

Title IX NPRM Comment Period: How Law Professors Can Get Involved

Deadline for comments: January 28, 2019, 11:59pm EST

Petition to extend the deadline: <https://act.nwlc.org/onlineactions/xe2SGYU1Tk-wK5fivFRKw2>

- Responding to timing of comment period (more than half of which has occurred and will occur during exams, holidays, and winter break, when students least likely to have time to comment and when circumstances are least conducive to organizing students to comment)
- Timing of comment period consistent with anti-democratic strain in current administration (See lawsuit by coalition of civil rights orgs: <https://www.equalrights.org/breaking-amended-federal-lawsuit-against-devos-shows-title-ix-policy-was-based-on-sexist-stereotypes-is-unconstitutional/>; *Widely Welcomed and Supported by the Public: A Report on the Title IX-Related Comments in the U.S. Department of Education's Executive Order 13777 Comment Call*, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3255205).

FacultySayHandsOffIX website: <https://sites.google.com/view/faculty-say-hands-off-ix/home?authuser=0>

- Created by a group of faculty across multiple disciplines
- Collects various tools that faculty and other educators can use to file comments online or via handwritten letters/postcards
- Includes a pledge that faculty can sign to commit to commenting and taking other actions (e.g. hosting a comments event; incorporating commenting into teaching; spreading the news on social media; encouraging others to participate)

Hands Off IX website (<https://www.handsoffix.org/>) & National Women's Law Center's Respect Students website (<https://nwlc.org/respect-students/>)

- Comprehensive websites on participating in the comment period
- Include information about how notice and comment works, grassroots organizing tools (e.g., comment-writing parties), social media strategies, and multiple platforms through which to submit a comment, both online and via handwritten letter/postcard
- Created a "data guide," available at [https://actionnetwork.org/user_files/user_files/000/028/106/original/Mini_Data_Guide_\(N_C\).pdf](https://actionnetwork.org/user_files/user_files/000/028/106/original/Mini_Data_Guide_(N_C).pdf), with dozens of social science studies on: (1) the Prevalence of Sexual Violence and Sex Discrimination; (2) Mental Health and Educational Impacts of Sexual Violence; (3) Economic Effects of Sexual Violence; (4) Reporting; (5) Fair Process in Campus Discipline; (6) Efficacy of Criminal Responses; (7) Resources on Off-Campus sexual abuse, Cross-Examination During Investigation Process, and Definition of Sexual Harassment

Special needs with which law faculty can help

- Work on own or with help of volunteer law students from around the country to write comments on specific legal problems with the proposed rules
- To learn about the doctrinal problems identified as in need of high-level legal analysis, as well as available law students to assist in writing comments on those doctrinal problems, contact Nancy Chi Cantalupo, nancy.chi.cantalupo@gmail.com.