

March 24, 2020

The Honorable Betsy DeVos
Secretary of Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Secretary DeVos:

On behalf of the associations listed below, representing the nation's two- and four-year, public and private colleges and universities, I write regarding two regulatory efforts currently underway: (1) the proposed rulemaking on Title IX of the Education Amendments Act (Title IX) and (2) the proposed Section 117 foreign gifts and contracts information collection request ("Section 117 ICR"). We implore you to delay any further action on these proposals until the COVID-19 emergency has passed, and campuses have resumed normal operations.

The issue here is not the merits of these particular regulatory proposals. Rather, the issue is that given the serious disruptions caused by the COVID-19 pandemic, institutions simply do not have the capacity to implement these proposals at this time. As you are aware, campuses are shut down and institutions are racing to move coursework online. Simultaneously, campuses are implementing emergency plans to provide support for critical campus operations such as university hospitals, IT infrastructure, and research labs. They are also working to provide additional supports for students, including for those who may need to remain on campus.

Implementation of the Title IX regulations is expected to be enormously complex and burdensome for campuses, and will require a coordinated effort across multiple campus departments and constituencies to identify, review, and change existing policies and procedures in a considered and sensible manner. Similarly, the Section 117 ICR is problematic in the current environment due to the distributed nature of source information across administrative and academic divisions. Staff teleworking may limit or prevent access to needed files and other information and would present enormous challenges, especially if the ICR will request information outside the scope of prior campus expectations. At a time when institutional resources already are stretched thin, colleges and universities should not be asked to divert precious resources away from more critical efforts in order to implement regulations unrelated to this extraordinary crisis.

We appreciate the Department's efforts in recent weeks to provide important flexibility to institutions as they work to bring coursework online and to provide additional support to students and their campus communities. We respectfully ask you to immediately pause these two regulatory efforts and announce your intentions to do so at the earliest opportunity. By taking these steps, the Department would provide additional reassurances to institutions that it understands the challenges campuses face and is committed to helping them during these unprecedented times.

Sincerely,



Ted Mitchell
President

On behalf of:

Achieving the Dream

American College Personnel Association

American Indian Higher Education Consortium

American Association of Collegiate Registrars and Admissions Officers

American Association of Community Colleges

American Association of State Colleges and Universities

American College Health Association

American Council on Education

American Dental Education Association

APPA—Leadership in Educational Facilities

Association of American Colleges & Universities

Association of American Medical Colleges

Association of American Universities

Association of Catholic Colleges and Universities

Association of Community College Trustees

Association of Governing Boards of Universities and Colleges

Association of Jesuit Colleges and Universities

Association of Public and Land-grant Universities

Coalition of Urban and Metropolitan Universities

College and University Professional Association for Human Resources

Consortium of Universities of the Washington Metropolitan Area

Council for Advancement and Support of Education

Council of Graduate Schools

Council on Social Work Education

EDUCAUSE

Hispanic Association of Colleges and Universities

NASPA - Student Affairs Administrators in Higher Education

National Association for Equal Opportunity in Higher Education

National Association of College and University Business Officers

National Association of Colleges and Employers

National Association of Independent Colleges and Universities

National Association of Student Financial Aid Administrators

UNCF