

## Protect Title IX

### Background:

Title IX is a landmark federal civil rights law that is a portion of the Education Amendments of 1972 that prohibits sex discrimination in education programs that receive federal funding. It is currently under attack by conservative republicans. Title IX protects pregnant and parenting students, women in STEM, sexual harassment victims, those discriminated against based on gender, and sexual assault victims. For sexual assault victims Title IX is particularly crucial due to reports that one in four university students are victims of sexual assault at our nation's universities. While many high-profile sexual assault cases have taken place at the university level, high school and middle schools are also significantly impacted. Sexual harassment is pervasive at junior high and high school, per a study by the American Association of University Women. Girls were more likely to experience all forms of sexual harassment. Studies show 1 in 5 middle school students reported sexual harassment of a physical nature. There are nearly 300 Office of Civil Rights open investigations of alleged Title IX violations started under Obama.

Under the Obama administration, protections under Title IX were strengthened for sexual assault victims and transgender students. In 2010, a Department of Education "Dear Colleague" letter reminded administrators of their responsibilities, which include distinguishing between sexual harassment and general bullying. Vice President Biden in April 2011, issued a non-legal binding guideline on sexual harassment or violence, requiring institutions to conduct investigations and discipline on the preponderance of the evidence standard, rather than that of beyond reasonable doubt. In 2014 and 2016, non-legal binding guidelines were issued by the U.S. Department of Education stating that transgender students are protected from sex-based discrimination under Title IX. It instructed public schools to treat transgender students consistent with their gender identity in academic life.

The 2016 GOP platform stated that Obama had set out to "micromanage" universities' systems for addressing rape, and the OCR's "distortion of Title IX ... must be halted." The platform took even greater umbrage at the Department of Education's interpretation of Title IX as a prohibition of discrimination against transgender students. Unfortunately, in February 2017, the Departments of Justice and Education under the Trump Administration withdrew the guidance on gender identity issued by the Obama Administration. The current administration can choose to close the current open investigations or judge the results by a completely different set of benchmarks and cut funding for the Office of Civil Rights in the Department of Education.

**Therefore, be it resolved,** the 2017 Eighth District Democratic Convention affirms that:

1. Protections for transgender students should be reinstated and guidance issued, and investigations commenced by the Office of Civil Rights in the Department of Education should be continued per the current standards. Additionally, the OCR should be fully funded to ensure that all students in Virginia are protected so that they can attend public schools and universities safely and free of discrimination.
2. All K-12 and Virginia higher education institutions should advance and enforce the principles and legal standards of equality promulgated under Title IX.