

From: (b)(6)
Sent: Fri, 11 Jun 2021 04:14:32 +0000 (UTC)
To: T9PublicHearing
Subject: "Written Comment: Title IX Public Hearing
Attachments: face letter 2021.docx

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Please feel free to edit, I know this is long and may not be exactly what you want but I needed to say it.

As the parent of a student charged with sexual misconduct, I have firsthand experience of the importance of the revisions to the 2020 Title IX regulations and know that they would have made a significant difference in the outcome for my son. While the change in regulations was too late to help him, I am glad the previous Guidelines have been eliminated and the much more balanced 2020 Title IX regulation has been promulgated to replace it.

The guidelines for the handling of campus sexual assault cases established by the Obama Administration had the positive effect of encouraging women to come forward and report their assaults. At the same time, it removed the presumption of innocence and the need for any evidence other than the accuser's word that there was an assault. In most cases alcohol-impaired judgment on both parts, and regret the following day, have led to unsubstantiated accusations that are simply taken as true because why else would the young woman make the accusations it is said.

While any reasoned consideration of what might happen, indeed what has happened in some cases, is that there are a host of other reasons some young women might make a false accusation. What ever happened to a civilization based on fairness to both sides and decisions based on fair procedures and a reasoned consideration of the facts? Making the process to men unfair now should not be used to make up for the unfairness of the process towards women in the past.

While undoubtedly not the intent of the Obama Administration, the fact that a university's funding was threatened if it did not tilt the process in favor of guilt if an accusation was made was the result in many cases. Young women were given a blank check with regard to responsibility for their actions. Instead of what used to be termed the "walk of shame" it became the "walk of blame" and if they regretted their actions for any reason all they need say was that they didn't consent.

Instead of being considered innocent until proven guilty or innocence base on the preponderance of evidence, campus administrations were given guidelines that removed any chance of mediation or discussion and resulted in hearings during which the accused were not given the opportunity to confront their accusers or do anything other than state their version of what occurred. The threat of losing Title IX funding resulted in little interest by colleges and universities in anything other than finding for the accuser.

Expulsion from a university for any sexual offense is the equivalent of an educational death sentence. In our case that sentence wasn't the result of the presentation of evidence or proof of guilt, rather it was a sentence imposed by administrators who had taken a weekend course in how to handle the situation and most of them wilted in the face of the pressure of political correctness in finding for the accuser.

Convicted felons are able to obtain an advanced degree and there are scholarships available to help them. A student expelled on a sexual misconduct charge will not be admitted to most schools nationwide. There is no due process. If convicted in a court of law of most crimes, you complete your sentence and can move on in life. If merely accused on a campus, you are immediately in limbo with a life sentence of rejection from undergraduate universities, graduate programs and employment opportunities. Friends become really hard to come by. Those of us who have experienced a child being railroaded out of university on bogus sexual assault charges pray the child has understanding parents because he has little else in life.

My son was charged by an acquaintance, with sexual assault while she was intoxicated. His accuser invited herself to his dorm room where they engaged in sexual activity after which she texted that they really should tell his girlfriend what they had done so she wouldn't think they were covering up anything. His girlfriend was justifiably livid and spread the word through their sorority. The assertion that she was so intoxicated that she couldn't remember anything was disproved by her texts and the testimony of witnesses. The investigator for the university was not in law enforcement and submitted a report that misquoted statements by witnesses. No force was alleged; she simply decided the next day that she wished she hadn't done it in light of her friend's anger.

Once it was determined through numerous eyewitness testimonies that she was not 'blacked out' and unable to remember anything as she stated, the university decided to ignore the original charge and instead find him guilty because she never said out loud "I want to have sex", one of the listed definitions in the student handbook for a guilty charge.

In the past, women were afraid to report and to come forward because of the psychological trauma of having to relive their assault while pursuing justice and the stigma they believe they will have from having been a victim. The Me Too Movement has put an end to the stigma of reporting.

The 2020 Title IV revisions helped to put an end to the flawed guidelines of the Obama Administration, giving the accused a fair and equal chance to defend themselves without being accused of victim shamming.

It is important and only fair that the 2020 Title IV Guidelines remain in place.

Sincerely,

Mother of a 'Respondent'

Please note: I am sending this anonymously because after years of struggle, my child is working at a good company and still trying to complete his education.