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**To:** T9PublicHearing  
**Subject:** Written Comment: Title IX Public Hearing

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My name is Tucker Andersen. I am a former trustee and current trustee emeritus of Wesleyan University in Middletown, CT, and former trustee and Board vice chair of Phillips Exeter Academy in Exeter, NH.

Based on my multi-year and continuing involvement regarding this issue with institutions of higher learning (which began with my appearance as our undergraduate fraternity president at a disciplinary hearing of a Student Judicial advisory board for a fellow fraternity member), I am writing to strongly urge you to maintain the due process protections of the new Title IX Rule, especially its provisions for live hearings and cross examinations.

I fully understand the conflicting considerations involving the disciplinary process in such sensitive and sometimes complex cases, the nuances involved, and the changing mores and standards of our society as well as the desire to protect victims from experiencing additional trauma. In fact, I experienced some of these factors at play when a male faculty member at Exeter was accused (and eventually pled guilty) of possessing student related porn shortly after I joined the board.

Both my practical experience and my philosophy of basic fairness lead me to the conclusion that only a balanced judicial like due process can fairly resolve such issues. As you are aware, there have been numerous court rulings against schools for violating due process rights in such disciplinary cases. Anyone who has participated as a juror as I have done knows how persuasive the prosecutor's case can be until the testimony given by the witnesses has been subject to cross examination and the evidence been subject to rebuttal by the defense.

In addition, I believe that an underappreciated result of the new Title IX rule is to provide school administrators with a strong legal rationale either to avoid their innate biases which often favor the victim and/or also resist the often very strong campus and societal pressures to do so. Thus avoiding the reality of in some cases turning the accused into the real victims who may be injured irreparably. In case that statement is considered hyperbole, I would remind you of the well documented case of the Duke Lacrosse players and the hysterical rush to judgement and lack of due process by practically all elements of that community.

In conclusion, just as the science departments in our universities subject scientific claims to rigorous examination and high standards of proof, I believe that to process of adjudicating claims of sexual assault and abuse need to be subject to such standards as well.

Thank you,  
K Tucker Andersen