## STATEMENT IN SUPPORT OF DUE PROCESS IN CAMPUS DISCIPLINARY PROCEEDINGS<sup>1</sup>

Whereas fair and non-biased disciplinary proceedings are essential for the investigation and adjudication of sexual misconduct allegations on college campuses;<sup>2</sup>

Whereas investigations that are balanced, objective, and fair are an essential element of due process;<sup>3</sup>

Whereas both complainants and the accused benefit from an even-handed and transparent process that guarantees procedural due process;

Whereas Supreme Court Justice Ruth Bader Ginsburg has spoken in favor of enhancing campus processes by noting, "The person who is accused has a right to defend herself or himself...everyone deserves a fair hearing;"

Whereas law professors from Harvard University, Penn Law, Cornell University, and other institutions have issued Open Statements in support of campus due process;<sup>5</sup>

**Whereas** a 2017 YouGov poll found strong bipartisan public support for due process in Title IX cases on college campuses:<sup>6</sup>

- 81% of respondents believed the accused should have the right to be informed of the charges against him.
- 61% said accused students should have the right to cross-examine their accusers.
- 67% agreed that students accused of crimes on campus should enjoy the same legal protections that they would receive in a court of law.

**Whereas** false allegations of sexual assault dissipate scarce resources and undermine the credibility of victims;

**Whereas** over 25 editorials published in both liberal and conservative venues have expressed support for the recently announced plan of the U.S. Department of Education to enhance campus due process protections;<sup>7</sup>

**Therefore**, the undersigned law professors, other legal experts, and scholars urge members of Congress to speak out in support of Constitutionally rooted due process rights on campus.

 $<sup>^1</sup>$  This Due Process Statement was coordinated by SAVE:  $\underline{www.saveservices.org}$ . For more information, contact:  $\underline{info@saveservices.org}$ 

<sup>&</sup>lt;sup>2</sup> https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2857153

<sup>&</sup>lt;sup>3</sup> http://www.prosecutorintegrity.org/pr/investigations/

<sup>&</sup>lt;sup>4</sup> https://www.theatlantic.com/politics/archive/2018/02/ruth-bader-ginsburg-opens-up-about-metoo-voting-rights-and-millenials/553409/

<sup>&</sup>lt;sup>5</sup> http://www.saveservices.org/sexual-assault/ocr/

<sup>&</sup>lt;sup>6</sup> http://bipp.blogs.bucknell.edu/files/2017/09/BIPP-Higher-Ed-Toplines.pdf

<sup>&</sup>lt;sup>7</sup> http://www.saveservices.org/2018/09/media-reports-call-to-restore-due-process-on-campus/

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