

**INDIANA UNIVERSITY
ALL UNIVERSITY STUDENT ASSOCIATION**



Public Comment to the Department of Education's Proposed Title IX Rules

The Indiana University All University Student Association (AUSA) is committed to advocating for students and working toward a safer campus and community for all 8 Indiana University campuses. The proposed changes to Title IX have raised concern among students in recent weeks, which the AUSA hopes to address in the following statement. Specifically, a number of the proposed changes would be detrimental to the student body - namely and especially survivors. By limiting the number of sexual misconduct reports Indiana University is required to address, narrowing the definition of sexual harassment, allowing for cross-examination of the survivor, and removing the 60-day window allotted for the University to investigate accusations of sexual misconduct, we fear our entire campus community will be negatively and harmfully affected.

The AUSA is particularly concerned about the loosening of regulations on reports to which universities must respond, and the impact of this policy. Current guidance requires universities to respond to all reports of sexual misconduct, whether the alleged incident occurred in an off-campus, co-curricular, or Fraternity and Sorority Life setting. IU has a large population of off-campus or commuter students; specifically, from the regional schools. These students are more likely to experience sexual misconduct and be denied access to the university formal hearing procedures under the proposed rules. Students deserve protection and support from a university based on their status as a student, not their geographical location or choice of organizational involvement.

These proposed rules also include a narrower definition of sexual harassment, to include conduct only "so severe, pervasive, and objectively offensive," that it disrupts equal access to education. Previously, sexual harassment was defined more broadly as "unwelcome conduct of a sexual nature." Simply put - it is not the role of Indiana University to determine what degree of harassment is "severe." The University should not deny a student formal resolution solely because the harassment has only occurred once. All students have a different background; the severity of a harassment may come across differently to all students. Any threat to student safety should be relevant to our university.

Under the proposed rules, Indiana University could allow both parties to be cross-examined by an advisor or another representative, such as an attorney. This kind of questioning places undue stress on survivors through an intensified adversarial environment. There were 32 reports at IUB and 14 at IUPUI addressed through formal resolution in 2018. Under the proposed rules, these 46 reports would have been treated in a more court-like formal resolution process.

Additionally, the proposed rules may increase the length in which a formal resolution is considered. They do not specify the time period universities must respond to investigations. Timely investigations are of utmost importance. The AUSA recommends retaining the previous 60-day time period allotted for investigations to be conducted and completed. This ensures timeliness, completeness, and accountability - all important factors that help limit uncertainty in an otherwise unknown and complex process.

IU believes in culture of care, a slogan our university has embraced deeply. Hoosiers look after Hoosiers and we hold one another accountable. Each step in the university Title IX process should protect the wellbeing of students. We encourage the Department of Education to adapt the proposed rules to address our highlighted concerns as students.

Best,

The Indiana University All University Student Association

Alex Wisniewski, *Chair, President IU Bloomington*

A handwritten signature in black ink, appearing to read 'Alex Wisniewski', with a horizontal line underneath.

Ken Guerra, *GPSG President IU Bloomington*

Hannah Bourne, *Vice Chair, President IU Kokomo*

Taylor Webster, *President IU East*

Gina Pleshkan, *President IUPUI*

Joseph Jansky, *President IU Northwest*

Kevin Schascheck II, *President IU South Bend*

Zackary Turner, *President IU Southeast*