Dear Prof. Linda Darling-Hammond and Department of Education Agency Review Team,

The Graduate Student Council (GSC) represents the nearly 7,000 graduate students of the Massachusetts Institute of Technology (MIT) and the Graduate Student Assembly (GSA) represents the approximately 7,700 graduate students of Carnegie Mellon University (CMU). We support policies that recognize, foster, and support diversity as the foundation of American scientific, educational, and economic excellence. We thank you for your work in preparing to transition the Department of Education to a new presidential administration and wish to give voice to the priorities of graduate students. **In particular, we strongly support (i) modifying the Department of Education’s Title IX Final Rule to better support survivors of sexual harassment and (ii) taking decisive action to address the student debt crisis to ensure the safety and the economic stability of students across the nation.**

**In relation to Title IX, specifically, we ask that:**

1. The definition of sexual harassment be reverted from its new definition of only considering "severe, pervasive and objectively offensive" conduct as harassment under Title IX to the previous definition of “unwelcome conduct of a sexual nature”. No level of harassment is acceptable, and harassment affects each victim differently. This new definition unfairly narrows the scope of what a decision-making body can attribute as “sexual harassment” and it also gives an unnecessary advantage to the respondent.

2. The requirement that postsecondary institutions hold live disciplinary hearings in sexual misconduct cases and allow cross-examination of witnesses by the other party’s lawyer or representative be reversed.

3. Specific protections be created for off-campus incidents. The current definition only restricts to activity on campus (or off-campus activities held by the university), in the United States. That does not capture students living off-campus, so universities do not have a legal obligation to provide supportive measures. Similarly it does not include conferences that students may be attending in a different city/country nor study abroad exchanges.

4. The standard of evidence for evaluating Title IX complaints to all parties be set to preponderance of evidence.

5. The 2011 Dear Colleague Letter to re-establish the preponderance of evidence standard be reinstated and expanded, the 60-day time period to resolve a Title IX complaint be reinstated, and mediation in cases of sexual violence be banned.

6. The 2016 Dear Colleague Letter on Transgender Students be reinstated, which stated that Title IX sex discrimination includes discrimination based on a student’s gender identity such as those of transgender students.

7. Graduate students be considered key stakeholders with regards to Title IX and are consulted while proposed rules are being written. Graduate students seek to have involvement in future policies regarding removal of the “actual knowledge” requirement for complaints, elimination of the standard of deliberate indifference for education institutions, expansion of protections against conflict of interest, requirement of prior notice for dissemination of case information, and expansion of protections against erroneous outcomes.
In relation to student aid, specifically, we ask that:

1. Decisive action be taken on addressing the U.S. student debt crisis. The issues related to the state of the crisis have been plainly outlined in numerous publications including a recent article in the Harvard Business Review, the TICAS Student Debt and the Class of 2018 annual report, and an article from the American Center for Progress which focuses on graduate student debt. There have been many independent task forces that have proposed recommendations on alleviating the crisis, namely the Wisconsin Governor's Task Force on Student Debt Final Report and the Report of the NASFAA Task Force on Student Loan Indebtedness. With the severity of the problem made clear and with an abundance of available recommendations, now is the time to actually act.

2. Remove the FAFSA filing requirement to access emergency student aid during the coronavirus pandemic, and continue collecting data on basic needs and collegiate food insecurity in the National Postsecondary Student Aid Survey even after 2020. We urge the review team to prioritize combating collegiate food insecurity including reviewing the recommendations to the ED laid by the GAO.

We look forward to working with your team and the incoming administration to make post-secondary student life safer and more economically stable. If you would like to know more about the importance of student safety in regards to harassment and the impact of post-secondary loans and debt on the lives of students, please reach out to us at gsc-eab-fed@mit.edu.

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