

From: Chris Norlin
Sent: Tue, 8 Jun 2021 22:07:23 +0000
To: T9PublicHearing
Subject: Written Comment: Title IX Public Hearing (Respondent's Rights)

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.

FROM: Chris Norlin, M.Ed., CCEP

TO: United States Department of Education

RE: Public Comment for "A Title IX Virtual Public Hearing" (June 7-11, 2021)

I've been working in the field of university compliance for almost two decades. I am a Certified Compliance & Ethics Professional (CCEP) and a current member in good standing of the Society of Corporate Compliance & Ethics (SCCE).

While I've long been a registered Democrat and was deeply troubled by the policies and persona of President Trump, I nevertheless consider DOE's May 2020 Title IX reforms to be a rare bright spot in an otherwise disastrous term.

I urge you not to turn back the clock.

My strong feelings on this topic are informed by the horrific 2017 experience of a personal friend of mine at that time, an international student attending a top-tier American university. Just a few months' shy of earning his Ph.D., his troubles began when he broke off his engagement with his fiancée. The very next day she showed up to his workplace on campus, unannounced and uninvited, pounding on the doorway and demanding entry.

She would later allege that he gave her a single push as she attempted to enter the suite where he and his fellow researchers were working. According to her own version of what occurred, she neither fell down nor sustained injury. Nevertheless, she pulled out her cellphone and dialed 911, declaring in the presence of a witness "I'm sending you back!" in a reference to his home country.

Despite the university's claim that it presumed him innocent until proven guilty, the evidence suggests that the deck was heavily stacked against him from the day one:

- Within hours of notifying him of his ex-fiancée's complaint against him, the university banned him from setting foot on campus and evicted him from graduate student housing – this even though his accuser had long ago dropped out of school and had no physical presence at the university.
- Though he had no experience in the law or in how to prove a case in his native tongue, let alone in his second language of English, the process expressly denied him the right to represented by counsel.

- Campus police gave his accuser access to the police report, but per policy denied him the same opportunity. When she then submitted it as evidence to the Title IX investigator, he had no way of knowing she omitted the critical page that would have definitively proved his innocence.
- At no time was he allowed to read the original complaint against him or transcripts of the investigator's other interviews. He was never allowed to question, either directly or indirectly, his accuser or other witnesses. Yet when his university's president and Title IX director wrote a letter to DOE in early 2019 in defense of the status quo, they claimed that their process already afforded respondents the right to question witnesses.
- The university ultimately issued him a multi-year suspension that was grossly disproportionate to the act he had allegedly engaged in. Despite the recently revised DOE guidance of September 2017 stating that "Any disciplinary decision must be made as a proportionate response to the violation," the university insisted its hands were still tied by its own as-yet-unrevised policies implementing DOE's earlier April 2011 "dear colleague" letter.

He then retained legal counsel who filed a writ of mandamus, and the presiding judge ordered the university to reinstate him. But the brief gap in attendance had irreparably invalidated his F-1 student visa. And though he had a signed contract promising him post-graduate employment as an instructor/researcher, the university now declared it null and void – even after having reversed all student disciplinary actions against him to comply with the court's decision.

It's widely understood that the pre-2020 Title IX process disproportionately targeted and disciplined young men of color like my friend. This is so contrary to the values that universities all across our nation espouse.

These rights – to be presumed innocent, be represented by counsel, see evidence against you, confront your accuser, not be discriminated against because of your gender, race, or nationality – are fundamental to calling ourselves a democracy, America.

Let's move forward, not backward.