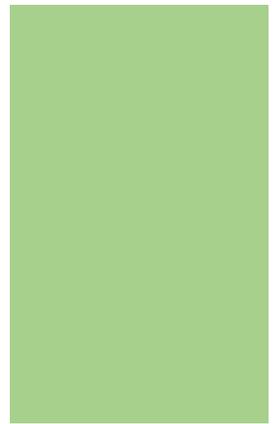


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Families Advocating for Campus Equality

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FACE Responds to Hearing Testimony from House Education and Workforce Committee's Subcommittee on Higher Education and Workforce Training

Families Advocating for Campus Equality (FACE), a not for profit organization that advocates for fairness for any student accused of sexual misconduct on campus, expresses the following responses to key points made in testimony before a House subcommittee meeting on the topic of campus sexual assault held on September 10, 2015.

FACE strongly disagrees with the statement by Congressman Jared Polis (D-Co 2nd District) that lowering the standard of proof in order to expel more students makes campuses safer and fairer. As other speakers noted, Title IX is a gender neutral law, and any innocent student who is expelled from college is illegally deprived of access to education. Being expelled from college does not simply lead to transfer to another college, as permanent disciplinary records with ominous findings make it difficult or impossible to enter another institution or find employment. Furthermore, the profound and lasting emotional trauma associated with a false accusation, just as for victims of assault, is not a matter to be taken lightly. Many victims of false accusations suffer from PTSD, depression and other health issues as a result of their experiences.

FACE shares concerns expressed by several speakers that colleges are subject to burdensome and conflicting regulations regarding their handling of student discipline. Many of us have dealt with college officials who genuinely did not understand their own roles or the rules governing disciplinary proceedings, and this is less attributable to their training than to the scope of what colleges are being asked to do. Under current regulations, colleges are asked to serve as, a support structure for students claiming to have been victimized, an arbiter of fairness and equal access to education, and a fact-finding and punitive system operating in parallel to criminal courts. These roles are contradictory and unsustainable.

We agree with Mr. Joseph Cohn of FIRE that colleges are not equipped to handle fact-finding and determinations of truth in criminal matters, lacking the resources, powers, and knowledge of trained criminal justice professionals and officers of the court. We would add that college employees are also not subject to the same measures of public accountability of the criminal justice system. Judges, prosecutors, and members of the criminal justice system are accountable to professional boards, internal review processes, and in some cases, voters. College officials do not take professional oaths and are not subject to similar accountability measures, removing a key barrier for abuse of power.

FACE does not agree that mandatory law enforcement reporting will create a chilling effect on reporting rates of sexual violence. In fact, the existence of a non-professional adjudication system on campus has created negative experiences and low expectations of that system for all parties, and bypassing that system increases the likelihood that claimants will be exposed to trained, competent professionals. We agree with Mr. Cohn that the criminal justice system is not perfect and that reform in that area will help more than trying to use the college disciplinary process as a substitute.

Finally, we support Mr. Cohn's suggestion that the Safe Campus Act be amended to encourage colleges to use non-punitive measures to support students in all cases, even if the claimant chooses not to pursue criminal proceedings. Colleges are well equipped to coordinate numerous support systems to students involved in disciplinary hearings including provision of housing and academic accommodations, counseling, support while navigating the criminal justice

system and other resources. FACE agrees with Chairwoman Foxx “that every college student should be able to learn in an environment that is safe and free from fear.”

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