

**From:** Jana Sabo  
**Sent:** Tue, 18 May 2021 11:03:24 -0400  
**To:** T9PublicHearing  
**Subject:** Written Comment: Title IX Public Hearing (Definition, Jurisdiction and Cross Examination)

Good morning. I am a Title IX Coordinator and have been in this role for 7 years. In navigating the current regulations, there are a few areas which have been problematic.

First, the change in the definition of sexual harassment to severe, pervasive AND objectionably offensive excludes many behaviors and makes an impossibly high bar to be able to take action to help someone subjected to such behavior. The current definition also makes it confusing for all parties to have to say it is not Title IX, but it could be Title VII, or Student Code of Conduct, or something else. It appears to participants that we are treating people and situations inequitably. This is especially confusing for students when we tell them something is being dismissed under one process but investigated under a different (but similar) process. This appears to be put in place to make the process seem daunting and discourage reporting of incidents.

Second, the strict jurisdiction requirements make it difficult for non residential schools to address behavior which occurs off campus but has an impact on campus. For example, if a student is assaulted off campus by a classmate from their Biology course, it would be nearly impossible for that student to continue successfully in that Biology class. Likewise, if a faculty member is inappropriate with a student at a restaurant off campus, that behavior could create a hostile environment on campus and impact the success of that student. Additionally, the inability to pursue issues that arise while studying abroad is problematic for those students who become victims of those types of behaviors while abroad.

Third, the implementation of the live cross examination is an over-reach for administrative processes. The right of due process can still be upheld without subjecting the opposing party to live cross examination. If the asking of written questions is allowable in K-12, and not considered violating someone's right of due process, why is it not allowed in higher education? The implementation of the live cross examination presents one more reason why victims would not want to file a formal complaint.

I believe these 3 areas need to be looked at and reconsidered in order to have a process that truly considers the rights and needs of both parties.

Sincerely,  
Jana Sabo