

ED-2021-OCR-0166

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U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

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RE: Comments on Department of Education Proposed Changes to Title IX

The American Society for Biochemistry and Molecular Biology (ASBMB) is an international nonprofit scientific and educational organization that represents more than 10,000 students, researchers, educators and industry professionals. The ASBMB strongly advocates for strengthening the science, technology, engineering and mathematics (STEM) workforce, supporting sustainable funding for the American research enterprise, and ensuring diversity, equity and inclusion in STEM.

The U.S. Department of Education released a notice of proposed rulemaking to amend the regulations implementing Title IX of the Education Amendments of 1972. The ASBMB is writing in support four of the proposed amendments and to make an additional recommendation to Title IX.

A [2018 National Academies report](#) on sexual harassment in academic science, engineering and medicine, stated that women in STEM experience sexual harassment at alarmingly high rates with women in the academic workplace experiencing the second highest rate of sexual harassment. Since then, the Association of American Universities found that [13% of college and graduate students report nonconsensual sexual contact](#) when surveyed, with the highest rates occurring among female undergraduates at 25.9% and college students who identified as gay, transgender or non-binary at 22.8%.

With no protections from sexual-based harassment for gay, transgender, or non-binary individuals under the current ruling, the numbers will only continue to increase. Amending Title IX guidance and rules to expand coverage of protection to lesbian, gay, bisexual, transgender, queer or questioning, intersex and asexual (LGBTQIA+) individuals will ensure that institutions of higher education are safer learning and work environments for all individuals in STEM across the country.

On June 11, 2021, the [public hearing to gather information for the purpose of improving Title IX](#)

to (1) defining sexual harassment, (2) eliminating mandatory live cross examinations, (3) including Include Lesbian, Gay, Bisexual, Transgender, Queer or Questioning, Intersex, Asexual and other non-straight, no-cisgender identities (LGBTQIA+) individuals, (4) clarifying and confirming protections against retaliation and add language (5) including post-doctoral trainees in Title IX.

1. Defining sexual harassment

The ASBMB recommends that the department keep the amended changes to include the definition of sexual harassment as sex discrimination, including related to a hostile environment un stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation and gender identity . The ASBMB is pleased to see the department broaden 0009.Pd definition of sexual

