

From: Hipps, Kerry W
Sent: Tue, 8 Jun 2021 21:57:10 +0000
To: T9PublicHearing
Cc: Edward Bartlett
Subject: STATEMENT IN SUPPORT OF DUE PROCESS

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STATEMENT IN SUPPORT OF DUE PROCESS IN CAMPUS DISCIPLINARY PROCEEDINGS

Whereas due process and free speech are constitutionally based rights that apply to all persons, including faculty members, regardless of their sex or gender orientation;

Whereas fair disciplinary proceedings are essential for the investigation and adjudication of sexual misconduct allegations on college campuses;

Whereas investigations that are balanced, impartial, and fair are an essential element of due process;

Whereas both complainants and the accused benefit from an even-handed and transparent process that guarantees procedural due process;

Whereas law professors from Harvard University, Penn Law, Cornell University, and other institutions have issued Statements in support of campus due process;

Whereas a 2020 SAVE public opinion poll found strong bipartisan support for due process in Title IX cases on college campuses;^[1]

Whereas the historic new Title IX regulation took effect on August 14, 2020, affording essential rights, protections, and services to both complainants and the accused;

Whereas 23 appellate court decisions issued from 2013 to 2020 have affirmed fundamental due process rights of students accused of sexual misconduct.^[2]

Whereas President Joe Biden issued an Executive Order on March 8, 2021 to consider “suspending, revising, or rescinding” the Title IX regulation;

Whereas in response to the Executive Order, numerous organizations, commentators, newspaper editorial boards, and lawmakers, both liberal and conservative, have issued statements expressing support for the Title IX regulation;

Therefore, the undersigned professors, attorneys, and other interested persons urge that the Department of Education’s review of the Title IX regulation *affirm, preserve, and uphold all due process and free speech rights, protections, and services that are enshrined in the 2020 Title IX regulation.*

Signed (organizations listed for identification purposes only):

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Information Technology has built a cage that has captured man's freedom and courage.

^[1] <https://www.saveservices.org/2020/11/pr-survey-americans-want-colleges-to-end-campus-kangaroo-courts/>

^[2] <https://www.saveservices.org/reports/>