

Date Introduced: April 16, 2019

Date Voted Upon: April 16, 2019

### **A Resolution Opposing Proposed Changes to Title IX Regulations**

1 WHEREAS the University of Alabama at Birmingham Undergraduate Student  
2 Government Association has the honor and responsibility of representing the entire  
3 undergraduate student voice; and  
4  
5 WHEREAS it is the duty of the USGA to lead the undergraduate student body towards  
6 positive and relevant changes; and  
7  
8 WHEREAS, the Department of Education has proposed changes to Title IX regulations  
9 and how universities handle reported sexual harassment; and,  
10  
11 WHEREAS, under the new policy, schools will likely investigate fewer complaints, and  
12 the Department of Education will hold fewer schools accountable for ensuring  
13 campuses are free of sexual harassment and assault; and,<sup>1 2</sup>  
14  
15 WHEREAS, the overwhelming effect of the new rules is to limit schools' obligations to  
16 students who file complaints of sexual harassment and violence under Title IX; and,<sup>3</sup>  
17  
18 WHEREAS, the new rules would require schools to only investigate the most extreme  
19 forms of harassment and assault; and,  
20  
21 WHEREAS, the rules would allow schools to eliminate protections for students studying  
22 abroad; and,  
23  
24 WHEREAS, the new rules would require schools to establish live cross-examination,  
25 where an accused student's representative would be able to directly question a survivor  
26 in real time; and,<sup>4</sup>  
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<sup>1</sup><https://www.aclu.org/blog/womens-rights/womens-rights-education/betsy-devos-wants-roll-back-civil-rights-protections>

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

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

<sup>4</sup> [https://actionnetwork.org/user\\_files/user\\_files/000/028/107/original/Two\\_pager\\_on\\_proposed\\_rule.pdf](https://actionnetwork.org/user_files/user_files/000/028/107/original/Two_pager_on_proposed_rule.pdf)

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

32

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

35

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

39

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

42

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

45

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

49

50 WHEREAS, more than 90% survivors of sexual assault on college campuses already  
51 do not report assault when it occurs; and,<sup>8</sup>

52

53 WHEREAS, the Department's rules would narrow the definition of sexual harassment to  
54 include only those offenses which occur within a schools' programs or activities, which  
55 does not include off-campus housing and activities not organized by the University, thus

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

<sup>6</sup> [https://actionnetwork.org/user\\_files/user\\_files/000/028/107/original/Two\\_pager\\_on\\_proposed\\_rule.pdf](https://actionnetwork.org/user_files/user_files/000/028/107/original/Two_pager_on_proposed_rule.pdf)

<sup>7</sup> <https://www.aclu.org/blog/womens-rights/womens-rights-education/betsy-devos-wants-roll-back-civil-rights-protections>

<sup>8</sup> [https://www.nsvrc.org/sites/default/files/publications\\_nsvrc\\_factsheet\\_media-packet\\_statistics-about-sexual-violence\\_0.pdf](https://www.nsvrc.org/sites/default/files/publications_nsvrc_factsheet_media-packet_statistics-about-sexual-violence_0.pdf)

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56 restricting the availability of the remediation process to survivors from a wider  
57 applicability under the status quo; and,<sup>9 10</sup>  
58  
59 WHEREAS, out of eight major universities that provided data, five had more reports of  
60 sexual assault from off campus than on school property; and,<sup>11</sup>  
61  
62 WHEREAS, 20% of female, 4% of male, and 21% of transgender, genderqueer, and  
63 gender nonconforming students are sexually assaulted while in college; and,<sup>12</sup>  
64  
65 WHEREAS, an assailant has a 99% chance of avoiding a prison sentence; and<sup>13</sup>,  
66  
67 WHEREAS, 90% of sexual assaults are committed by repeat offenders; and,<sup>14</sup>  
68  
69 WHEREAS, if assailants were stopped after their second offense, then 59% of sexual  
70 assaults would be prevented; and,<sup>15</sup>  
71  
72 WHEREAS between 2015 and 2017, UAB's campus has had 80% increase of incidence  
73 of dating violence, 400% increase of incidence of stalking, and domestic violence  
74 incidence remains a consistent issue<sup>16</sup>  
75  
76 WHEREAS, many other Universities' Student Government Associations have adopted,  
77 or may adopt, resolutions supporting similar sentiments; then,  
78  
79 THEREFORE, BE IT RESOLVED that the University of Alabama at Birmingham  
80 Undergraduate Student Government Association opposes the proposed changes to  
81 Title IX Regulations.  
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83 THEREFORE, BE IT FURTHER RESOLVED that the University of Alabama at  
84 Birmingham Undergraduate Student Government Association, citing Betsy DeVos's lack

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

<sup>10</sup> [https://actionnetwork.org/user\\_files/user\\_files/000/028/107/original/Two\\_pager\\_on\\_proposed\\_rule.pdf](https://actionnetwork.org/user_files/user_files/000/028/107/original/Two_pager_on_proposed_rule.pdf)

<sup>11</sup> <https://apnews.com/3823e7c2ca3349e1a77487e62cfbf891?fbclid=IwAR1haXMPLhVOTpql9CWkmpkfv6123ou9PhtDNVJEczrnMJ32J7clSAIkE8>

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

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

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

<sup>15</sup> [https://www.ted.com/talks/jessica\\_ladd\\_the\\_reporting\\_system\\_that\\_sexual\\_assault\\_survivors\\_want/](https://www.ted.com/talks/jessica_ladd_the_reporting_system_that_sexual_assault_survivors_want/)

<sup>16</sup> <https://www.uab.edu/police/images/PDF/Annual-Security-and-Fire-Safety-Clery-Report.pdf>

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85 of educational experience and the current President's Administration's desire to undo  
86 any changes made under the previous administration, demand that UAB maintain its  
87 commitment to its students and victims of sexual harassment, sexual assault, and/or  
88 gender-based discrimination and maintain the standards described in the 'Dear  
89 Colleague' letter issued by President Barack Obama.

90  
91 THEREFORE, BE IT FURTHER RESOLVED that the University of Alabama at  
92 Birmingham Undergraduate Student Government Association stands opposed to any  
93 changes that would place victims of sexual harassment or sexually based discrimination  
94 at more risk.

95  
96 THEREFORE, BE FURTHER RESOLVED that the University of Alabama at  
97 Birmingham Undergraduate Student Government Association empathizes with survivors  
98 of sexual assault.

99  
100 THEREFORE, BE IT FURTHER RESOLVED that the University of Alabama at  
101 Birmingham Undergraduate Student Government Association remains committed to  
102 sexual assault prevention and the safety of students who live both on and off campus.

103  
104 THEREFORE, BE IT FURTHER RESOLVED that the University of Alabama at  
105 Birmingham Undergraduate Student Government Association respectfully requests that  
106 the Department of Education more comprehensively consider the wishes of affected  
107 university students when crafting rule changes relevant to sexual assault prevention,  
108 investigation, and resolution.

109  
110 THEREFORE, BE IT FINALLY BE RESOLVED that the University of Alabama at  
111 Birmingham Undergraduate Student Government Association respectfully requests that  
112 the University administration does all within their power to stand with survivors of sexual  
113 assault.

114  
115 Author: Nadia Haq, School of Public Health Senator  
116 Chris Burton

117  
118 Sponsor: Morgan Richardson, College of Arts & Sciences Senator

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120 Contact: Nadia Haq, School of Public Health Senator

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