

— TOP TAKEAWAYS —

## **Title IX, Sexual Assault, and Due Process on Campus**



### **WHERE ONCE COLLEGE CAMPUSES BRUSHED ASIDE CLAIMS OF SEXUAL ASSAULT, TODAY THE PENDULUM HAS SWUNG TOO FAR IN THE OPPOSITE DIRECTION.**

- For too long, college administrators ignored the serious problem of campus sexual assault and showed little interest in providing resources for victims or disciplining student offenders.
- Unfortunately, the pendulum has now swung too far in the other direction.
- Over the past decade, colleges and universities have built massive sexual misconduct bureaucracies to police and discipline all manner of sexual behavior—including accidental touchings, drunken couplings, and forcible rape.

### **CAMPUS SEXUAL MISCONDUCT BUREAUCRACIES OFTEN EMPLOY INQUISITION-LIKE INVESTIGATORY PROCEDURES THAT INCREASE DISCIPLINE-RATES BY STACKING THE DECK AGAINST THE ACCUSED.**

- Title IX bureaucrats often start from the premise that all accusations are truthful and disregard the time-honored principle that an accused person is innocent until proven guilty.
- Accused students are often denied any meaningful opportunity to demonstrate their innocence by, for example, questioning the witnesses against them or submitting evidence in their own defense.
- Students are often prohibited from discussing the investigation with others, which isolates these students emotionally.

### **PROPOSED TITLE IX REGULATIONS REQUIRE SCHOOLS TO TAKE SEXUAL MISCONDUCT SERIOUSLY *AND* PROTECT DUE PROCESS.**

- Proposed Title IX regulations clearly articulate the type of conduct prohibited by Title IX; require schools to investigate all formal complaints and respond meaningfully to every known report of sexual misconduct; and emphasize the importance of supportive measures, even where no formal complaint is filed.
- The new rules, which will carry the force of law, also require that schools adopt due process protections for the accused, including timely, specific notice of the allegations and an opportunity to review evidence; a presumption of innocence with the burden of proof on the school; and the opportunity to test the credibility of adverse witnesses and submit evidence in one's own defense.

Visit [iwf.org](http://iwf.org) to read IWF's Policy Focus on Sexual Assault and Due Process and IWF's op-ed on Department of Education regulations on Title IX.