

From: KAREN HAGUE
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To: T9PublicHearing
Subject: Title IX hearing written commentary
Attachments: OCR commentary.pdf

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I've been unable to register to speak virtually so please find attached my written commentary for the hearings being held this week. Would you please confirm receipt? Thank you
, Karen Hague

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Karen Hague, MBA, LMSW

June 6, 2021

OCR Title IX Public Hearing commentary:

President Biden has issued an executive order to reevaluate Title IX and its enforcement however he, his team and the Department of Education's Office of Civil Rights should first go back and examine the 10-year history, influence and guidance of the Dear Colleague Letter and study the collateral damage that has been inflicted on those that had the courage and the misguided trust to report sexual violence through their university's Title IX process. If they did so, they would ask themselves, "Why would anyone report?"

I am a Licensed Master Social Worker, and I am here today at the request of and permission of my client who is painfully versed in the reporting process of a sexual assault under Title IX. She has been mistreated by this policy, her university, the Office of Civil Rights, and left waiting years for resolution which has yet to come. It is her fervent hope that the OCR adopt policy changes that ensure timely, meaningful outcomes of complaints to universities and most importantly complaints filed with the OCR.

While it is incredibly important work to create the best possible Title IX policy and the ensuing Sexual Misconduct Policies of individual schools, we must all be cognizant that the very reason we seek change in these policies and their enforcement is because the previous policies have failed individuals; failed individuals when they needed help the most. These failures illicit need for change which has been done at the expense of those who have been betrayed by the exceedingly difficult and painful act of reporting. Using these failed experiences to learn and improve would be a worthy endeavor, however these students have been discarded along with the failed policies they reported under. Being cast off when you no longer serve the universities' or the Office of Civil Rights needs or narrative is exploitative and yet another assault/trauma. The Title IX process was intended to serve the needs of the students and yet these students have been used for the purpose of the universities and the OCR to promote their agenda; creating a policy that seems to value show over substance. The lack of a determinable timeline and the incredible lack of transparency in the OCR's process is cruel and goes against everything we know is best for healing from sexual violence. These institutions can and must do better if they are to promote reporting in the first place.

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OCR Title IX Public Hearing commentary (cont.)

My client has informed me that the OCR currently has 262 complaints under investigation for sexual assault cases alone, more than half of these are over 4 years old, and many are much older. These individuals who have filed complaints with the OCR have already been through the lengthy process of a university investigation that has failed them and then are faced with the daunting task of filing a complaint with the OCR against their university; institutions that have the resources to delay and obfuscate for years. Is this really what we want to do to the young people, usually women, who have already been assaulted and traumatized? Should we really ask them to put their lives on hold to be blindly part of an interminable investigation that will consume their time, their resources, and their opportunities to heal and move forward? Surely anyone would attest that justice delayed is justice denied and yet the OCR allows these investigations to go on for years. Is it fair to hold hostage these young people's entrance into adulthood which should be filled with college, careers, and new relationships? How dare anyone involved in the jurisdiction of Title IX pretend that they are offering any kind of hope or restorative justice to these young people when they allow this process to interrupt and damage lives endlessly.

As the well-known trauma therapist Dr. Bessel van der Kolk says "Being able to feel safe with other people is probably the single most important aspect of mental health." From a mental health perspective, the consequences of these failed policies further rob sexual violence survivors (and often their loved ones) of this sense of safety. The potential for exposure at any time through media and other sources adds to the fear and anxiety they're already carrying, further damaging their mental health. Waiting years for a resolution traps the survivors in the dysfunctional system that was supposed to protect them, intensifying the shame and stigma already inherent in the reporting process. This is cruel and has a deeply negative impact on both their sense of safety and overall well-being – they never know when the other shoe will drop. Self-esteem/worth, identity and self-confidence continue to erode as the process drags on, especially if they don't have strong supports and allies in their lives.

On behalf of my client and all mental health professionals, I implore you to include mandatory timelines for resolution in OCR investigations so that enforcement of Title IX in sexual violence cases is a source of meaningful restorative justice that facilitates long-term healing.

Sincerely,

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Karen Hague, MBA, LMSW