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Sent: Thu, 10 Jun 2021 00:34:52 +0000
To: T9PublicHearing
Subject: Written Comment: Title IX Public Hearing (personal experience)

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To whom it may concern:

I stand in firm support of maintaining fundamental civil rights of both the accuser and the accused in the matter of alleged sexual assault on college campuses.

I am the (b)(6) who has been falsely accused of sexual assault at a university campus in (b)(6) prior to the 2020 Title IX reforms regarding disciplinary hearings. He was obviously innocent, and the young woman made the accusation to protect a relationship with a boyfriend. She initiated a mutually consensual sexual encounter in (b)(6) dormitory room, and following the incident, partied for several more hours in the building, eventually sleeping in another young man's room. I was astounded when he was found responsible at the school hearing and eventually expelled after we had exhausted all appeals.

(b)(6) is a brilliant young man who was expelled nine weeks before he was to graduate with highest honors. He lost a job with (b)(6). He had to apply to 28 lower quality American undergraduate schools before he found one who would allow him to finish his bachelor's degree. He then applied to more than 20 U.S. medical schools, with no acceptances. He was finally accepted at a (b)(6) (b)(6)

(b)(6) He is driven, he wanted to be a physician, and he never gave up.

Two and a half years after the false accusation, the county prosecutor dropped criminal charges against him, due to lack of evidence. But the damage was done, and the university refused to alter its stance. (b)(6) finished medical school and is now in residency training, but not at a respected program. A "scarlet letter" is forever attached to him.

The primary reason for (b)(6) horrible experience of course lies with the young woman who falsely accused him, but the hostile, anti-justice environment created by the OCR's April 2011 Dear Colleague letter stamped him guilty from the start. The young woman who accused (b)(6) (b)(6) never spoke to anyone at the university. Witnesses who were present immediately before and after the sexual encounter were not interviewed by the university. The perfunctory investigation was accuser-centered and focused on finding the accused guilty. There was no inspection of his room, which would have provided evidence supporting his innocence. He was not allowed to cross-examine any of the witnesses brought against him. He did have a lawyer present at the hearing, but the lawyer was not allowed to speak. The school's investigating officer (who has since been fired for repeated offenses of this nature) acted as the prosecutor, the judge, and the jury. The spectacle was a Star Chamber reminiscent of practice before the Magna Carta. The appeals process was nothing more than a rubber stamp of the pre-determined guilty finding.

The OCR under President Obama (whom I love and admire) created an environment where innocence was no longer an adequate defense for an accusation of sexual assault on a college

campus. Sexual assault, including rape, is a horrifying crime; guilty perpetrators need to be punished, and all accusation must be taken seriously. The rights of both the accuser and the accused must be protected. But the victims now include a growing number of innocent young men (mostly men) who have been railroaded by a system that should have protected them. The situation was markedly improved with recent reform, but I fear the current administration may regress. The 2020 Title IX regulations would likely have led to (b)(6) exoneration; at least he would have had a fair shot. Students accused of such a serious crime deserve basic civil rights. The more likely than not evidentiary standard means the accused must prove his innocence, rather than having a presumption of innocence. Basic civil right protections such as the right to an attorney who can speak for you, the right to face an accuser and cross-examine witnesses (this can be done sensitively), and separation of legal duties (prosecutor, judge, and jury) are fundamental tenets of American justice. A young man should not waive those civil rights when he steps on a campus.

(b)(6) was denied basic due process rights. Fortunately, newer regulations have re-established a sense of balance. What we want is justice, and I hope the Biden administration will continue to support basic civil rights in this difficult area.

Sincerely,
Richard J. Ackermann

(b)(6)

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