STATEMENT IN SUPPORT OF DUE PROCESS IN CAMPUS DISCIPLINARY PROCEEDINGS

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

Whereas investigations that are balanced, objective, and fair are an essential element of due process;

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;

Whereas a 2017 YouGov poll found strong bipartisan public support for due process in Title IX cases on college campuses:

- 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;

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.

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1 This Due Process Statement was coordinated by SAVE: www.saveservices.org. For more information, contact: info@saveservices.org
3 http://www.prosecutorintegrity.org/pr/investigations/
5 http://www.saveservices.org/sexual-assault/ocr/
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