

From: Stacey Elin Rossi
Sent: Fri, 11 Jun 2021 15:08:40 -0400
To: T9PublicHearing
Subject: Written Comment: Title IX Public Hearing: Statement in Support of Due Process in Campus Disciplinary Proceedings
Attachments: Rossi OCR Comment.pdf

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Dear Office for Civil Rights,
I provided an oral comment at the hearing today but I would also like to comment in writing. Please see the attached letter which I request be made part of the Administrative Record.

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June 11, 2021

United States Department of Education
Office for Civil Rights
Washington, D.C.

Re: Title IX Public Comment

Dear Office for Civil Rights,

I practice law in Massachusetts and New York. I am writing to express support for due process in Title IX disciplinary hearings.

I would like to draw your attention to the reality of the majority of these cases. I cannot tell you how many potential clients reach out for help but they do not have the financial resources to hire an attorney - even one with the barest of fees.

Even if a student or employee has sufficient resources to hire an attorney on an initial retainer, the costs of carrying a case into litigation are enormous. There are filing fees, transcript costs, deposition stenographer costs, and, most importantly, expert witness fees. We are talking about tens of thousands of dollars if not into the hundreds of thousands.

Schools have an enormous advantage against students and employees in this regard. Take my John Doe v. Williams College case for example. My client was a first-generation student on a full scholarship whose limited English speaking parents lacked the resources to help him. Williams College, on the other hand, has an endowment of around \$3 billion dollars. The College has the resources to take these cases as far as they can possibly go and money surely is no object. In fact, grinding a student down until the point they can no longer defend their rights is a central play in many schools' overall strategy.

This is why a fair process at the educational institution level is so important. And a fair process is one that includes the greatest fact-finding tool of them all – cross examination. I am sure others have discussed the importance of cross-examination with you, so I conclude here. I request that this document be made part of the Administrative Record.

Yours sincerely,

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Stacey Elin Rossi, Esq.