## FACULTY RESOLUTION IN SUPPORT OF THE PROMPT RESTORATION OF

## FREE SPEECH AND DUE PROCESS ON CAMPUS<sup>1</sup>

**WHEREAS**, the American Association of University Professors (AAUP) Committee on Women in the Academic Profession has criticized the Department of Justice's redefinition of sexual harassment to include "verbal conduct of a sexual nature," arguing it "eliminates the critical standard of 'reasonable speech,' and, in so doing, may pose a threat to academic freedom in the classroom."<sup>2</sup>

**WHEREAS**, law professors at Harvard Law School, Penn Law, Cornell University, and from other institutions have issued statements calling for fundamental fairness on campus.<sup>3</sup>

**WHEREAS**, the AAUP Council endorsed a report, "The History, Uses, and Abuses of Title IX," that identified two over-arching problems with the implementation of Title IX: Overly broad definitions of "hostile environment, and Inadequate protections of due process and academic governance."

**WHEREAS**, many faculty members have had their constitutional rights compromised by the overly strong enforcement of Title IX.<sup>4</sup>

**WHEREAS**, numerous sexual assault cases have been mishandled by campus officials, resulting in a five-fold increase of Title IX complaints from 2009 to 2013 to the federal Office for Civil Rights.<sup>5</sup>

**WHEREAS,** accused students have filed hundreds of lawsuits in recent years against universities, with judicial decisions issued that are favorable to the accused in a majority of cases.<sup>6</sup>

**WHEREAS,** there is no evidence that current approaches to curbing sexual assault have been successful. According to the Association of American Universities, rates of sexual assault at surveyed colleges actually *increased* from 2015 to 2019.<sup>7</sup>

**WHEREAS**, the federal Office for Civil Rights has developed a new Title IX regulation designed to promote free speech and restore fundamental fairness to campus proceedings.<sup>8</sup>

**THEREFORE,** the undersigned professors call on lawmakers and university administrators to assure the prompt implementation of new policies that will clarify grievance procedures, enhance free speech, and embrace fairness for all.

Signed (affiliations listed for identification purposes only):

<sup>&</sup>lt;sup>1</sup> This Resolution is organized by SAVE: <u>www.saveservices.org</u>. For more information, contact <u>faculty@saveservices.org</u>

<sup>&</sup>lt;sup>2</sup> <u>https://www.aaup.org/sites/default/files/AAUP\_June\_2013\_Letter\_to\_DOJ\_and\_OCR.pdf</u>

<sup>&</sup>lt;sup>3</sup> <u>http://www.saveservices.org/sexual-assault/law-professors/</u>

<sup>&</sup>lt;sup>4</sup> <u>http://www.saveservices.org/sexual-assault/faculty-members/</u>

<sup>&</sup>lt;sup>5</sup> <u>http://www.saveservices.org/sexual-assault/victims-deserve-better/</u>

<sup>&</sup>lt;sup>6</sup> <u>https://nyujlpp.org/wp-content/uploads/2019/12/Harris-Johnson-Campus-Courts-in-Court-22-nyujlpp-49.pdf</u>

 <sup>&</sup>lt;sup>7</sup> <u>http://www.saveservices.org/2020/04/aau-climate-surveys-reveal-failure-of-campus-sexual-assault-policies/</u>
<sup>8</sup> <u>http://www.edurisksolutions.org/blogs/?ld=3832&fbclid=IwAR0cjtHhjlwgi6qCLwWicYZvQLJD0CamVKXAczUtwEK5eb</u>
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