

# FACE.

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## CALL TO ACTION

Dear FACE Families, Students, Friends, and Allies,

### IMPENDING OCR TITLE IX Q&A:

As you read this, the Department of Education's Office for Civil Rights (OCR) is developing a "Question & Answer" document (Q&A) to explain how it will (re)interpret the 2020 Title IX Regulations (Rule(s)), and likely amend or withdraw those Rules through a subsequent notice and comment rulemaking process.

### OCR IS PLANNING PUBLIC HEARINGS & ACCEPTING COMMENTS:

- ⇒ **Prior to issuing a Q&A, OCR is accepting comments and will hold hearings and listening sessions** to inform both the expected Q&A as well as OCR's anticipated Title IX rulemaking process.
- ⇒ **Victim advocacy groups are busy organizing, submitting comments**, and attending listening sessions and meetings with OCR, to air their stories, issues, and perspectives on changing the Rules.

### IF YOU'D LIKE YOUR VOICE HEARD:

- ⇒ **WE MUST ACT NOW** if our stories are to be heard and experiences considered by OCR.<sup>1</sup>
- ⇒ **WE CANNOT HESITATE** while others organize or dominate OCR's narrative; your experiences matter!

### WHAT QUESTIONS/COMMENTS SHOULD YOU ASK/SUBMIT?

- ⇒ **Consider you or your student's experience** to formulate questions or comments concerning how the Title IX process you or your student experienced was or would have been more equitable, all evidence explored, and an accurate decision reached under the current Title IX Rules.
- ⇒ **Examples of questions or comments might include the following:**
  - In our case, the advisor's ability to cross-examine the complainant allowed our student to prove his/her innocence. *How will you ensure each party's narrative is tested and the truth revealed?*
  - Unfair procedures result in erroneous decisions that impact both complainants and respondents. *How will you decide what fair procedures are necessary to protect the rights of both parties?*
  - Numerous recent court decisions have determined the importance of live hearings as a method to question each party's narrative. *Will you heed the various courts' thoughtful analyses of how and why wrongful decisions may have been avoided by the use of cross examination?*
  - Fairness and due process should also apply when the alleged event took place off campus. *How will you address the fact that the 2020 regulations allow schools to circumvent its protections by using school policies that lack fairness and/or due process?*

### HELP US ENSURE OCR MAKES INFORMED DECISIONS ON TITLE IX POLICIES:

- ⇒ **DON'T ALLOW OTHERS TO CONTROL THE NARRATIVE;** those reviewing and likely rewriting the Q&A and Rules must credit both complainant and respondent experiences.
- ⇒ **GET INVOLVED:** attend a hearing, participate in a listening session, or submit comments to [OCR@ed.gov](mailto:OCR@ed.gov), fax them to 202-453-6012, call 202-453-6012, or mail to the address below.<sup>2</sup>

Thank you!

Please click [here](#) for suggestions & a summary of the applicable Rules.

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<sup>1</sup> In the past OCR has permitted comments to be submitted anonymously.

<sup>2</sup> U.S. Department of Education Office for Civil Rights, Lyndon Baines Johnson Department of Education Bldg, 400 Maryland Avenue, SW Washington, DC 20202-1100.