



<b>Resolution Number:</b>	<b>F-18-05</b>	<b>Sponsored By:</b>	<b>President Rachel Jenkin</b>
<b>Introduced On:</b>	<b>12-06-18</b>		
<b>Voted On:</b>	<b>12-06-18</b>		
<b>Result:</b>	Passed		
<b>Vote Count:</b>	40-0-1		

**A RESOLUTION TO: Show strong dissent towards the proposed Title IX changes from the Department of Education and the Federal Sixth Circuit Court of Appeals due to the emotional tax placed on survivors that creates an unwelcoming and potentially unsafe environment on campuses further prohibiting students' abilities to focus and succeed in their education**

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**Recognizing,** Title IX of the Education Amendments Act of 1972 is a federal law that states: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”<sup>1</sup>

**Recognizing,** The Federal Sixth Circuit Court of Appeals is requiring all universities within the jurisdiction of the Sixth Circuit (the states of Michigan, Ohio, Kentucky, and Tennessee) to implement a live hearing with opportunity for cross-examination by the respondent or their representative in reports involving sexual assault, where serious sanctions are possible, and where credibility is an issue<sup>2</sup>

**Recognizing,** Victim/ survivors tend to not report their assaults due to fear of skepticism, and doubt from friends and authority figures<sup>3</sup>

**Recognizing,** Victim/survivors often experience “secondary victimization” throughout the reporting process due to many “victim-blaming attitudes, behaviors, and practices” and language that is often used by those who work with both perpetrators and victims has found to perpetuate rape myths, therefore, deterring reporting<sup>4,5</sup>

**Recognizing,** Over thirty percent of students who’ve experienced sexual assault drop out of college, higher than the overall dropout rate for college students<sup>6</sup>

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<sup>1</sup> <http://www.ncaa.org/about/resources/inclusion/title-ix-frequently-asked-questions#title>

<sup>2</sup> file:///C:/Users/Cabinet/Downloads/TIX%20Changes%20-%2010-25-2018%20(1).pdf

<sup>3</sup> Holland, K. J. & Cortina, L. M. (2017a). “It happens to girls all the time”: Examining sexual assault survivors’ reasons for not using campus supports. *American Journal of Community Psychology*, 59(1), 50-64

<sup>4</sup>Campbell, R/ (2005). What Really Happened? A Validation Study of Rape Survivors’ help-seeking experiences with the legal and medical systems. *Violence and Victims*, 20(1), 55-68

<sup>5</sup> Lea, S.J. (2007) A Discursive Investigation into Victim Responsibility in Rape. *Feminism & Psychology*, 17(4), 495-514.

<sup>6</sup> Mengo, C., & Black, B. M. (2016). Violence Victimization on a College Campus: Impact on GPA and School Dropout. *Journal of College Student Retention: Research, Theory & Practice*, 18(2), 234–248

**Recognizing,** Roughly forty percent of sexual assault victims undergo severe emotional distress that results in requiring mental health treatment<sup>7</sup>

**Recognizing,** Cross-examination tactics have found to be unuseful and more emotionally distressing than beneficial<sup>8</sup>

**Whereas,** Implementing this required change could have a severe negative impact on the victim/survivors throughout the reporting process due to the high risk of secondary victimization, and emotional distress, exacerbating the already high number of victim/survivors who choose not to complete the reporting process<sup>3</sup>

**Whereas,** These required changes contradict the goal of the Title IX Act in that unnecessary life hearings subject students to emotional distress and secondary victimization, leading to higher dropout rates and the discontinuation of education

**Recognizing,** The proposed changes limit the definition of sexual harassment to “unwelcome conduct on the basis of sex that is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient’s education program or activity”<sup>9</sup>

**Recognizing,** Grand Valley currently defines sexual harassment as “any unwelcome sexual advance, request for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, non-verbal, graphics, physical, or otherwise<sup>10</sup>

**Recognizing,** Harassment on the basis of sex can be harmful enough to impact GPA, emotional wellbeing, and dropout rates without denying equal access to education programs or activities

**Whereas,** This limited definition objectively discriminates against the transgender community, does not protect our students' overall wellbeing nor does it recognize that emotional distress regardless of limited equal access can still lead to discriminatory environments as well as a potential decrease in student success and retention

**Recognizing,** That a proposed change is the allowance of educational institutions to seek a religious exemption for subsections of Title IX that are not consistent with the institutions' religious tenets

**Recognizing,** This change leads institutions to a lack of transparency and leads students to potentially be unprotected with no recourse

**Recognizing,** The students who would be negatively impacted by this would most likely be students a part of the LGBTQIA+ community

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<sup>7</sup><https://theconversation.com/when-sexual-assault-victims-speak-out-their-institutions-often-betray-them-87050>

<sup>8</sup> Zyderwelt, S., Zajac, R., Kaladelfos, A., & Westerna, N. (2017;2016;). Lawyers' Strategies for Cross-Examining Rape Complaints: Have We Moved Beyond the 1950s? *British Journal of Criminology*, 57(3), 551-569.

<sup>9</sup> <https://www2.ed.gov/about/offices/list/ocr/docs/title-ix-nprm.pdf>

<sup>10</sup><https://www.gvsu.edu/policies/policy.htm?policyId=7FBD96E4-FC33-5BE1-9653296B5FBE4658&categoryId=E35CA0D6-9F85-CEC6-F717BD1036993FD7>

**Recognizing,** Roughly nine percent of GVSU's student population falls within the LGBTQIA+ community<sup>11</sup>

**Whereas,** The Department of Education ought not to implement the proposed changes because they would not protect students who identify as LGBTQIA+ in cases of sexual harassment

**Recognizing,** The proposed changes absolve the university of liability to investigate assaults involving their students that occur off campus<sup>9</sup>

**Recognizing,** Over seventy percent of GVSU students live off campus, creating a lack of recourse for those students experiencing sexual violence off campus<sup>12</sup>

**Whereas,** The university should continue practicing the investigation of all assaults/harassment cases that involve GVSU students regardless of the geographic location of the incident in order to maintain student success and protect the overall well being of our students

**Let It Be Resolved,** That the Grand Valley Student Senate, as the representative body of the students, strongly dissents against the proposed Title IX changes from the Sixth Circuit Court of Appeals and Department of Education

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<sup>11</sup>[https://www.gvsu.edu/cms4/asset/5D80BD51-996D-6AE0-B9D7668ADFEA7A31/2015\\_mygvsu\\_climate\\_survey\\_preliminary\\_data\\_accessible\\_presentation.pdf](https://www.gvsu.edu/cms4/asset/5D80BD51-996D-6AE0-B9D7668ADFEA7A31/2015_mygvsu_climate_survey_preliminary_data_accessible_presentation.pdf)

<sup>12</sup> <https://www.usnews.com/best-colleges/grand-valley-state-university-2268/student-life>