

From: Gregory Smith
Sent: Fri, 11 Jun 2021 09:56:47 +0200
To: T9PublicHearing
Subject: Written Comment: Title IX Public Hearing

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.

OCR:

Given Lhamon's history of:

- refusing to meet with victims of false allegations of campus sexual assault or organisations advocating on their behalf (e.g., FIRE, FACE or SAVE) or to even consider their experiences in crafting policy;
- Attempting to blackmail IHE's into adopting grossly unfair and obviously unconstitutional procedures for "investigating" sexual assault allegations;
- Refusing to even acknowledge any obligation to follow clearly established procedures, including those specified by the APA in developing and implementing policy; and
- Undisguised and publicly expressed contempt for the rule of law and for those accused of sexual assault

It is difficult to accept these hearing as anything but window dressing intended to mislead the public into believing that legitimate and significant concerns are being taken into account while the OCR in reality moves forward indifferently towards its predetermined objective of dismantling all the hard-won reforms and protections developed and implemented by the previous administration,

Whilst I fully expect the OCR under Lhamon to continue to seek to implement a policy framework that has been demonstrated to destroy innocent lives with frontal assaults on key constitutional protections such as the 6th Amendment right to confront one's accuser and the right to presumption of innocence, the courts have already weighed in against Lhamon's approach. Not only are the policies she has advocated for contrary to law, tradition, culture and values, she has defended them by promoting false narratives with deliberate and knowing indifference. These include assertions that current framework's requirement that Title IX protections apply only to the campus environment would leave off-campus assault victims "without protection." The reality of course is that the overwhelming majority of sexual assaults have no connection to IHEs and hence Title IX is not implicated; however, it is entirely disingenuous to suggest that such victims lack protection, as if there is no law or law enforcement protection beyond the campus gates. What Lhamon and her allies in reality are seeking is to extend the extra-judicial process they promote, with its accompanying fatally weakened right to due process, from the campus out into the broader community.

In short, these hearings are a sham, an attempt to mislead the public into believing that their concerns are being taken into consideration whilst the OCR returns to its previous mission of dismantling constitutional protections and railroading the accused through show trials with pre-

determined outcomes. Lhamon may likely be at least partially successful in achieving this hidden agenda, but it must be made clear to the public that neither these hearings nor any other performative adherence to democratic processes she engages in is being done in good faith. The experiences of [redacted (b)(6)] and a seemingly endless stream of "John Does" have dramatically demonstrated the lasting and significant harm that directly results from the approach that Lhamon seeks to re-implement. In light of the undisputed facts of these cases, it is dishonest, offensive and unethical for the OCR to defend its policy position or the false and misleading narratives used to justify it. No effort should be spared in opposing them.

Regards

Gregory Smith

.....

Gregory Smith

[redacted (b)(6)]

.....