

S. 17-2 A Resolution Requesting Fair and Protective Title IX Procedures

WHEREAS Tufts University has a history of violating Title IX's requirements;¹

WHEREAS Tufts University also has a history of denying its non-compliance with Title IX's requirements;²

WHEREAS Tufts' student body has previously had to compel Tufts' administration to reform the university's Title IX procedures so said procedures would be in compliance with Title IX;³

WHEREAS President Monaco has publicly pledged the following to Tufts' community in 2014: "I give you my personal pledge that we will continue to take these issues very seriously. We will learn from the lessons of our past and do better in the future. Sexual misconduct has absolutely no place at Tufts University, and I ask you to join me in our collective effort to eliminate it from our community."⁴

WHEREAS the number of reported student sexual misconduct cases has risen dramatically since 2014, which makes an evaluation of Tufts' Title IX procedures even more imperative;⁵

WHEREAS the Department of Education's 2011 Dear Colleague Letter instructs all universities which receive federal funding, such as Tufts University, that Title IX proceedings must be "prompt, thorough, and impartial";⁶

WHEREAS Tufts' resolution agreement, as signed with the federal government in 2014 after the Department of Education's investigation concluded that the university was not acting in compliance with Title IX's requirements, promises the federal government that Tufts will provide its students with "adequate, reliable, and impartial Title IX investigations";⁷

WHEREAS Tufts' Title IX procedures promise students a "prompt, fair, and impartial" process for adjudicating reports of sexual misconduct and sexual violence;⁸

WHEREAS Students Advocating for Students (SAS) has identified that Tufts' Title IX procedures provide an inappropriate amount of discretion to the single-investigator in charge of fact-finding and preliminary determinations on cases of sexual misconduct and sexual violence;⁹

WHEREAS SAS has identified that parties involved in Tufts' Title IX procedures are not provided with adequate information from the investigation that the Decision-Making Panel uses to determine their case;¹⁰

WHEREAS SAS has determined from discussions with Tufts' Title IX Director that members of the Decision-Making Panels are not held to appropriate standards of impartiality, despite assurances to the contrary in the *Tufts Sexual Misconduct Adjudication Procedures (SMAP)*;¹¹

WHEREAS SAS has identified a disturbing lack of transparency regarding the training materials used by the university to educate those conducting Title IX procedures;¹²

WHEREAS SAS has found that Tufts' Title IX procedures are not consistently executed in a prompt fashion;¹³

BE IT RESOLVED that the TCU Senate urges Tufts' Office of Equal Opportunity to regain compliance with its campus and federal promises by reforming Tufts' Title IX procedures in a manner that provides fairness, impartiality, and promptness.

BE IT FURTHER RESOLVED that these reforms include limiting the inappropriate amount of discretion accorded to the single investigator in Tufts' Title IX proceedings, as can be done through the allowance of a hearing process, similar to Tufts' Student Judicial Process, and contingent upon both parties' agreement.

BE IT FURTHER RESOLVED that these reforms include allowing parties to a Title IX case to review the investigative report which is distributed to the Decision-Making Panel.

BE IT FURTHER RESOLVED that these reforms include creating substantial vetting standards for all participants involved in investigating and adjudicating a Tufts' Title IX case.

BE IT FURTHER RESOLVED that these reforms include calling on Tufts' Office of Equal Opportunity to present all of their training materials to an independent and impartial group of legal experts to determine whether or not they comply with Tufts' obligations to provide "adequate, reliable, and impartial Title IX investigations";

BE IT FURTHER RESOLVED that these reforms include enacting measures that ensure that Title IX cases will not exceed a timeframe that violates the university's pledge to provide prompt proceedings.

Respectfully submitted by Jake Goldberg A19 and Edmund Tamas Takata E19 on March 12, 2017.

1. <http://www.chronicle.com/article/Tufts-U-Disputes-Finding-That/146253>
2. <http://www.chronicle.com/article/Tufts-U-Disputes-Finding-That/146253>
3. <http://www.chronicle.com/blogs/ticker/students-rally-at-tufts-for-university-to-sign-title-ix-agreement/76873>
4. <http://president.tufts.edu/blog/2014/04/28/update-on-sexual-misconduct-prevention/>
5. <http://oeo.tufts.edu/wp-content/uploads/OEO-Reporting-Statistics-100716-1.pdf>
6. <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf>
7. <https://www.documentcloud.org/documents/2647142-Tufts-University-Resolution-Agreement.html>
8. <http://oeo.tufts.edu/wp-content/uploads/Sexual-Misconduct-Adjudication-Process-12182015.pdf>
9. <http://www.sa4s.org/single-post/2017/02/09/Tufts-University%E2%80%99s-Title-IX-Policies-Inadequately-Protect-Victims>
10. <http://www.sa4s.org/single-post/2017/02/09/Tufts-University%E2%80%99s-Title-IX-Policies-Inadequately-Protect-Victims>
11. <http://www.sa4s.org/single-post/2017/02/09/Tufts-University%E2%80%99s-Title-IX-Policies-Inadequately-Protect-Victims>
12. <http://www.sa4s.org/single-post/2017/02/09/Tufts-University%E2%80%99s-Title-IX-Policies-Inadequately-Protect-Victims>
13. <http://www.sa4s.org/single-post/2017/02/09/Tufts-University%E2%80%99s-Title-IX-Policies-Inadequately-Protect-Victims>

