

**From:** Teresa Manning  
**Sent:** Tue, 8 Jun 2021 12:32:55 -0400  
**To:** T9PublicHearing  
**Subject:** Written Comment: Title IX Public Hearing (please keep due process, esp. live hearing provisions, of new Title IX Rule)  
**Attachments:** Final Title IX Statement for June 8 OCR comprehensive review.docx

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STATEMENT BY TERESA R. MANNING  
POLICY DIRECTOR, NATIONAL ASSOCIATION OF SCHOLARS (NAS)  
TO THE EDUCATION DEPARTMENT'S OFFICE FOR CIVIL RIGHTS (OCR)  
TITLE IX COMPREHENSIVE REVIEW  
Tuesday, June 8, 2021

My name is Teresa Manning of the National Association of Scholars, author of its [Report](#) on campus Title IX practice, titled *Dear Colleague*.

I'm here to urge you to keep the due process protections of the new Title IX Rule, especially its provisions on live hearings and cross-examination.

Last year, I visited the Title IX offices of several state universities in Virginia, New York and Iowa and met also with "partner" offices such as student health and women's centers and diversity offices. Overwhelmingly, the professional background of staff was in women's studies and gender studies. Only 1 of the 56 administrators I surveyed had real, legal experience in a court of law where accusations of wrongdoing are handled formally and carefully to protect both the accuser and the accused.

Despite this, Title IX officials, before the new Rule, routinely acted as judge, jury and police for allegations of actual crimes on campus, such as sexual assault and rape. Worse, proceedings did not have basic due process for those accused, such as the rights to see evidence, to confront accusers and to cross-examine witnesses, even when they appeared on paper in school policies. In real court, these rights are guaranteed by real lawyers who know their importance and how to safeguard them. Their experience shows that these tools, especially live hearings and questioning, are most effective at discovering what really happened in any given case.

Pressured to "get tough on campus sexual assault," schools often presumed guilt. As one government lawyer [observed](#), "The college was going to find against ... the male, no matter what." Today, Title IX experts actually [admit](#) that claims of campus sexual misconduct are "baseless" in 40 to 50% of cases.

Every office I visited also seemed not only aware but accepting of its role as "the campus sex police." This role has resulted from school policies which define Title IX offenses well beyond what any agency or court has authorized such that any minor dating mishap can become a Title IX complaint.

In fact, staff seem unconcerned with real sex discrimination. Instead, they promote a "hook up culture" of transient sexual encounters where misunderstandings are guaranteed and where investigations can then railroad male students or staff, creating a new kind of sex discrimination in the form of denying due process rights to men. [Hundreds](#) of courts have [ruled](#) against schools for these violations, a legal development worth the close attention of OCR.

As long as we have Title IX offices with ideological staff, inexperienced in protecting basic due process and biased against those accused, schools need the due process requirements of the new Rule, which I urge you to preserve. Thank you.

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