

STUDENT SENATE RESOLUTION 2019-XXXX

TITLE: Resolution Opposing Proposed Changes to Title IX Regulations

AUTHORS:

SPONSORS:

WHEREAS, the Department of Education has proposed changes to Title IX regulations and how universities handle reported sexual harassment; and,

WHEREAS, under the new policy, schools will likely investigate fewer complaints, and the Department of Education will hold fewer schools accountable for ensuring campuses are free of sexual harassment and assault; and,^{1 2}

WHEREAS, the overwhelming effect of the new rules is to limit schools' obligations to students who file complaints of sexual harassment and violence under Title IX; and,³

WHEREAS, the new rules would require schools to only investigate the most extreme forms of harassment and assault; and,

WHEREAS, the rules would allow schools to eliminate protections for students studying abroad; and,

WHEREAS, the new rules would require schools to establish live cross-examination, where an accused student's representative would be able to directly question a survivor in real time; and,⁴

WHEREAS, the process of reporting a sexual assault can be traumatic and painful, and live cross-examination of survivors will rehash such trauma. Brett Sokolow, president of the Association of Title IX Administrators projected this to lead to a **50 percent drop in future reports**⁵; and

¹<https://www.aclu.org/blog/womens-rights/womens-rights-education/betsy-devos-wants-roll-back-civil-rights-protections>

² <https://www.apa.org/pubs/journals/releases/law-0000037.pdf>

³<https://www.aclu.org/blog/womens-rights/womens-rights-education/betsy-devos-wants-roll-back-civil-rights-protections>

⁴ https://actionnetwork.org/user_files/user_files/000/028/107/original/Two_pager_on_proposed_rule.pdf

⁵ <http://neatoday.org/2018/11/26/betsy-devos-title-ix/>

WHEREAS, the new rules would make it impossible for survivors to request that their perpetrator be moved out of their dorm or classes as an interim accommodation; and,

WHEREAS, the Department's rules would require schools to adopt a higher standard of proof only for sexual misconduct complaints, as opposed to other nonsexual campus misconduct; and,⁶

WHEREAS, the new rules would allow schools to use unregulated "mediation" processes in lieu of investigations; and,

WHEREAS, the new rules would allow schools to delay investigations for unspecified periods when a concurrent law enforcement investigation is ongoing; and

WHEREAS, under the new rules, colleges and universities would be obligated to take action only if students make formal complaints to designated Title IX and high-level school officials; and,⁷

WHEREAS, more than 90% survivors of sexual assault on college campuses already do not report assault when it occurs; and,⁸

WHEREAS, the Department's rules would narrow the definition of sexual harassment to include only those offenses which occur within a schools' programs or activities, which does not include off-campus housing and activities not organized by the University, thus restricting the availability of the remediation process to survivors from a wider applicability under the status quo; and,^{9 10}

WHEREAS, out of eight major universities that provided data, five had more reports of sexual assault from off campus than on school property; and,¹¹

WHEREAS, 20% of female, 4% of male, and 21% of transgender, genderqueer, and gender nonconforming students are sexually assaulted while in college; and,¹²

⁶ https://actionnetwork.org/user_files/user_files/000/028/107/original/Two_pager_on_proposed_rule.pdf

⁷

<https://www.aclu.org/blog/womens-rights/womens-rights-education/betsy-devos-wants-roll-back-civil-rights-protections>

⁸ https://www.nsvrc.org/sites/default/files/publications_nsvrc_factsheet_media-packet_statistics-about-sexual-violence_0.pdf

⁹ <https://www2.ed.gov/about/offices/list/ocr/docs/background-summary-proposed-title-ix-regulation.pdf>

¹⁰ https://actionnetwork.org/user_files/user_files/000/028/107/original/Two_pager_on_proposed_rule.pdf

¹¹ <https://apnews.com/3823e7c2ca3349e1a77487e62cfbf891?fbclid=IwAR1haXMPLhVOTpql9CWkmpkfvv6123ou9PhtDNVJEczrnMJ32J7cISAIkE8>

¹² <https://www.rainn.org/statistics/campus-sexual-violence>

WHEREAS, an assailant has a 99% chance of avoiding a prison sentence; and¹³,

WHEREAS, 90% of sexual assaults are committed by repeat offenders; and,¹⁴

WHEREAS, if assailants were stopped after their second offense, then 59% of sexual assaults would be prevented; and,¹⁵

WHEREAS, many other Universities' Student Government Associations have adopted, or may adopt, resolutions supporting similar sentiments; then,

THEREFORE, LET IT BE RESOLVED that the [University legislative body] opposes the proposed changes to Title IX Regulations.

THEREFORE, LET IT BE FURTHER RESOLVED that the [University legislative body] empathizes with survivors of sexual assault.

THEREFORE, LET IT BE FURTHER RESOLVED that the [University legislative body] remains committed to sexual assault prevention and the safety of students who live both on and off campus.

THEREFORE, LET IT BE FURTHER RESOLVED that the [University legislative body] respectfully requests that the Department of Education more comprehensively consider the wishes of affected university students when crafting rule changes relevant to sexual assault prevention, investigation, and resolution.

THEREFORE, LET IT FINALLY BE RESOLVED that the [University legislative body] respectfully requests that the University administration does all within their power to stand with survivors of sexual assault.

¹³ <https://www.rainn.org/statistics/criminal-justice-system>

¹⁴ <https://kinseyconfidential.org/most-campus-rapes-are-committed-by-repeat-offenders/>

¹⁵ https://www.ted.com/talks/jessica_ladd_the_reporting_system_that_sexual_assault_survivors_want/