

**From:** Richard Lucarelli  
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Enclosed is my statement. Please include it in the hearing.

Dr. Richard G. Lucarelli

Family Physician, (b)(6)

(b)(6)

June 8, 2021

Written Comment: Title IX Public Hearing in Response to Executive Order 14021

Dr. Richard G. Lucarelli

Family Physician, (b)(6)

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My son was in his senior year at a prestigious private liberal arts college. He was set to graduate, then on to dental school. He excelled the previous 4 years, so much so that the school used his photo in advertising to attract high school applicants. In his last semester a female student filed an accusation of non-consensual sex with the Title IX administrator. The incident happened 3 1/2 years earlier in their freshman year. There were no witnesses, no evidence, no police involvement. After a superficial investigation by the school's law firm and faculty Title IX hearing, my son was suspended for the next 3 semesters, just 12 days before graduation. We appealed. The school denied our appeal and imposed additional penalties to the suspension. His and our lives have forever been altered.

As you know Title IX findings of guilt must be disclosed. My son has been unable to find another college to accept him. Unable to complete his degree, his dreams of dental school are over. He went from a bright future to seasonal part time work at Fedex. He is on medication now for PTSD. We are in the process of suing the school just to get the degree he earned. So far our legal costs have exceeded 100K. If you lack the financial means you have no legal recourse.

The Title IX system has been broken since the 2011 Dear Colleague Letter. It serves neither respondents or claimants. It has not decreased sexual assault on campus. Betsy did her best to restore fairness and balance with the changes she made. I fear if Catherine is confirmed she will do as she did in 2011 - circumvent the legislative process to broaden the definition of sexual assault and further eliminate due process for respondents. My suggestions to improve Title IX:

- 1) Raise the level of guilt from preponderance of evidence to clear and convincing.
- 2) The investigators must be independent, impartial with absolutely no ties to the school.
- 3) Permit cross examination. Let counsel for claimants and respondents speak.
- 4) All accusations must be reported to the local police.
- 5) Eliminate alcohol on campus.

Having a Title IX finding of guilt on your record has lifelong consequences. In many ways it is worse than a felony conviction. It must be disclosed. As a result, any future educational pursuit is ended. Possibility of employment with federal, state, military, law enforcement is over. If you do get into any health profession school, obtaining licensure is impossible after you "check the box". This a terrible ordeal for any young man to deal with. Minority men of color are disproportionately affected by Title IX. Can you imagine the hurdles they will face? I've asked Catherine, DOE, OCR many times thru many avenues — how can you justify the social warrior agenda the 2011 Dear Colleague Letter imposes, when it results in the loss of due process, civil rights and educational pursuits of young men, especially minorities? I've never gotten an answer.