

ATIXA's Live Comments to the Office for Civil Rights June 11, 2021 Hearing

My name is Brett Sokolow. I serve as President of ATIXA, the leading professional industry association for 7,200 Title IX administrators at schools and colleges. I make this statement on their behalf and thank you for the opportunity. ATIXA's members have been working to implement the new Title IX regulations since they first took effect and have seen their impact first-hand: how they have changed the way that sexual harassment is defined; how survivors have experienced barriers to accessing resolution processes; how protections for those accused have complicated procedures; how informal resolutions have been encouraged in appropriate circumstances; and how live hearings requiring party and witness participation with cross-examination have been implemented.

Though new regulations will undoubtedly require changes and compliance challenges for ATIXA's members, colleges and schools generally have observed the negative impact of some parts of these new regulations on the community members they serve. As a result, they welcome the possibility of changes contemplated by the Biden administration to ensure fairness for all parties and a restoration of Title IX's promise that access to education will not be denied on the basis of sex.

The process of resolving complaints of sexual harassment has become slow, cumbersome, bureaucratic, laden with paperwork, and a significant drain on already limited available resources. The lived experience of college and school Title IX administrators is that the costs predicted by the Department in implementing the regulations grossly underestimated the actual burden on schools. The highly prescriptive 2020 regulations have failed to serve institutions well and have also largely failed to meaningfully protect the parties involved.

The current regulations fail to achieve a fair balance between the rights of complainants and respondents. If the Obama administration's approach favored complainants, the Trump administration's approach favors respondents. Yet, ATIXA's members aspire to provide a neutral, equitable Title IX approach that balances the rights of all parties - while favoring none.

ATIXA's members are well-positioned to share some critical insights into how the Biden administration may best address the negative impact of the August 2020 Title IX regulations. Our written submission outlines the thoughts shared by ATIXA's membership. Our written submission also provides a point-by-point critique of the current regulations from the perspective of ATIXA's members.

ATIXA is confident that necessary reform for Title IX will occur during the Biden term. ATIXA welcomes the opportunity for change through a set of workable regulations. Practical and budget-conscious expectations can balance expediency with protection from all forms of sexual and gender-based discrimination and offer a fair resolution process to all parties.

ATIXA believes that the path outlined in our written submissions will help recipients to best achieve the balanced procedures and protections that are necessary to fulfill Title IX's nearly fifty-year mandate for educational equity. Thank you.