

From: Sarah Jayne
Sent: Fri, 4 Jun 2021 16:14:36 -0500
To: T9PublicHearing
Subject: Title IX Public Hearing Comments

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I am writing to oppose the nomination of Catherine Lhamon as the Assistant Secretary for Civil Rights at the Department of Education's Office of Civil Rights, as part of an effort to retain and preserve the due process that has been put back in the Title IX proceedings.

My son was wrongly accused of sexual assault with both criminal and Title IX complaints. Our family went through 18 months of HELL as we fought, with the assistance of our attorneys, to make sure our son was not convicted of criminal sexual assault in the 1st and 3rd degrees, which could have resulted in up to 30 years of prison time. Because of the unfair practices that were enforced when Catherine Lhamon was in office, the use of "Believe the Victim" and "trauma informed practices" were also improperly used by the police and prosecution when charging and dealing with our son. Every case should be taken seriously and investigated fairly. But when the evidence clearly showed that the alleged victim was making up information, changing her story as time went on, having her friends turn on her, regretting the consensual sexual activity for a number of reasons, etc. the truth should have been investigated and the complaint dropped. Instead, we suffered greatly as a family, trying to make sure our son would stay mentally and emotionally stable through all of this trauma. We couldn't eat, couldn't sleep, couldn't focus on work, couldn't get through the days without the assistance of depression medication. Our son left his university of choice, tried community college, tried a local college closer to home, tried online courses - anything to try and stay connected while working on defending himself against a baseless claim. All the while the alleged victim was getting support at school and seen on social media enjoying time at an establishment with another gentleman, (although she said she was afraid to leave her apartment because of my son). My son went through an 11 day criminal trial that was just gut wrenching - for all of us. The jury decided in less than an hour that he was not guilty on both charges.

Then it was the university's turn. They could have taken all of the information from the criminal trial to realize that there was no valid Title IX charge to be dealt with and dismissed the case, finding our son innocent until proven guilty. Instead, they brought 7 charges against my son. He was interviewed by the school's investigator, and my son felt that she was biased against him throughout the interview. After the interview, we spent weeks going through each of the 7 charges and for each one, stating the facts proving that each charge was false. We emailed the investigator a 20+ page document, detailing our information for her to use in her report. When her report went on to the person who was to decide if our son was responsible or not, the investigator conveniently condensed our 20+ pages into a 1/2 page paragraph, omitting almost everything!!! It was only because the investigator referenced our document and the "decider" personally requested our information from her, that he was able to get both sides of the situation,

which resulted in a Not Responsible finding in all 7 charges. This whole Title IX process lasted another 6 months, after the 18 months it took for our court case to conclude.

The consequences of our son's criminal and Title IX cases were emotionally debilitating on all of us. Even though our cases concluded around 2 years ago and we are trying to move on, the effects continue to rear their ugly head, and we relive the trauma all over again - as I'm sure an actual victim of sexual assault does as well. Then there is the financial burden for us to bear, over \$220,000!!! I don't know how long it will take us to dig ourselves out of debt from all of the expenses we incurred. What typical middle class family can handle something like this out of the blue??? What makes it even harder to deal with, is that the alleged victim did not have to spend any of her money, and was given support and accommodations to continue her schooling. This is not what I consider to be fair, or good use of due process.

If you have not personally been through the trauma of being wrongly accused of sexual assault and living through a criminal trial and a Title IX case, I doubt that you will be able to truly comprehend all of the repercussions that we dealt with during this time. Because of what we had to endure, as well as many other families that I am aware of, I need to speak out to you today. I do not want any other young men or women and their families to endure the HELL that we went through, if I can help prevent it. Therefore, I need to voice my opinion to OPPOSE the nomination of Catherine Lhamnon. I am fearful that many of the negative and destructive former procedures and policies may be reinstated if Ms. Lhamon is again appointed. I want to try to help preserve the fairness and balance for both parties that is now included in the due process of Title IX proceedings.

Thank you for reading my comments and taking them to heart.

Sincerely,
Sarah Jayne