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Sent: Tue, 8 Jun 2021 16:01:49 +0000
To: T9PublicHearing
Cc: Janna Gullery (401); Stacy Larson (368)
Subject: response to TIX revisions comment period
Attachments: CW Response re Title IX revisions - 2021.docx

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Hello,

My colleagues and I (in our capacity overseeing the Title IX program at our institution) would like to provide the following statement during the comment period as new revisions are considered for Title IX federal guidance.

Although we will be unable to join during the live hearings, we have drafted a statement that represents our observations and perspectives, as it relates to the most recent changes and the new revisions now being considered.

Thank you for the opportunity to add our voice to the conversation.



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At our college, we have made extensive efforts to bring ourselves into compliance with the requirements of the Title IX Final Rule. Despite the repetition of work that it may create in terms of policy revision and re-training, our Title IX Team would very much endorse a significant revision to the current Title IX federal policy.

In training ourselves for the recent changes, we have identified areas of the Final Rule that have created hardships in terms of compliance at a small institution---where increased numbers of required roles frequently clash with conflict of interest concerns---and in preserving the educational role that even our Title IX Coordinators serve. Moreover, our coordinators are concerned at the potential for re-victimization of a complainant and increased opportunity for antagonism-over-education in addressing such an important issue...and in a forum that was never meant to replicate a courtroom...but now, increasingly does.

In an effort to promote an educational environment of safety, equity and inclusion for all members of our college community, The College of Westchester calls for extensive revisions to the Final Rule of Title IX including the following:

- The removal of the requirement that formal Title IX conduct proceedings must include live hearings;
- The removal of the requirement that parties participating in a formal Title IX conduct hearing must submit to cross-examination;
- The ability for reporting individuals, who may or may not be victims of sexual misconduct, to request reasonable accommodations in conduct hearings, including but not limited to the ability for a reporting individual to participate in a live conduct hearing with the use of physical partitions to prevent eye contact with the responding party;
- Consideration of state legislation where protection of victims' and reporting individuals' rights is weighed equally to the rights of the responding party.

We thank you for the opportunity to speak to these concerns and hope for a positive resolution that will account for the needs of all parties impacted by the Title IX process.

Janna Gullery, Title IX Coordinator, The College of Westchester
Jason Schoen, Title IX Coordinator, The College of Westchester
Stacy Larson, former Title IX Coordinator, The College of Westchester