

**From:** George Heider  
**Sent:** Thu, 10 Jun 2021 20:30:41 -0400  
**To:** T9PublicHearing  
**Subject:** Written Comment: Title IX Public Hearing (Topic: Grievance Procedures)

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Thank you for opening wide your solicitation of comments on your assignment. I do not envy you. We seem to have reached a point where, at least in many minds, it is a zero-sum game between fully hearing and acting on the experiences of victims and preserving the rights of the accused to the presumption of innocence and due process. Clearly, a third way must be found.

I have some professional and personal experience with these issues. On the one hand, I served for eight years as president of a small, faith-based university. Unfortunately, the institution's mission did not bar assault or other inappropriate behavior by its students (I'm glad to say that I never had to deal with a faculty/staff on student case). Our approach was to follow our disciplinary procedures, but also to involve the local police and our legal counsel in a consultative function from the start, in the case of serious incidents like assault. We judged ourselves simply out of our depth in trying to manage all of the facets of such cases on our own.

On the other hand, I have experience as a father of a young man who was accused of "inappropriate sexual behavior" at his college. That college's hearings procedure was developed in concert with the Obama-DOE's "Dear Colleague" letter, but it was, in fact, employed for all disciplinary cases of whatever gravity. The procedure was totally inadequate for a charge serious enough to result in expulsion in the event of a finding of "responsibility" (i.e., guilty). He was not permitted legal counsel. The process itself amounted to each party telling its story, with the "preponderance of evidence" standard to be met by whose story was more convincing to the panel. The upshot was that he was expelled with anything but due process having been served.

So I've seen both sides of the victim/accused situation, and I've witnessed abuse both ways.

My final observations: clearly, many campuses have allowed a culture to develop in which sexual assault is an acceptable behavior, at least among some subsets of the student body. This needs to be stopped via education and, where necessary, enforcement of societal norms. Students need to feel safe in their persons, and there need to be procedures in place that encourage and support those whose expectations have been violated. However, these procedures cannot come at the cost of due process for the accused. A simple return to the Obama-era "Dear Colleague" approach is simply unacceptable for this reason.

I will follow your decision process with interest.

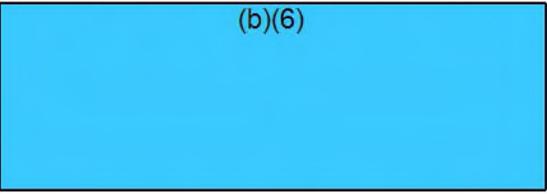
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