

Waste Land Non-Discrimination Law

NATIONAL
ASSOCIATION
of SCHOLARS

Office for Civil Rights

- Relocate the Office for Civil Rights (OCR) to the Justice Department.
- Delimit OCR enforcement powers solely as via litigation, with no ability to issue Dear Colleague Letters or conduct case resolutions.
- Rescind the Civil Rights Restoration Act (1987), to reduce effects of OCR investigation.
- Reduce OCR employees to *ca.* 175, so that their ratio to the population they serve is in proportion to that of the Justice Department's Civil Rights Division.

Discriminatory Policies

- Rescind the Title IX “prong” requiring “substantial proportionality” in athletics.
- Declare that disparate impact theory has no legal standing at ED; rescind all policies, documents, case resolutions, and investigations that use disparate impact theory, especially those concerning school discipline and special education; inform all educational institutions that they are not obliged to use policies that depend upon the disparate impact theory; and inform all educational institutions that policies that depend upon disparate impact theory may violate civil rights if they are conducted with discriminatory intent.
- Link Title IV eligibility to transparency about discriminatory policies on student admissions, faculty hiring, and administrative staffing; providing information on the costs of discriminatory policies; and dismantling neo-segregation policies, policies that forward discriminatory concepts, and policies that benefit or punish based on group identity.

Gender Ideology

- Define “sex” to mean only biological sex recognized at birth.
- Declare that civil rights laws concerning sex do not concern sexual orientation, gender identity, or gender expression; rescind all policies, requirements, documents, case resolutions, and investigations that define sex to include these categories; rescind requirements that Civil Rights Data Collection create and collect data on a “nonbinary” sex category; and rescind requirements to use pronouns that don't match biological sex.
- Declare that civil rights laws concerning sexual discrimination do not concern sexual harassment or sexual violence; and rescind all policies, requirements, documents, case resolutions, and investigations that define sexual discrimination to include sexual harassment or sexual violence.
- Inform all educational institutions that policies that draw upon gender ideology must not violate constitutional rights to liberty and due process.

Due Process

- Restore the Title IX due process regulations promulgated by then-Secretary Betsy DeVos on May 19, 2020 and link Title IV eligibility to Title IX due process protections.

Procedures

- Require all DCLs and case resolutions concerning civil rights and Title IX law to cite and rely exclusively upon authorizing statutory language.