



P.O. Box 1221  
Rockville, MD 20849  
Telephone: 301-801-0608  
[www.saveservices.org](http://www.saveservices.org)

**RE: Congress Needs to Rescind and Replace the Department of Education Dear Colleague Letter on Campus Sexual Assault**

April 4, 2016

The Honorable Lamar Alexander  
Chairman, Senate Committee on Health,  
Education, Labor, and Pensions  
United States Senate  
Washington, DC 20510

The Honorable Patty Murray  
Ranking Member, Senate Committee on  
Health, Education, Labor, and Pensions  
United States Senate  
Washington, DC 20510

Dear Senator Alexander and Senator Murray:

On April 4, 2011, the Department of Education Office for Civil Rights released its Dear Colleague Letter on campus sexual assault. Five years later, it has become apparent that this directive has imposed profoundly harmful effects on the rule of law and on the overall campus climate. For the following seven reasons, we call upon the Congress to rescind and replace the 2011 Dear Colleague Letter on campus sexual assault:

**1. Dear Colleague Letter was Issued Unlawfully**

Federal agencies are authorized to issue two types of policy documents: guidances and regulations. A guidance consists of suggested recommendations, and are intended to only interpret preexisting laws and regulations. In contrast, a regulation contains provisions that are binding. According to the Administrative Procedure Act, all directives that are designed to have force of law first must undergo a review-and-comment process to obtain public input.<sup>1</sup>

In 2011, OCR issued its Dear Colleague Letter (DCL) on campus sexual assault.<sup>2</sup> The DCL applies to every college and university that receives Department of Education funding. Despite the fact that the document was labeled as “guidance,” the DCL contained five new requirements for:

1. Campus adjudication of all allegations of felony-level sexual assault<sup>3</sup>

<sup>1</sup> 5 U.S.C. Subchapter II, § 553 (2016), available at <https://www.archives.gov/federal-register/laws/administrative-procedure/>.

<sup>2</sup> “Dear Colleague” Letter from Russlynn Ali, Assistant Secretary for Civil Rights, U.S. Department of Education (Apr. 4, 2011), available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf> [hereinafter referred to as DCL].

<sup>3</sup> *Id.* at 4.

2. Use of the preponderance of evidence standard<sup>4</sup>
3. Allowance for the complainant to appeal an adverse decision, if the accused also is afforded this right<sup>5</sup>
4. Notification to complainants of their legal rights, without corresponding notification to accused persons<sup>6</sup>
5. Right of the complainant to request that the Title IX coordinator impose any additional “remedy under Title IX that was not available through the disciplinary committee”<sup>7</sup>

At a Dartmouth College conference, OCR director Catherine Lhamon boasted that she would strip the federal funding from any school found to be non-compliant with the DCL’s requirements: “Do not think it’s an empty threat . . . . It’s one I’ve made four times in the 10 months I’ve been in office. So it’s one that’s very much in use.”<sup>8</sup> This threat has been reinforced in numerous compliance investigations, which now number over 165 cases nationwide.<sup>9</sup> For some schools, over half a billion dollars in federal funding are at stake.

In 2015, the Senate Committee on Health, Education, Labor, and Pensions commissioned a report that criticized the Department of Education for issuing directives “not in response to any specific legislative change enacted by Congress, but rather as a means to achieve its own policy objectives.” The report singled out the 2011 Dear Colleague Letter for imposing “complex mandates.”<sup>10</sup>

## 2. Colleges Lack the Capacity to Adjudicate Felony-Level Crimes

In 2005, the Office for Civil Rights wrote to one university, “The College was under no obligation to conduct an independent investigation of the alleged sexual assault, as it involved a possible violation of the penal law, the determination of which is the exclusive province of the police and the office of the district attorney.”<sup>11</sup> But in its 2011 DCL, the Office for Civil Rights did an about-face, mandating the establishment of a campus-based system for investigating, adjudicating, and sanctioning allegations of felony-level crimes.

This had the effect of turning the criminal justice system into a legal after-thought. As Senator Sheldon Whitehouse complained, “As a former United States Attorney and Attorney General for my state, I am concerned that law enforcement is being marginalized when it comes to the

---

<sup>4</sup> *Id.* at 10–11.

<sup>5</sup> *Id.* at 12.

<sup>6</sup> *Id.* at 16.

<sup>7</sup> *Id.* at 12.

<sup>8</sup> Tyler Kingkade, *Colleges Warned They Will Lose Federal Funding for Botching Rape Cases*, HUFF. PO., July 14, 2014, [http://www.huffingtonpost.com/2014/07/14/funding-campus-rape-dartmouth-summit\\_n\\_5585654.html](http://www.huffingtonpost.com/2014/07/14/funding-campus-rape-dartmouth-summit_n_5585654.html); Meredith Clark, *Official to Colleges: Fix Sexual Assault or Lose Funding*, MSNBC, July 15, 2014, <http://www.msnbc.com/msnbc/campus-sexual-assault-conference-dartmouth-college>.

<sup>9</sup> Robin Wilson, *What It Took to Resolve a Federal Sexual-Assault Investigation at UVa*, THE CHRONICLE OF HIGHER EDUCATION, Mar. 4, 2016, <http://chronicle.com/article/What-It-Took-to-Resolve-a/235586>.

<sup>10</sup> *Task Force on Federal Regulation of Higher Education: Recalibrating Regulation of Colleges and Universities*, 114<sup>th</sup> Cong.,

[http://www.help.senate.gov/imo/media/Regulations\\_Task\\_Force\\_Report\\_2015\\_FINAL.pdf](http://www.help.senate.gov/imo/media/Regulations_Task_Force_Report_2015_FINAL.pdf) at 12.

<sup>11</sup> Letter of Resolution in Buffalo State College, OCR COMPLAINT No. 02-05-2008, Aug. 30, 2005.

crime of campus sexual assault. I am concerned that the specter of flawed law enforcement overshadows the harm of marginalized law enforcement.”<sup>12</sup>

Responsibility for handling these cases was assigned to student disciplinary committees, groups that originally had been established to handle charges of plagiarism and cheating on examinations. But these committees are hobbled by lack of expertise in basic adjudicatory procedures and a lack of legal authority to subpoena witnesses and obtain evidence. Beholden to university administrators who were fearful of losing federal funding, they also suffered from an obvious conflict of interest.<sup>13</sup> These shortcomings are especially problematic in attempting to adjudicate allegations that often involve recollection of alcohol-laden incidents and determinations of whether or not consent was consensual.

Over time, responsibility for adjudicating these cases was transferred to committees consisting of university staff and faculty members. The so-called “single-investigator model” began to be employed, in which a single person conducts the investigation and makes recommendations for sanctions. But the impartiality of these investigators, particularly those who employ a “victim-centered” investigations, has come under criticism because the survivor-centered approach:

- Is “attempting to turn a neutral institution – its campus police – into an advocate for one party.”<sup>14</sup>
- Is “an attempt to railroad accused students while looking impartial.”<sup>15</sup>
- “Destroys the public’s confidence in the system and willingness to believe actual rape victims.”<sup>16</sup>

### 3. Victims of Rape Shortchanged

At most, campus committees are able to expel, not imprison, a sexual offender. This represents a serious shortcoming of the campus adjudicatory approach. In addition, college tribunals have no legal authority to access the CODIS DNA database to identify serial rape perpetrators.

These limitations have severely affected the credibility of campus committees. A 2015 survey found that only 16% of female Harvard undergraduates thought it was very or extremely likely the University would take action against a sexual offender -- this in spite of the fact that

---

<sup>12</sup> *Campus Sexual Assault: the Roles and Responsibilities of Law Enforcement*, 112th Cong. (2014), available at <http://www.judiciary.senate.gov/meetings/campus-sexual-assault-the-roles-and-responsibilities-of-law-enforcement>.

<sup>13</sup> Stephen Henrick, *A Hostile Environment for Student Defendants: Title IX and Sexual Assault on College Campuses*, 40 N. KY. L. REV. 49 (2013), available at <http://www.saveservices.org/wp-content/uploads/2013/Final-Law-Review-Article.pdf>.

<sup>14</sup> College Fix Staff, *University of Texas tells its police to hide evidence that favors students accused of rape*, THE COLLEGE FIX, Mar. 14, 2016, <http://www.thecollegefix.com/post/26614/>.

<sup>15</sup> Ashe Schow, ‘Victim-centered’ sex assault investigations designed to railroad accused, WASHINGTON EXAMINER, Mar. 15, 2016, <http://www.washingtonexaminer.com/victim-centered-sex-assault-investigations-designed-to-railroad-accused/article/2585854>.

<sup>16</sup> Christine Damon, *US needs to restore impartiality in dealing with sexual assault allegations*, A VOICE FOR MEN, Mar. 10, 2016, <http://www.avoicemen.com/mens-rights/false-rape-culture/the-us-needs-to-restore-impartiality-in-dealing-with-sexual-assault-allegations/>.

Harvard employs 50 Title IX coordinators who work for the Office for Sexual and Gender-Based Resolution, which is directed by a former federal Office for Civil Rights attorney.<sup>17</sup>

These are three examples how the campus-based adjudicatory schemes have shortchanged victims of sexual assault:

- Jesse Matthews was accused of sexually assaulting a student at Liberty University, but was never prosecuted.<sup>18</sup> Matthews was recently sentenced to life imprisonment for the rape and murder of female students at Virginia Tech and the University of Virginia.
- Baylor University star football player Sam Ukwuachu was accused of raping a female student. Any decision to expel the student would have prevented him from taking the field at the university's new \$266 million stadium. So Ukwuachu was found "not responsible" by campus administrators, even though he was later convicted and sentenced to six months in jail for the same offense.<sup>19</sup>
- A sexual assault investigation at the University of Michigan was found to be so flawed that the university was later forced to vacate its findings. In response, the complainant issued a statement excoriating the university: "I urge you to be aware: the university process will take far longer than they represent it to take, the university does not follow through on commitments of support they purport to offer, and it does not follow its own mandated procedures when investigating sexual violence on its campus."<sup>20</sup>

#### 4. Abrogation of Due Process Protections

Beyond occasional admonitions that campus adjudications be "equitable" and "impartial," OCR has never defined the university's obligation to provide due process protections to defendants. As civil rights attorney Stephen Henrick notes, "OCR's enforcement seems predicated on an unspoken and rather naïve assumption that all complaints of harassment are brought in good faith."<sup>21</sup>

Racial bias taints the adjudication of many of these cases.<sup>22</sup> Scott Greenfield proffers this sobering critique of the current state of affairs:

Piece by piece, bit by bit, the dismantling of any fundamental fairness for college males has led to the redefinition of rape and sexual assault to any claim by a female, the eradication of

---

<sup>17</sup> Theodore Delwiche and Mariel Klein, *Survey Reveals 'Troubling' Sexual Assault Climate at Harvard*, *Faust Says*, MICHIGAN LIVE (Sept. 21, 2015), <http://www.thecrimson.com/article/2015/9/21/sexual-assault-climate-results/>.

<sup>18</sup> Justin Jouvenal and T. Rees Shapiro, *Matthew indicted on murder charge in killing of Va. Tech student*, WASH. PO., Sept. 15, 2015, [https://www.washingtonpost.com/local/crime/jesse-leroy-matthew-indicted-for-murder-in-killing-of-va-tech-student/2015/09/15/fcf57a7c-5bf6-11e5-8e9e-dce8a2a2a679\\_story.html](https://www.washingtonpost.com/local/crime/jesse-leroy-matthew-indicted-for-murder-in-killing-of-va-tech-student/2015/09/15/fcf57a7c-5bf6-11e5-8e9e-dce8a2a2a679_story.html).

<sup>19</sup> Jessica Luther and Dan Solomon, *Silence at Baylor*, TEXAS MONTHLY, Aug. 20, 2015, <http://www.texasmonthly.com/article/silence-at-baylor/#sthash.Q87BzsWC.dpuf>.

<sup>20</sup> John Counts, *U-M agrees to nullify findings of sex assault investigation if former student drops lawsuit*, MICHIGAN LIVE (Sept. 11, 2015), <http://www.mlive.com/news/ann-arbor/index.ssf/2015/09/u-m-agrees-to-nullify-findings.html>.

<sup>21</sup> Stephen Henrick, *supra* note 13..

<sup>22</sup> Jeannie Suk, *Shutting Down Conversations About Rape at Harvard Law*, THE NEW YORKER, Dec. 11, 2015, <http://www.newyorker.com/news/news-desk/argument-sexual-assault-race-harvard-law-school>.

due process for these vile accusations by crafting a sub-constitutional system, where the burden has been shifted to the accused to prove his innocence, and now the preclusion of any ability to prove innocence.<sup>23</sup>

On March 4, 2016, Sen. James Lankford sent a letter to Department of Education Secretary-Nominee John King. The letter charged the “OCR’s silence on important due process considerations, coupled with the requirement of a lower standard of proof, indisputably tips the playing field against the accused, making the disciplinary process anything but ‘equitable.’”<sup>24</sup>

Not surprisingly, 88 lawsuits have been filed against universities since 2013 alleging lack of due process and sex discrimination.<sup>25</sup> Of these lawsuits, a court decision has been rendered for 22 cases. In nearly every case, the court ruled in favor of the accused student, at least in part.<sup>26</sup>

In a case involving a University of California-Davis student, the Superior Court granted a motion to stay a student’s suspension, ruling that “due process has been completely obliterated by the University’s failure to get this case adjudicated . . . if anyone has failed the alleged victim in this case, [it] is the University.”<sup>27</sup> More recently, the University of Montana agreed to pay a \$245,000 settlement to Jordan Johnson. The former quarterback explained, “Officials at the University of Montana — people who were in positions of great power — were unfair and biased. Their misconduct made my family and me suffer unnecessarily, both emotionally and financially.”<sup>28</sup>

## 5. Erosion of Campus Free Speech

In *Davis v. Monroe*, the U.S. Supreme Court defined “sexual harassment” under Title IX as limited to conduct that is “severe, pervasive, and objectively offensive.”<sup>29</sup> But over the years the Office for Civil Rights has issued a series of policy documents that effectively mandate a new

---

<sup>23</sup>“Crazy Campus Consent Conundrum Collapses,” SIMPLE JUSTICE (Jan. 17, 2016), <http://blog.simplejustice.us/2016/01/17/crazy-campus-consent-conundrum-collapses/>.

<sup>24</sup> Letter to Department of Education Acting Secretary John King, Senator James Lankford, Mar. 4, 2016, available at <https://onedrive.live.com/redir?resid=A56B7CAF8A43C485!16667&authkey=!AA5bfF-DWgQ-dZg&ithint=file%2cpdf>.

<sup>25</sup> “Database on Due Process Lawsuits Against Colleges and Universities,” BOYS AND MEN IN EDUCATION, (last accessed on Mar.28, 2016), <http://titleixforall.knackhq.com/due-process-lawsuits>.

<sup>26</sup> “Court Decisions”, STOP ABUSIVE AND VIOLENT ENVIRONMENTS (2016), <http://www.saveservices.org/sexual-assault/court-decisions/>.

<sup>27</sup> Press Release: California Judge Issues Stinging Rebuke of UC Davis’ Handling of Title IX Sexual Misconduct Case, Werksman, Jackson, Hathaway & Quinn LLP, Sept. 22, 2015, available at <http://boysmeneducation.com/wp-content/uploads/2015/11/Press-Release-Werksman-Jackson-Hathaway-Quinn-University-of-California-Davis-case.pdf>.

<sup>28</sup> Ashe Schow, *University of Montana settles with football player accused of rape*, WASHINGTON EXAMINER, Feb.18, 2016, <http://www.washingtonexaminer.com/university-of-montana-settles-with-football-player-accused-of-rape/article/2583554>.

<sup>29</sup> *Davis v. Monroe County Bd. of Ed.*, 526 U.S. 629, 651–653 (1999).

definition of sexual harassment as conduct that is severe *or* pervasive *or* subjectively offensive.<sup>30</sup>

The 2011 Dear Colleague Letter broadly defines sexual harassment as conduct ranging from sexual violence (i.e., rape, sexual assault) to a speech-based hostile environment. But the DCL did not include any counterbalancing statements about the need to not infringe on protected speech.

Last year, Laura Kipnis, communications professor at Northwestern University, was subjected to a months-long investigation. The probe centered on claims that an article she wrote that was critical of her school's sexual harassment policy created a chilling effect on future complainants. She described the probe as her "Title IX Inquisition."<sup>31</sup> She later explained, "After I wrote about being brought up on Title IX charges, I got dozens of emails from other professors around the country who'd been through similar things. It's truly out of control."<sup>32</sup>

As a result of this and other cases, the AAUP Committee on Academic Freedom and Tenure and the AAUP Committee on Women in the Academic Profession recently issued a stinging critique of the OCR that concluded, "questions of free speech and academic freedom have been ignored in recent positions taken by the Office for Civil Rights."<sup>33</sup>

## 6. Strong Opposition from Numerous Parties

Over the past five years, numerous individuals and organizations have criticized the Dear Colleague Letter and called for stronger due process protections on campus:

### *Legal Experts*

- Twenty-eight Harvard Law professors protested the fact that OCR directives "lack the most basic elements of fairness and due process, are overwhelmingly stacked against the accused, and are in no way required by Title IX law or regulation."<sup>34</sup>
- University of Pennsylvania law professors expressed "outrage" at the fact that campus sexual assault has become "a justification for shortcuts in our adjudicatory processes," criticizing the practice as "unwise" and contradicting "our principles."<sup>35</sup>

---

<sup>30</sup> *First Amendment Protections on Public College and University Campuses*, 113th Cong. (2015) (statement of Hans Bader, Senior Attorney, Competitive Enterprise Institute), available at <http://docs.house.gov/meetings/JU/JU10/20150602/103548/HHRG-114-JU10-20150602-SD003.pdf>.

<sup>31</sup> Laura Kipnis, *My Title IX Inquisition*, THE CHRONICLE OF HIGHER EDUCATION, available at <http://laurakipnis.com/wp-content/uploads/2010/08/My-Title-IX-Inquisition-The-Chronicle-Review-.pdf>.

<sup>32</sup> Anemona Hartocollis, *Professors' Group Says Efforts to Halt Sexual Harassment Have Stifled Speech*, N.Y. TIMES, MAR. 24, 2016, [http://www.nytimes.com/2016/03/24/us/professors-group-says-efforts-to-halt-sexual-harassment-have-stifled-speech.html?smid=fb-share&\\_r=0](http://www.nytimes.com/2016/03/24/us/professors-group-says-efforts-to-halt-sexual-harassment-have-stifled-speech.html?smid=fb-share&_r=0).

<sup>33</sup> *The History, Uses, and Abuses of Title IX*, AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, Mar. 24, 2016, <http://www.aaup.org/report/history-uses-and-abuses-title-ix>.

<sup>34</sup> *Opinion: Rethink Harvard's sexual harassment policy*, THE BOSTON GLOBE, Oct. 15, 2014, <http://www.bostonglobe.com/opinion/2014/10/14/rethink-harvard-sexual-harassment-policy/HFDDiZN7nU2UwuUuWMnqbM/story.html>.

<sup>35</sup> Ashe Schow, *UPenn law professors speak out against new campus sexual assault policy*, WASHINGTON EXAMINER, Feb. 18, 2015, <http://www.washingtonexaminer.com/upenn-law-professors-speak-out-against-new-campus-sexual-assault-policy/article/2560365>.

- Members of the U.S. Commission on Civil Rights noted OCR’s “disturbing pattern of disregard for the rule of law” in addressing campus sexual assault.<sup>36</sup>

### *Organizations*

- The Foundation for Individual Rights in Education sent a letter in 2012, co-signed by the Alliance Defense Fund, Feminists for Free Expression, American Booksellers Foundation for Free Expression, Tully Center for Free Speech at Syracuse University, Accuracy in Media, Heartland Institute, American Council for Trustees and Alumni, National Association for Scholars, John William Pope Center for Higher Education Policy, Defending Dissent Foundation, and eight civil rights scholars.<sup>37</sup>
- The American Association of University Professors warned OCR that use of the lower standard of proof would “erode the due-process protections for academic freedom.”<sup>38</sup>
- The National Association of Scholars has urged Congress to “[r]ein in education administration on ‘unlawful’ bullying, sexual assault policies;”<sup>39</sup>

Since the Dear Colleague Letter was issued in 2011, over 2,000 editorials critical of the DCL mandate and its effects on campus adjudications have been published. In 2015 alone, over 900 such commentaries were written.<sup>40</sup>

## **7. Congress Has Been Repeatedly Misled**

Despite clear evidence that the Office for Civil Rights views the 2011 DCL as having the force of law, Department of Education officials have repeatedly testified to Congress that its Dear Colleague Letters represent non-binding guidance:<sup>41</sup>

- Deputy Assistant Secretary Amy McIntosh: “I tried to be very clear in my opening statement that guidance that the Department issues does not have the force of law.” (September 23, 2015)
- Under Secretary Ted Mitchell: “Our guidance does not hold the force of law and our recommendations and illustrations of the ways in which we are interpreting the statute and the regulations.” (October 1, 2015)
- Secretary-Designee John King: The Department of Education Dear Colleague Letters “do not have the force of law.” (February 24, 2016)

<sup>36</sup> Ashe Schow, *Members of civil rights commission oppose ‘disregard for rule of law’ over campus sexual assault rules*, WASHINGTON EXAMINER, Mar. 2, 2014, <http://m.washingtonexaminer.com/members-of-civil-rights-commission-oppose-disregard-for-rule-of-law-over-campus-sexual-assault-rules/article/2560906>.

<sup>37</sup> Group Letter from the Foundation for Individual Rights in Education, May 7, 2012, available at <http://thefire.org/public/pdfs/34cd41a0d56d8f0b41ecde844c289a6a.pdf?direct>.

<sup>38</sup> Caroline May, *American Association of University Professors Expresses Concern over Dept. of Education’s New Mandates*, THE DAILY CALLER, Aug. 18, 2011, <http://dailycaller.com/2011/08/18/the-american-association-of-university-professors-expresses-concern-over-dept-of-educations-new-mandates/>.

<sup>39</sup> *Letter to Members of Congress: Rein in the DoED’s Office for Civil Rights*, NATIONAL ASSOCIATION OF SCHOLARS, Mar. 4, 2015, available at [https://www.nas.org/articles/letter\\_to\\_senators\\_dont\\_expand\\_the\\_does\\_office\\_for\\_civil\\_rights](https://www.nas.org/articles/letter_to_senators_dont_expand_the_does_office_for_civil_rights).

<sup>40</sup> “2015 Editorials”, STOP ABUSIVE AND VIOLENT ENVIRONMENTS (2016), <http://www.saveservices.org/sexual-assault/editorials/2015-2/>.

<sup>41</sup> Joseph Cohn, *Second Department of Education Official in Eight Days Tells Congress Guidance Is Not Binding*, FOUNDATION FOR RIGHTS IN EDUCATION (Oct. 2, 2015), <https://www.thefire.org/second-department-of-education-official-in-eight-days-tells-congress-guidance-is-not-binding/>.

A more honest answer was given by OCR director Catherine Lhamon, who testified on June 25, 2015, “The importance of the threat of withholding federal funds is something that should not be undermined, and that is something that has been an effective tool for us.” She went on to warn ominously that schools that are “still failing their students by responding inadequately to sexual assaults on campus . . . my office and this administration have made it clear that the time for delay is over.”<sup>42</sup>

## Historic Injustice

The Dear Colleague Letter on sexual assault was issued unlawfully, places colleges in an untenable position, shortchanges victims, strips the presumption of innocence from the accused, and erodes free speech rights. It has engendered opposition from groups representing all points in the political spectrum. In the midst of this controversy, Department of Education officials have repeatedly misled Congress about the legal status of the DCL.

The Dear Colleague Letter is fundamentally flawed in its conceptualization, promulgation, and enforcement. It represents a historic injustice. In the words of former ACLU president Nadine Strossen, “By threatening to pull federal funds, the OCR has forced schools, even well-endowed schools like Harvard, to adopt sexual misconduct policies that violate many civil liberties . . . . OCR's flawed sexual harassment concept reflects sexist stereotypes that are equally insulting to women and men.”<sup>43</sup>

Despite numerous requests, the Office for Civil Rights has turned a deaf ear on pleas for justice. At this point, the most appropriate resolution of this situation is for the Congress to rescind the unlawful Dear Colleague Letter on campus sexual assault and replace it with a common-sense policy that balances the legitimate needs and rights of all parties:

1. Claimants should play a major role in deciding how a complaint should be handled.
2. Criminal sexual misconduct allegations should be adjudicated by the criminal justice system.
3. Non-criminal offenses should be handled by campus disciplinary committees.
4. The accused should be afforded due process protections and the presumption of innocence.

We look forward to working with you to bring an end to campus sexual assault.

Sincerely,

*E. Everett Bartlett*

E. Everett Bartlett, PhD  
President  
Cc: Members of the Senate

---

<sup>42</sup> Michael Stratford, *OCR in the Hot Seat*, INSIDER HIGHER ED, June 27, 2014, <https://www.insidehighered.com/news/2014/06/27/senators-debate-whether-us-has-enough-power-or-too-much-combat-campus-sexual-assault>.

<sup>43</sup> Conor Friedersdorf, *How Sexual-Harassment Policies Are Diminishing Academic Freedom*, THE ATLANTIC, Oct. 20, 2015 <http://www.theatlantic.com/politics/archive/2015/10/sexual-harassment-academic-freedom/411427/>.