**THE UNIVERSITY OF ALABAMA IN HUNTSVILLE**

**FACULTY SENATE**

**FACULTY SENATE RESOLUTION 17/18-11:**

**Campus Sexual Assault Evidentiary Standards**

History: Bill 416 was submitted to FSEC for first reading on 11/09/2017

Bill 416 passed first reading on FSEC on 3/8/2018

Bill 416 passed second reading in Faculty Senate on 3/15/2018

Bill 416 passed third reading in Faculty Senate on 3/15/2018

**Whereas** on Friday 22 September 2017 the Secretary of Education, Betsy DeVos, rescinded guidelines on government policy regarding campus sexual assault; and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

**Therefore**, **be it resolved**

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

**Be it further resolved**

That University policy maintain the “preponderance of evidence” standard of proof unless otherwise mandated by a legal directive from the Department of Education.