**THE UNIVERSITY OF ALABAMA IN HUNTSVILLE**

**FACULTY SENATE**

**Senate Bill #418: Campus Sexual Assault Evidentiary Standards**

WHEREAS, on Friday 22 September 2017 the Secretary of Education, Betsy DeVos, rescinded guidelines on government policy regarding campus sexual assault; and

WHEREAS, the previous guidelines demanded that colleges and universities use “preponderance of the evidence” as a standard of proof in deciding whether a student is responsible for sexual assault; and

WHEREAS, the previous guidelines had been in place for several years; and

WHEREAS, the new guidelines suggest that universities are free to abandon the previous standard and raise it to a higher standard known as the “clear and convincing evidence” standard; and

WHEREAS, the new guidelines make it more difficult for the University to respond administratively to campus sexual assault events; and

WHEREAS, experts suggest the new guidelines will discourage students from reporting assaults; and

WHEREAS, Secretary DeVos’s new policy provides guidance only and leaves campus’ free to set their own standards; and

WHEREAS, issues regarding campus sexual assault are of great concern to the University, it’s faculty, staff, and students; and

WHEREAS, steps taken to deter campus sexual assault and address such events with the seriousness they deserve; and

WHEREAS, University administrative action is independent of any legal action between students,

NOW THEREFORE BE IT RESOLVED:

That the Faculty Senate, on behalf of the faculty of the University of Alabama in Huntsville, are proponents of the “preponderance of the evidence” standard of proof in deciding whether a student is responsible for campus sexual assault,

AND BE IT FURTHER RESOLVED:

That University policy be formalized to reflect this standard of proof, independent of recommended guidelines from the Department of Education.