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Sent: Fri, 11 Jun 2021 16:50:48 -0400
To: T9PublicHearing
Subject: Written comment: Title IX Public Hearing - students with disabilities

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I am an attorney licensed in a midwestern state and a district federal court. I am sending this from a different account than my own for fear of any further harm coming to my clients. I say this because of harm I have seen done to innocent victims both female and male and I cannot jeopardize their mental health.

I have worked primarily with students with disabilities. They have ranged from physical disabilities to autism to language disorders of various kinds to mental health diagnoses. Each student had accommodations since early education. *Most of their disabilities had, prior to attending college, included accommodations both in and outside of the classroom. As required by our federal disabilities laws, including The Americans with Disabilities Act and Section 504 of The Rehabilitation Act, protection under these laws is legally required to be implemented for the very purpose of providing equity so that they are not disadvantaged by their disability. Federal laws require that the playing field be evened for them to the degree possible, just as the laws seek to do the same for gender and race.*

What I have encountered representing multiple students, both female and male, in private and public universities and coed and female only institutions are the following (I am saying "they" so as to not influence your interpretation):

- Universities ignore the rights of students with disabilities in order to hurry a Title IX process along.
 - This occurs from ignorance
 - This occurs intentionally
 - This is condoned and unquestioned
- It is obvious to consider that one student in a Title IX case may have a disability while the other does not. Time after time, it is only the Complainant who is asked if they have a disability, how it may affect their understanding and what can be done by the university to help them ("accommodate").
 - Complainant had no disability. Respondent was on leave from the university in an in-patient mental health facility when the investigation began and for months after. There was no effort to ask the student what accommodation they may need. I will refrain from the absurd allegations but the student was expelled (despite no actual evidence)
 - Complainant had no disability. Respondent had a long history of language processing problems both in processing when they listen and in processing in order to choose words correctly. The evidence was overwhelming that the student was meek, kind and clumsy with words and had 10 separate classroom accommodations. At the initial interview, conducted less than 24 hours after their

first notification of anything to do with this false allegation, despite stating at the outset this disability, two college administrators put words in their mouth. They were suspended.

- Please look into the case of Marcus Knight and Saddleback College. He has cerebral palsy and autism. Thousands of variations of this have occurred across the U.S.
- **These students *struggled through their entire educational experience to be able to attend college.*** Their lives are forever scarred. I know of suicidal attempts, suicides and chronic PTSD (though it is never "Post" because they live in fear of social media and the false allegations coming to light.
- Students with disabilities cost a college more. I've seen that weigh in in hurrying a Respondent to guilt with no evidence.

People with disabilities do not grow out of them. They have challenges their entire life. To take away their education, based on 50% + a feather of burden of proof allows colleges to circumvent federal disability laws. Colleges must No Longer Be Permitted To Do This in the name of gender equity.

Respectfully,
Pat Reed