

Title IX Resolution

December 6, 2017

Whereas Title IX is a Congressional mandate which prohibits discrimination on the basis of sex in any federally funded education program;

Whereas interpretation of Title IX by courts and by the Education Department since its passage in 1972 has led to the common understanding that Title IX's ban on sex discrimination requires schools to address sexual misconduct and violence involving students;

Whereas Congress has reiterated its continued concern about sexual violence on campus by passage of the Clery Act and by reauthorizing the Violence Against Women Act;

Whereas sexual violence creates a hostile environment that endangers students' safety and civil right to an education free of sexual discrimination;

Whereas university faculty as role models have a legal/moral obligation to take the lead in preventing, addressing and ending sexual violence on campus;

Whereas universities' responses to sexual assault have not dispelled the belief among some college students that engaging or attempting to engage in non-consensual sex is not a crime;

Whereas a growing body of research on college women's experience with sexual assault indicates that *one in five college women has experienced an attempted or completed sexual assault*; yet, the Clery Report indicates *that 89% of college campuses disclosed zero reported incidences of rape in 2015*; and

Whereas Secretary of Education Betsy DeVos has signaled that the Office of Civil Rights (OCR) will step down its compliance oversight, rescinded the Dear Colleague letter and announced that OCR permits schools to raise the evidentiary standard from "preponderance of evidence" to a "clear and convincing" standard, making allegations harder to prove;

Now, therefore, be it resolved, that the Faculty of Southern Methodist University 1) join those of other institutions of higher education in reaffirming our commitment to the spirit and letter of Title IX by maintaining a prompt and equitable adjudication process respecting the rights and dignity of all members of the SMU community – both accusers and accused -- and 2) resist a return to the day when sexual violence on campus was ignored.