September 8, 2017

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Dear Assistant General Counsel Hilary Malawer,

I urge the Department of Education to put students first by maintaining all guidance on Title II, Title VI, and Title IX in its current form and preserving 34 C.F.R. pts. 1 thru 1299.

I served as a victim’s advocate on the Auraria Campus (encompassing The University of Colorado Denver, Metropolitan State University of Denver, and Community College of Denver) during the 2016-2017 school year and am a current graduate student on this campus. From my work with survivors of sexual assault/rape on campus, I can tell you that choosing to pursue a Title IX investigation (or simply to disclose an assault to even a friend) is not a decision easily made: survivors may face scrutiny, backlash, threats and re-traumatization for doing so, and this is on top of the trauma of rape/assault. There isn’t much to gain for these individuals when choosing to pursue an investigation, other than a sense of justice, even just a glimmer of it. Let’s not take away this option from survivors. Remember: the problem with the unfair and unmerited acts of sexual assault/rape is that someone is sexually assaulted/raped, and not that the perpetrator faces fair and merited consequences for raping/assaulting someone.

Every student deserves equal protection under the law to have an education free from discrimination, whether on the basis of sex, race, color, national origin, disability status, English proficiency, sexual orientation, or gender identity. Strong enforcement of Title II, VI and IX from the Department of Education is increasingly necessary. Please protect the civil rights of students by maintaining all existing guidance and regulations.

Sincerely,

Sara Lust