

Sexual assault is a hideous crime. I have daughters in college, and how college handle such things are very important. In addition to that, it seems very clear that many colleges have mishandled many of the cases that have come before them, sometimes favoring the accused, other times in favor of the accusers. It seems apparent that most colleges are far more interested in protecting themselves, *not* their students. There for we must put in place guidelines that are clearly defined that protect all students, establish protections and assistance to be made available for all students in need, and give direction on due process protections that should be common sense.

**Privacy:** All schools should create a Title IX coding system. Every person who has official reason to be on campus, student, faculty, or support staff, should be assigned codes, which is their Title IX number. Unless something is moved into a formal hearing, then all information is kept in a separate Title IX folder that is not subject to Freedom of Information requests. So if Student A accuses Student B of something in violation of the code of conduct, and there are 3 witnesses involved, everyone is referred to by their Title IX # until it reaches a formal hearing. So if it's cleared up and dropped before then, there is no notation in the students file. (For example, Student A accuses Student B of something, but in the end Student B proves they weren't even present. Perhaps it's a case of mistaken identity. It doesn't go into Student B's folder. But there is a record of it.)

While doubt should favor the accused, there's no reason why basic protections can't be extended the moment there's a credible claim of assault, or harassment. Ability to switch classes, obtain needed counseling, and no contact orders can be executed very quickly for either the accuser or the accused, or in many cases both.

Many people were outraged over the short sentence of Brock Turner, myself one of them. If a 6 month jail sentence, followed by having to register as a sex offender is considered light, then I don't understand anyone who thinks expulsion is an acceptable alternative. Of course, I would never support any regulation that mandates that a student can't receive any protections unless they go to the police, but police involvement needs to be understood to be the best solution whenever applicable. There are clearly going to be cases where police involvement, but most likely if the accusation taken in a vacuum, (In other words, before any investigation or getting the other side of the story) doesn't arise to the level of a misdemeanor or felony, then suspensions and expulsions should be considered off the table except in extreme cases or repeat offenses.

In cases where a crime is alleged to have been committed, a policy must be established as to how to handle the case **Before**, **During** and **After** any criminal investigation. Please allow me to expand on that.

**Before**: Any time a student says another student says he or she was the victim of an act that would be considered a crime, it should fall under the Before rules. Even if the accuser advises that they have no intention of seeking police investigation. (EX, a male student who has not come out to his family accuses another male student of sexual assault in what started as a consensual relationship.) The college should encourage the student to consider criminal charges, and if refused, ask and document why. However, it should document everything as the accuser may change their mind. They also should keep in mind that may happen when dealing with the accused, who should be made to understand that police involvement isn't off the table. If an accuser is choosing to not file charges against the accused, then they are choosing (As is their right and they should not be made to feel guilty for it) to seek relief from the college, as opposed to punishing the behavior itself. In other words, college campus tribunals should not be seen as alternative forms of legal redress for wrongs. While in certain cases, suspensions and/or

expulsions may be appropriate, they should be few and far between. They should also carry a high burden of proof, any be done with a formal hearing. In most cases, mediation can take place, and protections put in place.

**Academic Assistance:** While dealing with the trauma, efforts should be made to assist all students (Both accused and accuser) with maintaining their grades. Either or both should be allowed to drop classes without penalty. They should both qualify for tutoring. If the allegation proves to be false, none of these accommodations hurts anyone. As long as the allegation remains credible, they should be available.

**Counseling:** All students affected, both accused and accuser, and even in some cases witnesses, should not only have counseling made available to them, but it should be encouraged. Counseling should all fall under confidentiality, and if needed, the school should facilitate outside assistance. (Say and accused student feels unable to trust school counselors.) Counseling should never be used to trap either an accused or accusing student.

**Advocates:** Each student involved should have an advocate that is fully versed in their rights, and the process. If an accuser feels as if the school is not meeting their needs, they go to the advocate who can address it to the school. If an accused feels as if they school is trying to railroad them, (Not being given access to the evidence, not being able to interview witnesses, etc) then the advocate would also address this.

There should be a State OCR office that both the advocates and the students can reach out to at any time. If an accuser has expressed the desire to talk to the police, and the school is not facilitating this, they can contact the State OCR office and file a complaint. If the college hasn't yet contacted the police, the OCR office will notate the complaint, and order the correction. If an accused has said he or she has asked several times to see the report and it's been refused, again, file a complaint.

**Protections:** Students in these disputes should be issued a no contact order. There can be different levels to these. A lower level may simply state that neither of them may approach the other nor initiate any communication. In more severe cases, you may need to have students change classes, and even dorms. All of this should be done with a neutral standing, (In other words, you don't assume the accuser is lying, not do you assume the accused is guilty) and with the least amount of disruption to their ability to continue in school. Privacy must be kept and maintained for all.

An accused student should be allowed to get his own legal counsel who can participate in all aspects. Same for an accuser. Family involvement on both sides should be encouraged, but not insisted upon.

If an accusing student has opted out of criminal charges, then an informal proceeding where neither student comes into direct contact takes place. All efforts should be taken to keep students away from one another, without interfering with their studies or activities, while any investigation is ongoing.

Investigations should not be "victim centered" meaning the investigator should not be trained and invested only in proving the accusers version of events. The advocates should also be allowed to interview witnesses, and if there is evidence that the investigator is ignoring evidence, they can request a new or second investigator.

All information should be made available in writing to both students, their advocates and when applicable, their legal counsel, and with adequate amount of time to review, understand, investigate and form a defense.

The school should allow a non-formal inquiry, one that doesn't mark anyone's transcripts. While it should be documented, and the documentation retained, it should be kept in TIX folder. If for example, it's a big college and they both agree to stay away from each other, the school offers to review their schedules to avoid conflicts, then nothing goes in either person's transcripts. Perhaps, to avoid a formal hearing, one student agrees to transfer to another school. They do so with a clean transcript. Remember, the accuser has decided to avoid criminal prosecution. Therefore, the accused would, even if expelled, not be prevented from repeating the offense. Perhaps the accused would prefer to transfer. Nobody should be forced to accept any restriction that interrupts their education. So No Contact orders can be insisted upon by the school, leaving the college can't be. They can say they will have a formal hearing with the intent of expulsion if the evidence supports it, but if the accused insists they did nothing wrong, then the school must have the formal hearing and show with Clear and Convincing evidence that the student is responsible for what they were accused of.

**Formal Hearings:** Should have a judge that is a neutral fact finder, not come in with a predetermined finding, must not have a stake in the result one way or the other. These cases should be few and far between, and someone outside of the school who is fully trained on sexual assault, due process and the regulations in Title IX should be the decision maker. Any decision resulting in a suspension or expulsion should be reviewed first by the state, then at the federal level. If the expulsion takes place and it's shown the accused did not have access to all materials, was allowed to interview witnesses, was denied any form of cross examination then the school should have to pay a fine. There should be a clear document trail that is easily checked. Theoretically, if an accuser, feeling emboldened by the expulsion goes to the police and an arrest is made and in the end it results in a conviction, the school could still be fined for ignoring due process rights.

The reason is simple. Due process must be followed each and every time. In a case where it wasn't but a conviction followed, the state and or the federal OCR offices could and should maintain the expulsion, but fine the school heavily.

Also, if an expelled student sues, and is able to show that basic due process wasn't followed, the school will often settle, bringing him back to campus, and being near the accuser again. The court doesn't look at guilt or innocence in all cases, but if the school was fair. Many schools quickly settle once a lawsuit survives a motion to dismiss, because they don't want their tilted processes exposed.

In addition, students who are not able to afford a lawsuit yet were subjected to the same unfair disciplinary practice, should have a solid recourse. If students were denied a fair hearing, or a reasonable person would have looked at the same evidence and come to the opposite conclusion, they should be reinstated and the school must issue a letter that explains their absence taking full responsibility. By instituting such requirements, and making them easily enforceable, most schools will no longer take the easy way out and simply expel. They will take care that their process appears fair in the light of day. Increased transparency helps both sides, coupled with a new coded Title IX system to maintain privacy.

**During:** If an accuser decides to seek criminal charges, then a process should be in place on how to handle accused students while the investigation is ongoing. Their right not to speak of charges without losing their college education should be respected. In most cases, police departments will often put off police hearings when an officer is under indictment until the criminal case is resolved, so they can fully participate without fear of jeopardizing their freedom. A school should do everything to allow the student to continue their studies while the criminal case is ongoing while maintaining an NCO, and giving the accused access to emotional support. Many times, students who have committed offenses

will feel guilty and if they have someone to confide in, may be more willing to accept responsibility for what they did. The school should also allow, if needed, to have escorts for either the accused or the accuser so they may continue their education, but keep away from each other. The level of intrusiveness might increase depending on where in the legal process the accusation is. Some cases don't result in an arrest, while others may get as far as a jury trial.

In some instances, the school may request the student take a leave of absence from the school. If this happens, it's done in such a way that they can return, with no financial or academic loss should they need to.

In the case of Elijah Bethel, we have a student that was arrested based off of a description. He was cleared when he had a rock solid alibi, and DNA evidence proved he was not the one responsible. However, his school the University of Buffalo had already expelled him and would not expunge his record. He never should have been expelled. In fact, since the evidence for the arrest was so weak, he should never have even been suspended. However, in a case like this, if a student is on a forced leave of absence, the school is responsible for bringing them back with the same financial package and to utilize whatever academic programs they have so his grades don't suffer. If they follow this process, they will avoid having to insist they did nothing wrong, without ruining the reputation of an innocent man.

A During process would start the moment police arrive and speak to the accuser. At that point, most cases should be in a hold pattern, accepting information but not doing it's own investigation. It's effort should be concentrated on allowing both the accused and the accuser to continue their education without contact.

**After:** The after phase begins after any criminal case is concluded. A full investigation should have taken place by police, the district attorney and then in a trial, if it got that far. Colleges should and must accept all *findings*, although not *conclusions*, to the criminal case. What is the difference?

A finding would include witness statements, video or text information, testimony given and many other things that have been gathered during the course of the criminal case.

A conclusion is a guilty or not guilty. Of course, one would hope every guilty finding equals a guilty person, and every not guilty finding means the person was innocent, but we know for a fact that this is untrue.

Let's start with the easy one.

**Guilty:** If an accused student is found guilty of any aspect of the accusation, then it should be easy enough to determine guilt. Some students may plead down, but if any part of the accusation is admitted to, then the college can consider that part validated and proven. But if they plead to a non-accused allegation, they cannot.

**Example 1:** Student is accused of physically holding the accuser down and forcing himself on her or him. He pleads guilty to simple assault, without admitting the sexual aspect of it, thereby avoiding having to register as a sex offender. They have still pled guilty to a physical assault on the accuser, therefore the school can simply accept this as fact, and expel the student.

**Example 2:** During the course of the arrest, the accused is arrested and in his possession is drug paraphernalia. Drugs were not a part of the initial accusation. While the school might have a policy



about this, they can't use this to justify expelling a student. If other students who have had those types of arrests without the accusation of a sexual assault compliant have been allowed to continued, but say under probation and getting drug counseling, then the same should be applied.

**Not Guilty:** If the result is not guilty, then it would get referred back to the school. However, these are not as simple to resolve. Again, comparing to a police officer, a non guilty verdict might still result in a disciplinary process where the office might lose vacation days, have to undergo training, have a reprimand appear on their record or be suspended and/or even dismissed from the police force.

We all understand that a person goes into a criminal trial innocent until proven guilty beyond a reasonable doubt, and that when a not guilty verdict comes down, it simply means that the evidence wasn't strong enough to override the status of innocent. Sometimes, juries might walk of a trial believing that the accused was innocent. Or at least most likely so. Other times, they may feel he or she probably did it, but they weren't sure enough. The student in question should be considered innocent. However, the school could proceed against the accused student under the following circumstances.

- 1) The accuser still attends the college in question. If not, then you are not putting the accuser in a position to see her alleged rapist on a day to day basis.
- 2) There is a strong case to be made that if the accused is guilty, they pose a significant risk to other students. If this may have been a case that is unlikely to repeat, and again the accuser is no longer present, then further suspension or expulsion serves no purpose but the punish the student for a crime for which they were just acquitted for.
- 3) If either 1 or 2 are in play, the school could mediate an agreement, or they could go into a full hearing. All evidence must be presented in the hearing, including the exculpatory evidence. If there is new evidence, it must still be made available to the accused. If there is evidence that

wasn't allowed at the trial, for example, hearsay, that should also be disallowed here unless the college can articulate a reason why it shouldn't, and that reasoning is strong enough to stand up to both State and Federal review.

Since the accused was found innocent, the goal should be to find a way to allow both the accused and accuser to continue their education unencumbered. Again, colleges should not be quasi courts looking to punish a student for a crime that they've been found innocent of in a court of law.

Colleges would be able to expel at a clear and convincing level, so the same jury who couldn't get past a reasonable doubt. In those cases, the college could still expel the student, or at least suspend or offer to have the student simply not return. In any case where a not guilty verdict was arrived, the school should need to be able to articulate how and why they came to a different conclusion if they do. One that is reasonable and defensible. These should be reviewed by the State and Federal OCR offices.

If the case went before a jury, and returned with a not guilty, that should mean that the prosecutor believed the accused was guilty and that they could prove it beyond a reasonable doubt, but the jury disagreed. If the case fell apart because of evidence presented at trial, then the accused should not suffer longer at school and the college should assist the student in however it can. If in the other hand, it seems like the jury was a hairbreadth away from guilty, then school discipline may very well be warranted.

On the other hand, if no arrest is made, or no indictment is achieved, or the trial is dismissed, then it's mostly likely that the evidence won't reach the clear and convincing evidence standard. Again,

referring to the Elijah Bethel case, he was charged with rape. The charges were dismissed. The college should be forced to accept that, or have to explain why an expulsion was warranted despite eye witnesses that prove the accused was someplace else and DNA was not the attacker. If that's the case, then the schools will not be so quick to expel students like this.

In the Occidental case, the police declined to press charges, yet the school insisted that the accused was responsible. The police, and independent body with experience and no reason to find one way or the other, found that the accusation didn't get past probable cause, yet the college, under pressure from social groups and the federal government, found he was responsible by the higher standard of preponderance of evidence. That never should have happened. And the school should have been overruled and fined. (In fact, OCR should review cases like this and remedy where they can.)

In the Caleb Warner case, the police and the college looked at the same evidence. While the college determined guilt, the police issued a warrant for the arrest of the accuser for filing a false police report. That, in and of itself, should have been enough to have Caleb's record fully expunged and a letter issued by the college, apologizing and explaining his absence. Instead, after a lawsuit, he settled for having the expulsion turned into a suspension.

**Intoxication vs incapacitation:** Schools need to be trained on the difference, and not conflate the two as they often do. If a school wishes to say any sex with an intoxicated student can result in a suspension or expulsion, they should need to do 2 things.

- 1) Define intoxication. At what point is someone no longer able to consent to sex, and yet their partner is? Legally intoxicated can occur after one drink, but you're still responsible for what you do. What level of intoxication is needed to make person A not responsible, and person B

- is? How is person B supposed to be aware of that? If an accuser would have been held criminally liable had they gotten behind the wheel of a car, they should be considered responsible for their actions while intoxicated, including sex.
- 2) That the standard is applied evenly. If 2 people have drunken sex, then they both committed the same offense. If both people participated in the act, were active in the sexual act and one was simply lying there, then they are each engaged. In those cases, punishment either has to be taken off the table, or be evenly applied. This would most likely eliminate suspensions or expulsions in the cases of 'too drunk to consent', but both students could be made to take a class in drinking responsibility.
  - 3) If in the end we end up with a drunken one night stand, but students should still both get academic assistance, mutual NCO's and of course counseling. In fact, counseling may and should be required for both. The NCO might be revisited every 6 months or every year to see if both want to continue it.

**NO Contact Orders:** There should be different levels of NCO's available.

**Limited:** A limited NCO would involve the parties agreeing not to make direct contact with each other. There are no other restrictions in terms of movement. They can still attend all classes, even ones they have together, although if either of the students wishes to complete their work out of class, drop or cancel a class, or have other accommodations, they should be allowed.

Example: In the Thomas Klocke case, a student accused Klocke of saying things that created a hostile environment. The school responded by automatically suspending Thomas from class, interfering with not only his education but also with his ability to speak to other students to gather witnesses to what

had happened. By doing this, the school had taken one side over the other, showing it had no interest in finding the truth. In reality, both students should have been told to stay away from each other. The professor of the class could have been informed that there was a conflict between them and made sure that both sat away from each other. Thomas would have been able to graduate without incident. Instead, by keeping him out of class, they destroyed his future plans in what he perceived and may have been an irreparable way (Despite an email exchange that showed they had no evidence.) This led to Mr. Klocke taking his own life. This tragedy could have been easily avoided if the University had simply treated both students with care and compassion. Instead, they clearly decided Thomas was guilty and proceeded as such before ever interviewing him.

**Full NCO:** A full NCO would mean that the college would either have to transfer students out of classes they share if it could be done without an interruption of education. If not, the school would be responsible for having someone escort one student to and from class. If the student needed to leave to use the rest room, the escort would leave as well. This should be done in such a way that nobody in the class except the teacher is aware. The escort could be assigned to the accused, the accuser, or it could vary depending on who was available. For example, a female student accuses a male student. They share an important class they neither is willing to drop on Mondays, Wednesdays and Fridays. So on Monday, an escort who is female goes to the class. She meets up with the accuser, and is there to make sure neither party breaks the NCO. On Wednesday, a male escort might be there for the accused. All escorts are trained in sensitivity, discretion and how to deal with a situation. They can also testify as to what they witness. (For example, one student glares at the other.)

**Expanded NCO:** an expanded NCO is for rare situations where you must insist that one student drop a class, or activity. A college must be able to give a valid reason why this was done as opposed to the

lesser NCO's and insure if the investigation ends up unfounded, that all efforts will be made to make it up to the accused. These would normally be reserved for cases where criminal charged are pending and have past the point of a grand jury indictment. They should be able to be eased to a lesser NCO or even eliminated entirely within 1 business day should the criminal case be dismissed.

All NCO's can and should permit a review of new classes. As new terms start, both students should register for classes as they normally would. They would then submit their schedule to their advocate who would sit with the other advocate to review. Do either students have classes together or, in severe cases, near each other? They would then negotiate changes. If there is no finding of fault, then neither party would be required to give anything up. This would continue after a finding of not responsible. The intent would be would be to try and provide each student with a stress free environment. They continue their education, avoiding each other, taking advantage of counseling.

**False Allegations:** Let's be clear. False allegations happen. They may be rare, but the statistics are not relevant. If you're on trial for something that could destroy your life, you deserve to be judged based on the evidence, not statistics. In addition, statistics only cover those cases where the allegation was provably false. Not cases where the case was dropped because of insufficient evidence, or got to trial to end up in a not guilty verdict.

**Example 1:** Person A claims they were sexually assaulted by person B while on a date. Taken in a vacuum, person A's account would equal rape. Person B says it was consensual. Taken in a vacuum, person B's claim would be consensual, meaning this is a false claim. There is no evidence that can either prove, or disprove either version. Therefore, the criminal case would be dropped. In a college under the current guidelines, and atmosphere, the accused would most likely be expelled.

**Example 2:** Person A says they had sex with Person B while they both were drinking. She says that she was too drunk and therefore it was rape. Person B was equally intoxicated. Neither narrative differs from the other to any great degree. Both participated in the act. However, Person A insists they would not have had sex with this person had they not been drunk. Criminal charges are not filed because the allegation lacks the elements for rape. In a college case this has and would currently lead to an expulsion.

**Example 3:** Person A says they were sexually assaulted. They go to the hospital, where it's documented that they have bruises. A rape kit is performed, and DNA is recovered. Nobody doubts a rape took place. She gives a description of her attacker and a man is arrested. He has an alibi, and his DNA doesn't match. Charges are dismissed. In a college setting, he would be expelled and require a lawsuit to clear his record.

**Example 4:** A person observes something that leads them to believe a young woman may have been the victim of a sexual assault and reports it. Both the alleged victim and the alleged perpetrator insist there was no rape. The police would take no action, but a college could and in some cases. (Neil Grant) expel the accused student.

In all of the above examples, it is unlikely to result in a false rape statistic. But in each case, the person accused may be innocent. In fact, in example 3, he would be innocent, yet it would potentially be punished. In most of the cases, one could assume innocence, without assuming the accuser is lying.

In addition to that, colleges most likely have little appetite to punish a knowingly false allegation. With social pressure to always believe the victim colleges would never pursue that. Many will

say that pursuing a punishment against a false allegation would have a chilling effect on getting victims to report their crimes. There may be some truth to that, however, the flip side is if you make it clear that there are no consequences for knowingly lying, that also invites false allegations.

If a student accuses another of sexual assault, and the other person says they're lying, then you must assume a false allegation is possible. If it turns out to be in fact false, (Which is different from unproven) then some action must be taken against the accuser. A false allegation should not be considered proven unless it is proven by clear and convincing evidence. However, it needs to be understood what should be common sense. False allegations are in and of themselves a form of sexual harassment. The recognition of this fact is essential, because it means that if a college isn't taking the possibility into account as has been demonstrated time and time again, (Allegany and Amherst are 2 fine examples) then the college is, sometimes unknowingly and other times with full knowledge, becoming an accomplice in the crime of destroying the lives of young students.

**Cross Examination:** One of the biggest issues the with the Dear Colleague Letter was the not wanted Cross Examination, but this is one of the most fundamental parts of Due Process and cannot be denied if punishment is sought. However, in a criminal case, a defendant is allowed to represent himself. This can be disallowed. This is one place where the advocates come in. Allow them to cross examine. Do away with questions submitted in advance and college boards deciding what is or isn't relevant.

If an accuser insists on no cross examination, then they should be restricted to an informal process that is about mediation. Finding a way for both students to continue their education without harassment from the other. Suspensions and expulsions should be off the table in an informal inquiry.



**Informal Inquiry:** Each student is assigned an advocate that is fully trained. The investigation happens, but each student can request witnesses be heard. The questioning takes place with just the 2 advocates and one student. If one student is willing to transfer, then the school will assist. If neither is willing to do that, then other accommodations should be made. The advocates continue after it's agreed that the students will stay away from each other, avoid classes together with the help of the school, and not continue any form of harassment.

If an agreement can't be worked out, then a formal hearing would be next.

**Formal Hearing:** Much like a court case, it would involve an independent decider who doesn't have a predetermined opinion. All testimony must be heard. Cross examination must be allowed. The Advocate and the Student, (Accused or Accuser) must be able to communicate with their advocate at any time. A transcript must be kept, and made available for review by both the state and or the federal government. If an accused student wishes to have a lawyer serve as their advocate, that should be allowed.

Training for all people involved must include what is legally considered to be sexual assault based on the laws for the state. There is no reason why a transcript should be marked in such a way as sexual assault or staking if the accusation in and of itself would not rise to that level in a legal setting. They must be trained not only in why a 'victim' might tell different versions of events, but also why someone who is lying would. Due process protections should be spelled out well in advance.

- The college must provide the accused with an advocate. If they don't, regardless of the outcome, the school should be fined.
- The college must make sure the accused understands what he or she is being accused of, and what the consequences are if found responsible. If not, the school should be fined.

- The college must give the accused all files, interviews, reports, etc, with ample time to study, re-interview and form a defense. If not, the school should be fined.
- The school must make sure that all witnesses are heard, and that any hearing is fair and impartial. If not, the school should be fined.

In addition:

- If a student wants to contact police, that should happen right away, or the school should be fined.
- If the accuser or accused ask for academic help, it should be given. If not, they should be fined.
- If the college does anything that could be seen as sweeping the allegation under the rug, (Telling the accuser that they have no case, that their name will be dragged through the mud, etc) then the school should be fined.

Put in place strict guidelines that protect all students. Make it clear these are not optional. In cases where crimes have alleged to have occurred, any and all efforts to get the police to take the case should be priority. If the accuser refuses, then all efforts must be made to protect both students until one is found at fault with a high degree of certainty and while observing rules of due process. Also, any result, both a finding of responsible or not, should be easily and quickly reviewed by both State and Federal. If they see the college has failed to live up to its promise of neutrality and fairness, the state can override the punishment.

I would also suggest that someone should do a case by case review of all cases over the last 6 years. If Allegany, UCL, U of Cincinnati, Amherst, and Colorado State University can have cases where they so clearly got it wrong and settled in lawsuits, it stands to reason that they among many other colleges got

it wrong with students who simply do not have the ability to sustain a 2 to 3 year lawsuit. At the very least, these students who would not have been found responsible under a fair system should get a refund from the college for their tuition, meal plans and housing fees, and have their records expunged. Accusation doesn't equal guilt, and to presume it does not only does a grave injustice to those who are falsely accused, but it also undermines confidence in the existing system.

Colleges should not be quasi-judicial systems. They simply are not capable. Their job should be to protect students, all students. If a student wants justice or punishment, that is what the criminal courts are for. They also have the ability to civilly sue the person they say is responsible. If a college is forced to hold hearing, it must take pains to make sure it's staying as a neutral fact finder.

I would also suggest that some of the OCR offices on colleges, such as the ones who have ignored exculpatory evidence, or those who have expelled students when the 'victim' insisted they were innocent, lose their jobs. Only when colleges understand not doing their job correctly will result in personal loss will they change. If any student has been suspended or expelled without being allowed a hearing, knowing the charges they were accused of, unable to have any meaningful form of cross examination, or any other clear breach of normal due process, then the college needs to expunge their record, offer a letter taking fault, refund money paid and re-enroll the student asap with assistance if needed. The exceptions to this would be if there was an independent inquiry, such as a criminal case, or a lawsuit that established guilt. If the criminal case resulted in a not guilty, or less, then these consequences for the college should be automatic.

In short, the ability to get academic accommodations, movement in and out of classes, or dorms, the ability to get counseling, and the ability to get basic NCO should be made easier for all. Advocates should be automatic.

But the ability to suspend or expel students needs to be much harder.

Colleges should first Educate, then Correct bad behavior, then Protect, and only in extreme cases where there is ample proof, Punish.

Thank you for taking the time to read this.

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