Education’s new rule strips students of longstanding protections against sexual harassment in violation of Title IX’s mandate to prevent and remedy sex discrimination. The new rule also conflicts with federal and state statutes and Supreme Court precedent.

The rule will inhibit the reporting of sexual harassment, the complaint says, and make it harder for schools to reach fair outcomes as they investigate complaints.

Raoul and the coalition argue the new Title IX Rule will cause irreparable harm to primary, secondary, and postsecondary schools in Illinois and other states and the students they serve. Among other flaws, the department’s new regulations:

- Narrow the protections for students and others by redefining “sexual harassment” to exclude a broad spectrum of discriminatory conduct from Title IX’s reach, arbitrarily excluding incidents of sexual harassment based on where they occur and limiting when schools can respond to serious sexual misconduct.
- Require extensive and unnecessary new procedural requirements that will reduce the number of reports and investigations and undermine the ability of schools to provide a fair process to all students.
- Force schools to dismiss any reports of sexual harassment that happen outside the guidelines of the new rule, requiring schools to adopt parallel code of conduct provisions to keep their campuses safe. This will cause confusion and inhibit reporting.

- Demand schools make significant changes by mid-August in the midst of the COVID-19 pandemic. This will require schools to bypass the mechanisms that allow students, parents, faculty, staff, and community members to help shape important school policies.

Joining Raoul in filing the complaint 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.