



<b>Resolution Number:</b>	<b>S-20-01</b>	<b>Sponsored By:</b>	Senator Alex Hicks
<b>Introduced On:</b>	<b>29 July 2020</b>		
<b>Voted On:</b>	<b>29 July 2020</b>		
<b>Result:</b>	<b>Passed</b>		
<b>Vote Count:</b>	<b>24-1</b>		

**A RESOLUTION TO:** Show Strong Opposition to the Title IX Regulations Released on May 6th, 2020 by the Department of Education

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**Recognizing**, Title IX of the Education Amendments Act of 1972 is a federal law that states: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance”<sup>1</sup>; and

**Recognizing**, Secretary of Education Betsy DeVos amended the regulations of Title IX on May 6th, 2020, to be effective on August 14th, 2020<sup>2</sup>; and

**Recognizing**, that these amendments include changes such as: a live cross-examination of both the victim/survivor and the perpetrator by chosen advisors; alleviation of required reporting of sexual assault disclosure by employees, such as coaches and professors; alleviation of the requirement to address off-campus assaults not associated with on-campus student organizations; a narrowed definition of sexual harassment; and more<sup>3,4</sup>; and

**Recognizing**, that the Dept. of Education released these regulations only two months after the President of the United States declared a national emergency due to COVID-19<sup>5</sup>, which significantly impacted higher education; and

**Recognizing**, that, within its Values Statement, Grand Valley State University states that Inclusiveness as a value, and that the University “is committed to strengthening our living, learning, and working environment by recognizing and removing the barriers to full participation

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<sup>1</sup> 20 U.S.C. § 1681

<sup>2</sup> <https://www.ed.gov/news/press-releases/secretary-devos-takes-historic-action-strengthen-title-ix-protections-all-students>

<sup>3</sup> <https://www.insidehighered.com/news/2020/05/07/education-department-releases-final-title-ix-regulations>

<sup>4</sup> <https://www2.ed.gov/about/offices/list/ocr/docs/titleix-regs-unofficial.pdf>

<sup>5</sup> <https://www2.ed.gov/about/offices/list/ocr/docs/titleix-regs-unofficial.pdf>

and providing a safe, inclusive, vibrant community for all”<sup>6</sup> and that the adoption of many of the new Title IX changes would be in direct conflict with that value; and

**Recognizing**, that only 0% to 5.3% of victim/survivors have utilized formal grievance procedures through their university and only 0% to 17.8% seek help through on-campus women’s centers<sup>7</sup>; and

**Whereas**, currently a very small percentage of victim/survivors on college campuses report their sexual assault, which could easily grow even smaller through secondary victimization caused by the new Title IX changes; and

**Recognizing**, that secondary victimization consists of “victim-blaming attitudes, behaviors, and practices engaged in by community services providers, which result in additional trauma for rape survivors”<sup>8</sup>; and

**Whereas**, implementing a live cross-examination where both parties choose their own advisor could have a severe negative impact on the victim/survivor due to a high risk of secondary victimization, as the perpetrator could choose to have a personal family member or friend to perform the cross-examination, or potentially have access to resources, such as paid lawyers, that the victim/survivor does not; and

**Recognizing**, that mandated reporters have a required responsibility to report any and all Title IX violations to the Title IX office of their campus as soon as possible; and

**Recognizing**, that studies have found that mandated reporting increases victim/survivors likeliness to report<sup>9</sup>; and

**Recognizing**, that the new Title IX guidelines remove the responsibilities of mandated reporting from coaches, faculty, and other staff<sup>10</sup>; and

**Whereas**, this change will also drastically reduce the number of reported cases of sexual assault, which is already unacceptably low; and

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<sup>6</sup> <https://www.gvsu.edu/policies/policy.htm?policyId=4A6B4946-964C-4E87-1E31AC7FCA7936BD>

<sup>7</sup> Holland, K. J. & Cortina, L. M. (2017a). “It happens to girls all the time”: Examining sexual assault survivors’ reasons for not using campus supports. *American Journal of Community Psychology*, 59(1), 50-64

<sup>8</sup> Campbell, R. (2005). What Really Happened? A Validation Study of Rape Survivors’ help-seeking experiences with the legal and medical systems. *Violence and Victims*, 20(1), 55-68

<sup>9</sup> Mancini, C., Pickett, J. T., Call, C., & Roche, S. P. (2016). Mandatory Reporting (MR) in Higher Education. *Criminal Justice Review*, 41(2), 219-235. doi:10.1177/0734016816634787

<sup>10</sup> [https://www.espn.com/college-sports/story/\\_/id/29144365/new-title-ix-regulations-change-how-colleges-respond-sexual-misconduct-complaints](https://www.espn.com/college-sports/story/_/id/29144365/new-title-ix-regulations-change-how-colleges-respond-sexual-misconduct-complaints)

**Recognizing**, that between 40% and 60% of sexual assaults occur off campus, and it is estimated that only 11% to 30% of those will be investigated if this amendment to Title IX is implemented<sup>11</sup>; and

**Recognizing**, that over 70% of Grand Valley State University students live off campus<sup>12</sup>; and

**Whereas**, this amendment will only lead to a drastic increase in sexual assaults, as perpetrators learn where and how they can avoid accountability; and

**Recognizing**, that the previous definition of sexual harassment under Title IX is “unwelcome conduct of a sexual nature” that is “severe, persistent, or pervasive”<sup>4</sup>; and

**Recognizing**, that the newly proposed definition of sexual harassment under Title IX is conduct that “a reasonable person would determine is ‘so severe, pervasive, and objectively offensive’ that it effectively denies a person equal to access to education”<sup>4</sup>; and

**Whereas**, the new definition is subjective to the opinion of those in a position of power, who are not affected or traumatized by the event that is being reported, and may result in secondary victimization; and

**Recognizing**, that Grand Valley State University has until August 14th to implement these changes; and

**Whereas**, Student Senate believes that Grand Valley should prioritize educating victim/survivors of all of their choices, including, but not limited to, live cross examination; and

**Whereas**, Student Senate urges that Grand Valley should place equitable guidelines upon who the perpetrator and victim/survivor may choose for their advisors; and

**Whereas**, Student Senate urges that coaches, professors, and other employees of Grand Valley State University should maintain their mandated reporter status; and

**Whereas**, Student Senate urges that Grand Valley State University investigate all sexual assaults their students experience, including off-campus sexual harassment; and

**Whereas**, Student Senate believes that Grand Valley State University should continue to provide resolution options for all students, not just students whose experiences align with the newly narrowed definition of sexual harassment;

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<sup>11</sup> <https://www.nbcnews.com/news/us-news/sexual-assaults-major-colleges-are-more-likely-be-campus-report-n970771>

<sup>12</sup> <https://www.usnews.com/best-colleges/grand-valley-state-university-2268/student-life>

**Therefore, Let It Be Resolved,** that the Grand Valley State University Student Senate, acting on behalf of the student body, strongly opposes the Title IX regulations proposed on May 6th, 2020 by the Department of Education.

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**Furthermore, Let It Be Resolved,** that a copy of this resolution is to be sent to the Grand Valley State University Senior Leadership Team, consisting of President Philomena Mantella, Provost Maria Cimitile, Vice President Gregory Sanial, Vice President Matthew McLogan, Vice President B. Donta Truss, Vice President Karen Loth, Vice President Jesse Bernal, Vice President Thomas Butcher, and Vice President Miloš Topić; Theresa Rowland, Title IX Coordinator; and Krystal Diel, Victim Advocate.