

RES 17-085

Wilmington, Delaware
November 16, 2017

#4445

Sponsors:

Council
Member
Chukwuocha

Council
President
Shabazz

WHEREAS, one of the responsibilities of the United States Department of Education is to create policies and guidelines regulating education, including regulations under Title IX that pertain to higher education institutions; and

WHEREAS, the purpose of Title IX is to protect those under any education program or activity receiving federal financial assistance from discrimination on the basis of sex, which includes protection from sexual harassment and violence; and

WHEREAS, the United States Department of Education's Office for Civil Rights recently rescinded the "Dear Colleague" letter and a 2014 question-and-answer document, a set of documents which detailed the responsibility of colleges and universities to respond promptly and fairly to reports of sexual violence, and to bring their policies into compliance with Title IX; and

WHEREAS, these documents represented a standard which colleges were to abide by, and promoted the protection and rights of survivors of sexual harassment and violence. With these policies rescinded, colleges are left to create their own standards under Title IX until a new policy is implemented, leading to potentially varying levels of protection of students from campus to campus; and

WHEREAS, the Secretary of Education, Betsy DeVos, has made statements that suggest that the new policy to be implemented as the standard for colleges might be focused on the protection of the alleged perpetrators of sexual violence, not the survivors; and

WHEREAS, a study conducted by the United States Department of Justice in 2013 found that only 35% of survivors report sexual assault to the police; and

WHEREAS, ensuring that survivors have the resources and support they need is critical to promoting an atmosphere in which survivors feel empowered and perpetrators of sexual violence are held accountable. There is concern on behalf of sexual assault survivors and advocates that the new policy from the U.S. Department of Education may fail to protect survivors and may contribute to the underreporting of sexual assault; and

WHEREAS, according to a study conducted by the Association of American Universities in 2015, 11.2% of all graduate and undergraduate students experience rape or sexual assault through physical force, violence, or incapacitation; and

WHEREAS, according to the United States Census Bureau, an estimated 12.4% of Wilmington's population consists of bright young men and women between the ages of 15 and 24, some of whom are pursuing higher education, and it is the responsibility of the City to promote and advocate for policies that protect our youth who may be attending colleges locally and across the country; and

WHEREAS, sexual assault is one of the few crimes in which the victim is often blamed first. By standing in opposition to the views and statements made by the United States Department of Education, City Council stands in support of survivors of sexual assault.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that the Council strongly opposes the recent decision by the United States Department of Education to rescind the "Dear Colleague" letter and the 2014 question-and-answer document, and the ensuing protections those documents had afforded to survivors of sexual assault. The Council urges the United States Department of Education to consider the impact that a change in Title IX policy could have on colleges across the nation, and calls for colleges and universities to stand united in support of survivors and their rights.

Passed by City Council,
November 16, 2017

Attest: Maribel Seijo
City Clerk

Approved as to form this 9th
day of November, 2017

Elizabeth D. Power
Senior Assistant City Solicitor

SYNOPSIS: This Resolution opposed the recent actions of the United States Department of Education rescinding the “Dear Colleague” letter and the 2014 question-and-answer document as guidelines for colleges and universities to utilize in compliance with Title IX related to the protection of students from sexual harassment and violence. This Resolution further urges the Department of Education to consider the implications that a change in policy could have on survivors of sexual violence.