

From: sandy genocelli
Sent: Fri, 11 Jun 2021 22:29:23 -0700
To: T9PublicHearing
Subject: Written Comment: Title IX Public Hearing: Reinforce 2020 Rules

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I am the (b)(6) whose life at the university and in our hometown was ruined by the accusations through a Title IX disciplinary proceeding at (b)(6) in 2018. This destruction would not have occurred if this disciplinary proceeding happened after the Department of Education enacted its rules in 2020.

Live Hearings and Cross-Examination. Please preserve the right to live hearings and cross-examination found in the Department's 2020 rules. Many courts have found Title IX decision makers cannot make fair and impartial credibility determinations without these hearings and questioning. (b)(6) did not administer proper procedures and protocol in (b)(6) case. All the witnesses from the accuser were interviewed before (b)(6) was even notified of the purported transgression. Equal opportunity to interview witnesses was not offered to (b)(6) thus, (b)(6) (b)(6) was denied equal opportunity to address the charges and disprove the allegations. If the university had followed proper procedure, we might have seen a completely different outcome.

Were you to read the investigatory reports you would see, sexual relations were mutually sought out and agreed to; in this case it was during the act that it was noticed a condom was missing. It was this and this alone that resulted in suspension. I would also point out the accuser offered oral sex as an amends to curtailing the initial act.

Notices Before and Throughout the Proceedings. Please require students be notified of the specific allegations before subjecting them to questioning and at every stage of the process. For instance, in (b)(6) case, he was completely blind sighted by the allegations. He showed up for the "hearing" without a clue about the topic and the allegation. He was a lamb before the slaughter. He had no preparation, no time to think or be advised about the situation, nor the repercussions.

Innocent until proven guilty. The Universal Declaration of Human Rights, article 11 is based upon this philosophy, yet this does not happen with Title IV. It is important that accused students not be presumed responsible before they have even had an opportunity to tell and provide evidence supporting their perspective of what did or did not happen during the alleged incident. In (b)(6) case, all the accuser's witnesses were interviewed before (b)(6) even knew the allegations. The accuser's testimony was entered before (b)(6) was asked for their testimony. Given the philosophy of this University, preferential judgement was awarded the accuser despite their story changing three to four times during the "investigations". Inadequate

questioning by the investigatory team for (b)(6) led to suspension with the ability to return only after the accused had graduated, putting life in abeyance for two years.

Need for Stronger Anti-Retaliation Provisions. Please strengthen the anti-retaliation provisions in the Department's 2020 rules. This strengthening is needed because universities often do not address the retaliatory harassment and defamation campaigns perpetrated by students involved in Title IX disciplinary proceedings. For instance, (b)(6) was sneered at, called a rapist, isolated, humiliated, physically beaten and threatened. At our hometown gossip was spread by the accuser, (b)(6) was not only defriended on all social media but asked to leave a health club because someone mentioned Title IV, all without provocation.

This pain, this shadow that will follow him for life, the distrust of people, process and institutions has left irreparable scars. (b)(6) is effectively the "survivor". A gifted musician, he fears trying to reach his full potential because of the possible backlash. It is unthinkable that such reckless, ungoverned power be given to untrained individuals whose responsibility is to teach. Can you imagine the impact across this country to scientific or technological innovation, advances in the arts, the disappearance of role models and gifted mentors who recoil from society because of poorly written and followed procedures which accuse, condemn and ostracize the innocent.