ATIXA RESPONSE TO SEPTEMBER 7, 2017 DEVOS PRESS CONFERENCE

ABOUT ATIXA

Founded in 2011, ATIXA is the nation’s only membership association dedicated solely to compliance with Title IX and the support of our more than 3,500 administrator members who hold Title IX responsibilities in schools and colleges. ATIXA is the leading provider of Title IX training and certification, having certified more than 3,000 Title IX coordinators and more than 8,000 Title IX investigators since 2011. ATIXA releases statements on matters of import to our members and the field. For more information, visit www.atixa.org.

September 7, 2017

While the anecdotes Secretary DeVos’ referenced in her speech may not accurately represent the majority of cases, there is still truth to the statement that the process schools use to resolve sexual misconduct allegations needs to be better balanced.

ATIXA has long sought to encourage its members that the rights of all parties must be respected without compromising the protections needed by survivors and the rights owed to those accused. ATIXA supports the use of notice and comment rulemaking to better balance the process, and encourages the Department of Education to take measured steps in that direction.

Rhetoric is one thing, but compromising the protections of survivors to enhance due process for those accused is not something that ATIXA can support. Rulemaking needs to find ways to protect and enhance the rights of all parties without doing so at the expense of the protections already in place. Rulemaking should also not be used as an excuse to remove the moral, ethical, and legal obligation institutions have to address sex- and gender-based harassment, which includes sexual violence.

ATIXA does expect the Department of Education to withdraw the April 4, 2011 Dear Colleague Letter (and subsequent 2014 Q&A guidance) in the coming months. Yet, there is only so much OCR can change with the rescission of guidance, when the underlying fundamentals are unchanged. The 2011 Guidance was derivative of the 2001 Guidance as well as Title IX regulations, and case law like Gebser and Davis. All of those sources of guidance are still compulsory on colleges and schools.

Our standards should never have been dictated by appointees in Washington, DC to begin with. They should be dictated by our dedication to the principles of fairness, equity, and equal dignity. The need for this work has never been greater. Students, parents, employees, and all
other members of our communities need and expect that we will remain committed to doing the right thing by protecting the rights of those in our charge, ensuring educational access, and demanding the highest behavioral expectations from our community members.

ATIXA will work hard to help to assure that any new regulatory guidance that is issued honors the purpose and intent of Title IX to advance gender equity in all federally-funded educational programs. ATIXA is here for you and your communities. If you want to know what to do next, we have already written extensively on the subject in *The ATIXA Playbook: Best Practices for the Post-Regulatory Era.*

**Media Contact:**

Michelle Issadore, M.Ed.  
Assistant Executive Director of Prevention and Advocacy  
michelle@atixa.org  
610-993-0229, option 4