

July 20, 2017

U.S. Department of Education
Acting Assistant Secretary for Civil Rights Candice Jackson
400 Maryland Avenue SW
Washington, D.C. 20202

Dear Assistant Secretary Jackson,

Last week, the *New York Times* reported your baseless remark that “90 percent of [campus gender violence reports] fall into the category of ‘we were both drunk,’ ‘we broke up, and six months later I found myself under a Title IX investigation because she just decided that our last sleeping together was not quite right.” As Acting Assistant Secretary for Civil Rights, you are charged with protecting students from discrimination, including sexual harassment. Yet your comments promoted a sexist and dangerous rape myth that has no place in our schools or our federal government.

In the face of public outcry, you issued an apology, acknowledging that your comments were “flippant.” But the problem with your remark was not its tone but its substance, which you have yet to disavow. As advocates for student survivors, we are gravely concerned that rape myths like the one you articulated to the *Times* will motivate your office’s policies. Stereotypes like the one you repeated have long fueled skepticism of rape victims by courts, communities, and, yes, schools. Your job as Acting Assistant Secretary for Civil Rights is to reject such myths loudly and repeatedly, not reinforce them, as you did last week. In doing so, you undermined students’ faith in your office and used your bully pulpit to broadcast a destructive and inaccurate message.

Further, in your apology you claimed the invented, false statistic you presented was based on “feedback from cases involving accused students.” We urge you to base your policies not on stories from one set of interested parties but on data and the experiences of all affected students.

The data is clear: sexual violence is widespread on college campuses and false reports are rare. In 2016, the U.S. Department of Justice conducted a climate survey on several campuses to find that an average of 24% of transgender and gender non-conforming students, 23% of female students, and 6% of male students are sexually victimized on campus. This study replicated the findings of federal research conducted in 2007 and 2000. Additionally, a meta-analysis has shown false reports are extremely rare, constituting only 2-8% of complaints.

Survivors’ stories confirm these startling statistics. To fully understand the range of victim experiences, needs, and concerns, we urge you and Secretary DeVos to speak with survivors across the country, not just the handful of young people with whom you spoke for 90 minutes

last week in Washington. We hope and expect that these conversations, and not only those with accused students, will inform your policies.

The following coalition of organizations and advocates demands that you publicly reject the invented statistic you dangerously shared; pledge that the Office for Civil Rights will not promote rape myths; and travel with Secretary DeVos to meet with the student survivors whom you are charged to protect.

Sincerely,

National Women's Law Center

Joined by:

Advocacy & Resource Center

ALAS

American Association of University Women (AAUW)

Americans for Democratic Action (ADA)

Atlanta Women for Equality

Break the Cycle

Champion Women

Clearinghouse on Women's Issues

Colorado Coalition Against Sexual Assault

Crisis Intervention Service

California Women's Law Center

Center for American Progress

DC Coalition Against Domestic Violence

Domestic Violence Intervention Program

Equal Rights Advocates

Family Resources - SafePath Survivor Resources

Family Resources, Inc.

Feminist Majority Foundation

FOCUS, Inc.

The Fremont County Alliance Against Domestic Violence and Sexual Assault

Generation Progress

Girls Inc.

Harvard Law School Gender Violence Program

Human Rights Campaign

Indiana Coalition to End Sexual Assault

Iowa Coalition Against Sexual Assault

Know Your IX

Lambda Legal
Latinas Unidas Por Un Nuevo Amanecer (L.U.N.A.)
Lawyers' Committee for Civil Rights Under Law
The Leadership Conference on Civil and Human Rights
Louisiana Foundation Against Sexual Assault
Maryland Coalition Against Sexual Assault
National Alliance for Partnerships in Equity
National Alliance to End Sexual Violence
National Black Justice Coalition
National Center for Transgender Equality
The National Crittenton Foundation
National Education Association
National Women's Political Caucus
Nebraska Coalition to End Sexual and Domestic Violence
OCA - Asian Pacific American Advocates
Oregon Coalition against Domestic and Sexual Violence
People For the American Way
Project KnuckleHead
Public Justice
Riverview Center
Southwest Women's Law Center
Stop Sexual Assault in Schools
Sublette County Sexual Assault Family Violence Task Force
SurvJustice
Texas Association Against Sexual Assault
The Turning Point
Virginia Sexual and Domestic Violence Action Alliance
Women's Law Project
Wyoming Coalition Against Domestic Violence and Sexual Assault
YWCA USA