



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

April 28, 2020

The Honorable Elizabeth Warren
United States Senate
Washington, D.C. 20515

Dear Senator Warren:

Thank you for your March 31, 2020, letter to Secretary DeVos. Your letter was forwarded to the Office for Civil Rights (OCR), and I am happy to respond on behalf of the Secretary. An identical copy of this response has been sent to the cosigners of your letter.

Your letter urges the Department not to release the Final Rule on Title IX of the Education Amendments of 1972 (Title IX) given the novel coronavirus (COVID-19) national emergency. The Department published its Notice of Proposed Rulemaking (NPRM) addressing school responses to sexual harassment, including sexual assault, under Title IX on November 29, 2018. The Department received and considered more than 124,000 public comments on the NPRM. The NPRM made it clear that the Department is committed to strengthening Title IX by requiring institutions to address sexual harassment, assisting and protecting victims of sexual harassment, and ensuring that due process protections are in place for individuals accused of sexual harassment.

The Department applauds how schools, colleges, and universities are overcoming the operational challenges presented by COVID-19 and appreciates their continued efforts to comply with their civil rights obligations.¹ Indeed, as you know, education programs or activities receiving Federal financial assistance have a continuing obligation to respond appropriately to incidents of discriminatory harassment, including sexual harassment. Consistent with OCR's jurisdiction under Title IX and the other civil rights laws it enforces, OCR also remains committed to ensuring that all students receive equal access to education, to protecting the civil rights of all students, and to the vigorous enforcement of the civil rights laws under its jurisdiction. When the Title IX Final Rule is published, OCR will offer technical assistance to recipient schools to assist them in complying with the requirements in the Final Rule.

¹ For COVID-19 information and resources for schools and school personnel issued by the Department, please visit: <https://www.ed.gov/coronavirus>.

I appreciate the opportunity to address the concerns raised in your letter. If you have any additional questions, please contact Jordan Harding, Principal Deputy Assistant Secretary delegated the duties of Assistant Secretary for Legislation and Congressional Affairs, at (202) 401-0020.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kenneth L. Marcus", with a long horizontal flourish extending to the right.

Kenneth L. Marcus
Assistant Secretary for Civil Rights



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

April 28, 2020

The Honorable Kirsten Gillibrand
United States Senate
Washington, D.C. 20515

Dear Senator Gillibrand:

Thank you for your March 31, 2020, letter to Secretary DeVos. Your letter was forwarded to the Office for Civil Rights (OCR), and I am happy to respond on behalf of the Secretary. An identical copy of this response has been sent to the cosigners of your letter.

Your letter urges the Department not to release the Final Rule on Title IX of the Education Amendments of 1972 (Title IX) given the novel coronavirus (COVID-19) national emergency. The Department published its Notice of Proposed Rulemaking (NPRM) addressing school responses to sexual harassment, including sexual assault, under Title IX on November 29, 2018. The Department received and considered more than 124,000 public comments on the NPRM. The NPRM made it clear that the Department is committed to strengthening Title IX by requiring institutions to address sexual harassment, assisting and protecting victims of sexual harassment, and ensuring that due process protections are in place for individuals accused of sexual harassment.

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Kenneth L. Marcus
Assistant Secretary for Civil Rights



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS
THE ASSISTANT SECRETARY

April 28, 2020

The Honorable Patty Murray
United States Senate
Washington, D.C. 20515

Dear Senator Murray:

Thank you for your March 31, 2020, letter to Secretary DeVos. Your letter was forwarded to the Office for Civil Rights (OCR), and I am happy to respond on behalf of the Secretary. An identical copy of this response has been sent to the cosigners of your letter.

Your letter urges the Department not to release the Final Rule on Title IX of the Education Amendments of 1972 (Title IX) given the novel coronavirus (COVID-19) national emergency. The Department published its Notice of Proposed Rulemaking (NPRM) addressing school responses to sexual harassment, including sexual assault, under Title IX on November 29, 2018. The Department received and considered more than 124,000 public comments on the NPRM. The NPRM made it clear that the Department is committed to strengthening Title IX by requiring institutions to address sexual harassment, assisting and protecting victims of sexual harassment, and ensuring that due process protections are in place for individuals accused of sexual harassment.

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Kenneth L. Marcus
Assistant Secretary for Civil Rights