

**From:** Nancy Hohengarten  
**Sent:** Thu, 10 Jun 2021 20:52:57 -0500  
**To:** T9PublicHearing  
**Subject:** Written Comment: Title IX Public Hearing

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Shortly after the start of my son's sophomore year in college in 2015 he was accused of sexual misconduct. The allegations were of non-consensual touching and a couple of days before the hearing the young woman changed her mind and decided "it wasn't that big of a deal" and not to proceed. The problem is that it was a big, horrible deal for my innocent son and our family.

Our initial shock was followed by a mad scramble to hire counsel for my son (at a cost of \$3000) and a very quick education in Title IX since the time frame was incredibly short at that time. Both my husband and I are attorneys and I practice criminal law. We are well aware of the serious issues of bias, false accusations and most importantly due process and burdens of proof. The notion that a non-legal professional would make a decision about our son based upon no cross examination and a burden of proof so low was terrifying to say the least. I cannot imagine why a process that could do such harm to a person could be based upon such poor due process. The burden of proof should be no lower than 'clear and convincing evidence'.

During the short time between the accusation against my son and the scheduled hearing he was summarily asked to leave his fraternity and felt like a pariah on his small campus of 1200 students. It was the most traumatic experience of his life and of ours. He became so depressed that he began cutting himself and having suicidal thoughts even after the case was dismissed. He elected to leave campus and take a year off to recuperate. However, it took a lot longer than a year to recuperate and every time we saw someone accused in the news we felt the trauma all over again.

I have been a feminist for 40 years. I have participated in "Take Back the Night" marches and worked for the passage of the ERA and even an Anti-Harrassment campaign in law school. So believe me I am no friend to men who sexually abuse women. But due process should mean something even in the context of school proceedings. The fact that a young man could be penalized with a notation on his transcript of sexual misconduct is no small thing. It is completely possible, and I would even say likely based upon my criminal law background, that many will be completely innocent.

So my request is that the burden of proof remain clear and convincing evidence and that right to live hearings and cross examination be preserved. It is really a minimal request and will serve both those who make accusations and the accused better as well as lead to more just and fair results.

Sincerely,

A mom in (b)(6)