

**From:** Kiefer, Kathryn  
**Sent:** Fri, 11 Jun 2021 20:55:19 +0000  
**To:** T9PublicHearing  
**Subject:** Written Comment: Title IX Public Hearing Sexual Harassment and 2020 regulations  
**Attachments:** Title IX Hearing Written Submission 6-2021.pdf

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To Whom It May Concern:

Please see the attached comment, submitted by the New Hampshire Campus Consortium Against Sexual and Interpersonal Violence. If further information is requested I can connect the appropriate representative of the Department of Education with our Chairperson.

Sincerely,

Kathryn Kiefer

**Kathryn Kiefer**  
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# NEW HAMPSHIRE CAMPUS CONSORTIUM

## Against Sexual and Interpersonal Violence

### Statement on Title IX June 11, 2021

We believe that every student deserves to learn in an environment that is safe and free from harassment and abuse. We acknowledge that the criminal justice system is limited in its ability to implement immediate safety measures on campus and respect that not all victims and survivors wish to engage with the criminal justice system, underscoring a need for a campus-based system that is accessible, equitable, and designed to adjudicate cases based on the particular needs of the students they serve. Allowing campuses the tools and resources to address sexual misconduct is in the best interest of all students.

Although we initially had numerous concerns with the 2020 amendments to the regulations, the change prompted us to review the processes each campus utilizes to respond to sexual assault and misconduct. In some cases, our campus responses are stronger for having done this work. While the 2020 regulations include many provisions that we would like to see withdrawn, our preference would not be to return to the Obama-era guidance in its entirety. We encourage the Department of Education to listen to campus and victim service professionals, survivors, and students to create improved final rule that will benefit from what has been learned during these additional years of experience and practice.

While the 2020 regulations led to an in-depth review and some procedural enhancements, we remain concerned about a number of provisions within the regulations, including:

- the narrowing of the definition of sexual harassment and of schools' jurisdiction to address misconduct
- the requirement that the adjudication process for higher education include live cross examination; and,
- provisions that, especially when put into practice in the totality of the regulations, limit the school's ability to create and maintain safety.

It is important for schools to understand that they are not alone in working to combat sexual violence on their campus. We recommend that colleges and universities reach out to service providers in their community to strengthen their response to sexual misconduct, connect students to support services, bolster their prevention efforts, and ensure that policies and procedures are effective. Having this recommendation supported by the 2020 regulations would be beneficial to institutions of higher education as well.

We look forward to the opportunity to submit a detailed comment and will encourage institutions of higher education and supporting community organizations service providers in the community to consider weighing in as well. Together, we believe we can craft regulations that are sensitive to the needs of survivors, equitable, and supportive of safe campus environments.