

Minutes of the Open Forum Held by the USG Senate on Sunday, April 3, 2015

Regarding Proposed Changes to Section 1.9 of *Rights, Rules, Responsibilities* (Sex Discrimination and Sexual Misconduct)

The Senate held an open forum on Sunday, May 3, 2015 in McCosh Hall Room 02 regarding proposed changes to section 1.9 of *Rights, Rules, Responsibilities* (Sex Discrimination and Sexual Misconduct) (“RRR”) that the Council of the Princeton University Community (“CPUC”) was scheduled to consider on Monday, May 4, 2015. The open forum was called to order at 8:06 p.m., the Vice President (Aleksandra Czulak ’17) being in the chair and the U-Council Chair (Zhan Okuda-Lim ’15) being present as acting secretary.

Michele Minter, Vice Provost for Institutional Equity and Diversity and Title IX Coordinator; and Regan Crotty, Title IX Administrator; introduced themselves.

Vice Provost Minter described the proposed changes. Some changes were at the instruction of the Office of Civil Rights (“OCR”) of the U.S. Department of Education in relation to Title IX of the Education Amendments of 1972.¹ Other changes were more substantive and are based on lessons learned during the past year.

One change to stalking is related to ensuring compliance with the Violence Against Women Act of 1994.² Currently, the University defines a distinction between stalking in the context of intimate relationships and other forms of stalking. This is not contemplated in the Act; therefore, the change removes the distinction.

Another change would allow the Title IX Coordinator to weigh different options in determining whether to proceed with an investigation. Currently, the University must proceed with an investigation if there is reason to suspect a violation has occurred. The change would allow the Title IX Coordinator to consider, among other things, the complainant’s wishes.

Another change would distinguish domestic violence in intimate relationships from fighting or other violence in terms of broader cohabitation (such as roommates of the same sex or gender).

Another change would allow the Title IX Coordinator and the Chair of the Faculty-Student Committee on Discipline to determine the adjudication process on a case-by-case basis when an incident involves violations to both section 1.9 of RRR (which are adjudicated by the process in that section) and other violations of University policies (which are adjudicated usually by the Faculty-Student Committee on Discipline).

Vice Provost Minter then provided updates on the past academic year. She noted that the University has hired Ms. Crotty and two part-time investigators to work on Title IX matters. Vice Provost Minter and Ms. Crotty noted that the staff, investigators, advisers, and appellate body are highly trained in the adjudication process and on Title IX compliance.

¹ Pub. L. No. 92-318, tit. IX, 86 Stat. 235, 373-75 (codified as amended at 20 U.S.C. §§ 1681-1688 (2013)).

² Pub. L. No. 103-322, tit. IV, 108 Stat. 1902-1955 (codified as amended in scattered sections of the U.S. Code.).

Vice Provost Minter noted that the Faculty-Student Committee on Sexual Misconduct has met every two weeks during the academic year. She also mentioned that the response rate to the “We Speak” survey was over 50%.

Vice Provost Minter noted that there have been more slightly more cases of sexual misconduct reported in the current academic year than in past years, although she noted that there was a cluster of cases surrounding a particular incident in fall 2014. She inferred that the increased number of reports might be because members of the University community are more aware of the sexual misconduct policy.

Vice Provost Minter noted that few students are using lawyers as advisers, and that there have been no cases in which the different standard of evidence for sexual misconduct policies (preponderance of the evidence for sexual misconduct cases versus clear and persuasive for other disciplinary cases) would have made a difference.

Deana Davoudiasl '16, Class of 2016 Senator, asked about the purpose of the Faculty-Student Committee on Discipline and the role of the student members on the Committee.

Vice Provost Minter responded that the Committee has actively researched and participated in matters relating to section 1.9 of RRR. For example, the Committee researched matters relating to the “We Speak” survey.

Naimah Hakim '16, U-Councilor, asked about the communication among different University offices in addressing issues of sexual misconduct.

Vice Provost Minter responded that her office and other University offices are in close coordination and communicate with each other throughout all cases of an investigation and adjudication process.

Zhan Okuda-Lim '15, U-Council Chair and U-Councilor, asked about the workload of the members on the appellate body: the Dean of the College, the Dean of the Graduate School, and the Chair of the Judicial Committee of the CPUC.

Vice Provost Minter responded that over the summer, the University will consider having available other senior administrators who are trained and available to hear cases. This may involve doubling the total number of administrators to six people who could hear cases in groups of three. The University would need to ensure that cases are still heard in a consistent manner.

Ms. Crotty expressed that she wants members of the University community to know about the resources available, including the Sexual Harassment/Assault Advising, Resources, and Education Office (SHARE) and the information in section 1.9 of RRR.

Vice Provost Minter concluded by stating that the proposed changes are meant to allow the University and parties to cases due flexibility. The University will continue to consider how to improve the policies and want feedback from students and other members of the University community. Furthermore, the Faculty-Student Committee on Sexual Misconduct will continue to ex-

ist. She also mentioned that the University would continue to advertise the policies and resources available.

The open forum adjourned at 8:46 p.m.

Respectfully submitted,

Zhan Okuda-Lim '15
U-Council Chair and U-Councilor
Acting Secretary