

July 15, 2013

RE: Recent Criticisms Regarding the Department of Justice and Department of Education's Enforcement of Title IX and the Nomination of Tom Perez for Secretary of Labor.

Dear Senators:

On behalf of the undersigned organizations, all of whom work to promote equal educational opportunity and civil rights, we write to urge you to join us in supporting the critical work of the Civil Rights Division at the Department of Justice (DOJ) and the Office for Civil Rights (OCR) at the Department of Education (ED). These important agencies work tirelessly to enforce civil rights laws, including Title IX's protections against sex discrimination in educational programs receiving federal funds. The undersigned groups are deeply concerned that both these federal civil rights agencies have recently come under attack for, in essence, doing their jobs to enforce current law.

We find it particularly regrettable that the laudable work of these agencies is being baselessly criticized and needlessly politicized as the Senate considers the nomination of Tom Perez, currently the Assistant Attorney General for Civil Rights, for Secretary of Labor. We would remind the naysayers that each allegation of a civil rights violation requires its own investigation, analysis, and resolution, and DOJ's use of voluntary resolution agreements—such as the one in the University of Montana, Missoula case recently used to criticize Mr. Perezⁱ—are not only authorized but in fact encouraged under law. Indeed, such voluntary agreements are an essential tool that can prompt necessary change and avoid litigation.

DOJ's Title IX Legal Manual is clear that a preference for these voluntary agreements is “set forth in statute, a reflection of congressional intent, and is recognized by the courts.”ⁱⁱ In fact, DOJ can only proceed with civil action where voluntary compliance efforts are unsuccessful. It should be noted, as well, that this method of voluntary enforcement is preferred by colleges and universities. In the Missoula case, University President Royce C. Engstrom specifically thanked DOJ for their partnership in coming to a resolution.ⁱⁱⁱ

We thank DOJ and ED for their efforts in this particular area, and commend them for coordinating the recent issuance of much needed Title IX guidance^{iv}, as well as the renewed focus on technical assistance and enforcement efforts^v to curtail sexual harassment and assault on campuses.^{vi} We, the undersigned groups, strongly support the work of the civil rights agencies of both the Departments of Justice and Education. We believe that their continued and appropriate enforcement of Title IX and other current civil rights laws deserve our thanks, and should not be needlessly maligned for partisan gain. Please feel free to contact Lisa Maatz at the American Association of University Women, 202/785-7200 or maatzi@aauw.org, with any questions.

Sincerely,

American Association of University Women
9to5
Advocates for Youth
American Federation of State, County, and Municipal Employees
Americans for Religious Liberty
Anti-Defamation league
Asian Americans Advancing Justice-Los Angeles
Catalyst

Center for Advancement of Public Policy
 Coalition of Labor Union Women
 Disciples Justice Action Network
 Equal Rights Advocates
 Feminist Majority Foundation
 Gay, Lesbian & Straight Education Network
 Human Rights Campaign
 Institute for Science and Human Values, Inc.
 International Union
 Japanese American Citizens League
 Legal Momentum
 League of United Latin American Citizens
 Media Equity Collaborative
 NAACP
 National Abortion Federation
 National Advocacy Center of the Sisters of the Good Shepherd
 National Center for Lesbian Rights
 National Center for Transgender Equality
 National Council of Jewish Women
 National Council of Women's Organizations
 National Gay and Lesbian Task Force
 National Immigration Law Center
 National Organization for Women
 National Women's Law Center
 National Women's Political Caucus
 PFLAG National
 South Asian Americans Leading Together (SAALT)
 Turning Anger into Change
 United Auto Workers (UAW)
 United Automobile workers
 US Women's Chamber of Commerce
 Women's Law Project
 Women'sRadio
 Women's Sports Foundation

ⁱ See Senator John McCain Sends Letters to DOJ and EPA on Obama Administration Settlement Abuse (June 26, 2013) at http://www.mccain.senate.gov/public/index.cfm?FuseAction=PressOffice.PressReleases&ContentRecord_id=818fd6f0-b009-240c-b963-7b7bb47f03fb&Region_id=&Issue_id=.

ⁱⁱ Department of Justice Title IX Legal Manual (2013) at <http://www.justice.gov/crt/about/cor/coord/ixlegal.php>.

ⁱⁱⁱ Statement from University of Montana President Royce C. Engstrom at the Department of Justice Press Conference. (May 9, 2013) at <http://umt.edu/safety/dojstatement.php>.

^{iv} See Letter from the Department of Education Office for Civil Rights, (April 4, 2011) at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.html>.

^v See Department of Justice Educational Opportunities Cases at <http://www.justice.gov/crt/about/edu/documents/classlist.php#sex>.

^{vi} Resolution Agreement Among the University of Montana Missoula, the U.S. Department of Justice, Civil Rights Division, Educational Opportunities Section and the U.S. Department of Education, Office for Civil Rights OCR Case No. 10126001/DOJ DJ Number16 9 -44-9 at <http://www.justice.gov/crt/about/edu/documents/montanaagree.pdf>.