        I sit and look at our family photo taken two days before my son returned to college just after Thanksgiving. What happened next was a life-changing event for all of us! My goal is to show you the lack of due process, how biased, unfair and impartial the college system is, as well as how my son was not allowed to be heard once he was wrongly accused of breaking the sexual misconduct policy on his college campus.

At approximately 1:00am Monday morning (11/28) there was a knock on my son’s college door. He was handed a “No Contact” order with a particular student. He was not told why, where, when or what this was about. The next day my son was called into the Associate Dean of Student's/Senior Deputy Title IX Director's (Dean/Deputy) office and told there was a “sexual misconduct” against him on the eve of 11/21 in his townhouse. No other information was offered at this time.  He was told he could make a statement at a later date.  My son was upset, angry and did not understand what was going on. He was allowed to go to class, but was pulled out of class again to talk with the Dean/Deputy. He was now told he had been suspended! ”The Dean/Deputy escorted him to meet up with two Residential Directors all three men then escorted my son to his townhouse and off campus. While being escorted off campus signs were being hung on all the buildings warning there was a sexual assault. Everyone on campus was emailed and notified at this time. This information was released to the newspapers and media. You could read the headlines or watch it on the news.  Sexual assault on (XXX) College campus! Imagine how you would feel your, friends watching you be escorted away like a criminal. You don’t even know why this is happening, you only know they did not want to hear your side of the story.

            The next day my husband and son were allowed to return to the campus to get some more things. They spoke with the Title IX director about the unfair treatment of our son. The Title IX director stated that there was a lot of pressure from the Federal Government and that this is just how things work.

          Four days later Thursday 12/1/16 it was “explained” to my son that there was “inappropriate touching” with provided examples by the Dean/Deputy he also told my son he did not get confirmative consent. The Dean/Deputy states he had not read the complaint but had a general idea of the issue, and he will not provide any information from the statement. He explains they will take statements from my son, the complainant, and witnesses putting together a case book so that if my son is then charged he would be notified of the charges and given an outcome of investigation. My son could then review those materials and write an impact statement. The Dean/Deputy then confirmed with my son that when they had met yesterday he had informed my son he was being charged with sexual misconduct. He states he provided this information so my son now could decide what to do. We asked the Dean/Deputy if we were in the Formal process. His response was yes there is a formal process in place; we are involved in an investigation at this time. The Dean/Deputy told us he is not investigating and in no way shape or form does he have anything to do with the conclusion. The Dean/Deputy is confusing telling my son he is charged with sexual misconduct and indicating we are in a formal process and an investigation. It sounds like the Dean/Deputy has already determined my son is charged and he is being treated as guilty. How can we not feel that the college is biased against our son?

  That afternoon (12/1) at 3:37 pm my son received an email, we now need to provide a statement and a list of witnesses by Monday 12/5.  Is four days reasonable to provide a statement on a “sexual misconduct charge?” Especially knowing any statement made could be used against my son in a criminal case! We were also reminded in an email by the college “whether you choose to submit a statement or decline to, (college policy) misconduct process will proceed” Typically if you do not participate in the college process silence results in a responsible finding and you are often expelled. What kind of choice is this? We are allowed a lawyer but they “can only serve in an advisory role and may not directly represent” (policy) my son. How can we find someone to help us quickly and respond within a four-day deadline with two of the days being a weekend?

We were fortunate and did find a lawyer. My son submitted a statement Monday 12/5.  Now we wait. Thursday 12/15 we receive the Notice of Outcome. The charge is “rape” and “fondling.” How did we go from “inappropriate touching” to this? My son was never unclothed; there was no intercourse, oral sex, drugs or alcohol. Texts submitted by my son show she was ambivalent and was putting pressure on herself. She stated “Like you know that I just got out of a relationship so I’m really weird with the pace of stuff for us and I’m not ready for a lot of stuff and I’m a pain in the ass and lk I told you not to expect anything but I feel like you do” My son’s reply to this was “I don’t expect anything and honestly if u just want to be friends for a couple of weeks would that make u feel better? Like until u feel ur ready for more” My son was concerned about this girls feelings. Two days later and the day in question it seems she is pursuing him. “Do you like lace?” “My bra and underwear are even prettier” “is your room mate going to be there?” “then maybe you’ll get lucky” She undressed herself, my son remained clothed. He is being charged with “rape?”

The college states the Notice of Outcome is as follows; “This document shall consist of a summary of allegations, a summary of the evidence in support of the complaint,…” So in other words this document can only show evidence in support of the “victim” What if there is evidence that supports the accused?

How will my son get a fair hearing? My son denied the allegations and now the policy states “The panel will examine all testimony and documentary evidence it deems relevant, …” Here again the college chooses what and what not might be important in this investigation according to them. I am scared will they only choose “evidence that supports the complainant again”? We are not allowed to know who is on this panel. How will we know they are not biased? My son did not meet the panel. He was not allowed to know who was on the hearing panel! He was not asked any questions at any time about the “incident” by the panel, complainant or any investigating persons. He was not allowed to ask any questions to the complainant or to the panel. Where is his right to be heard? Where is the due process and fair and equal treatment that our college promised? With such a low standard of evidence required even these basic rights of due process are allowed in civil cases. I find it unbelievable that you can be charged with “rape” and “fondling” and go through the entire investigation and hearing never once speaking or meeting with anyone about what happened. The only way you were able to respond was via email. Ninety percent of communication is non-verbal.

My son was found responsible for “fondling.” The Associate VP for Student Life confirmed this. We maintain our son’s innocence!! We did not appeal because we were told via email from the college it was possible for the sanctions to be increased with an appeal. We also told there is “no opportunity to review the investigative file and any additional statements.” We wanted to defend our son but he was going to be able to graduate. What else could we do to defend our son against this biased system? We did not feel like we had any good options. We also had to strongly consider where we were financially. At this point we had already spent $15,640 in just over 2 months. We did not file an OCR suit because in reading how to file there was a very limited amount of days and I thought because he accepted the responsibility plea he might not be eligible. We were mostly afraid to file before my son would graduate. His graduation put us past the deadline.

You read some of the biases, unfair, impartial, lack of due process or not allowed to be heard examples from my son’s experience above. Below is a list including more of these that happened in our case;

-How did they determine my son was a threat to the campus when they never asked his side of the story in a he said, she said case? My son asked the Dean/Deputy this and he said he had a right to know but not now. They removed him from campus like he was a criminal. On a college campus and accusation seems to be equal to a finding of guilt.

-(XXX) Policy states, “If any situation is deemed to be an emergency, (XXX) College will utilize its mass notification system to warn the community of any threat.” It’s a mass emergency because a complainant states, “You just kept trying to kiss me and put your hands in my pants or shirt” It sounds to me she is unsure of where she was touched. The complainant had been home with her mother over the Thanksgiving break. The complainant reported her mother said she just needed to be more careful with boys. The mother instinct is to protect her daughter if she had noted a change in daughter’s behavior or witnessed anything unusual or alarming the mother would not be making the statement reported. Text messages submitted by the complainant herself show she was not sure she was “assaulted.” She was not drinking or incapacitated in any way but yet she does not know?

-When my husband asked the Title IX director about the unfair treatment of our son she replied that there was a lot of pressure from the federal government and that this is just how things work. Wow, we did not know the impact of this statement when keeping notes about what happened the first few days. This statement alone shows the pressure these colleges are feeling from the Federal government.

-Is it fair and impartial to be given a no contact order and not told why, what, where or when? Sanctions were administered before any review of the case.

-I question the college’s ability in how to implement their own policy. The college states the “Title IX Response team will conduct an initial assessment within 72 hours” and they will then decide if this should be referred for formal or informal resolution.” My son was removed from campus just 13 hours after receiving the no contact order and in less than 5 hours of being told he violated the sexual misconduct policy.  This is adequate notice, fair and impartial treatment? It seems like the college skipped some steps there was no 72-hour assessment. It felt like now you are guilty!

-The policy states “Title IX Response team receives annual training in strategies to protect parties who experience sexual misconduct to promote individual and institutional accountability.” When you are trained to protect the complainant, who is protecting the accused? This states the Response team is not only protecting the complainant but the institution! Who is protecting my son? I thought he was innocent until proven guilty? Shouldn’t “discipline proceedings seek to ascertain the truth, not prove guilt or innocence?”

-The policy also states “the reporting party’s expressed preference for resolution in determining the appropriate course of action” will be considered. Our complainant asked for the no contact order. The college issued this not based on fairness; they only had one side of the story. I thought this was an accusation not a finding of guilt. The no contact was issued immediately as soon as she reported it. The Dean/Deputy issued this order. Again he told us he was only being kept apprised of the situation. It seems his response and responsibility is to protect the “victim.” It seems biased in this situation due to that lack of evidence and information at the time.

-The Dean/Deputy stated on 12/5 that it was not his role to investigate or come to any conclusions. The Notice of Outcome states the Deputy Title IX coordinator interviewed the complainant. (My son did not see the Deputy’s interview when he was able to review the “redacted” copy of the investigation report. Why was this not included? Why did he tell us this was not his role? He came to a conclusion when he issued the no contact to my son.

-I seriously have to question the Dean/Deputy roles. Both of these roles seem like a conflict of interest. On social media he proudly "reports that he responds to student conduct related situations, supervises and trains students, faculty and staff in helping skills, sexual harassment prevention, mediation and crisis management." The Dean/Deputy himself "Selects, trains and advises the student Conduct Review Board". It seems the Dean/Deputy is confusing his roles when he told our son he was guilty before the investigation was completed. He is selecting, training and advising whoever is on our hearing panel?

-In the summary that will go to the panel the Title IX director writes the complainant as submitting the text “You can’t do that stuff. You can’t hold me down and force yourself on me.” There was no actual text message supplied stating this. It may have been a statement made by the complainant but this is misleading.

-The lead investigating officer’s daughter was noted to be friends with the complainant. This seems like a major conflict!! We have the connection through Facebook. He also wrote a chapter in one of (The Previous Title IX directors) book.(see below)

-The complainant’s story is not consistent. For example the ex-boyfriend indicates the complainant reported to him that she did not want to be kissed or touched by the respondent as evident in the following quote from his interview; “he (respondent) started trying to kiss her” and “she had said she did not want any type of sexual relations with him.” However that night in the incident report and in one of the residential director’s reports the complainant indicates kissing was ok. She also reports to the Title IX director the next day she was ok with kissing. Lets not forget her sexually specific text messaging indicating my son might get lucky. The report shows the complainant would not report or make a complaint until she “had asked (the ex-boyfriend’s) opinion on what she should do about this situation.” This is documented by than more that one witness.

-Texts submitted show the complainant explicitly detailing her intent to engage in sexual contact with my son while consent can be withdrawn at any time my son displayed he cared about the complainants feeling and was in no hurry to engage in a sexual relationship.

-My son had submitted his statement on 12/5 by 12/9 my son’s roommate had received notice that he would be getting a NEW roommate. Its sure feels like the school has determined my son will be guilty.

-The Previous Title IX Director wrote a book about sexual harassment while employed our college. This book showcased our college as a model for how to set up a Title IX campus. Many contributors to the book were college staff members that are still employed at the college. The author writes, “Sexual Violence is a complex epidemic whose eradication from our campuses is a daunting yet feasible goal.” She is highly active for “victim’s” rights in sexual assault and harassment. How can she or a campus Title IX program under this leadership be supportive to someone who is accused? Even after she left her legacy continues with all those she trained. Eradication is a powerful word. See the separate list of programs at our college that are tied in with sexual assault/violence/harassment or victim’s rights.

-The Assistant Director of Student Life (cc’d in the our son’s case/email’s.) writes about a Trauma Informed Approach. “It guides us to approach all students as though they have experienced abuse, regardless of whether they have or not.” “Believe the Victim” is appropriate for support but has no place in an investigation or hearing! He tweets he does RA training. More biased staff.

-Was the college feeling more pressure to find the accused responsible? In May of the year my son was accused it was reported/filed an ex-student who had been a "victim" at our college was suing our college citing rape. That month there was another sexual assault on the campus reported in the newspapers. One month before our son’s accusation a visitor, was arrested by the police for a sexual assault on his campus. All these cases bring negative attention to the college and the colleges in turn feel they need to show the public they are protecting victims. Believe the victim no matter what has created a system that does not allow an accused person a way to defend him or herself. Believe the victim is important in a supportive role but does Not belong in an investigation. No one wants to see anyone harmed however it seems those accused are guilty on accusation. The new Title IX director hired is a lawyer. She told us there is a lot of pressure from the Federal Government. The college has to be concerned with losing their Federal Grant money.

-How does a panel make a life altering decision without ever meeting, talking, or interacting with the parties involved? It seems when you are labeling someone as a sex offender you would want to know that you made the right decision you would want the truth! It is equally as important to get this right for the victim! We all know most communication is non-verbal.

-My son struggled when he was removed from campus causing him to miss one week of intense classes right before finals. I can’t tell you how important it was for him to be home at this time. He was so upset about missing his classes; it was overwhelming to try to make this work up while trying to respond in 4 days to a sexual misconduct charge. His doctor gave him a medical leave of absence however the school did not accept this. We were told since it was a week before final exams they would not accept this. He was offered no emotional support. They stated they would help my son academically however he did not really get any academic help until after this entire process was completed. My son could not fully recover his fall grades. We do not know how this still might impact his future.

The following list is Programs at our college that involves intervention/training/programs on Sexual Assault/Violence/Harassment;

Bystander Intervention Program;

  (XXX) College Antiviolence Task Force-faculty/staff/students

  (XXX) College “Recognize, Report, Prevent Campaign

  Social Norms Campaign (Campus Climate Survey)

  Student produced videos (One Billion Rising)

  Weekly emails to (XXX) Community-Celebrating active bystanders consent      checklist…

Mission meets Practice;

  Mandatory Active bystander training programming-All incoming students, RA’s orientation leaders.

  Inclusion of active bystander messaging into related Title IX training programs (for athletes, RA’s, campus employees)

  (XXX) College Human Rights Policy- this investigates and adjudicates reports of sexual violence. This is given to all on campus.

  (XXX) College Welfare of the Community Policy-A kin to amnesty policy- can report without getting into trouble.

  Residence Hall Programs- active bystander messaging and pro-social behaviors.

  (XXX) Center for Women- Student led advocacy issues related to violence against women.

  PEEP’s Peer Education and Empowerment Program-to educate students about sexual and relationship violence

  Community wide awareness raising and survivor support events;

        One Billion Rising

        Operation Red Zone

        Red Flag Campaign

        Clothes Line Project

        Take Back the Night

        White Ribbon Campaign

You can see the students and staff are inundated with material on Sexual assault/violence and harassment on regular basis. This confronts them every time they turn around. They are being brainwashed with this stuff.  So why are the statistics always increasing? Why isn't this problem getting better with all this education? I know they say under reporting. What about the fact that "rape" no longer means rape. The Campus Climate is designed to capture every incident. The CDC reports sexual violence includes; attempted or completed rape, sexual coercion, unwanted sexual contact, and non-contact experiences like harassment. They count non-contact experiences thus inflating the statistics to 1:5. Why are we using statistics from a public health perspective versus evidence-based studies like the DOJ? (Rape and Sexual Assault Victimization Among College-Age Females, 1995-2013) It seems like most of the CDC's studies and reports now come from groups funded by the VAWA and other victims rights groups that all support a public health perspective. There is too much bias with this thought process. Trained criminal professionals should be handling these investigations. Young men’s lives should not be decided in a college faculty lounge! Investigations done by trained professionals could protect both the accused and the complainant. It would remove the potential bias of college administrators/faculty/students who sit on these panels and are pressured into making the best decision for the college and ultimately their own jobs.

We are not providing justice to “victims” or those accused. Our college is a perfect example of this. While my son was unable to defend himself due to an unfair process in all the ways I outlined it is also not fair for the “victim.” My son was found “responsible” for “fondling” however he was allowed to remain on campus in his townhouse and complete his degree. It is a small campus and they could be in the library or food court at the same time, my son had to make and attempt to avoid the complainant. He could not go to the dorm area or take classes she was in. It seems the college sanctioned my son in an attempt to please the complainant. I have to ask why did the college keep my son on campus? If they truly thought he was guilty of “rape” or something more than “minor event” he easily would have been removed from campus. The “victim” in this case did not really win either. While yes my son was found responsible and sanctioned with a real possibility of changing his future the girl did not win with my son being allowed to stay on campus and graduate. The real winner in this situation is the college. They feel they pleased the girl with a responsible finding, pleased my son allowing him to graduate but most of all they fulfilled their duty to have a finding of responsibility so they can meet the quota needed for them to keep their federal funding and to keep the OCR off their backs.

We need a system that is unbiased, equitable, upholds due process, is timely, allows for the right to be heard and does not use ambiguous definitions. President Trump issued and an Executive Order that the Dear Colleague Letter and its current guidance be rescinded. I hope to see this happen! I also hope to see a review of cases like ours and that they be given the opportunity to be reviewed and rescinded!