

3335-5-04(A)(16): Change to Title IX Procedures for Faculty Cases

Synopsis: In order to comply with the mandates of the United States Department of Education's newly issued Title IX regulations, this language provides new procedures for the investigation and resolution of Title IX sexual misconduct cases involving faculty respondents in accordance with the university's Sexual Misconduct policy.

WHEREAS the U.S. Department of Education released major changes to the regulations for Title IX of the Education Amendments Act of 1972 in May 2020, and

WHEREAS the new Title IX rules require cases of sexual misconduct involving faculty to be investigated and sanctioned according to the same procedures that apply to students and staff; and

WHEREAS Faculty Rule 3335-5-04, which governs the procedures for reviewing allegations of faculty misconduct, is undergoing a major revision during the 2020-2021 academic year; and

WHEREAS the Department of Education requires all educational institutions to be in compliance with the new Title IX regulations by August 14, 2020; and

WHEREAS the Senate's revisions to the entirety of Faculty Rule 3335-5-04 will not be completed prior to the August 14, 2020 deadline; and

WHEREAS revising procedures for sexual misconduct cases against faculty respondents in accordance with Title IX regulations remain ongoing in the coming academic year; and

WHEREAS this rule will ensure that the University is compliant with Federal regulations while affording the Senate time to address all proposed changes to Faculty Rule 3335-5-04 during the coming academic year; and

WHEREAS the Rules Committee approved this resolution and proposed language via email vote during the week of July 13, 2020;

NOW THEREFORE

BE IT RESOLVED, that this addition to Rule 3335-5-04 be approved by the University Senate and respectfully request concurrence of the Board of Trustees effective upon approval by the Board of Trustees.
