



Docket ID ED-2017-OS-0074-0001

Dear Assistant General Counsel Hilary Malawer,

In response to Executive Order 13777, the non-governmental organization SurvJustice would like to speak in defense of all civil rights regulations, including those that implement Title IX under 34 C.F.R. Pt. 106 specifically. These regulations meet the priorities set of (i) job creation; (ii) effective policy; (iii) benefits that exceed costs; (iv) consistency with other regulatory initiatives; (v) consistency with Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note) and (vi) are not derived from rescinded Executive Orders or other Presidential directives.

It is vital to maintain implementing regulations under 34 C.F.R. Pt. 106, as well as guidance materials by the Office for Civil Rights explaining the requirements of 106.8 and 106.9. *See* U.S. Dep't of Educ., OCR, Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties (2001); U.S. Dep't of Educ., OCR, Sexual Harassment: It's Not Academic (2008); U.S. Dep't of Educ., OCR, Dear Colleague Letter (2011); U.S. Dep't of Educ., OCR, Dear Colleague Letter (2013); U.S. Dep't of Educ., OCR, Questions and Answers on Title IX and Sexual Violence (2014); U.S. Dep't of Educ., OCR, Title IX Resource Guide (2015).

Title IX has led to significant job creation by bringing women into professional schools and ensuring that they are not deterred from completing their degree or academically succeeding due to sexual violence and harassment by peers, educators, or other third parties within educational institutions. Title IX has been an effective policy since 1972, having increased women's enrollment in higher education programs and professional schools and requiring campuses. The benefits derived from Title IX, creating an expanded and diverse workforce throughout the country, exceed any cost associated in an individual school ensuring compliance. Title IX is consistent with several initiatives through the federal government to ensure sex discrimination, sexual violence, and sexual harassment have no place in educational programs or activities receiving federal funding. Title IX is consistent with 44 U.S.C. 3516. Finally, Title IX is derived from the will of Congress to end sex discrimination within educational settings and neither its implementing regulations nor explanatory guidance are derived from rescinded Executive Orders or Presidential directives.

Title IX's implementing regulations and guidance are vital to protecting students and employees from sex discrimination in the form of sexual violence and harassment as such abuses effectively deny the opportunity of equal access to education. It is essential to maintain regulations and guidance that explain decades of case law and provide examples of successfully implementing civil rights on campuses are necessary to keep our campuses safe and provide all students a prompt and equitable process when discrimination, harassment and violence arise. SurvJustice therefore demands such protections stay in place as they are beneficial to society not "unduly costly or unnecessarily burdensome."



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