

February 23, 2026

The Honorable Linda McMahon  
Secretary of Education  
U.S. Department of Education  
400 Maryland Ave SW  
Washington, DC 20202

The Honorable Kimberly M. Richey  
Assistant Secretary for Civil Rights  
U.S. Department of Education  
400 Maryland Ave SW  
Washington, DC 20202

Dear Secretary McMahon and Assistant Secretary Richey:

As advocates working to end sexual violence, including in K-12 schools and institutions of higher education, we are deeply concerned by the U.S. Department of Education's Office for Civil Rights (OCR) neglecting to protect students from actual sexual violence while pursuing an ongoing dangerous and unlawful campaign of discriminating against transgender students under the guise of preventing sexual violence. It obscures the ongoing real crisis of sexual violence in schools and brings student survivors who have been waiting years for resolution of their complaints no closer to justice—despite this administration positioning itself as being a true advocate for women and girls' safety. **We call on OCR to fulfill its duties under Title IX of the Education Amendments of 1972 (Title IX) by swiftly investigating and equitably resolving complaints of sexual violence in education.**

Congress enacted Title IX in 1972 to ensure that *all* students can access educational opportunities free from sex discrimination, including sexual violence. This promise requires institutional accountability, trauma-informed processes, and federal investigations and enforcement when schools fail to address sexual violence and support survivors. But OCR has abandoned this promise. After dismantling much of its enforcement infrastructure last year, OCR has focused its limited resources on actions that fail to prevent sexual violence or serve survivors—while continuing to justify actions targeting transgender students as measures purportedly intended to prevent sexual violence.

Meanwhile, sexual violence in schools continues to be pervasive and student survivors who have filed Title IX complaints with OCR have seen little to no action from the Department. The numbers do not lie: more than 1 in 4 undergraduate women are sexually assaulted,<sup>1</sup> and over 20% of girls aged 14-18 are kissed or touched without their consent.<sup>2</sup> Yet OCR resolved **zero** complaints of sexual harassment or violence in 2025<sup>3</sup> and has opened **fewer than 10** sexual violence investigations since March 2025.<sup>4</sup> These statistics, while alarming, are consistent with the fact that **90%** of OCR investigations completed from March to September 2025 resulted in dismissal.<sup>5</sup> Instead of addressing actual discrimination, OCR has been preoccupied with using its limited resources to investigate over 50 schools for implementing

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<sup>1</sup> David Cantor *et al.*, *Report on the AAU Campus Climate Survey on Sexual Assault and Misconduct*, Westat, ix, A7-5 (revised Jan. 17, 2020), [https://www.aau.edu/sites/default/files/AAU-Files/Key-Issues/Campus-Safety/Revised%20Aggregate%20report%20%20and%20appendices%201-7\\_\(01-16-2020\\_FINAL\).pdf](https://www.aau.edu/sites/default/files/AAU-Files/Key-Issues/Campus-Safety/Revised%20Aggregate%20report%20%20and%20appendices%201-7_(01-16-2020_FINAL).pdf).

<sup>2</sup> Kayla Patrick & Neena Chaudhry, National Women's Law Center, *Let Her Learn: Stopping School Pushout for Girls Who Have Suffered Harassment and Sexual Violence* 1 (2017), [https://nwlc.org/wp-content/uploads/2017/04/final\\_nwlc\\_Gates\\_HarassmentViolence-1.pdf](https://nwlc.org/wp-content/uploads/2017/04/final_nwlc_Gates_HarassmentViolence-1.pdf).

<sup>3</sup> Cory Turner, *The Education Department's efforts to fire staff cost over \$28 million, watchdog says*, (Feb. 2, 2026), <https://www.npr.org/2026/02/02/nx-s1-5690188/cost-trump-layoffs-civil-rights-complaints-department-education-gao>.

<sup>4</sup> Collin Binkley, *The Education Department is opening fewer sexual violence investigations as Trump dismantles it*, AP News (Jan. 16, 2026), <https://apnews.com/article/trump-education-department-sex-assault-investigations-c01ffc379de6ca543043c1a17955bb47>.

<sup>5</sup> U.S. Gov't Accountability Office, *Department of Education: Full Costs and Savings Estimate Needed for Reduction-in-Force and Restructuring of the Office for Civil Rights* (Jan. 29, 2026), <https://www.gao.gov/products/gao-26-108320>.

trans-inclusive policies.<sup>6</sup> These are not competing obligations; these are choices. Here are just a few examples of what student survivors are experiencing right now without OCR support:

- A student who was sexually assaulted by a peer filed an OCR complaint when her university denied her an advisor for cross-examination and failed to disclose the hearing's outcome, forcing her to withdraw, lose her scholarship, and transfer to a far less rigorous program. The complaint has been pending for over three years.
- After a charter school refused to investigate a sexual assault between students on school grounds, a K–12 student and her family gave up her highly sought-after enrollment spot, recognizing OCR would not act in time to keep her safe.
- After being sexually harassed by her professor, instead of receiving support to continue her education, a medical school student was punished by her university and forced to retake—and pay additional tuition for—an entire year of classes. After witnessing OCR fail to respond to multiple other discrimination complaints previously filed against the school, the student chose to not file her own complaint and had to take on thousands of dollars of additional student loan debt.

OCR's choice to let survivors' complaints languish while claiming to "protect" them effectively sanctions sexual violence and renders schools more dangerous for all students. As advocates for stronger Title IX protections and as advisors to students in school, OCR, and judicial proceedings, we have seen firsthand that survivors no longer view OCR as a credible or good-faith entity. In a political climate openly hostile to civil rights enforcement, survivors are increasingly leaving school rather than risk coming forward to redress their rights under Title IX. This means that OCR has abandoned student survivors when their reports of harassment or assault are ignored, dismissed, or met with retaliation by their schools—and when their education, safety, grades, scholarships, and ability to remain in school are compromised not just by the assault itself, but by schools' failure to follow the law.

Similarly, pressuring schools to implement anti-trans bathroom bans actually increases the risk sexual violence for all women and girls<sup>7</sup> and violates the law.<sup>8</sup> First, the reality is that cisgender women and girls are not endangered by trans-inclusive bathroom policies.<sup>9</sup> Second, transgender women and girls are **far more likely** to be sexually harassed or assaulted than their cisgender peers<sup>10</sup>—due in large part to anti-transgender rhetoric and policies—and forcing them into facilities inconsistent with their gender identity increases their risk of victimization.<sup>11</sup> Third, policies that ban transgender women and girls from women and girls' bathrooms and locker rooms endangers **all** women and girls: those who do not conform to sexist stereotypes are subjected to increased scrutiny, invasive examinations, and other dehumanizing

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<sup>6</sup> Collin Binkley, *supra* note 4.

<sup>7</sup> Over 100 anti-sexual assault and domestic violence organizations have publicly expressed their support for trans-inclusive policies that ensure their access to bathrooms, shelters, and other sex-separated facilities. National Statement in Support of Full and Equal Access for the Transgender Community from Anti-Sexual Assault and Domestic Violence Organizations (Oct. 30, 2024), <https://www.4vawa.org/ntf-action-alerts-and-news/2024/10/30/national-statement-in-support-of-full-and-equal-access-for-the-transgender-community-from-anti-sexual-assault-and-domestic-violence-organizations>.

<sup>8</sup> *A.C. v. Metropolitan Sch. Dist. of Martinsville*, 75 F.4th 760 (7th Cir. 2023); *Parents for Privacy v. Barr*, 949 F.3d 1210 (9th Cir. 2020); *Grimm v. Gloucester Cnty. Sch. Bd.*, 972 F.3d 856 (4th Cir. 2020); *Doe ex rel. Doe v. Boyertown Area Sch. Dist.*, 897 F.3d 518 (3d Cir. 2018); *Whitaker ex rel. Whitaker v. Kenosha Unified Sch. Dist. No. 1 Bd. of Educ.*, 858 F.3d 1034 (7th Cir. 2017).

<sup>9</sup> Women and girls are far more likely to be sexually assaulted by cisgender men than by anyone else. FBI, Uniform Crime Reporting, *Offense by Category* (2019), [https://ucr.fbi.gov/nibrs/2019/tables/pdfs/offenders\\_sex\\_by\\_offense\\_category\\_2019.pdf](https://ucr.fbi.gov/nibrs/2019/tables/pdfs/offenders_sex_by_offense_category_2019.pdf).

<sup>10</sup> See e.g., Nicolas A. Suarez et al., *Disparities in behaviors and experiences among transgender and cisgender high school students—18 U.S. states, 2021*, 94 *Epidemiology* 113 (2024), <https://www.sciencedirect.com/science/article/abs/pii/S104727972400067X>; Michelle M. Johns et al., *Transgender Identity and Experiences of Violence Victimization, Substance Use, Suicide Risk, and Sexual Risk Behaviors Among High School Students—19 States and Large Urban School Districts, 2017* (Jan. 2019), <https://www.cdc.gov/mmwr/volumes/68/wr/mm6803a3.htm>.

<sup>11</sup> Williams Institute; Gabriel R. Murchison et al., *School Restroom/Locker Room Restrictions and Sexual Assault Risk Among Transgender Youth*, *Pediatrics*, at 5 (June 2019).

practices that only increase their risk of being sexually harassed or abused.<sup>12</sup> Yet, despite all of this, since early 2025, OCR has prioritized coercing schools into banning transgender children from using the appropriate bathrooms and locker rooms, rather than deploying strategies that actually protect students from sexual violence and enforcing Title IX to equitably resolving their complaints.<sup>13</sup> This is an egregious misuse of OCR's already-limited resources.

Every day that student survivor complaints remain uninvestigated, they are forced to continue their education alongside those who harmed them, to miss class, to withdraw from programs, or to leave school entirely. Students do not have the luxury of waiting for federal inaction to resolve itself. A generation of student survivors are experiencing the derailment of their education—and their futures—in real time.

We urge the Department of Education to immediately reverse course: (1) devote the necessary funding and staffing capacity for timely resolution of survivor complaints and other discrimination complaints; (2) end politicized investigations targeting inclusion and safety of transgender students; and (3) recommit to Title IX's core promise of equal access to education for *all* students. Anything less represents a profound failure of public service leadership, and a monumental failure to protect women and girls.

Signed by,

National Women's Law Center  
American Association of University Women  
End Rape on Campus  
Equal Rights Advocates  
It's On Us  
Know Your IX, a project of Advocates for Youth  
National Alliance to End Sexual Violence  
Stop Sexual Assault in Schools  
Victim Rights Law Center  
Women's Law Project

Joined by:

Alliance for Children's Rights  
Alliance for Girls  
Alliance to Reclaim Our Schools

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<sup>12</sup> Cisgender women across the country have reported being followed into bathrooms and violently threatened by others believing them to be transgender because they had short hair, wore baggy clothing, or otherwise did not meet stereotyped ideals of femininity—with some even being forced to undress on the spot to “prove” their gender and avoid further violence. Ryan Adamczeski, *Lesbian teen cornered by server in bathroom and forced to prove gender files charges*, Advocate (Aug. 13, 2025), <https://www.advocate.com/news/minnesota-cisgender-girl-restaurant-bathroom>; Chantelle Billson, *Cis woman harassed by 'transphobe' who followed her into female toilet because she has short hair*, Pink News (Oct. 31, 2022), <https://www.thepinknews.com/2022/10/31/cis-woman-harassed-transphobe-female-toilet-short-hair>.

<sup>13</sup> E.g., U.S. Dep't of Educ., *U.S. Department of Education and U.S. Department of Health and Human Services Find that Minnesota Violated Title IX* (Sept. 30, 2025), <https://www.ed.gov/about/news/press-release/us-department-of-education-and-us-department-of-health-and-human-services-find-minnesota-violated-title-ix>; U.S. Dep't of Educ., *U.S. Department of Education's Office for Civil Rights Finds Denver Public Schools Violated Title IX* (Aug. 28, 2025), <https://www.ed.gov/about/news/press-release/us-department-of-educations-office-civil-rights-finds-denver-public-schools-violated-title-ix>; U.S. Dep't of Educ., *U.S. Department of Education Finds Five Northern Virginia School Districts in Violation of Title IX* (July 25, 2025), <https://www.ed.gov/about/news/press-release/us-department-of-education-finds-five-northern-virginia-school-districts-violation-of-title-ix>; U.S. Dep't of Educ., *U.S. Department of Education's Office for Civil Rights Launches Title IX Investigation into Western Carolina University* (May 8, 2025), <https://www.ed.gov/about/news/press-release/us-department-of-educations-office-civil-rights-launches-title-ix-investigation-western-carolina-university>.

American Atheists  
American Samoa Alliance against Domestic and Sexual Violence  
Arab American Institute (AAI)  
Arkansas Coalition Against Sexual Assault  
Atlanta Pride  
Autistic Self Advocacy Network  
Battered Women's Legal Advocacy Project DBA Standpoint  
Bayard Rustin Center for Social Justice  
C.A. Goldberg, PLLC  
California Women's Law Center  
Callisto  
Center for Children's Advocacy  
Center for Law and Social Policy (CLASP)  
CenterLink  
Charlotte Trans Health  
Clearinghouse on Women's Issues  
Coalition on Human Needs  
Collective Futures  
Colorado Coalition Against Sexual Assault  
Connecticut Alliance to End Sexual Violence  
Deaf Queer Resource Center  
domestic violence project | urban justice center  
ED - OCR Alumni Collective  
Education Law Center  
Equality California  
Family Equality  
Family Violence Appellate Project  
Feminist Majority Foundation  
Four Corners Rainbow Youth Center  
Freedom From Religion Foundation  
GenderNexus  
Girls for Gender Equity  
Healthy Teen Network  
Illinois Coalition Against Sexual Assault  
Indiana coalition to end sexual assault  
Iowa Coalition Against Domestic Violence  
Jane Doe Inc. (MA Coalition Against SA/DV)  
Just Solutions  
Ladder Consulting  
Legal Momentum, the Women's Legal Defense & Education Fund  
LGBTQ+ Center Lake County  
Louisiana Foundation Against Sexual Assault  
Maine Women's Lobby  
Manavi  
Maryland Coalition Against Sexual Assault  
me too. International  
Minnesota Coalition Against Sexual Assault  
Mississippi Workers Center for Human Rights  
Monsoon Asians & Pacific Islanders in Solidarity  
MoreThanCounseling, LLC

Mosaic Georgia  
Multicultural Dimensions  
Naper Pride Inc  
Naples Pride  
National Center for Youth Law  
National Council of Jewish Women  
National Education Association  
National Organization for Women  
National Organization of API Ending Sexual Violence  
National Women's Political Caucus  
NBJC  
NC Coalition Against Sexual Assault  
Nevada Coalition to End Domestic and Sexual Violence  
New Jersey Coalition Against Sexual Assault  
North Shore Alliance of LGBTQ+ Youth (NAGLY)  
Ohio Alliance To End Sexual Violence (OAESV)  
Our Family Coalition  
Out Accountability Project  
OutReach LGBTQ+ Community Center  
Pride Community Center of the Brazos Valley  
PRISM LGBTQ+ Community Center of Pottstown  
Public Counsel  
Public Justice  
Raksha, Inc  
Resource Center  
Respect Together  
Rocky Mountain Equality  
Rocky Mountain Victim Law Center  
Serving at-risk families everywhere, Inc.  
SIECUS: Sex Ed for Social Change  
Southeast Asia Resource Action Center (SEARAC)  
Spencer Pride, Inc.  
Stand With Survivors  
Strong Hearted Native Women's Coalition, Inc.  
Survivors Know  
The Every Voice Coalition  
The GLO Center  
The Leadership Conference on Civil and Human Rights  
The Pride Center at Equality Park  
Triangle Community Center  
UltraViolet Action  
ValorUS  
Vermont Network Against Domestic and Sexual Violence  
Washington State Coalition Against Domestic Violence & Sexual Assault  
Wisconsin Coalition Against Sexual Assault  
WOAR-Philadelphia Center Against Sexual Violence  
Women Employed  
WorkLife Law  
YWCA USA