

United States Senate

WASHINGTON, DC 20510

June 30, 2017

The Honorable Betsy DeVos
Secretary of Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Secretary DeVos-

We write to share our concerns with recent reports that the Department of Education Office of Civil Rights (OCR) has moved to limit current and future investigations. As reported by ProPublica, Acting Assistant Secretary for Civil Rights Candice Jackson has informed Regional Directors for OCR of changes that we believe will hinder the Departments ability to enforce Title IX of the Education Amendments Act of 1972 especially as campus sexual assault is concerned.

Ms. Jackson's decision allows regional administrators to use broad discretion when determining what past information is relevant to an investigation and will no longer require OCR to review complaints they receive for the potential of a systemic problem, if such a systemic problem is not specifically alleged in the complaint. We have seen through our work on this issue that often if a school fails to protect students from sexual assault or mishandles an incident of sexual assault that this is rarely an isolated case on that campus. Far too often, when cases of mismanagement are brought to light, it is part of a larger pattern that includes a campus climate where victims are afraid to come forward and the institution has systemically discouraged reporting and failed to prevent these crimes. OCR's decision to only address the specific complaint fails to protect all students as required by Title IX.

The Department has defended this move as a way to clear the current backlog of cases that the Department of Education faces. While we acknowledge that the current backlog needs to be addressed, limiting investigations is not the correct approach. Moreover, if the goal is to clear the current backlog, then it would appear the Administration's FY 2018 budget, which requested fewer resources for the Office of Civil Rights at the Department of Education and under the Departments own estimate would decrease the investigations staff by over 40 employees, would only exacerbate the backlog.

The goal of the OCR must be to protect students and ensure that they are provided a safe and equitable educational experience. We believe that limiting investigations into campus sexual assault is an improper way to clear the current backlog and does not uphold the Department's responsibility to enforce Title IX. We look forward to working with the Department and our Congressional colleagues to ensure that adequate resources are provided as a way to clear the

current backlog and hope that the Department of Education will reverse its decision to limit the scope of investigations.

Sincerely,



Senator Claire McCaskill



Senator Kirsten Gillibrand