



FOUNDATION
AGAINST
INTOLERANCE
& RACISM

June 28, 2024

The Honorable Miguel Cardona
Secretary of the Department of Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Sent via email

Dear Secretary Cardona,

The Foundation Against Intolerance & Racism (FAIR) is a nonpartisan, non-profit organization dedicated to advancing civil rights and liberties and promoting a common culture based on fairness, understanding, and humanity. We have chapters and tens of thousands of members nationwide. Our website, fairforall.org, can give you a fuller sense of our identity and activities.

I am writing to urge you to suspend the effective date of the Title IX final rule, pending the resolution of ongoing litigation in several states. The significant legal challenges and recent injunctions issued by federal judges highlight the considerable uncertainty surrounding the status of this rule.

Implementing policy and operational changes to comply with the new Title IX rule under such uncertain legal conditions will place undue hardship on public school systems and federally-funded universities. Educational institutions would be required to allocate substantial resources and time to adapt to these changes, only to potentially reverse them based on future court rulings. This situation is likely to result in confusion and inconsistency in policy enforcement, which could negatively impact the educational environment and the well-being of students, faculty, and staff.

Furthermore, a suspension of the rule will aid the Department's Office for Civil Rights (OCR) in maintaining consistent enforcement methods and outcomes across states. The OCR's role as a neutral investigative body is critical, and consistent enforcement is essential to uphold the integrity and fairness of its investigations and decisions. Allowing the rule to remain in effect amid significant ongoing legal challenges could undermine the OCR's ability to perform its duties effectively and equitably.

By suspending the Title IX final rule until the legal challenges are resolved, the Department of Education can ensure that schools and universities are not subjected to unnecessary burdens and that the OCR can continue to operate with consistency and reliability. This approach will also provide clarity and stability for educational institutions nationwide as they work to create safe and inclusive environments for all students.

Thank you for your attention to this matter. I trust that you will consider this request carefully and take the necessary steps to suspend the Title IX final rule pending the resolution of the ongoing litigation. I appreciate your commitment to the education and well-being of our nation's students.

Sincerely,

A handwritten signature in black ink, appearing to read "Leigh Ann O'Neill". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

Leigh Ann O'Neill
Director of Legal Advocacy
Foundation Against Intolerance & Racism

Cc: Catherine Lhamon, Assistant Secretary, Office for Civil Rights
Lexi Barrett, Chief of Staff