

**From:** Beth Finch  
**Sent:** Mon, 24 May 2021 09:34:32 -0500  
**To:** T9PublicHearing  
**Subject:** Written Comment: Title IX Public Hearing

To Whom it may concern:

Lhamon's nomination is imprudent, disregards the opinions of countless Title IX experts, attorneys, and others, and is an affront to the thousands of students and families who have suffered significantly as a result of policies enforced by Ms. Lhamon.

Having formerly served as OCR's Assistant Secretary from 2013 to 2017, Lhamon was instrumental in forcing Title IX offices to prioritize complainants' rights over the already minimal due process owed respondents.<sup>1</sup> Though Lhamon did not author OCR's infamous *2011 Dear Colleague Letter* (2011 DCL), she doggedly enforced it and other OCR 'guidance' documents addressing sexual misconduct without regard to their disastrous repercussions and heightened "risk for wrongful findings in sexual assault adjudications."<sup>2</sup>

According to journalist Emily Yoffe, although the intent of Lhamon's policies may have been "noble and necessary," they "left a mess of a system," had "many unintended consequences,"<sup>3</sup> and "ultimately undermine[d] the legitimacy of the fight against sexual violence."<sup>4</sup>

Lhamon also exceeded her executive authority when it was convenient. In a memorable 2014 exchange with then-Senator Lamar Alexander regarding Lhamon's authority to impose non-regulatory mandates on schools, Lhamon argued that, in confirming her, the Senate had given her the authority to withdraw funding for schools' noncompliance with those mandates.<sup>5</sup> Lhamon insisted this was true, even though OCR had not sought comments about its 2011 DCL from those with relevant expertise, nor had it even attempted to conduct the notice-and-comment process required by the Administrative Procedure Act.<sup>6</sup>

Just over a year later, another OCR official confirmed Lhamon's claim of authority to withdraw funding for noncompliance with mere guidance was false.<sup>7</sup>

I oppose the return of Lhamon to the OCR. Please examine this carefully.

Thank you.

Beth