

Resolution Opposing DeVos Final Rule on Campus and K-12 Sexual Assault and Harassment

WHEREAS Secretary of Education Betsy DeVos recently issued a final rule under Title IX which guts protections for victims of sexual assault and harassment for college campuses and K-12 schools, the new rule among other things requiring colleges and universities to provide a live hearing before a panel in which a person accused of sexual assault or harassment has the right to cross-examine a complainant through an “advisor” chosen by the accused and who may but need not be an attorney but who can be anyone, including a fellow student, fraternity member or angry parent, and the new rule further requires schools and colleges to dismiss any complaint that does not meet the high bar of being “severe and pervasive” as well as “objectively offensive,” such that it denies the victim access to an educational program, and the rule further excludes most off-campus and online harassment and assault from the purview of Title IX entirely, and the rule further allows colleges to require “clear and convincing evidence” to prove sexual harassment and assault; and

WHEREAS experts and survivors have said the rule will reduce the willingness of survivors to come forward, will require schools to abandon certain trauma-informed best practices, and is too narrow in scope; and

WHEREAS the final rule, which is over 2,000 pages long, imposes dramatically changed substantive rules and expanded procedural requirements and was issued in the midst of a global pandemic and associated shutdown of schools across the nation, and yet requires full compliance within just three months;

NOW THEREFORE BE IT RESOLVED that the Santa Clara County Democratic Party opposes DeVos’s final rule in its entirety, and endorses and supports legal action being taken by the National Women’s Law Center to prevent the rule from becoming effective in any way, and urges in any event that the August 14, 2020 effective date be delayed to allow schools more time to study and prepare to comply with the rule, and further calls on Congress to immediately pass legislation to revoke the rule and adopt rules, modeled on the U.S Department of Education’s 2001 Sexual Harassment Guidance, and 2011 and 2014 guidance documents that have been revoked by Secretary DeVos, which will better protect students against sexual assault and harassment; and

BE IT FURTHER RESOLVED that a copy of this resolution will be sent to Members of Congress whose district includes any part of Santa Clara County.

Adopted by the Santa Clara County Democratic Central Committee on June 4, 2020