

**From:** Paul Falanga  
**Sent:** Mon, 7 Jun 2021 09:47:18 -0400  
**To:** T9PublicHearing  
**Subject:** Title 9 Public Hearing Comment

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Office of Civil Rights,

Thank you for the opportunity to address my concerns.

I am a recently retired college nursing educator and previously enjoyed a career as an Intensive Care Registered Nurse. Teaching for three years, I had an excellent work record and rapport with my nursing students. Unfortunately, I was accused of sexual misconduct just before my retirement by an adult student. The allegations were false and founded as such in the criminal court of Mount Vernon NY. The process that occurred within the college of nursing worked on the assumption of my guilt.

I lost nine months of employment and retirement benefits at Montefiore School of Nursing in Mount York. Further, my required background check to teach was compromised for nine months preventing me from continuing to teach in an additional adjunct position I held at Long Island University. The criminal court case against me has been resolved to my favor, not guilty of the charges of sexual harassment. However, the Title 9 process within Montefiore School of Nursing was unfair as I will explain. The school followed protocol as best as it could considering the small size of the school. I also was trained in Title 9 as a faculty member, so I understood the colleges' position. Communication was limited to protect the victim/survivor. I, the accused, had no rights. Neither I or my counsel were afforded the opportunity to seek student witnesses on my behalf as these students were in the classroom at the time of the alleged incident; nor were we permitted to face the petitioner or her representatives, even through third parties, to present questions.

The order initiated by the Department of Education under Secretary Betsy DeVos in August of 2020, allows for multiple pathways for the accused rights to occur while addressing the inequities imposed and while still protecting the petitioner/survivor.

I have read the opposing point of view that the newest order would be unfair for the survivor to have to endure further trauma. The specifics in the updated order protects the survivor from having further emotional scarring. Conversely, the argument is unfounded as DeVos ensured safety and confidentiality for the survivor. There is a clearly written process to protect the survivor from further harm. I hope you can agree that the point of the change is to allow fairness to all students and faculty including the accused by ensuring due process. I hope those changes will stand or be further improved upon for equity and fairness for everyone involved.

The negative impact caused by the false allegations have had a direct effect on my physical and mental health. I feel violated as my personal integrity has been compromised. I am a gay married man and would never grab a students' breasts. This serious accusation is still a mental burden to me which has prompted me to write to you. In fairness, I plead these basic human rights cannot be ignored. Finally, I realize the additional burden placed on schools, but that cannot be a valid reason to dismiss fairness of due process. The prior Title 9 rules did not ensure justice on my behalf nor the Montefiore School of Nursing. The school also had to hire outside counsel and paid a settlement to the student. My former colleagues and students have reported to me a year after the fact that the adult student boasted of her win.

Considering my experience, I have sympathy for students who are sexually harassed, and I respect students who walk through their fear to come forward. I understand that educational institutions must correct the past errors of ignoring the violations of students' rights. I feel strongly that the orders initiated in August 2020 correct a possible overreach.

I implore you to not dismantle or reverse the previous Department of Educations' Title 9 changes. I have previously written to Dr. Jill Biden and Dr. Miguel Cardona in anticipation of this day. I am available to provide further information and am willing to travel to DC if necessary. I thank you in advance for your time and consideration of this important matter.

Sincerely,

Paul M Falanga MSN RN