Notice of New Interim Sexual Misconduct Policy

1 message

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Dear Members of the Carnegie Mellon University Community:

I hope that all of you are staying safe and well through these uncertain and ever-evolving times.

Today, I am writing to share information about the adoption of a new university Interim Sexual Misconduct Policy. As many of you may be aware, last May, the U.S. Department of Education released Final Regulations under Title IX that impose new requirements on higher education institutions and the ways we respond to reports of sexual misconduct. All universities are required to be in compliance with these new requirements by the effective date of the Final Regulations on August 14, 2020.

In anticipation of the release of the Final Regulations, the university formed a Title IX Steering Committee comprised of senior leadership in the Provost’s Office, the Office of Title IX Initiatives, the Division of Student Affairs, Human Resources and the Office of the General Counsel to review and revise the university’s sexual misconduct policies. The Title IX Steering Committee, in conjunction with outside legal experts, worked throughout the summer to create a policy that reflects and maintains the values of CMU, while also meeting the new legal standards of the Final Regulations. The interim policy reflects the university’s continued commitment to combatting sexual misconduct and making significant improvements to our practices and policies for the benefit of all members of our campus community.

Due to the tight time constraints imposed by the effective date of the Final Regulations, the Interim Sexual Misconduct Policy is being adopted for the 2020-21 academic year. As detailed below, the university will be conducting a full policy review process throughout the 2020-21 academic year to allow for community engagement and input prior to the adoption of a final policy.

Below are a few key changes to the Policy and the manner in which sexual misconduct reports are resolved at the university:

1. The policy now uses the term “Sexual Misconduct” as an umbrella term to capture all conduct prohibited by the policy, regardless of whether such conduct violates Title IX:
   - Sexual Assault
   - Sexual Harassment
   - Dating and Domestic Violence
   - Stalking
   - Sexual Exploitation
   - Retaliation
   - Violation of Protective Measures

2. The final regulations impose a narrower jurisdiction for behaviors that violate Title IX. However, our policy is written so that misconduct that may fall outside of the new regulatory definitions (e.g., behavior that occurs off-campus versus on-campus) can still be addressed through the university process. Our commitment to our community’s standards and to supporting all community members remains steadfast regardless of whether the conduct does or does not violate Title IX.

3. As required by the final regulations, the policy includes some additional due process requirements for adjudicating alleged violations, including the process we must abide for formal hearings.

4. The final regulations limit the actions that may be taken toward an accused party before a finding of responsibility has been reached. The policy language, however, does not prevent the university from acting when there is concern about the physical safety of an individual or the community. The policy also outlines options for supportive measures available to those experiencing misconduct.

5. The university has more freedom to utilize and offer informal or alternative resolutions, if desired by the parties. In general, however, mediation and similar alternative resolution procedures, such as restorative justice, will not be used to resolve complaints involving allegations of sexual violence.

There are also several items in the interim policy that remain identical to the last one.

- The university will continue to support community members who have been impacted by sexual misconduct, no matter where or when the sexual misconduct occurred (or by whom it was perpetrated), as we know that these traumas can have continuing impacts on a person’s ability to access the benefits of their education or employment at the university.
- We will continue to prohibit and respond to sexual misconduct concerns impacting our community members, whether they occur on campus, off-campus or outside of the United States.
We will continue to use the Preponderance of the Evidence Standard for adjudicating all reports of sex-based discrimination and sexual misconduct.

This foundational policy conveys our values as an institution and your voices matter in helping us craft a final document that reflects our shared community shared principles of diversity, respect and inclusion. In the coming months, we will initiate the Policy Review and Approval Process. This process will occur through the 2020-21 academic year and provide opportunities for all community members to share their feedback on the Interim Sexual Misconduct Policy, as well as review a new draft for the final Sexual Misconduct Policy prior to adoption. Please look for future communications on the details of these procedures as they are finalized.

I am committed to continuing the university's work of fighting sexual misconduct in all forms and supporting those individuals who are subjected to instances of this across campus and beyond. I look forward to working with you to bring about more positive change during the months ahead.

Sincerely,

Jim Garrett
Provost