



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR

January 29, 2019

The Honorable Betsy DeVos
Secretary
United States Department of Education
400 Maryland Ave, SW
Washington, DC 20202

Dear Secretary DeVos:

As governor of Pennsylvania – and as a parent and grandparent – I write to express my deep concern regarding the U.S. Department of Education’s proposed regulations addressing K-12 and postsecondary institutions’ obligations to respond to allegations of sexual harassment and sexual assault under Title IX of the Education Amendments Act of 1972.

These proposed changes send a dangerous message that sexual harassment and sexual assault do not warrant action from our schools and campuses. If adopted, they would also undermine decades of progress built on the foundational understanding that schools have an obligation to effectively prevent and address gender-based discrimination, harassment, and violence to ensure that all students have equal access to a full education.

Since launching the first statewide *It’s On Us* program in the nation to address campus sexual violence in 2016, my administration has listened to and partnered with students and professionals who are on the front lines of this work – advocates, educators, administrators, law enforcement and campus safety officials, Title IX coordinators, and experts – to identify prevention and response efforts that help break down the formal and informal barriers that so many survivors face. I’m proud that Pennsylvania has invested nearly \$3 million in evidence-based programs on college and university campuses that create better systems and standards for sexual assault reporting and response.

These efforts were born from a simple premise: Sexual harassment, violence, and discrimination should not be part of any student’s education. Unfortunately, data suggest that these experiences are far too common, and often go unreported and unaddressed:

- Nearly 20 percent of girls between the ages of 14 and 17 experience sexual assault.¹
- More than one in five women and one in 20 men experience sexual violence during their college years.²
- One in three adolescents will experience dating violence.³
- One in four students who are sexually assaulted drop out of school.⁴

¹ David Finkelhor et al., *Children’s Exposure to Violence: A Comprehensive National Survey*, U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, October 2009.

² [Campus Sexual Violence: Statistics](#), RAINN.

³ Dorothy L. Espelage, et al., “Bullying, Sexual, and Dating Violence Trajectories From Early to Late Adolescence,” U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, April 2014.

⁴ Michelle V. Porche et al., “Childhood Trauma and Psychiatric Disorders as Correlates of School Dropout in a National Sample of Young Adults,” *Child Development*, May 2011.



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These statistics are deeply troubling and a call to action for educators, community members, and leaders entrusted with ensuring the safety and well-being of all students.

In recent years, survivors of sexual harassment and sexual assault have bravely stepped forward to share their stories and demand change. However, for every survivor that makes that choice, there are many more who keep quiet, concerned they will not be believed, or that speaking up could lead to more harm than good.

The Department's proposed rules would make an already impossible choice more impossible. They would further disincentivize, and in many ways prohibit, decisions and actions taken by our education systems – both K-12 and postsecondary – to do right by students and communities. And they would restrict our educational institutions' ability to meaningfully address violence, harassment, and discrimination that force too many of our young people to ask the question: do I want to feel safe, or do I want to stay on track with my education? By creating a system where sexual violence is more narrowly defined and even more difficult to report, the Department would help to continue a dangerous cycle of silence and violence that endangers the health and well-being of millions of students.

Pennsylvania has long been a place where we demand more from our institutions of learning to ensure the safety of students. In 1988, the commonwealth became the first state in the nation to require that higher education institutions develop policies and procedures to prevent and address violent crime – including sexual assault – and other safety concerns on campus. Two years later, the federal *Jeanne Clery Act* – named in memory of a Pennsylvania student who was raped and murdered in her dorm room – was signed into law by President George H.W. Bush, extending those requirements to all postsecondary institutions across the country. The law would later expand to include explicit rights for campus sexual assault victims, as well as survivors of dating violence, domestic violence, and stalking.

These protections did not come easily – they were the result of hard-fought battles, personal sacrifice, and tireless advocacy on the part of victims of crime and their families who demanded more from elected officials and from those leading education institutions to move from a place of “that is not our role” to an understanding that we cannot separate the impacts of violence on the ability of students to access the opportunities that education provides.

By proposing to eliminate many of the tools and approaches that have chipped away at longstanding challenges of underreporting and unsafe climates that permit sexual violence, harassment, and discrimination to take place, the U.S. Department of Education will effectively take us back to a time where these issues were hidden away, unacknowledged and unaddressed.

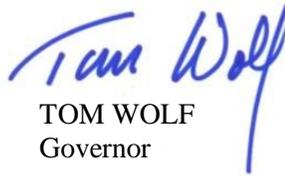
We cannot go back. We cannot tell survivors that they cannot be helped unless their victimization fits narrowly-defined criteria, or unless they are willing to undertake the significant burden of a prescribed disciplinary process that prioritizes unfounded fears over evidence-based concerns for individual and collective safety and well-being.



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I strongly urge the Department to reconsider its proposed rulemaking and encourage members of Congress to explore ways to strengthen our laws to ensure all educational environments are places where students can come forward and access the rights, resources, and supports they deserve, and that Title IX should guarantee.

Sincerely,

A handwritten signature in blue ink that reads "Tom Wolf".

TOM WOLF
Governor

cc: Pennsylvania Congressional Delegation