



January 30, 2019

The Honorable Ken Marcus
Assistant Secretary for Civil Rights
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

RE: ED Docket No. ED-2018-OCR-0064, RIN 1870-AA14, *Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance*

Dear Assistant Secretary Marcus:

On behalf of the 13 undersigned member organizations of the National Coalition for Women and Girls in Education (NCWGE), we join today to offer our views in response to the Department of Education's Notice of Proposed Rulemaking (NPRM) on Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, as published in the Federal Register on November 29, 2018. The 13 undersigned organizations are unified behind a mission to improve educational opportunities for women and girls and together remains a major force in the development and enforcement of national education policies, including Title IX of the Education Amendments of 1972. Today, we write to you to express our opposition to the Department's NPRM to amend the rules implementing Title IX of the Education Amendments of 1972 (Title IX) and urge the Department to withdraw the proposal.

The 13 undersigned member organizations of NCWGE make up a diverse group of advocates and experts in the field. NCWGE strives to inform the public about critical equity issues affecting women and girls in education, monitor the enforcement and administration of legislation, and publish research and analysis on issues concerning equal rights for women and girls in education. Every five years, NCWGE produces a report on the impact of Title IX and issues recommendations in six areas covered by Title IX: science technology engineering and math (STEM), career and technical education (CTE), athletics, sexual harassment and assault, single-sex education, and the rights of pregnant and parenting students. Its most recent report also weighed in on the importance of Title IX Coordinators and their role to ensure gender equity in education. Through its work, NCWGE seeks to inform and advocate for policies that will promote equal education opportunity for all students.

NCWGE and its members are positioned to provide both historical and legislative context on Title IX in opposition to the Department's harmful proposed rule. NCWGE was formed in 1975 by representatives of national organizations concerned about the government's failure to issue regulations implementing Title IX of the Education Amendments of 1972. NCWGE was successful in mobilizing strong support, resulting in the publication of the 1975 Title IX regulations by the Department of Health, Education, and

Welfare (now the Department of Education). In 2003, NCWGE led a campaign in opposition to the final report findings and recommendations on Title IX authored by the Commission on Opportunity in Athletics. NCWGE opposed the Commission's devastating report recommendations because they included regulatory changes that would have gut Title IX athletics policies and reduce athletic opportunities and scholarship dollars to which women and girls are legally entitled. Backed by the diversity and strength of its member organizations, the coalition led a wave of grassroots activities and [implemented](#) an aggressive strategy both nationally and in states to educate as well as advocate against the harmful recommendations weakening Title IX. These efforts ignited and mobilized a groundswell of activities challenging the flawed and destructive proposals released by the Secretary's commission.

In September 2017, NCWGE [wrote](#) to Secretary DeVos opposing any efforts by the Administration to repeal, replace, or modify any of Title IX's regulations or guidance documents pursuant to Executive Order 13777, with particular attention to the following issue areas: sexual harassment and assault, career and technical education, science, technology, engineering, and math (STEM), athletics, protecting the rights of pregnant and parenting students, and maintaining guidance for Title IX Coordinators. We also urged the U.S. Department of Education to maintain rigorous enforcement of these particular provisions.

Since Congress passed Title IX, schools have made significant strides in providing equal access to education, including adequately and equitably addressing sexual harassment, and any efforts to weaken the implementation of this critical law will counter any advances to ensure equity in education. Today despite the fact that women make up a majority of undergraduate students on college campuses, barriers to education still exist. The proposed rule would make it harder for students who experience sex discrimination, specifically sexual harassment or violence, to come forward and receive the support and remedies they need. The proposed rule would return schools and students back to a time where rape, assault, and harassment were swept under the rug by schools. This rule eliminates critical responsibilities required of schools to meet their Title IX obligations. Most importantly, this rule demonstrates the Department's disregard for protecting survivors' rights to access education, a willingness to ignore sexual harassment, including sexual assault, and a failed attempt at keeping students safe. For these reasons as well as those listed below, NCWGE urges the Department to withdraw the proposed rule:

- 1. The proposed rule fails to fully acknowledge and respond to the prevalence and realities of sexual harassment in schools.**

Sexual harassment and assault are forms of sex discrimination that negatively affect students' well-being and their ability to succeed academically. A study by the American Association of University Women (AAUW) found that 56 percent of girls and 40 percent of boys in grades 7 through 12 face sexual harassment. Of that number, 87 percent said it had a negative effect on them.¹ Additionally, a report by the National Women's Law Center (NWLC) revealed that historically marginalized and underrepresented groups are more likely to experience sexual harassment than their peers: 56 percent of girls ages 14-18 who are pregnant or parenting are kissed or touched without their consent;² more than half of LGBTQ students ages 13 through 21 are sexually harassed at school; and nearly 1 in 4 transgender and gender-nonconforming students are sexually assaulted during college; and students with disabilities are 2.9 times more likely than their peers to be sexually assaulted. Despite these figures, a recent analysis of the 2015-16 Civil Rights Data Collection (CRDC) from 96,000 public and public charter P-12 educational institutions conducted by AAUW identified that more than

three-fourths (79 percent) of the 48,000 public schools with students in grades 7-12 disclose zero reported allegations of harassment or bullying on the basis of sex.³ The vast majority (89 percent) of 11,000 college and university campuses failed to disclose even a single reported incident of rape in 2016, despite numerous studies showing that rape is common on campuses.⁴ Such underreporting may be due to individual student fears of reporting to school authorities or law enforcement; procedural gaps in how institutions record or respond to incidents; a reluctance on the part of institutions to be associated with these problems or a combination of factors. Despite the reasons, students deserve, and the law requires, a process that will accurately monitor, disclose, and diligently respond to sexual harassment and assault. The proposed rule fails to address those problems while placing additional burdens on victims that would further dissuade students from coming forward to ask their schools for help.

For these reasons, the proposed rule must be withdrawn to ensure that students can continue to expect their schools to take action when sex discrimination occurs, as Title IX demands.

2. The proposed rule allows schools to ignore sexual harassment and violence and discourages students from coming forward.

The proposed rule would require schools to dismiss some reports of sexual harassment and take little to no action on others. First, the proposed rule narrows the definition of sexual harassment, requiring students to endure repeated incidents before schools must take action. The Department's 2001 guidance defines sexual harassment as "unwelcome conduct of a sexual nature."⁵ The proposed rule would limit the definition of sexual harassment to "unwelcome conduct on the basis of sex that is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the [school's] education program or activity" and mandates dismissal of complaints of harassment that do not meet this standard.⁶ The Department of Education justifies this change by citing "academic freedom and free speech," but sexual harassment is not free speech, particularly when it creates a hostile environment limiting students' ability to participate in or benefit from a school program or activity.⁷ The change in definition would have real consequences that would result in students being forced to put up with escalating levels of sexual harassment without being able to ask their schools for help. This change is contrary to Title IX's requirement that education be free from sex discrimination - not that students must suffer escalating discrimination before schools take action.

The proposed rule also requires schools to dismiss complaints of sexual harassment and violence that occur outside of a school activity, even if that harassment or violence impacts a student's education by creating a hostile environment.⁸ Studies indicate that nearly 9 in 10 college students live off campus and 41 percent of college sexual assaults involve off-campus parties.⁹ Furthermore, only 8 percent of all sexual assaults occur on school property.¹⁰ Any attempt to ignore sexual harassment or violence that occurs outside of a school activity is out of touch with students' experiences and harmful to their ability to stay in school. Title IX's statutory language does not make demands on where the underlying conduct occurred, but rather prohibits discrimination that excludes a person from participating in education, denies a person the benefits of education, and subjects a person to discrimination under any education program or activity.

To understand why it is crucial to maintain the recognition that Title IX can require schools to respond to out-of-school harassment, including sexual assault, one only need to look at the Department's own recent decision to cut off partial funding to the Chicago Public Schools for failing to address two reports of out-of-school sexual assault, which the Department described as "serious and pervasive violations under Title IX."¹¹ In one case, a tenth-grade student was forced to perform oral sex in an abandoned building by a group of 13 boys, eight of whom she recognized from school. In the other case, another tenth-grade student was given alcohol and sexually abused by a teacher in his car. If the proposed rules become final, school districts would be required to dismiss similarly egregious complaints simply because they occurred off-campus outside a school program, even if they result in a hostile educational environment.

The proposed rule also reduces which employees have an obligation to act on sexual harassment and violence reports from students. Schools would now only be required to act if they had "actual knowledge" of sexual harassment by Title IX coordinators or officials with the "authority to institute corrective measures." In the case of K-12 students and peer-on-peer harassment, a school would also be required to act if a teacher had knowledge. This is a change from the long standing approach of schools and the Department to ensure that action is taken if almost any school employee either knows about or reasonably should have known about sexual harassment that occurred.¹² The proposed rule limits the ability of students to get help from someone they trust, which means that schools would only be responsible for addressing sexual harassment and violence if certain, specific officials are aware of it. In many instances this would mean that even after students find the courage to talk to the school employees they trust about their experiences with sexual harassment or violence, schools would have no obligation to respond. In addition, students who are not informed about which employees have the authority to address harassment could expect to report an incident only to see nothing happen. The list of school officials who would not have to respond to reports of sexual harassment and violence would be long under the new rule, and students would be left to navigate a confusing set of parameters simply to find someone to help.

For these reasons, the proposed rule must be withdrawn to ensure that students can continue to expect their schools to take action when sex discrimination occurs, as Title IX demands.

3. The proposed rule requires a process that makes it harder for students to come forward when they experience sexual assault or harassment.

Research shows that only 12 percent of college survivors and 2 percent of girls ages 14-18 report sexual assault to their schools or the police for fear of reprisal.¹³ This is often because they believe their abuse was not important enough or because they think that no one would assist.¹⁴ Underrepresented students, including students of color and undocumented students, LGBTQ students, and students with disabilities, are less likely than their peers to report due to increased risk of being subjected to police violence and/or deportation. For these students, schools are often the only avenue of relief to feel safe in school and to continue to have access to education. Title IX requires schools to provide a fair process to *all* students. Yet contrary to its intent, the Department's proposed rule fails to provide the guidance necessary for schools to close Title IX investigations expeditiously and fairly so students can continue learning. When schools fail to provide effective responses, the impacts on the students could have devastating consequences.

Current Title IX regulations require schools to “adopt and publish grievance procedures that provide for a prompt and equitable resolution of student and employee complaints” of sexual misconduct.¹⁵ The proposed rule includes provisions that would allow schools to conduct their grievance procedures in a fundamentally inequitable way that disproportionately favors respondents. The rule claims to seek to increase protections of respondents’ “due process rights” as justification for weakening Title IX protections for survivors. The proposed rule incorrectly suggests that the recommendations and requirements in current and rescinded guidance documents issued by the Department addressing sexual harassment in schools are in conflict with the Constitution.¹⁶ In fact, the current Title IX regulations and guidance provide more rigorous due process protections than are required under the Constitution.¹⁷ Moreover, in keeping with Title IX’s equitable approach, the Department’s 2001 Guidance instructed schools to protect the “due process rights of the accused.”¹⁸ No additional new protections are necessary, particularly rules that would weaken protections for students and employees who have experienced sexual harassment. Title IX exists because schools can provide most of the protections and accommodations that survivors need and deserve to ensure equal access to education and efforts to weaken this through the proposed rule disproportionately shifts the frame of the protections.

One way that the proposed rule requires some schools to respond to sexual harassment and violence in an inequitable way is by imposing an unfair standard of “clear and convincing evidence” on some disciplinary proceedings. This is a deviation from what was the Department’s long standing practice that schools use the “preponderance of the evidence” standard. The preponderance standard is the only standard of proof that treats both sides equally, which is consistent with Title IX’s requirement that grievance proceedings be equitable. Moving away from an equitable approach is not only inappropriate, it also has the effect of discouraging students from coming forward knowing that the process will be tilted against them and in favor of their harasser. It also violates Title IX’s requirement to resolve all complaints in an equitable manner. It is worth noting that the proposed rule’s use of a higher standard with regards to reports of sexual harassment only reaffirms inappropriate stereotypes that assume survivors are more likely to lie about sexual assault when compared to their counterparts who face other disciplinary violations.¹⁹ The Department notes the “stigma” those accused of sexual harassment and violence face, but fails to note the stigma and consequences those to experience sexual harassment and violence face in coming forward. Both students have an equal interest in pursuing their educations.

The proposed rule also demands that schools set up hostile and confrontational hearing process as well as adversarial and contentions cross-examination, without necessary procedural protections, that would further traumatize students who seek help under Title IX. The proposed rule would allow K-12 schools to use this process, even when children, who are likely to be easily intimidated under hostile questioning by an adult, are complainants and witnesses. The adversarial and contentious nature of cross-examination would further traumatize those who seek help through Title IX to address assault and other forms of harassment—especially where the named harasser is a professor, dean, teacher, or other school employee. Being asked detailed, personal, and humiliating questions often rooted in gender stereotypes and rape myths that tend to blame victims for the assault they experienced would understandably discourage many students—parties and witnesses— from participating in a Title IX grievance process, chilling those who have experienced or witnessed harassment from coming forward.²⁰ The proposed rule would also prohibit the individual who experienced harassment from receiving procedural protections afforded to witnesses during cross-

examination in the criminal court proceedings. Schools would not be required to apply general rules of evidence or trial procedure,²¹ would not be required to make an attorney representing the interest of the complainant available to object to improper questions, and would not be required to make a judge available to rule on objections. The live cross-examination requirement would also lead to sharp inequities, due to the disproportionate ability of respondents to afford attorneys and complainants cannot.²²

The vast majority of courts that have reached the issue have agreed that live cross-examination is not required in public school disciplinary proceedings, as long as there is a meaningful opportunity to have questions posed by a hearing examiner.²³ The Department itself admits that written questions submitted by students or oral questions asked by a neutral school official are fair, effective, and wholly lawful ways to discern the truth in K-12 schools,²⁴ and proposes retaining that method for K-12 proceedings.

These reasons further demonstrate why the proposed rule must be withdrawn to ensure that students can continue to expect their schools to take action when sex discrimination occurs, as Title IX demands.

4. The proposed rules fail to account for the significant costs inflicted on students who experience sexual assault or other sexual harassment, in violation of Executive Order 12866.

Executive Order 12866 requires agencies to assess all costs and benefits of a proposed rule “to the fullest extent that these can be usefully estimated.”²⁵ However, the Department failed to identify any costs of the proposed rules to students or employees who experience sexual harassment and failed to recognize that the proposed rules would not reduce costs but simply shift expenses from schools to victims of sexual harassment. In fact, as written, the proposed rules would allow bad actors to engage in repeated and persistent harassment with impunity, thereby increasing the underlying rate of harassment and its associated costs to those who experience it.

Sexual assault inflicts enormous costs on survivors. A single rape can cost a survivor between \$87,000 and \$240,776.²⁶ Survivors are also three times more likely to suffer from depression, six times more likely to have post-traumatic stress disorder (PTSD), 13 times more likely to abuse alcohol, 26 times more likely to abuse drugs, and 4 times more likely to contemplate suicide.²⁷ The lifetime costs of intimate partner violence, which can constitute sexual harassment in educational settings, including related health problems, lost productivity, and criminal justice costs, can total \$103,767 for women and \$23,414 for men.²⁸ The Centers for Disease Control and Prevention estimates that the lifetime cost of rape is \$122,461 per survivor, resulting in an annual national economic burden of \$263 billion and a population economic burden of nearly \$3.1 trillion over survivors’ lifetimes.²⁹ More than half of this cost is due to loss of workplace productivity, and the rest due to medical costs, criminal justice fees, and property loss and damage.³⁰ About one-third of the cost is borne by taxpayers.³¹ None of these costs, nor the significant costs to those suffering sexual harassment short of sexual assault, are mentioned in the rulemaking docket.

The Department also ignores the specific costs that students face when they are sexually assaulted. Although it acknowledges that 22 percent of survivors seek psychological counseling, 11 percent

move residence, and 8 percent drop a class, it declined to analyze whether the proposed rules would detrimentally affect student survivors' need to access mental health services, seek alternative housing, or withdraw from a course or from school.³²

The Department also failed to calculate any other incremental costs to those who experience sexual harassment, such as medical costs for physical and mental injuries, lost tuition and lower educational completion and attainment for those who are forced to withdraw from a class, change majors, or drop out, because their school refused to help them, lost scholarships for those who receive lower grades as a result of sexual violence or other sexual harassment; and defaults on student loans as a result of losing tuition and/or scholarships.

Each of these omissions is a violation of Executive Order 12866. The proposed rule failed to calculate the harm to those affected by sexual harassment and for this reason, among others, should be withdrawn in full.

Students deserve, and the law requires, a Department of Education that is working to protect all students from discrimination and to provide for equal educational opportunity. The rule fails to protect students who experience sex discrimination, specifically sexual harassment or violence. For all the above reasons, the proposed rule must be withdrawn to ensure that students can continue to expect their schools to take action when sex discrimination occurs, as Title IX demands. If you have any questions, please contact Pam Yuen, senior government relations coordinator at the American Association of University Women (AAUW) at yuenp@aauw.org.

Sincerely,

American Association of University Women (AAUW)
Champion Women
Feminist Majority Foundation
Girls Inc.
National Alliance for Partnerships in Equity
National Education Association
National Organization for Women
National Women's History Alliance
National Women's Law Center
National Women's Political Caucus
Society of Women Engineers
Stop Sexual Assaults in Schools
YWCA USA

¹ CATHERINE HILL & HOLLY KEARL, AAUW, CROSSING THE LINE: SEXUAL HARASSMENT AT SCHOOL (2011), www.aauw.org/research/crossing-the-line.

² KELLI GARCIA & NEENA CHAUDHRY, NATIONAL WOMEN'S LAW CENTER, LET HER LEARN: STOPPING SCHOOL PUSHOUT FOR GIRLS WHO ARE PREGNANT OR PARENTING (2017), https://nwlc-ciw49tixgw51bab.stackpathdns.com/wp-content/uploads/2017/04/Final_nwlc_Gates_PregParenting.pdf.

³ Kevin Miller, *Schools Are Still Underreporting Sexual Harassment and Assault*, AAUW (Nov. 2, 2018), <http://www.aauw.org/article/schools-still-underreporting-sexual-harassment-and-assault/>.

⁴ *Id.*

⁵ U.S. DEP'T OF EDUC., OFFICE FOR C. R., REVISED SEXUAL HARASSMENT GUIDANCE: HARASSMENT OF STUDENTS BY SCHOOL EMPLOYEES, OTHER STUDENTS, OR THIRD PARTIES (2001), <https://www2.ed.gov/about/offices/list/ocr/docs/shguide.html>.

⁶ Nondiscrimination on the Basis of Sex in Education or Activities Receiving Federal Financial Assistance, 83 Fed. Reg. 61496 (proposed Nov. 29, 2018) (to be codified at 34 C.F.R. §106.30)[hereinafter *NPRM*].

⁷ See *Tinker v. Des Moines*, 393 U.S. 503, 513, 514 (1969) (school officials can regulate student speech if they reasonably forecast “substantial disruption of or material interference with school activities” or if the speech involves “invasion of the rights of others.”).

⁸ *NPRM*, *supra* note 7 at 83 Fed. Reg. 61496 (to be codified at 34 C.F.R. §106.30); *id.* at 83 Fed. Reg. 61474–77 (to be codified at 34 C.F.R. §106.45(b)(3)).

⁹ Rochelle Sharpe, *How Much Does Living Off-Campus Cost? Who Knows?*, N.Y. TIMES, Aug. 5, 2016, <https://www.nytimes.com/2016/08/07/education/edlife/how-much-does-living-off-campus-cost-who-knows.html>.

¹⁰ *Scope of the Problem: Statistics*, RAINN, <https://www.rainn.org/statistics/scope-problem>.

¹¹ See David Jackson et al., *Federal officials withhold grant money from Chicago Public Schools, citing failure to protect students from sexual abuse*, CHICAGO TRIBUNE (Sept. 28, 2018), <https://www.chicagotribune.com/news/local/breaking/ct-met-cps-civil-rights-20180925-story.html>.

¹² *Davis v. Monroe County Bd. Of Ed.*, 526 U.S. 629, 639 (1999).

¹³ *Poll: One in 5 women say they have been sexually assaulted in college*, WASH. POST, June 12, 2015, <https://www.washingtonpost.com/graphics/local/sexual-assault-poll/>.

¹⁴ *Campus Sexual Violence: Statistics*, RAINN, <http://www.rainn.org/statistics/campus-sexual-violence>.

¹⁵ 34 C.F.R. 106.8(b) (2018).

¹⁶ U.S. DEP'T OF EDUC. OFF. FOR C.R., SEX DISCRIMINATION: POLICY GUIDANCE (Sept. 25, 2018), <https://www2.ed.gov/about/offices/list/ocr/frontpage/faq/rr/policyguidance/sex.html>.

¹⁷ U.S. DEP'T OF EDUC., OFF. FOR C. R., REVISED SEXUAL HARASSMENT GUIDANCE: HARASSMENT OF STUDENTS BY SCHOOL EMPLOYEES, OTHER STUDENTS, OR THIRD PARTIES, 22, (2001), <https://www2.ed.gov/about/offices/list/ocr/docs/shguide.html>.

¹⁸ *Id.*

¹⁹ Proposed rule § 106.45(b)(4)(i) permits schools to use the preponderance standard only if it uses that standard for all other student misconduct cases that carry the same maximum sanction and for all cases against employees. This is a one-way ratchet: a school would be permitted to use the higher clear and convincing evidence standard in sexual assault cases, while using a lower standard in all other cases. *NPRM*, *supra* note 7 at 83 Fed. Reg. 61477 (to be codified at 34 C.F.R. §106.45(b)(4)(i)).

²⁰ S. Zydervelt, R. Zajac, A. Kaladelfos, & N. Westera, *Lawyers' Strategies for Cross-Examining Rape Complainants: Have we Moved Beyond the 1950s?*, BRIT. J. OF CRIMINOLOGY 57(3), 551–569 (2016).

²¹ The proposed rules impose only mild restrictions on what it considers “relevant” evidence. See *NPRM*, *supra* note 7 at 83 Fed. Reg. 61474 (to be codified at 34 C.F.R. §106.45(b)(3)(vi))(excluding evidence “of the complainant’s sexual behavior or predisposition, unless such evidence about the complainant’s sexual behavior is offered to prove that someone other than the respondent committed the conduct alleged” or to prove consent). The problems inherent in the evidence restrictions the Department chooses to adopt (and those it chooses not to) are discussed in that section.

²² Andrew Kreighbaum, *New Uncertainty on Title IX*, INSIDE HIGHER EDUC. (Nov. 20, 2018), <https://www.insidehighered.com/news/2018/11/20/title-ix-rules-cross-examination-would-make-colleges-act-courts-lawyers-say>.

²³ The Department cites to one case, *Doe v. Baum*, 903 F.3d 575, 581 (6th Cir. 2018) to support its proposed cross-examination requirement. However, *Baum* is anomalous. See e.g., *Osteen v. Henley*, 13 F.3d 221, 225 (7th Cir. 1993) (holding no due process violation in expulsion of college student without providing him right to cross-examination); *Gorman v. Univ. of R.I.*, 837 F.2d 7, 16 (1st Cir. 1988) (a public institution need not conduct a hearing which involves the right to confront or cross-examine witnesses); *Winnick v. Manning*, 460 F.2d 545, 549 (2d Cir. 1972) (“The right to cross-examine witnesses generally has not been considered an essential requirement of due process in school disciplinary proceedings.”); *Dixon v. Ala. State Bd. Of Educ.*, 294 F.2d 150, 158, *cert. denied* 368 U.S. 930 (1961) (expulsion does not require a full-dress judicial hearing, with the right to cross-examine witnesses.”).

²⁴ *NPRM*, *supra* note 7 at 83 Fed. Reg. 61476.

²⁵ Exec. Order 12866 (1993).

²⁶ WHITE HOUSE COUNCIL ON WOMEN AND GIRLS, RAPE AND SEXUAL ASSAULT: A RENEWED CALL TO ACTION, 15 (Jan. 2014), https://www.knowyourix.org/wp-content/uploads/2017/01/sexual_assault_report_1-21-14.pdf.

²⁷ *Fast facts - Sexual violence on campus*, FEMINIST MAJORITY FOUNDATION (Nov. 2018), <http://feministcampus.org/wp-content/uploads/2018/11/Fast-Facts.pdf>.

²⁸ Cynthia Hess & Alona Del Rosario, *Dreams Deferred: A Survey on the Impact of Intimate Partner Violence on Survivors' Education, Careers, and Economic Security*, INS. FOR WOMEN'S POL'Y RES. 8 (2018), https://iwpr.org/wp-content/uploads/2018/10/C474_IWPR-Report-Dreams-Deferred.pdf.

²⁹ Cora Peterson et al., *Lifetime Economic Burden of Rape Among U.S. Adults*, 52(6) AM. J. PREV. MED. 691, 698 (2017), https://stacks.cdc.gov/view/cdc/45804/cdc_45804_DS1.pdf.

³⁰ *Id.* at 691.

³¹ *Id.* at 691.

³² *NPRM*, *supra* note 7 at 83 Fed. Reg. 61487.