



**Coalition of Student Leaders
RESOLUTION AY2019-02**

**To express the will of the Coalition of Student Leaders
Regarding the Department of Education proposed amendments to Title IX**

Whereas, Every student has the right to attend school without fear of sexual harassment or assault; **and**

Whereas, The Department of Education has proposed an updated version of the Title IX law; **and**

Whereas, Under the proposed amendments, schools would have to abide to the following changes:

- Students would be guaranteed the right to cross-examine each other.
- Colleges would only be obligated to investigate cases in which there are formal complaints and the alleged incidents happen on campus or within an educational program or activity.
- Colleges would be allowed to choose between using a Preponderance of Evidence Standard and a higher Clear and Convincing Standard when determining guilt.
- Colleges would be less obligated to conduct investigations by narrowing the definition of sexual harassment.
- Colleges would only have to investigate accusations that are reported directly to designated administrators.
- Colleges would have to turn over evidence in electronic format to parties and advisors.

Whereas, Sections of the current regulations and guidance do provide appropriate standards for how recipients must respond to incidents of sexual harassment; **and**

Whereas, The Board of Regents policy 01.04.010B states:
“The university is committed to providing an environment free from sexual or gender-based discrimination, including sexual harassment or sexual assault, and to ensuring the accessibility of appropriate procedures for addressing all complaints of misconduct under this sex discrimination and sexual misconduct policy. The university will respond to complaints or reports of prohibited conduct with measures designed to stop the behavior, prevent its recurrence, and remediate any hostile environment it caused”; **and**

- Whereas,** The proposed amendments to Title IX by the Department of Education does not ensure that the right of every student to attend school without fear of sexual harassment or assault is upheld; **and**
- Whereas,** The members of the Coalition of Student Leaders have identified areas where Title IX should not be amended; **and**
- Whereas,** If students were given the right to cross-examine each other even through an advisor, it could lead to re-traumatization of the victim and could affect a victim's willingness to report sexual harassment; **and**
- Whereas,** If colleges were only obligated to investigate alleged incidents that occur on campus or within an educational program or activity, they would be neglecting the incidents that occur off campus between two university-affiliated people; **and**
- Whereas,** If colleges were allowed to choose between a Preponderance of Evidence Standard and a higher Clear and Convincing Standard when determining guilt, the standard of proof required would be much higher; **and**
- Whereas,** By narrowing the definition of sexual assault and harassment, schools would only be obligated to investigate the most extreme cases of sexual assault or harassment; **and**
- Whereas,** By giving electronic access to evidence could present a safety risk for parties as there is no way to guarantee no duplication; **and now therefore let it be**
- Resolved,** That the Coalition opposes the aforementioned components of the proposed amendments to Title IX by the Department of Education; **and**
- Be it Further Resolved,** That the Coalition encourages the University of Alaska System to oppose the aforementioned components of the proposed amendments to Title IX by the Department of Education; **and**
- Be it Further Resolved,** That a copy of this Resolution be sent to the following: UA Staff Alliance, UA Faculty Alliance, the President of the University of Alaska, and the Board of Regents.
- Statement of Purpose:** To express the will of the Coalition of Student Leaders at the University of Alaska regarding the Department of Education proposed amendments to Title IX.

Fiscal Impact: None

This resolution was adopted by a vote of 6-0 on the 3rd of December 2018.

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Nick Bursell

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Nick Bursell, Chair, Coalition of Student Leaders

December 4, 2018

Date