



Association of
Title IX Administrators

ATIXA Submission to ED/OPE
Increasing Protections for Students, Loan Repayment,
Targeted Loan Cancellation Programs, and Other Higher
Education Regulations
6-21-2021

Founded in 2011, ATIXA is the nation's only membership association dedicated solely to Title IX compliance. ATIXA supports over 7,200 members who hold Title IX responsibilities in schools and colleges. ATIXA is the leading provider of Title IX training and certification in the U.S., having certified nearly 40,000 Title IX professionals since 2011.

June 21, 2021

Michelle Asha Cooper
Acting Assistant Secretary, Office of Postsecondary Education
U.S. Department of Education

Dear Secretary Cooper,

Thank you for opportunity to provide comments as you embark on this difficult task to evaluate protections for Students, Loan Repayment, Targeted Loan Cancellation Programs, and Other Higher Education Regulations. ATIXA greatly appreciates your work in this area and looks forward to being a partner with you and the Department in the process. As you may know, the Association of Title IX Administrators (ATIXA) is the leading professional industry association for 7,200 Title IX administrators at schools and colleges. This document outlines what ATIXA's membership views as the most important themes to address.

Loan Repayment: Create a Federal Financial Aid repayment exception for victims of sexual violence

Many victims of sexual violence are forced to temporarily withdraw from college for more than 6 months, thus triggering repayment and interest accrual requirements. An exception would ensure that interest does not begin to accrue, and that grace periods can be extended.

The FSA process, in its present form, however, does in fact cause a discriminatory effect for victims of sexual violence. The process as it stands creates a discriminatory effect by financially punishing victims of sexual assault if they have to withdraw or take a pause to deal with the impact of the sexual assault. These financial penalties amount to discrimination on the basis of sex through the accrual of interest and the loss of the 6-month grace period on student loans.

Sexual Violence on College Campuses is: *Pervasive*

- 13% of all students experience rape or sexual assault through physical force, violence, or incapacitation (among all graduate and undergraduate students).¹
- Among graduate and professional students, 9.7% of females and 2.5% of males experience rape or sexual assault through physical force, violence, or incapacitation.²
- Among undergraduate students, 26.4% of females and 6.8% of males experience rape or sexual assault through physical force, violence, or incapacitation.³

¹ <https://www.rainn.org/statistics/campus-sexual-violence>

² <https://www.rainn.org/statistics/campus-sexual-violence>

³ <https://www.rainn.org/statistics/campus-sexual-violence>



Sexual Violence on College Campuses: *Occurs at a higher rate at certain times of the school year*

- More than 50% of college sexual assaults occur in August, September, October, or November.⁴
- Students are at an increased risk during the first few months of their first and second semesters in college.⁵

What the Department of Education can do: Work with Congress and the White House to create a Federal Financial Aid repayment exception for victims of sexual violence.

There is a practical and sensible exception in the current law for those students who are called into active military duty when that service extends for more than 6 months that can be similarly applied to victims of sexual violence.

34 CFR § 685.204 (h) and (i) outline procedures for deferring an existing student loan, during which periodic installments of principal and interest need not be paid, due to active duty military service and post-active duty if the borrower was enrolled prior to or during the period the borrower was called to active duty.

Similarly, this model would extend the same exception for victims of sexual violence. An institution would certify that a victim of sexual assault is eligible for student loan deferment and enact similar procedures for deferring the payment of loan principal and interest. This deferral, similar to that offered to military members, would not toll the grace period for student loan repayment.

Title IX and federal civil rights laws are clear, and we can all agree that no student should be discriminated against for being the victim of sexual violence. The FSA process, in its present form, however, does in fact cause a discriminatory effect for victims of sexual violence. We ask that the Department prioritize the correction of this unfair rule, and work collaboratively with Congress and even the White House to achieve the necessary reform.

Conclusion

ATIXA is confident that the necessary Federal Student Aid loan repayment exception for victims of sexual violence can occur during the Biden term. ATIXA welcomes the opportunity to partner with the Administration to bring about this change for victims of sexual abuse.

⁴ Campus Sexual Assault Study, 2007; Matthew Kimble, Andrada Neacsu, et. Al, Risk of Unwanted Sex for College Women: Evidence for a Red Zone, Journal of American College Health (2008).

⁵ Campus Sexual Assault Study, 2007; Matthew Kimble, Andrada Neacsu, et. Al, Risk of Unwanted Sex for College Women: Evidence for a Red Zone, Journal of American College Health (2008).

ATIXA believes that the path outlined above will help college students who are victims of sexual abuse be able to effectively deal with their trauma and pave a way for these individuals to reacclimatize themselves to the college campus environment.