

Attachment

STATEMENT IN SUPPORT OF DUE PROCESS IN CAMPUS DISCIPLINARY PROCEEDINGS¹

Whereas due process and free speech are constitutionally based rights that apply to all persons, including faculty members,² regardless of their sex or gender orientation;

Whereas fair disciplinary proceedings are essential for the investigation and adjudication of sexual misconduct allegations on college campuses;³

Whereas investigations that are balanced, impartial, and fair are an essential element of due process;⁴

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

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

Whereas a 2020 SAVE public opinion poll found strong bipartisan support for due process in Title IX cases on college campuses;⁶

Whereas the historic new Title IX regulation took effect on August 14, 2020, affording essential rights, protections, and services to both complainants and the accused;

Whereas 23 appellate court decisions issued from 2013 to 2020 have affirmed fundamental due process rights of students accused of sexual misconduct.⁷

Whereas President Joe Biden issued an Executive Order on March 8, 2021 to consider “suspending, revising, or rescinding” the Title IX regulation;⁸

Whereas in response to the Executive Order, numerous organizations, commentators, newspaper editorial boards, and lawmakers, both liberal and conservative, have issued statements expressing support for the Title IX regulation;⁹

Therefore, the undersigned professors, attorneys, and other interested persons urge that the Department of Education’s review of the Title IX regulation *affirm, preserve, and uphold all due process and free speech rights, protections, and services that are enshrined in the 2020 Title IX regulation.*

¹ This Due Process Statement is being coordinated by SAVE. For more information, contact: info@saveservices.org

² <https://www.saveservices.org/sexual-assault/faculty-members/>

³ https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2857153

⁴ <http://www.prosecutorintegrity.org/pr/investigations/>

⁵ <http://www.saveservices.org/sexual-assault/ocr/>

⁶ <https://www.saveservices.org/2020/11/pr-survey-americans-want-colleges-to-end-campus-kangaroo-courts/>

⁷ <https://www.saveservices.org/reports/>

⁸ <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/03/08/executive-order-on-guaranteeing-an-educational-environment-free-from-discrimination-on-the-basis-of-sex-including-sexual-orientation-or-gender-identity/>

⁹ <https://www.saveservices.org/title-ix-regulation/>

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