

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. The DCL also stated...

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 university have been following OCR’s recommendation and removing faculty, staff and 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, citizens over the age of 18 that serve as jurors on criminal and civil court cases do not receive the same quality training that faculty, staff and students receive for discipline hearings; 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 oppose OCR’s recommendation³; 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>

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

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 oppose 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.

Respectfully submitted,

Matt Hill (Communication)

Mitch Dickey (Political Science)

Sarah Hochman (Agricultural and Consumer Economics)

⁴ <http://bit.ly/1Mmorgg>