

**From:** Vatti, Hima  
**Sent:** Fri, 11 Jun 2021 19:59:28 +0000  
**To:** T9PublicHearing  
**Subject:** Written Comment: Title IX Public Hearing (Submission by Caltech)  
**Attachments:** Submitted Caltech Title IX Comment June 11 2021.doc

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Please find attached the California Institute of Technology's (Caltech's) written comment submitted as part of this week's Title IX Public Hearing process.

Sincerely,

**Hima Vatti**

Assistant Vice President Equity, Equity Investigations  
Title IX Coordinator  
Equity and Title IX Office  
California Institute of Technology  
1200 E. California Blvd  
Pasadena, CA 91125  
626-395-3132

**Caltech**

THE  
equityOFFICE + titleIX



Equity and Title IX Office  
1200 E. California Blvd. 205-87  
Pasadena, CA 91125  
(626) 395-3132

June 11, 2021

The California Institute of Technology (Caltech) greatly appreciates this opportunity to submit a written comment as part of the public hearings on improving enforcement of Title IX of the Education Amendments of 1972 (Title IX). Caltech makes three key recommendations relating to aspects of the current regulations which have impacted its implementation and enforcement of Title IX's prohibition of sexual harassment.

First, we urge the continuation of the current regulations' allowance of informal resolution of allegations of Title IX-prohibited conduct, including sexual misconduct. Title IX's utility and enforcement necessarily depend on the reporting of alleged violations. At Caltech, a great many complainants feel comfortable reporting concerns and complaints because they can pursue a mediated resolution, a process that provides both parties a great measure of control in crafting outcomes and measures for learning and growing and concludes within a short time. It would be unnecessarily limiting, and even traumatizing, to remove this option for recourse and force parties either to abandon complaints or submit to burdensome investigations involving long timelines, hours of questioning, hearing officers, and even attorneys hired at great expense to parties and their families.

In addition, the specter of the intimidating and potentially traumatizing experience of direct cross-examination by attorneys at the hearing may particularly chill reporting and Title IX's viability as a tool to combat sexual harassment. Complainants' interest in avoiding direct cross-examination can also provide unfair leverage to respondents in negotiating informal resolutions of complaints. While Caltech embraces the need for parity and due process, other mechanisms allow all parties to be heard and their evidence to be vetted. Caltech recommends a return to having only an impartial and trauma-informed hearing officer conduct the questioning of parties, with attorneys or other advisers providing support and guidance.

Finally, the regulations have narrowed both the definition of sexual harassment and the scope of its application, while simultaneously allowing schools to expand both in determining what is actionable under their policies. However, Title IX requires dismissal of a formal complaint that does not meet its definition of sexual harassment (which requires conduct to be pervasive) or allege conduct that took place in a school's education program or activity (such as off campus assault involving two students in a non-Caltech-

owned apartment). This contradiction between Title IX and a school's policy creates confusion and conflict, as well as disunity between schools' treatment of sexual misconduct as states close the gap in different ways. Caltech, therefore, recommends a return to the classic definition of sexual harassment, as well as an expansion of the scope of Title IX to apply clearly to allegations of prohibited conduct between two members of a school's community regardless of location off campus, if, based on the allegations, there is any reason to believe that the incident could contribute to a hostile educational environment or otherwise interfere with a student's access to education.

Caltech looks forward to OCR's thoughtful consideration of the university community's experiences and comments in implementing and enforcing Title IX, as well as to future opportunities to weigh in on any proposed regulations.

Sincerely,

[Signature Indicated by Transmission from Caltech Email Account]

Hima Vatti  
Assistant Vice President for Equity and Equity Investigations  
Title IX Coordinator  
California Institute of Technology

**From:** Vatti, Hima  
**Sent:** Fri, 11 Jun 2021 22:59:05 +0000  
**To:** T9PublicHearing  
**Subject:** FW: Written Comment: Title IX Public Hearing (Submission by Caltech)  
**Attachments:** Submitted Caltech Title IX Comment June 11 2021.pdf

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

We respectfully request that you accept and use this PDF version of the comment Caltech submitted timely at 3:59 EST, as shown below.

Thank you and best wishes,  
Hima

**Hima Vatti**  
Assistant Vice President Equity, Equity Investigations  
Title IX Coordinator  
Equity and Title IX Office  
California Institute of Technology  
1200 E. California Blvd  
Pasadena, CA 91125  
626-395-3132

**Caltech**

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**From:** Vatti, Hima  
**Sent:** Friday, June 11, 2021 12:59 PM  
**To:** [T9PublicHearing@ed.gov](mailto:T9PublicHearing@ed.gov)  
**Subject:** Written Comment: Title IX Public Hearing (Submission by Caltech)

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