



June 11, 2021

Suzanne B. Goldberg
Acting Assistant Secretary for Civil Rights
Office for Civil Rights
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-1100
VIA Email: T9PublicHearing@ed.gov

Re: Written Comment: Title IX Public Hearing (2020 amendments to the Title IX regulations)

Dear Acting Assistant Secretary Goldberg:

On behalf of the Middle States Commission on Higher Education (MSCHE), I submit the following comments in response to the Office of Civil Rights' request for comment on the *Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance*, 85 Fed. Reg. 30,026 ("the Regulations"), including the 2020 amendments. MSCHE serves 524 postsecondary institutions as a voluntary, non-governmental institutional accreditor recognized by the United States Secretary of Education since 1952. In addition, MSCHE is recognized by the Council on Higher Education Accreditation (CHEA). The diverse institutions within MSCHE serve over 4,100,000 students and offer academic degrees ranging from two-year Associate's through the Doctoral level.

MSCHE appreciates its responsibilities as a member of the regulatory triad as well as under its *Standards for Accreditation and Requirements of Affiliation* to ensure that institutions comply with all applicable federal and state policies, regulations, and requirements. To that end, MSCHE supports the efforts of the Department of Education to reconsider the recently implemented 2020 amendments to the Title IX regulations. MSCHE also supports the intent of the 2020 amendments to address all forms of sexual misconduct, to ensure appropriate support for survivors, and to establish basic fairness and due process protections for all parties involved in cases of sexual harassment, including sexual assault.

Although the 2020 amendments represent many improvements from the 2011 Dear Colleague Letter, the amendments also established prescriptive requirements that created a one-size-fits-all approach that can be extraordinarily burdensome and costly to implement for many institutions, especially smaller institutions with low enrollment and limited funding.

MSCHE urges the Department to establish a broad, more flexible framework without prescribing specific activities or procedures. The framework should ensure the prompt review of allegations of sexual misconduct through a fair and impartial process that affords all parties appropriate due process and provides for equitable resolution. Within a broad, more flexible framework, institutions should be able to determine the most effective and efficient way to conduct disciplinary reviews in order to comply with Title IX expectations and provide for a safe environment for constituents.

We look forward to the opportunity to provide further feedback to the Department at the time of a formal request for comment on proposed regulations.

If I may provide additional information, please contact me by email at hperfetti@msche.org or by phone at (267) 284-5026.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather F. Perfetti", with a stylized flourish extending to the right.

Heather F. Perfetti, J.D., Ed.D.
President