

To: House Judiciary Committee

January 16, 2023

**For HB 1256 relating to false allegations of sexual harassment or discrimination and provide a penalty**

How damaging are false and fraudulent accusations? Unfortunately, a mere accusation can ruin a person's reputation and be enough to convict the innocent person in the eyes of the media, social media, their profession and in the public. Where do you go to get your reputation back after being falsely accused? Where do you get some justice?

Number 9 of the 10 commandments is "*Thou shalt not bear false witness against thy neighbor.*" This grievous sin includes all forms of lying, a lack of decency and empathy so profound it is hard to understand, but yet too prevalent. There is an old saying, "*A Lie goes halfway around the world before Truth has had time to get its shoes on.*"

Make no mistake about it. In no way is sexual misconduct, harassment or discrimination acceptable. But what is equally alarming is the current climate of falsely claiming harassment and discrimination while claiming to be a victim... when they are not.

False allegations are real. False allegations of sexual misconduct and harassment are real. Few want to admit it, but thousands of people are falsely accused on campuses every year under Title IX... all over this country.

What should the consequences be for falsely accusing someone of sexual harassment? Would you be surprised to find our few, if any, of the liars have any consequences? No punishment? No justice? *The accused has a lot to lose, while the accuser has little to lose.* If there is no fear of lying – making false and fraudulent accusations – then there is no accountability. **Thus HB 1256.**

Oftentimes, false accusations are used as a leveraging point—that is, to create drama, for attention, for revenge, to defame, to harass, out of jealousy, for political reasons, or because of mental illness. And their lies can be convincing. For liars, inflicting pain is the objective. It's not about common good; it's not about justice; it's about inflicting pain — and if they use fraudulent means to reach their goal, so what? *They want to hurt their victim while claiming to be a victim.* There are few consequences for false accusations, especially on a college campus. Vindictive liars do not want to take responsibility for their actions, as they attempt to shift the blame to the accused, many motivated to accuse someone based on a bias.

Another danger is the damage it creates for actual survivors of the sexual misconduct or harassment. Some argue that punishing any false accuser chills the willingness of victims to come forward. Rule-of-law advocates counter that **false accusations are not victimless crimes.** How true. Both the innocent and genuine victims are damaged by false allegations. Every lie casts a shadow of doubt over future reports of harassment and discrimination as true victims may be seen as making charges up, or exaggerating. So, accountability for false and fraudulent accusations is important for justice.

Justice is needed. When making false accusations, liars are messing with innocent people's lives — stealing a good reputation, honor, time, opportunities, relationships, while inflicting hurt

and pain. Accusers making false accusations need to be brought to justice. The lives of the innocent depend on it.

Imagine being a professor or instructor at a university who has devoted years of service to academic excellence through teaching, writing, researching and mentoring in his or her chosen field. Imagine what it would be like to lose everything — potentially tenure, your job, your credentials, and for sure your reputation — because of a false accusation of sexual harassment or discrimination by a student or colleague. That is the often end result for the falsely accused. Meanwhile the liar goes free, unharmed, and hidden from accountability.

False accusations of sexual harassment or misconduct on campus occur at an alarming rate. These false allegations have devastating consequences for those who are unfairly and wrongfully accused. In most cases, an accused student is placed on restrictions and forbidden from participating in student activities. Some have been suspended and expelled unfairly. In all cases, the accused student's studies and social life is disrupted by the Title IX process. Another truth is faced by students who are accused of sexual misconduct or harassment on campus: *To be accused is to be assumed guilty*. End of story. Title IX matters are overwhelmingly one-sided. University administrators too often have failed to protect the rights of the accused. Too many students experience a Kangaroo Court with a presumption of guilt forcing a student to prove their innocence. The accused tuition-paying student cannot assume a school will support and defend their rights as diligently as they support the accuser. The innocent are left with no advocate on campus. No support. No defense. Assumed guilty. Those accused can easily feel as though the whole world is against them while being wrongfully accused. And to cap it off, even if the process finds the student innocent, the accusation can have a lasting impact on their reputation and career. A Google search brings up the false accusations constantly. What happens to the false accuser? Usually nothing. Their name is never released.

If one Googles "sexual harassment false allegations," there are news articles suggesting that scientific research shows very few people make false sexual assault/harassment allegations. The legal experts say a fair reading of the research supports the opposite. Rather than only 2-8% falsely accuse, the experts report a finding that 20-60% of allegations are false. The 2-8% figure depends on a very specific definition of false allegation, that being one that has been proven false with an admission of lying or solid evidence of falsehood. Of the remaining cases in the study, very few were proven to be true claims of sexual assault. It is important to note that no one says that 92-98% of sexual assault/harassment claims are true. The 2-8% statistic only *suggests* that more than 90% are true, but that is a faulty reading of the study and the statistics. (See *False Allegations of Sexual Assault: An Analysis of Ten Years of Reported Cases*, David Lisak, Lori Gardinier et al, *Violence Against Women* (2010).

As of January 2020 – 3 years ago - more than 150 lawsuits filed against universities over botched Title IX proceedings have ruled in favor of the accused students i.e. the universities were on the losing side, with more than 70 additional lawsuits settled by the universities prior to any decision. There are hundreds of cases pending over depriving students of constitutional due process rights. (New York Journal of Legislation and Public Policy). This method of justice is only open to students and their families willing to pay tens of thousands in legal fees to prove their innocence, i.e. the false allegations were lies. What about those who do not have the financial wherewithal? What if you cannot afford to pay for truth and justice?

Please give favorable consideration to HB 1256 to provide some justice to the falsely accused under Title IX.