

Department of Education's Office of Postsecondary Education Public Hearings on Protections for Students, Loan Repayment, Targeted Loan Cancellation Programs, and Other Higher Education Regulations

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The testimony offered today is made on behalf of ATIXA, the Association of Title IX Administrators. We ask the Department to work with Congress and the White House to create a Federal Financial Aid repayment exception for victims of sexual violence.

Many victims must temporarily withdraw from college for more than 6 months, thus triggering repayment and interest accrual requirements. Creating an exception would ensure that interest does not begin to accrue, and that grace periods can be extended.

This issue first came to my attention several years ago while I was a University Title IX Coordinator working with and providing support services to a victim of a particularly violent and traumatic sexual assault.

The victim was so traumatized that she needed to take a temporary leave of absence from the University, and that leave lasted a little more than 6 months. Around the 6-month mark, the victim contacted me for help, as she had just been notified that interest had begun to accrue on her student loans, and that the federal student loan 6-month grace period that she was supposed to receive after graduation had lapsed during her leave.

I assured the victim that I would help her to correct this mistake, because I assumed the financial penalties she faced as an indirect result of the sexual assault were contrary to the scope and purpose of Title IX, and therefore constituted sex discrimination against her, based on her status as a sexual assault victim.

However, after much research and many calls to the Department of Education's FSA, I learned that there was nothing the victim, nor I, nor the University could do to correct this clear and inarguable discriminatory effect – and that this was in the hands of Congress or the US Department of Education to correct an oversight in federal law that unfairly penalized this sexual assault victim for taking the time off that she needed to heal.

We welcome this Administration's commitment to protecting students from discrimination by ensuring the full and fair implementation of Title IX's protections, and we believe the Department's role is crucial in correcting the federal government's discriminatory student loan laws.

The law as it stands exposes certain students to financial penalties which 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. 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. Our solution simply seeks to create an identical exception for victims of sexual violence who must temporarily withdraw from college for more than 6 months, or for pregnant women who must temporarily withdraw from college for more than 6 months.

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, or separately for becoming pregnant. The FSA law, in its present form, however, does in fact cause a discriminatory effect for both pregnant students and 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.