



UNIVERSITY OF NORTH CAROLINA WILMINGTON

Title IX & Suggested Changes

Title IX of the Education Amendments of 1972: *No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.*

What is Title IX?

Title IX protects every student's **right to educational opportunities and benefits free from sex discrimination**. Title IX is **guidance**, not a **regulation**; that means that Title IX does not mandate specifically how universities should respond to sexual harassment allegations so institutions interpret the guidance differently, which could make responses to sexual harassment inconsistent and unpredictable.

Title IX **does not punish students**; Title IX **penalizes the schools that fail to respond to sexual harassment** and further subject students to sex discrimination.

Why is Title IX important?

Title IX is important because the law requires universities to respond promptly and effectively to address reports of sexual harassment or sexual misconduct and actively take steps to prevent it. Sexual violence (including stalking and relationship abuse) is viewed as causing a hostile environment and thus discrimination, since enduring harassment and victimization prohibits students from equal access to education.

What changes are being proposed?

Several changes are being made to our current Title IX policy. Below is a brief list of revisions that our office is most concerned about:

- A new, more narrow definition of sexual harassment
- A more limited scope of institutional responsibility
- A change in what triggers a school's obligation to respond to allegations of sexual harassment
- A possible change to the standard of evidence needed to prove a case as true or false following a factual investigation

To view the proposed rule in its entirety, go to: <https://www2.ed.gov/about/offices/list/ocr/docs/title-ix-nprm.pdf>

Alternatively, a one page summary can be found at: <https://www2.ed.gov/about/offices/list/ocr/docs/proposed-title-ix-regulation-fact-sheet.pdf>

How do I make sure I know what I am writing about?

Great question! Please refer to the following Title IX chart. The chart identifies the section title and proposed changes, why the revision could be harmful, and possible ideas to remedy these changes. Imagine this chart as a map for your letter!

How to Submit Comments on Title IX New Policy Changes

• What is a comment?

A comment is a means of **expressing support or dissent for a regulatory action**. A **constructive, information-rich** comment that **clearly communicates** and supports the author's opinions is more likely to have an impact on regulatory decision-making. **One good comment is more influential than 1,000 letters.**

DIVISION OF STUDENT AFFAIRS

CARE: COLLABORATION FOR ASSAULT RESPONSE AND EDUCATION

- **Who reads my comment?**

Agency reviewers under the **Department of Education** (federal government) will read and evaluate how constructive your comment is. If your comment uses **sound science, solid reasoning, and is supported with either substantive data, facts, or expert opinions**, the more likely that your letter will be taken into serious consideration to revise Title IX.

- **When is the deadline to submit comments?**

Comments will only be accepted until **11:59pm on January 28, 2019**

- **Where can I submit a comment?**

Submit comments to: www.regulations.gov, search for Docket ED-2018-OCR-0064-0001. Select "Comment Now!" Or go to <https://www.regulations.gov/comment?D=ED-2018-OCR-0064-0001>

- **What to include in my comment?**

Include an introduction of who you are, your role(s) on campus, and why/how you are familiar with these issues. Clearly identify the issues within the regulatory action on which you are commenting; if you are commenting on a particular word, phrase or sentence, provide the page number, column and paragraph citation from the federal register document. If you disagree with a proposed action, suggest an alternative (including no regulation at all) and include an explanation and/or analysis of how the alternative might meet the same objective or be more effective. It is best to draft comments as a Word document and attach them or copy and paste.

What else should I know?

- **The comment process is not a vote.** The government is attempting to formulate the best policy, so when crafting a comment it is important that you adequately explain the reasoning behind your position. Form letters will not count as separate comments; each comment needs to be unique in order to be taken into consideration.
- **Do not feel obligated to comment on every issue of concern – select those issues that concern and affect you the most and/or you understand the best.**
- **Clearly identify the issues within the regulatory action on which you are commenting.** Provide the **page number, column, and paragraph citation** from the federal register document to identify your area of concern.
- **Identify your credentials/experience** that may distinguish your comments from others. It may be helpful to indicate if you have **relevant personal or professional experience in an area in which you are commenting**. However, keep in mind that all submitted comments are public records.
- When possible, support your comment with substantive data, facts, expert opinions and/or personal experience, if appropriate. **Consider including examples of how the proposed rule would impact you negatively or positively.**