



June 4, 2013

Under Secretary Martha J. Kanter
U.S. Department of Education
1990 K Street NW., Room 8017
Washington, DC 20006
Submitted via www.regulations.gov

Re: AAUW comments on the Department of Education's Public Hearings: Negotiated Rulemaking Committee (Docket ID ED-2012-OPE-0008)

Dear Under Secretary Kanter,

On behalf of the more than 165,000 nonpartisan members and supporters, over 1,000 branches, and 800 college and university partners, of the American Association of University Women, I appreciate the opportunity to submit comments regarding the Department of Education's plans to begin rulemaking around several important issues. AAUW urges the Department to again issue a strong gainful employment regulation to protect students and taxpayers. In addition, we urge the Department to quickly negotiate and issue strong regulations regarding the changes to campus safety and security reporting included in the Violence Against Women Act.

AAUW has weighed in time and time again about the importance of strong rules to ensure that career education programs that receive federal funds do not take advantage of students and taxpayers.

AAUW supports this work because we know that women, more than men, struggle to repay their student debt. This is in part because women earn less on average over the course of their lives than their male counterparts. AAUW's new research report, *Graduating to a Pay Gap: The Earnings of Women and Men One Year after College Graduation*, found that the median student loan debt burden was slightly higher in 2009 for women than men. Just over half of women (53 percent) and 39 percent of men were paying a greater percentage of their income toward student loan debt than we estimate a typical woman or man could afford.¹ The persistent wage gap contributes to this. As AAUW's research explains, after controlling for factors known to affect earnings such as education and training, parenthood, and hours worked, college-educated women still earn 7 percent less than men just one year out of college – even when they have the same major and occupation as their male counterparts.² Overall, women working full time in 2011 were paid just 77 percent of what men were paid, a gap of 23 percent.³

AAUW supported the Department of Education's original gainful employment rule, and even urged the Department to consider making it stronger.⁴ The rule was a good first step to achieve the goal of ensuring that schools offering federal student aid did not burden their students with unmanageable debt. This rule used a combination of measuring debt-to-income ratios, and repayment rates to understand which programs are failing their students and should be ended,

which need improvement, and which are serving students well. The data collected in the initial year of the rule found that 65 percent of career education programs failed at least one of the tests, and five percent failed all 3 tests.⁵

While the court recently struck down the original gainful employment rule, the decision made clear that the Department can issue regulations of this sort. Indeed, the concerns raised in the court case are easily addressed. We urge the Department to consider solutions and move this rule through the process quickly. We cannot wait another school year to protect students and taxpayers.

AAUW believes there is no reason to weaken the gainful employment rule. With 193 programs where students have borrowed at high amounts relative to their income and are having trouble repaying we must do something to ensure that federal taxpayer dollars do not continue to flow to these programs. Equitable educational opportunities for all students that lead to future employment without excessive debt should be a priority. We cannot allow unscrupulous schools to take advantage of students' dreams of a better future or the public's willingness to invest in that future for the good of the nation.

AAUW also urges the Department to quickly move to issuing rules around the new campus safety provisions. This new law amends the Clery Act in the Higher Education Act and was included in the reauthorization of the Violence Against Women Act.⁶

When campus environments are hostile because of sexual harassment, assault, or violence, students cannot learn and miss out on true educational opportunities. AAUW's own research revealed that two-thirds of college students experience sexual harassment.⁷ In addition, a 2007 campus sexual assault study by the U.S. Department of Justice found that around 28 percent of women are targets of attempted or completed sexual assault while they are college students.⁸ Improving campus safety will improve the climate for students and in turn improve outcomes and completion.

The new law will ensure that schools make public their procedures following instances of sexual assault on campus, report additional crime statistics, and improve their disciplinary process. The Department of Education's rulemaking will need to address the new definitions included in the statute, make clear to schools how often certain ongoing activities must take place, and clarify who is covered by the law. The existing Clery Act framework regarding reporting of crime data is strong in this case, ensuring that all students are covered. In addition, schools are already familiar with reporting this type of information.

In addition to reporting, schools will also be making public policies and procedures regarding instances of sexual assault, dating violence, domestic violence, and stalking. Key to these rules is the fact that every school may need to institute policies and procedures that are unique to their communities but must at the same time ensure that students are safe, and that the school is in compliance with the law. There are good examples of existing policies, procedures, and trainings out there – AAUW has developed a program for campus advocacy around this issue,⁹ Students Active for Ending Rape works with students and schools to improve campus sexual assault policies, and the Department's own work around Title IX and the resolution agreements that stand as best practices for schools are all places to look for guidance. For example, recent

Title IX resolution agreements have established a framework for ongoing prevention training that could be incorporated into developing regulations for the new Clery Act provisions.

Additionally, it is important that organizations that represent students and victims as well as advocates and experts on sexual assault, dating violence, stalking, bystander intervention, and Title IX, be included in the negotiated rulemaking process. State, local, and school Title IX coordinators may also be good resources during the rulemaking process. These groups and individuals may not traditionally be a part of negotiated rulemaking on financial aid or other issues being discussed today, but are an important part of the conversation around these rules. AAUW plans to nominate Lisa Maatz, AAUW's Vice President for Government Relations, who is an expert on Title IX and campus sexual assault including the recently passed provisions in the Violence Against Women Act, to participate on the negotiated rulemaking committee.

Thank you for the opportunity to submit comments. I look forward to working with you to negotiate rules that support students as they pursue higher education. If you have any questions, please feel free to contact me at 202-785-7720, or Beth Scott, regulatory affairs manager, at 202-728-7617.

Sincerely,



Lisa M. Maatz
Director, Public Policy and Government Relations

¹ AAUW. (2012). *Graduating to a Pay Gap: The Earnings of Women and Men One Year after College Graduation*. Retrieved June 4, 2013, from www.aauw.org/research/graduating-to-a-pay-gap/

² Ibid

³ AAUW. (2013). *The Simple Truth about the Gender Pay Gap*. Retrieved June 4, 2013, from www.aauw.org/research/the-simple-truth-about-the-gender-pay-gap/.

⁴ AAUW. (2011). *AAUW Supports New Gainful Employment Rule for Career-Education Programs*. Retrieved June 4, 2013, from www.aauw.org/article/aauw-supports-new-gainful-employment-rule-for-career-education-programs/.

⁵ U.S. Department of Education. (2012). *Gainful Employment Data*. Retrieved June 4, 2013, from studentaid.ed.gov/about/data-center/school/ge/data.

⁶ U.S. Government Printing Office. (March 7, 2013). *Violence Against Women Reauthorization Act of 2013*. Retrieved June 4, 2013, from www.gpo.gov/fdsys/pkg/PLAW-113publ4/pdf/PLAW-113publ4.pdf

⁷ AAUW. (2005). *Drawing the Line: Sexual Harassment on Campus*. Retrieved June 4, 2013, from www.aauw.org/learn/research/upload/DTLFinal.pdf.

⁸ Christopher P. Krebs, Ph.D. ; Christine H. Lindquist, Ph.D. ; Tara D. Warner, M.A. ; Bonnie S. Fisher, Ph.D. ; Sandra L. Martin, Ph.D. (December 2007). *The Campus Sexual Assault (CSA) Study, Final Report*. NIJ Grant No. 2004-WG-BX-0010. Retrieved June 4, 2013, from www.ncjrs.gov/pdffiles1/nij/grants/221153.pdf.

⁹ AAUW. (2013). *Campus Sexual Assault Program in a Box*. Retrieved June 4, 2013, from www.aauw.org/resource/campus-sexual-assault-program-in-a-box/