

AG Kaul, Gov. Evers: Defend Title IX

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MADISON, Wis. – Attorney General Josh Kaul today announced that Governor Tony Evers has authorized him to join 17 other states and the District of Columbia in filing a complaint against the Trump Administration’s new restrictions to Title IX of the Education Amendments Act. The complaint is designed to stop new regulations from weakening protections for sexual assault and harassment victims and block the creation of inequitable disciplinary proceedings — from kindergarten through college.

“Secretary DeVos is taking us backwards by weakening Title IX protections. And the harm from this misguided rule will be compounded by the requirement that schools rush to overhaul their Title IX procedures during a pandemic. I’m joining with other AGs to fight to stop this rule from going into effect,” said Attorney General Kaul.

“We know that sexual assault and harassment is a pervasive issue, impacting students across our campuses, classrooms, and state,” said Gov. Evers. “These changes do nothing to serve our kids and will have immeasurable, tragic impacts on the survivors of these crimes. Students deserve to be safe from fear, harassment, and discrimination in our schools and on our campuses, and I urge the federal government to reconsider these damaging changes.”

These new rules will force schools to use scarce resources for unnecessary hiring and implementation — distracting them from critical needs like remote learning and reopening plans for the fall.

Student sexual harassment is rampant within schools. In grades 7–12, 56% of girls and 40% of boys are sexually harassed. In college, nearly two thirds of both men and women will experience sexual harassment.

This chronic problem is vastly underreported and under-addressed, but instead of

encouraging robust enforcement of Title IX's antidiscrimination promise, the Trump Administration has violated key protections by discouraging reporting and sowing confusion on campuses across the country.

In the complaint, the attorneys general assert that the Department of Education's new rule reverses decades of effort to end the corrosive effects of sexual harassment on equal access to education, in violation of Title IX's mandate to prevent and remedy sex discrimination. The new rule also conflicts with federal and state statutes and Supreme Court precedent.

The rule will chill the reporting of sexual harassment, the complaint says, and make it harder for schools to reach fair outcomes as they investigate complaints.

The attorneys general say the new Title IX rule will cause irreparable harm to primary, secondary, and postsecondary schools in Wisconsin and other states, and it will hinder schools' ability to investigate and process sexual harassment complaints and it will directly harm the students those schools serve. Among other flaws, the department's new regulations:

- Narrow the protections for students and others by redefining "sexual harassment" to exclude a broad spectrum of discriminatory conduct from Title IX's reach, arbitrarily excluding incidents of sexual harassment based on where they occur, and limiting when schools can respond to serious sexual misconduct;
- Require extensive and unnecessary new procedural requirements that will reduce the number of reports and investigations and undermine the ability of schools to provide a fair process to all students;
- Force schools to dismiss any reports of sexual harassment that don't rise to the new rule's unreasonably high standard, requiring schools to create new rules and procedures to address Title IX harassment but use a different set of rules to address non-Title IX harassment. This will cause confusion, chill reporting, and make our schools less safe; and
- Demand schools make significant changes by mid-August in the midst of the COVID-19 pandemic. This will require schools to bypass the mechanisms that allow students, parents, faculty, staff, and community members to help shape important school policies.

In addition to Wisconsin, the complaint was joined by the attorneys general of California, Colorado, Delaware, the District of Columbia, Illinois, Massachusetts,

Michigan, Minnesota, New Jersey, New Mexico, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, and Washington.