



# VCU

## L. Douglas Wilder School of Government and Public Affairs

December 2, 2019

### **L. Douglas Wilder's Statement in Support of the New Title IX Regulation Strengthening Due Process Protections**

For nigh unto a year, I have undergone an unimaginable nightmare at Virginia Commonwealth University. In this period of time, I have made only a few public statements, through my website, [www.wildervisions.com](http://www.wildervisions.com). Among them are "Due Process at VCU? Make It Real" posted on July 23, 2019 and "Due Process at VCU? Make It Real ... cont'd." posted on July 26, 2019. "Make It Real" is the slogan for VCU. The "Make It Real" marketing campaign which launched in 2012, was intended to celebrate the VCU experience and its active role in engagement while making a difference in the lives of people and in the world. In those comments, I spoke of the lack of due process afforded to me at VCU; I stressed the need to make it real.

A complaint was filed against me on December 11, 2018. Ms. Emily Caputo, Director of Civil Rights Investigations of Equity and Access Services met with the Complainant on December 12, 2018. The Complainant was directed to file criminal charges against me with the Richmond Police Department on January 3, 2019. It was determined that the charge against me was "unfounded."

I was never notified by VCU of anything relative to any complaint until almost two months later. Although, VCU notified the Complainant on December 13, 2018 that VCU's Title IX Office - Equity and Access Services "will conduct an investigation" and what was reported "could constitute Non-Consensual Sexual Contact and Sex-or-Gender-Based Discrimination."

I received the "Notice of Investigation" letter from Ms. Caputo on January 28, 2019 stating that EAS was conducting an investigation for alleged conduct violations and the matter was assigned to an external investigator, hired by Ms. Laura Rugless, Executive Director of Equity and Access Services & Title IX Coordinator. The four allegations were: Allegation I: Sexual Assault, Non-Consensual Sexual Contact, Allegation II: Sexual Exploitation, Allegation III: Sex or Gender-Based Discrimination, and Allegation IV: Retaliation.

On February 7, 2019, I was notified by Ms. Rugless that the initial external investigator was removed from the case and was replaced by Ms. Jody Shipper, Grand Rivers Solutions. Although, in December 2018, the California Court of Appeal, Second Appellate District Court, rejected and overturned the determination of a Title IX investigation that Ms. Shipper conducted while she was the Title IX Director at the University of Southern California because the accused was denied a fair Title IX proceeding by USC.

Today, I can speak to the most unsettling experience of my life; and that occurred at VCU at a school named for me; "The L. Douglas Wilder School of Government and Public Affairs." I can also speak of the continuing need to "Make It Real" at VCU, let's make Due Process Real.

I was raised in a household that taught me to hold no animus towards anyone; but also believed in fair play and equal opportunity for all. While undergoing this harrowing experience, I still believed what was ingrained in me.

The countless persons who have shared their beliefs, confidence, and trust in me are among the greatest rewards I have ever had bestowed on me. I also want to acknowledge the many people who have shared their own Title IX experiences with me. There should never be a presumption of guilt or bias against one person to tilt the scales for the other person.

I confess, I was totally unaware that VCU's pattern of handling and investigating Title IX matters had been deemed unsatisfactory by the Department of Education, Office for Civil Rights. I, likewise, had NO knowledge that Dr. Michael Rao, President of VCU, had signed a Voluntary Resolution Agreement on April 23, 2014, acknowledging violations and consenting to being under review by the Office for Civil Rights.

When I have said "Make It Real", I wasn't referring to new buildings, Ram victories, or neatly packaged pronouncements about diversity, inclusion and justice, but to make life, opportunity, and the pursuit of education for students, faculty, staff and the VCU community, REAL.

Among those things more needed is the improvement in the administration of justice and equity, and the acknowledgment of the need to make Due Process REAL and not just sloganeering.

I commit to helping to bring that about ... in reality. The leadership at VCU MUST listen to the people, and understand that the people created VCU ... for the PEOPLE.

Sincerely,



L. Douglas Wilder

cc: Congressman Bobby Scott  
Senator Lamar Alexander