

**From:** ssmpls@aol.com  
**Sent:** Thu, 10 Jun 2021 18:09:17 +0000 (UTC)  
**To:** T9PublicHearing  
**Subject:** Written Comment: Title IX Public Hearing The Importance of Retaining Current Procedural Safeguards for the Accused  
**Attachments:** DOE-Comment-SSMP.pdf

**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.**

Dear Sir or Madam:  
Please see the attached comment.  
Lee Seham, Esq.  
Seham, Seham, Meltz & Petersen, LLP  
199 Main Street - Seventh Floor  
White Plains, New York 10601  
Tel: (914) 997-1346 Fax: (914) 997-7125  
Email: ssmpls@aol.com Website: <http://www.ssmplaw.com/>

**PRIVILEGED AND CONFIDENTIAL INFORMATION**

This email transmission is intended only for the use of the individual(s) herein named, and may contain confidential and/or legally privileged information from SEHAM, SEHAM, MELTZ & PETERSEN, LLP. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this email/file document is strictly prohibited. If you have received this mail/file document in error, please notify us by telephone so that we can arrange for the return of the document to us at no cost



# SEHAM, SEHAM, MELTZ & PETERSEN, LLP

ATTORNEYS AT LAW  
199 MAIN STREET – SEVENTH FLOOR  
WHITE PLAINS, NEW YORK 10601  
TEL: (914) 997-1346  
FAX: (914) 997-7125  
Sender's E-mail: [ssmpls@aol.com](mailto:ssmpls@aol.com)

---

June 10, 2021

VIA ELECTRONIC MAIL

[T9PublicHearing@ed.gov](mailto:T9PublicHearing@ed.gov)

U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-1100

Re: Written Comment: Title IX Public Hearing  
The Importance of Retaining Current Procedural Safeguards for  
the Accused

Dear Sir or Madam:

I am a 34-year practitioner of labor and employment law who has recently begun to provide *pro bono* services to individuals accused of Title IX violations. I have directly witnessed the failure to extend basic due process rights to accused individuals resulting in a process of guilt by accusation. I have also witnessed the exploitation of the Title IX complaint process as an offensive weapon to suppress academic freedom or vindictively persecute an individual due to political or social disputes.

Among my Title IX experiences have been the following:

- \* The use of the complaint process by students to force a change in curriculum through the elimination of the use of materials designed to present historic racial stereotypes;
- \* Use of the Title IX process to force a young man to accept academic probation despite the fact that his only “offense” was to break up a fight between two women;
- \* A student hounded out of his preferred English major based on Title IX threats arising from his fairly anodyne observations related to 17<sup>th</sup> Century romantic poetry;

- \* A literature professor who enters her class trembling from anxiety concerning what charges might be brought against her and has turned to the showing of videotapes of films, rather than live lectures, in order to avoid further reprisals;
- \* A vindictive student accuser who announced a desire to “destroy” a tenured professor via the complaint process based on a passing comment relating to retail purchasing;
- \* A classics professor who advised me that, due to the over-sensitivity of students, he cannot share anecdotes and accounts that he shared with students 35 years ago.

Title IX should not abandon the basic tenets of substantive fairness and due process developed over three centuries of American jurisprudence. They have served us well and have effectively been imported into the labor-management arbitration process, which frequently addresses issues of alleged discrimination and harassment.

Yes, of course, we should encourage *bona fide* victims to bring forth their charges. But there must also be a recognition that, as with every legal process, Title IX accusations have been employed to victimize accused individuals and suppress their freedom. This abuse will only be accelerated by the elimination of the limited procedural safeguards adopted during the prior administration.

Sincerely,

**/s/ Lee Seham**

Lee Seham