

February 28, 2014

White House Task Force to Protect Students from Sexual Assault
VIA email to OVW.SATaskForce@usdoj.gov

Dear White House Task Force to Protect Students from Sexual Assault:

The Foundation for Individual Rights in Education (FIRE; thefire.org) is a nonpartisan, nonprofit organization dedicated to defending core constitutional rights on our nation's university campuses. These rights include freedom of speech, freedom of assembly, legal

includes few, if any, meaningful procedural safeguards, it too has failed to fulfill its legal and moral obligations. Far too many schools have taken this path as well.

When a student is suspended or expelled from college without due process protections, the

Colleague" letter, the agency acknowledged that "a school's investigation and hearing processes cannot be equitable unless they are impartial." While FIRE wholeheartedly agrees with this sentiment, we have yet to see a single instance in which the Department has taken action against an institution for lack of impartiality against the accused. This is true despite numerous examples in which colleges punished accused students with scant if any evidence, using embarrassingly minimal procedural safeguards. We have even seen repeated instances in which colleges expel students despite the fact that juries have found those students not guilty in real criminal trials covering the same accusations. In some cases, the evidence not only was insufficient to support guilty verdicts under criminal law evidentiary standards but also dispositively proved the innocence of the accused. Caleb Warner's case from the University of North Dakota is illustrative. See attachment C. We point this case out not to

prosecuting the charges against the accused party. Universities are free to employ lawyers to conduct this function. Providing student complainants with a matching right to have their own counsel activ

