



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

RESOLUTION NO. 181068

Introduced December 6, 2018

Councilmember Reynolds Brown

RESOLUTION

Urging the Department of Education and Secretary Betsy DeVos to reconsider new guidelines that would make it more difficult for victims of sexual assault on college campuses to attain justice.

WHEREAS, United States Secretary of Education Betsy DeVos announced on November 29th the beginning of a 60-day public comment period for new Title IX guidelines. The rules, if implemented, would drastically overhaul the method by which institutions of higher learning deal with accusations of sexual assault; and

WHEREAS, The proposed rules would provide a new, narrower definition of sexual harassment, limit the number of cases that schools must investigate, allow for cross examination of victims, and allow schools to institute a higher evidentiary standard in determining responsibility for cases of sexual assault. Taken together, these new rules would inhibit the ability of victims of sexual assault to pursue justice and have a chilling effect on those considering coming forward with their experiences; and

WHEREAS, Legal experts have lined up to criticize the proposed regulations. Terry Fromson, managing attorney at the Women's Law Project describes the new rules as "very concerning" for a number of reasons. First, in narrowing the responsibility of schools to respond to claims of sexual assault, the regulations "seriously reduce what the school has to do and unfortunately take us back to the time when they did nothing"; and

WHEREAS, Fromson also takes issue with the new regulations on cross examinations, which can be "a very traumatic and intimidating experience." Fromson states that the proposed rules run counter to the very spirit of Title IX. "Title IX is an equality statute," she says, and the new evidentiary standard "is not an equality standard– it tilts the investigation in favor of the accused and against survivors"; and

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WHEREAS, Jess Davidson of End Rape on Campus expressed similar concerns about the new rules. The changes would mark a return to a time when “rape, assault and harassment were swept under the rug.” The rules, Davidson says, demonstrate that Secretary DeVos and the Trump administration “share the same attitude about assault that we saw from Senate Republicans during the Kavanaugh hearing– disparage and diminish survivors and discourage them from reporting”; and

WHEREAS, In the post-#MeToo era, when the prevalence of sexual assault and harassment in American society has become clear, we should be doing more to protect victims, not less. We therefore urge, during this period of public comment, that the Administration reverse course and strengthen protections for sexual assault survivors: it is what justice, and equality, requires; now, therefore, be it

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That we hereby urge the Department of Education and Secretary Betsy DeVos to reconsider new guidelines that would make it more difficult for victims of sexual assault on college campuses to attain justice.