



Update from President Nelson: Title IX and Transgender Rights

October 2017

Dear MassArt Community:

Numerous recent decisions by our federal government continue to create anxiety, worry, and fears among our campus community. I hear your concerns and share with you some of the questions raised by federal actions. I also see engaged, driven students and active, interested faculty and staff. This gives me hope.

I am reminded of the Colleges of the Fenway gathering for the 19th annual Martin Luther King Jr. celebration just a few months ago. In my welcome remarks, I said that “Dr. King reminded us, drawing on the words of 19th century abolitionist Theodore Parker, that “the moral arc of the universe is long, but it bends towards justice.” I said then, and I still feel today, that “I am hopeful because I get to spend my days, as you do, working with the next generation of hopeful young people who will bend that moral arc even more toward its just end.”

Recently our All University Committee charged me to address concerns raised by our Student Government Association about a recent action by US Secretary of Education Betsy DeVos with respect to Title IX. Subsequently, an action by US Attorney General Jeff Sessions with respect to transgender rights occurred. Both issues merit our attention.

Title IX and Sexual Violence

On September 22, the U.S. Department of Education (DoEd) withdrew the Obama Administration’s 2011 Dear Colleague Letter on Sexual Violence and 2014 Q&A on Title IX and Sexual Violence. While these DoEd guidance documents inform portions of the State Universities’ of Massachusetts Sexual Violence Policy and corresponding complaint investigation and resolution procedures, our policy and procedures are also premised on the requirements of Title IX, the reauthorized Violence Against Women Act, the Clery Act, state law, and the fundamental principles of due process.

The 2017 Q&A on Campus Sexual Misconduct issued recently by the DoEd does not require any material change to our approach to sexual violence. Accordingly, our current Sexual Violence Policy and complaint investigation and resolution procedures will continue to be enforced.

MassArt is committed to maintaining safe and healthy learning, living, and working environments that are free from all forms of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking, and retaliation. If you or someone you know experiences any such kind of harassment or violence, we

want to hear from you. We know that coming forward is difficult, but we want to help you and we want to deal with perpetrators. More information may be found at: massart.edu/title-ix.

Our commitment to your safety has not wavered. We will continue our work to ensure that our process is accessible, equitable, compassionate and fair, and supports survivors of sexual misconduct.

Transgender Rights

Attorney General Sessions on October 5 instructed the Justice Department to discontinue the practice of arguing in court cases that transgender persons are protected by Title VII of the Civil Rights Act. The result of this action is that we can no longer depend on the US Justice Department to defend the rights of citizens based on gender identity. Sadly, this means that the Justice Department is now on the side of injustice with regard to certain members our society.

Session's instructions do not in any way change MassArt's policies or procedures, and we remain fully committed to equity and justice for every member of our community. Session's decision only strengthens our resolve to stand together as a community.

I don't anticipate that the streak of indecent and immoral decisions from the Trump Administration will abate. Likewise, our opposition to such decisions will not cease. And I hope our engagement in the well-being of our campus community and our world will become stronger than ever.

David

President David P. Nelson