

From: cj a
Sent: Sat, 12 Jun 2021 13:57:47 -0700
To: T9PublicHearing
Subject: "Written Comment: Title IX Public Hearing (approach to dealing with cases involving sexual harrassment of higher education staff employees using Title IX, failure of Dept of Ed to address whistleblower cases which are also Title IX cases)

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In my public comment to the US Dept of Ed public hearing on Title IX where the Dept of Ed is asking for feedback I would like my comment to highlight failures of the US Dept of Education to properly address its

1-approach to dealing with cases involving sexual harrassment of higher education staff employees using Title IX- the department of Education has allowed colleges and universities to investigate cases where staff are complainants solely using the language of it being Title IX cases and employees are denied an equal highlighting of e.g Title VII as equally applicable to their case. Yet, Title IX is highlighted as applicable to student complainants and faculty removed from Title IX applicable to them because of their rights under their campus academic personnel manual.

2-Failure of Dept of Ed to address the processes and handling of whistleblower cases which are also Title IX cases and may involve financial transactions as evidence also in Title IX cases- complainants and whistleblowers are not informed of the processes or channels for how to navigate the system in a secure manner.

4- Failure even within this public hearing to provide safeguards of privacy and secure handling of feedback from Title IX complainants who are happen to be whistleblowers in such cases. The department has not provided a regular physical mailing address for receipt of these comments at a time when multiple government agencies are detailing data breaches and the dept is requiring email address which have a digital trail and do not really provide Title IX complainant and whistleblowers the privacy, anonymity or security that the dept of Ed is claiming it is providing in seeking feedback or handling the public comment forum to citizens.

5- The absence of discussion of numbers of cases of underrepresented minorities and LGBTQ identified persons being perpetrators of Title IX infractions against fellow underepresented groups is also troubling in the department's attempt to address

6- Also confusing is the US dept of Ed failure to address the fact that there is one set of statute of limitations at Dept of Ed but the educational institution may have no statute of limitations or a longer period and the Dept of Ed does not make clear to the public if or when the dept holds such campuses liable or to account for compliance with their own claimed statute of limitations.

The feedback above is in response to the Dept of Ed's highlighting its interests in these two topics specifically:

"4 OCR has a particular interest in receiving live comments through the virtual hearing platform and written comments through the email address provided below on the Title IX regulations related to sexual harassment, including the 2020 amendments to the regulations. We also have a particular interest in receiving comments on discrimination based on sexual orientation and gender identity in educational environments."

But one additional area of concern for me is the handling and response time non compliance of Dept of Ed of cases and regional non compliance with due dates of response etc and other privacy failures but I would only be comfortable detailing that out in a non electronic form of public comment that appears to be unavailable in this public comment session period.

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