

September 20, 2019

RE: Docket ID: ED-2017-OS-0074

Dear Secretary DeVos,

I am writing to you as a former long-time Department of Education researcher and editor of two *Handbooks for Achieving Gender Equity through Education*.

It is ironic that the original purpose of the Department of Education's call for public comments was to reduce the number of federal regulations. It now appears that you want to add a federal Title IX regulation instead of providing assistance to schools to improve their compliance with the current important legally justified Title IX guidance. Title IX guidance related to sexual harassment and violence, Title IX Coordinators, and many other topics helps students, parents, and educators know their rights and responsibilities to end sex discrimination in education.

In your September 7, 2017 remarks you called the OCR sexual harassment and violence guidance a "failed system". You said it has generated hundreds of OCR cases. Instead of failing, many consider the increased reporting of sexual harassment and assault as an indicator of success. There is evidence that having good clear guidance encourages people to report sexual abuse and to work with Title IX Coordinators and others on their campus who may help them. Others see this OCR 2011 and 2014 guidance as a useful framework to develop their own institution's procedures and systems that they continually improve as students and others deal with and try to prevent, sexual misconduct. On some campuses there is evidence that this OCR guidance has helped create safer and more equitable school climates and that it lets all know that schools should assume responsibility for protecting and accommodating survivors of sexual violence.

**This informative September 8, 2017 C-Span [video interview of Eleanor Smeal on Trump Administration Campus Sexual Assault Policy](#) provides important background information on the history and value of these important federal civil rights responsibilities.**

Instead of revising these guidance documents, I encourage the US Department of Education to provide positive incentives and assistance to education institutions from pre-K to adult education and their Title IX Coordinators to pay more attention to the use of these OCR guidelines. ED should also stop planning to change these guidance documents into less flexible regulations. The current OCR and DOJ guidance documents already allow the educational institutions sufficient flexibility in how they can best be implemented in their unique institutions.

In summary, I hope you will recognize that the current Title IX guidance documents related to sexual harassment and violence have a strong emphasis on the important role of Title IX Coordinators and on providing accommodations to recipients of sexual violence as well as fair procedures for all involved. Many believe that what is needed most from the Department of Education is technical assistance and more training for Title IX Coordinators, students, and others on using all existing OCR guidance documents and related resources in the most effective way in each education institution from pre-K to adult education. I therefore oppose activities by you and others in this administration to repeal, replace, or weaken any of the Title IX guidance documents.

Sincerely,



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