



SPEECH FIRST

April 9, 2020

Betsy DeVos
Secretary

Kenneth L. Marcus
Assistant Secretary
Office for Civil Rights

Department of Education
400 Maryland Ave SW
Washington, DC 20202

**Re: Nondiscrimination on the Basis of Sex in Education Programs or
Activities Receiving Federal Financial Assistance, RIN 1870-AA14**

Dear Secretary DeVos and Assistant Secretary Marcus:

On March 27, the Office for Management and Budget completed its months-long **review** of the Department of Education's **proposed new regulations** under Title IX of the Education Amendments of 1972 (Title IX). Not surprisingly, opponents of the regulations, including U.S. Senators **Patty Murray (D-WA)**, **Elizabeth Warren (D-MA)**, **Kirsten Gillibrand (D-NY)**, and a coalition of **special interest groups** have requested that the Department delay issuing the regulations on account of the ongoing coronavirus pandemic. ***We urge you to reject this request and issue the regulations without further delay.***

Although the coronavirus certainly has caused a great deal of upheaval in the lives of students and educators, it is not a valid reason to delay long-awaited rules that clarify the federal obligations of schools to address sexual harassment.

The argument that issuing the new regulations during this pandemic will divert resources “toward creating complex new policies and training employees on implementation” is blatantly pretextual. The Administration released draft regulations on Nov. 29, 2018, which means that Title IX administrators—and university administrators in other departments—have had plenty of notice. Indeed, preparation for the implementation of these regulations should be well underway at this point.

The fact that colleges and universities have moved their operations online makes this an ideal time to issue these regulations. Because students are not physically present on campus, the number of sexual assault claims under Title IX administrators' jurisdiction is likely to have fallen precipitously. This means college administrators now have more time to revise their sexual misconduct policies before students return to campus.

Students who are currently caught up in Title IX adjudications should not be forced to wait any longer for clarity on their cases. And universities must not wait to abandon biased investigatory procedures that [stack the deck against the accused](#).

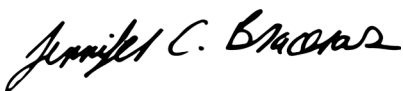
We urge you to see the request for delay as just that: a disingenuous attempt to put off indefinitely the implementation of rules that certain Senators and special interest groups oppose on the merits.

The forthcoming rules mark an important step forward. By requiring schools both to take claims of sexual misconduct seriously *and* to provide a fair process, they protect the rights of all students. Stakeholders in America's institutions of higher education—from students and parents to faculty and administrators—deserve a just system, and they deserve it now.

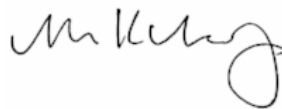
Much of what the government does can be delayed during this time of crisis, but due process cannot be. And colleges and universities should not be allowed to hide behind the pandemic to justify the continuing denial of due process in campus Title IX proceedings.

We, therefore, respectfully request that the Department finalize the regulations and submit them to Congress as soon as possible.

Sincerely,



Jennifer C. Braceras
Independent Women's Law Center



Nicole Neily
Speech First