

**From:** Atkins, Garry  
**Sent:** Wed, 9 Jun 2021 18:44:30 +0000  
**To:** T9PublicHearing  
**Subject:** Written Comments about Title IX campus policies

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### **PUBLIC COMMENTS – TITLE IX HEARING June 9, 11:00am EST**

Additional comments which are continuation of verbal comment provided this morning.

My name is Garry Atkins. I have been a higher education administrator for more than three decades. For most of the past two decades, I have worked primarily with student conduct and Title IX. I want to thank you again for me an opportunity to present information during this review process.

#### **Comments:**

1. **Live-Hearing Requirement:** Educational environments are not cookie cutter establishments in programs, activities, academics, social communities, etc. In some instances, and in some situations, it is understood that live-in-person-hearings may be the most appropriate means to review facts of an allegation. However, in some situations, the live hearing may not be the best means to acquire the clearest understanding of the facts. To require participants to participate in a live hearing, regardless of their mental state or with respect to the violence which may have been endured during the alleged violation, maybe not in the best interest of participants or the search for truth. It is opined the live-in-person-hearing requirement has the potential to needlessly traumatize participants and diminishing the search for truth. As opposed to a required live hearing, it is hoped this committee will provide colleges and universities the ability to create case review options where participants may choose which options is best for them in their search for justice.
2. **Direct Cross Examination.** The unfortunate reality is that most student allegations of Title IX policy violations occur because of students' participation in an educational program. Education programs are just that; a place where students should endure person, professional, and spiritual development that will contribute to who they become as adults. Based on current guidance, a complainant or respondent can be cross examined by anyone chosen by a participant to represent them. This includes parents, friends, lawyer, social advocate, etc. Such openness creates unnecessary opportunity for a hearing participant to endure unnecessary harm. Furthermore, while campus individuals may be trained in processes related to Title IX, campus individuals (typically staff or faculty members) are not equipped to manage miniature courtrooms in a manner that assures justice. As opposed to required cross examination, it is hoped this committee will create flexibility in the regulations which will provide colleges and universities opportunities to create campus process where participants can share information in a format that protects them from humiliation, trauma, and injustice.
3. **Title IX Legislation as a Yoyo Between Political Parties.** The two previous administrations, through the presentation of Title IX guidance, used Title IX as platforms to publish agendas

which failed to adequately structure campus equality processes structured in the best interest of students or campus individuals. The disparity in Title IX interpretations, as has been conducted, cannot be based on legal precedent. For Title IX to exist continuously as a beacon to fair and equitable practices at educational institutions, there must be consistency which extends beyond political platforms. In addition, continuous changes in this federal guidance, based on political positions, is not fair to anyone. The back-n-forth changes results in inconsistent policy enforcement, as well as confusion among students as to protocol for reporting violations or issues of concerns. It is hoped this review will eliminate party affiliations from considerations, and put forth guidance that is designed to create safe campus environments not withstanding beliefs on any one particular political party affiliation or group association.

Thank you for the time and opportunity to present these comments.

Garry Atkins, Ed.D.

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