

UNIVERSITY OF ILLINOIS
URBANA-CHAMPAIGN SENATE
Prefiled Resolution

RS.15.09 Resolution Supporting Faculty, Staff and Student Participation in Title IX Conduct Hearings

BACKGROUND

On April 4, 2011, the United States Department of Education Office for Civil Rights (OCR) issued a “significant guidance document” called the “Dear Colleague Letter” (DCL)¹. The DCL reiterated the importance for colleges and universities to handle sexual violence cases in accordance Title IX sex discrimination laws. It was the first time the federal government classified sexual violence as a civil right issue under Title IX.

In April 2014, the OCR released another “significant guidance document” titled “Questions and Answers on Title IX and Sexual Violence” to further inform colleges how to meet their Title IX obligations². Under the *Investigations and Hearings* section, OCR inserted a footnote (30) that said, “Although Title IX does not dictate membership of a hearing board, OCR discourages schools from allowing students to serve on hearing boards in cases involving allegations of sexual violence.” Although OCR has not directly stated the rationale for this recommendation, there is a consensus their recommendation is based on the belief students do not have sufficient adjudicator training and are not capable of remaining unbiased. After careful analysis of these documents, we propose a resolution:

WHEREAS, colleges and universities have been following OCR’s recommendation and removing students from conduct hearing boards that adjudicate cases involving sexual violence and related to Title IX (hereafter, “Title IX conduct hearings”); and

WHEREAS, the University of Illinois at Urbana-Champaign currently allows students, faculty and staff to participate in Title IX conduct hearings; and

WHEREAS, faculty, staff and students that currently serve on Title IX conduct hearing boards all receive the same mandatory and extensive training in confidentiality, procedures and other processes; and

WHEREAS, shared governance between administrators, faculty, staff and students is a core quality and practice at the University of Illinois at Urbana-Champaign; and

WHEREAS, students provide critical peer perspective in conduct hearings that administrators, faculty and staff may lack; and

WHEREAS, the Illinois Student Senate approved the resolution CA.2015.05 *Support for Student Participation in Title IX Conduct Hearings* on February 18, 2015 to not accept OCR’s recommendation³; and

WHEREAS, the Association of Big Ten Students (ABTS) unanimously approved provisions in its federal platform that supports the “participation of student adjudicators in internal conduct hearings, including Title IX related conduct hearings,” on January 18, 2015⁴; and

¹ <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-resourcecomp-201410.pdf>

² <http://www2.ed.gov/about/offices/list/ocr/docs/ga-201404-title-ix.pdf>

³ <http://bit.ly/1Aaeufs>

⁴ <http://bit.ly/1Mmorgg>

BE IT RESOLVED, the University of Illinois at Urbana-Champaign continue working to address the U.S. Department of Education's concern that students are not properly trained; and

BE IT RESOLVED, the Senate of the Urbana Champaign Campus encourage the campus to explore ways to provide more rigorous training for students, faculty and staff; and

BE IT RESOLVED, the Senate of the Urbana Champaign Campus not accept the U.S. Department of Education Office of Civil Right's recommendation to universities that students should not participate in Title IX conduct hearings as adjudicators; and

BE IT RESOLVED, the Senate of the Urbana Champaign Campus, in alignment with the Illinois Student Senate, reaffirms its commitment to shared governance at the University of Illinois at Urbana-Champaign in ensuring students, faculty and staff are sufficiently representing in governing facets of the university; and

BE IT RESOLVED, that copies of this resolution be transmitted to the U.S. Department of Education Office of Civil Rights.

BE IT FURTHER, that the Senate of the Urbana Champaign Campus does urge the UI administration not to accept the recommendation by the Department of Education and include students with faculty, and academic professionals as adjudicators on Title IX hearing boards

Respectfully submitted,

Matt Hill (Communication)

Mitch Dickey (Political Science)

Sarah Hochman (Agricultural and Consumer Economics)