

From: Michael Dunn
Sent: Fri, 11 Jun 2021 13:59:32 -0400
To: T9PublicHearing
Subject: Written Comment: Title IX Public Hearing (hearing and cross-examination)

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Hello,

I have served as a Title IX Coordinator at a public four-year institution since 2015. In my experience, the requirement of a live hearing with cross-examination, as required by the Trump administration's 2020 Title IX regulations, has had a chilling effect on campus reporting and formal investigations. We are receiving fewer reports and fewer people want to pursue a formal process. As a result, our formal investigation procedure is under-utilized, and the lack of an effective way to hold perpetrators accountable damages the campus culture and makes it less safe.

Prior to the 2020 regulations, my campus used a civil-rights-investigator process, which honored due process rights and resulted in a fair, sensitive, and thorough process. In past experiences I have found hearings to be overly stressful and re-traumatizing to all involved, and I have not seen meaningful information emerge from a hearing process that was not otherwise explored in the investigation.

With this in mind, how can the Department of Education support Title IX enforcement and the prevention of sexual violence?

First, embrace a public health approach to prevention, focusing efforts and resources at amplifying protective factors and decreasing risk factors. Align federal Title IX regulations with [CDC guidance](#).

Second, empower campuses to select the most appropriate resolution model for their community (civil rights investigator, hearing, hybrid, etc).

Third, create and provide resources to train investigators, decision-makers, and appeal officers, so that campuses are not at the mercy of for-profit companies and consulting firms to train their personnel.

Thank you and best wishes as you embark on this difficult and important process.

Sincerely,

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