UNDERGRADUATE STUDENT GOVERNMENT OF PRINCETON UNIVERSITY

THE SENATE

PRINCETON UNIVERSITY, PRINCETON, NEW JERSEY

Senate Resolution 30-2014

Submitted by SHAWON JACKSON '15, USG President; ZHAN OKUDA-LIM '15, U-Council Chair and U-Councilor; and DANIEL JOHNSON '15, CPUC Executive Committee Representative and U-Councilor (in their capacities as the undergraduate members of the Executive Committee of the Council of the Princeton University Community)

Resolution

Expressing support for the proposed changes to University sexual misconduct policies, urging the Council of the Princeton University Community to support these proposed changes, expressing reservations concerning certain proposed policy changes, expressing reservations about certain procedural changes, and for other purposes.

Whereas the Office for Civil Rights of the United States Department of Education has been investigating the University for potential violations of Title IX of the Education Amendments of 1972,[1] which prohibits discrimination on the basis of sex in any educational program that receives federal funding;

Whereas an undergraduate—no matter the sex, gender identity, or gender expression of the undergraduate—can face extreme difficulty in accessing all educational opportunities at Princeton if the undergraduate is a victim of sexual misconduct;

Whereas on September 15, 2014, the Faculty approved changes to University procedures for addressing issues relating to sexual misconduct;

Whereas on September 18, 2014, the Executive Committee of the Council of the Princeton University Community ("CPUC") approved proposed changes to University sexual misconduct policies;

Whereas on October 7, 1968, the Faculty adopted a document relating to the rights and responsibilities of students[2] that reads, in part, as follows:

As constituents of the academic community, students are expected, individually and collectively, to express their views on issues of institutional policy and on matters of general interest to the student body;

Whereas the Senate conducted a public hearing on September 21, 2014 to hear the thoughts and insights of undergraduates and other members of the University community relating to the proposed changes to University sexual misconduct policies;

Whereas section 103(4) of the Senate Constitution provides that a key object of the Senate is to "discuss, deliberate, and take an official position on a question relating to or affecting undergraduate life or any other question of interest to undergraduates"; and

Whereas University sexual misconduct policies are of high importance to undergraduates: Now, therefore, be it

Resolved by the Senate of the Undergraduate Student Government,

SECTION 1. EXPRESSION OF SUPPORT; RESERVATIONS.

(a) IN GENERAL; RESERVATIONS.—The Senate supports the proposed changes to University sexual misconduct policies as approved by the Executive Committee of the CPUC. However, the Senate expresses certain reservations as described in sections 2 and 3.

(b) CONSIDERATION BY CPUC.—The Senate urges the CPUC to support the proposed changes to University sexual misconduct policies.

SEC. 2. RESERVATION RELATING TO THE REPORTING REQUIREMENTS FOR RESIDENTIAL COLLEGE ADVISERS.

(a) IN GENERAL.—The Senate is concerned about the possible implications of requiring a Residential College Adviser (RCA) to report to the corresponding Director of Student Life if the RCA is made aware of a potential case of sexual misconduct that involves an individual other than an advisee of the RCA.[3]

(b) ACKNOWLEDGEMENT OF FEDERAL MANDATE; SHARE PROMOTION.—The Senate acknowledges that the Office for Civil Rights of the United States Department of Education has mandated the new reporting requirement for RCAs as described in subsection (a). Therefore, the Senate urges the University to promote the Sexual Harassment/Assault Advising, Resources, and Education (SHARE) Office as the primary resource for any member of the University community, including any advisee of an RCA, who faces or knows of an alleged case of sexual misconduct.

SEC. 3. RESERVATIONS RELATING TO THE PROCEDURAL CHANGES APPROVED BY THE FACULTY.

(a) IN GENERAL.—The Senate expresses the reservations described in subsections (b), (c), and (d) in relation to the changes to University sexual misconduct investigation and adjudication procedures that the Faculty approved on Monday, September 15, 2014.

(b) EQUITABLE ACCESS TO OUTSIDE ADVISERS.—

(1) IN GENERAL.—The Senate is concerned about whether individuals with varying financial resources will have equitable access to any outside adviser.[4]

(2) SENATE REQUEST FOR ACTION.—The Senate urges the Faculty-Student Committee on Sexual Misconduct to research and recommend actions that would promote equitable access to any outside adviser.

(c) ROLE OF ADVISERS GENERALLY.—

(1) IN GENERAL.—The Senate is concerned about the lack of overall clarity relating to the general role of an adviser.[5]

(2) SENATE REQUEST FOR ACTION.—The Senate urges the Faculty-Student Committee on Sexual Misconduct to research and recommend actions that would clarify the general role of an adviser.

(d) DUAL ROLE OF INVESTIGATIVE PANEL.—

(1) IN GENERAL.—The Senate is concerned about assigning to the three-person panel of administrators and/or outside investigators the following 2 roles[6]:

(A) The investigative role in relation to an allegation of sexual misconduct.

(B) The adjudicative role to the extent that the panel determines whether a respondent violated University policy.

(2) SENATE REQUEST FOR ACTION.—The Senate urges the Faculty-Student Committee on Sexual Misconduct to explore different investigation and adjudication procedures that would not assign the 2 roles described in paragraph (1) to the same entity.

SEC. 4. VOTING BY U-COUNCILORS.

This resolution shall not be construed to order the U-Councilors, USG President, or USG Vice President to vote in a particular way on any question that the CPUC considers relating to the proposed changes to University sexual misconduct policies. Nevertheless, the Senate requests that each U-Councilor, the USG President, and the USG Vice President consider the position of the Senate as a whole as described in section 1.

SEC. 5. TRANSMITTAL OF RESOLUTION.

The Senate directs the Executive Secretary to transmit an official copy of this resolution to each of the following University officers:

(1) The President of the University and presiding officer of the CPUC (President Christopher L. Eisgruber '83).

(2) The Provost of the University (Provost David S. Lee *96 *99).

(3) The Vice Provost for Institutional Equity and Diversity and University Title IX Coordinator (Vice Provost Michele Minter).

(4) The Vice President of Campus Life (Vice President Cynthia Cherrey).

(5) The Dean of Undergraduate Students (Dean Kathleen Deignan).

(6) The Associate Secretary of the University and secretary to the CPUC (Dr. Ann Halliday *78).

(7) The Dean of the Faculty (Dean Deborah A. Prentice).

(8) The Clerk of the Faculty (Professor Olga P. Hasty).

Approved , 2014.

Vice President of the Undergraduate Student Government and Presiding Officer of the Senate.

Attest:

Executive Secretary of the Senate.

Endnotes

[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] Document of the Faculty of Princeton University (Oct. 7, 1968), *reprinted in Rights, Rules, Responsibilities* § 2.1, para. 3 (2014).
[3] (Proposed) *Rights, Rules, Responsibilities* § 1.9.5(4), para. 3 (2014).
[4] *Rights, Rules, Responsibilities* §§ 1.9.12(1), para. 2, 1.9.13(1), para. 4 (2014) (the Faculty approved these provisions on Monday, September 15, 2014).
[5] *Id.*
[6] *Id.* §§ 1.9.12(1), 1.9.13(1) (2014).