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. Perez’—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.”iii 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.iv

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 guidancev, as well as the renewed focus on technical assistance and enforcement effortsvi to curtail sexual harassment and assault on campuses. 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 maatzl@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
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


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.


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

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.