

September 20, 2017



At Day One, we partner with youth to end dating abuse and domestic violence through community education, supportive services, legal advocacy and leadership development. Based in New York City, we focus our services on young people ages 24 and under, and we provide training to youth-serving professionals and other adults.

Many Students are also Dating/Sexual Violence Survivors

As an organization that works with young victims of dating violence, stalking and sexual violence, many of our clients are students. We believe that all students deserve a great education and to feel safe and welcomed in their classrooms. Student survivors should not have to choose between their right to an education and their right to be safe. When a school or a school district doesn't treat students fairly and allows discrimination, civil rights laws require the Department of Education to step in. In order to make sure that schools understand what the law requires of them, and to make sure that everyone understands the protections students have, regulations (or rules) and guidance have been developed over the past several years to clarify the law. We support our civil rights laws and these tools that help to make sure students receive the protections and supports they deserve.

All Students deserve a right to an education free from discrimination

Our education system has a long and troubled history of being unfair to too many students and communities. Title IX and other anti-discrimination laws protect students who identify as young women, LGBTQ, Black, Latinx, Asian American, Native American, immigrants, English learners, or students with disabilities. These students regularly face too many barriers to educational success. We believe the guidance issued by the Obama administration provides an essential baseline of protection that should not be diminished. We oppose any effort to rescind, modify or replace regulations and guidance that safeguard the civil rights of victims, students and others on the basis of gender, sex, sexual orientation, race, ethnicity, disability, or national origin.

We oppose the rescission of the 2011 Dear Colleague Letter ("DCL") that clarified schools' responsibilities to prevent and respond to gender-based violence under Title IX.

The 2011 DCL outlined steps that schools must take not only to protect survivors of gender-based violence, but also to protect the rights of the accused.

The Preponderance of the Evidence Standard adequately protects due process rights of all parties in the investigation of harassment and sexual violence. We take due process rights very seriously. We believe that due process is critical to seeking justice for our clients, many of whom are young people of color, queer identifying, with differing immigration statuses. We support the 2011 Dear Colleague Letter precisely because it ensured that all students, both victims and those accused, would have access to due process. The DCL affirmed students' rights to a fair and just system by outlining steps that schools should take to respond to gender-based violence while ensuring due process such as:

- Hiring a Title IX coordinator;
- Implementing and distributing the grievance procedures for filing complaints of sexual harassment or discrimination;
- Providing "adequate, reliable, and impartial investigation of complaints, including the opportunity for both parties to present witnesses and other evidence;"
- Allowing both parties timely and equitable access to any information that will be used at a hearing;
- Allowing both parties equal access to legal representation;
- Allowing both parties access to appeal any final decision;
- Requiring University staff involved in these proceedings to have training, and experience in handling complaints for sexual harassment and sexual violence.

The Department of Education is entrusted with the important goal of providing high-quality education to all students. We believe that rolling back protections for students experiencing discrimination harms not only those students, but our nation as a whole.