

From: President's Office
Sent: Fri, 11 Jun 2021 15:57:00 -0400
To: T9PublicHearing
Subject: Written Comment: Title IX Public Hearing (Protections Based on Sexual Orientation and Gender Identity)
Attachments: Amherst College Title IX Comment June 2021.pdf

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June
11, 2021

Via
Electronic Mail (T9PublicHearing@ed.gov)

Suzanne
B. Goldberg
Acting
Assistant Secretary for Civil Rights
Department
of Education

Re:
Written Comment: Title IX Public Hearing (Title
IX Protections Based
on Sexual Orientation and Gender Identity)

Dear
Acting Assistant Secretary Goldberg:

Amherst
College is grateful that the Department of Education has invited public comment on Title IX of the Education Amendments of 1972 ("Title IX"), specifically regarding the Department's approach to protecting against discrimination based on sexual orientation and gender identity in educational environments. Amherst welcomes this administration's commitment to clarifying and enforcing the full scope of civil rights and protections for those who suffer discrimination and harassment because of their sexual orientation, gender identity, and/or gender expression.

As

a residential undergraduate liberal arts institution with a stalwart commitment to equity and inclusivity, Amherst aspires to be a community that respects the dignity of all community members, supports their equal access to opportunity, and nurtures their ability to fulfill their potential unhindered by discriminatory practices or policies or the burden of a prevailing climate of secrecy or fear. Freedom from the burden of discrimination is foundational in an educational environment. Indeed, a commitment to inclusivity and equity has been ingrained in the College's ideals since its founding two hundred years ago. We are, however, well aware that it takes more than an embrace of ideals to create an environment where each community member can fully access and benefit from all that we, as an educational institution, offer—which is why we urge the Department of Education to clarify through regulations that the prohibition against discrimination “on the basis of sex” includes protection against discrimination on the basis of gender identity, sexual orientation, and gender expression.

Amherst

today is proud to be a diverse community. Like every community, ours includes individuals—students, staff, faculty—who identify across the spectrums of sexual orientation, gender identity, and gender expression. Our Title IX office and its policies and practices are grounded in equity and fairness for all and have always been inclusive of all identities. The Office and its staff have worked hard to communicate to all community members that College Title IX policies and the support and resources that the Title IX office provides are here for everyone.

Despite

our best efforts, we know that individuals affected by sexual harassment and discrimination can face a multitude of barriers to coming forward to report their experiences and to getting the help they may need and are entitled to receive. The absence of regulations governing the interpretation of the law invites the politicization of what should not be a political issue. It also causes harm by exacerbating what are already significant hurdles to coming forward for people targeted because of their sexual orientation, gender identity, or gender expression. Variability among administrations' approaches to interpreting the law erodes individuals' certainty regarding their right to protection under the law. (For example, we are still feeling the effects of the Trump administration's 2017 rescission of Obama-era guidelines protecting transgender students in schools and colleges.) Exacting clarity, in the form of regulations from the Department of Education affirming that Title IX prohibits discrimination and harassment on the basis of sexual orientation and gender identity, will support individual dignity and remove any uncertainty that Title IX, the law, and the Amherst College Title IX office, are here for everyone.

At a moment when violence, sometimes lethal, against transgender, non-binary, queer, and gender non-conforming people is on the rise, and amidst a flurry of proposed bills across the country targeting the rights of transgender people, it is urgent that the Department of Education definitively affirm, through regulations, that sexual orientation, gender identity, and gender expression are complex and fundamental aspects of our being that deserve recognition in civil rights protections and that individuals who hold these complex identities are entitled to the secured right, under Title IX, to equal educational opportunity.

Sincerely,

Biddy
Martin
President,
Amherst College



Amherst College
Office of the President

Biddy Martin
President

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PO Box 5000
Amherst, MA 01002-5000
413.542.2234
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