



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS  
THE ASSISTANT SECRETARY

May 15, 2020

John F. Banzhaf, III  
Professor of Public Interest Law  
The George Washington University Law School  
2000 H Street, NW  
Washington, D.C. 20052

Dear Professor Banzhaf:

Thank you for your May 7, 2020, email to Secretary DeVos and various Department officials requesting technical assistance with developing a regional center model. I am pleased to respond on behalf of the Secretary and the Department. We appreciate your interest in pursuing the concept of a regional center or similar cooperative model or consortium for colleges and universities in the greater Washington, D.C. area. We understand that under your proposal schools that voluntarily join such a consortium could benefit from using trained, independent personnel provided by the consortium to impartially investigate and adjudicate Title IX sexual harassment formal complaints on behalf of its member schools.

As you noted in your May 7 email, the Department's Title IX Final Rule favorably describes the potential for regional center models to conduct impartial investigations and adjudications that comply with the new Title IX Final Rule. We share your belief that regional center models represent opportunity for innovation with the potential to benefit recipients and the students they serve.

Such a model may provide an opportunity for schools to pool their resources to provide students with experienced and high caliber Title IX personnel such as Title IX investigators, decision-makers, and persons who facilitate an informal resolution process, free from bias and conflicts of interest. Schools have significant discretion in choosing the regional center model or consortium model that best suits their needs as long as schools comply with Title IX, including its implementing regulations. Students will benefit from trained professionals promptly responding to and handling formal complaints of sexual harassment.

We encourage schools to explore models that would best suit their needs and decline to dictate a precise model or structure that schools must use. Of course, the Department is not able to provide you with legal advice on the issues you raise and is not able to recommend or provide funding sources. We encourage you to pursue answers to those questions with other organizations or

parties. With respect to other aspects of your email, we would be glad to meet with you and your colleagues who have an interest in this topic (remotely, in light of the national COVID-19 emergency) to further discuss your questions. Please contact Christian Corrigan ([Christian.Corrigan@ed.gov](mailto:Christian.Corrigan@ed.gov)) at your convenience to schedule a technical assistance conference for this purpose.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ken Marcus', with a long horizontal flourish extending to the right.

Kenneth L. Marcus  
Assistant Secretary for Civil Rights