

Resolution #04 – 2018-2019

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TITLE IX LEGISLATION

BE IT ENACTED BY THE SENATE OF THE ASSOCIATED STUDENTS OF WASHINGTON STATE UNIVERSITY TRI-CITIES

WHEREAS, we, the Associated Students of Washington State University Tri-Cities 2018-2019, in representation of the student body, recognize that student conduct is currently bound to the proceedings and regulations of the Administrative Procedures Act (APA).

WHEREAS, we believe that the APA does not allow our public four-year higher education institutions the flexibility to build a new adjudication model for violations related to the sexual assault at Washington's four-year public universities.

WHEREAS, the students of ASWSUTC seek to restructure the current adjudication model under the APA and build an adjudication model that continues to protect the due process of a claimant and respondent, lead an unbiased investigation, and have students speak on behalf of themselves in the investigation.

WHEREAS, an investigative model specific to higher education benefits students by holding students appropriately accountable for their choices and behaviors and provides a structure in which students can learn from these choices.

WHEREAS, outcomes of a hearing may be influenced by the charisma of students, negatively impacting students who may be nervous, shy, or less articulate in presenting their case.

WHEREAS, there is a risk that direct representation of students by lawyers can create a power imbalance that favors students who can afford lawyers.

WHEREAS, in-person hearings and direct cross examination by lawyers or the respondent in cases related to sexual assault can cause renewed trauma for survivors and victims of sexual assault.

WHEREAS, we believe that the preponderance of evidence standard should be used for violations related to sexual assault at our public four-year universities in Washington.

WHEREAS, other standards of evidence do not treat parties equally, and the preponderance of evidence standard is used in other civil rights lawsuits and does treat parties equally.

WHEREAS, a model should be created that allows institutions to use it in accordance with their mission, culture, and needs.

THEREFORE, BE IT RESOLVED, that the Associated Students of Washington State University strongly urge that all public four-year universities be exempt from the Administrative Procedures Act to create a new investigative model. This new model allows for administrative review of orders and sanctions while also protecting students who may not communicate effectively under the pressures of a hearing.

THEREFORE, BE IT FURTHER RESOLVED, that the investigative model allows lawyers to only have a consultative role during the investigation and at no point can a student be directly represented by a lawyer.

THEREFORE, BE IT FURTHER RESOLVED, that this investigative model will not allow for direct cross examination by parties involved or any lawyers who may be present in the room.

THEREFORE, BE IT FURTHER RESOLVED, that the investigative model should also allow both parties to have the right to appeal any decision made by a review board.

THEREFORE, BE IT FURTHER RESOLVED, that student conduct violations and investigations that are not related to sexual assault are not subject to this new investigative model.

THEREFORE, BE IT FURTHER RESOLVED, that investigation should be over after 60 days that a complaint is filed. This includes weekends and, in some cases, major holiday breaks.

BE IT FINALLY FURTHER RESOLVED, we request that Washington State University Tri-Cities support the adoption of this new adjudication model at all public four-year universities, to ensure consistency for students attending these institutions.

Passed with 09 votes in favor, 00 votes in opposition, and 00 abstentions on 08/15/2018.

Signed,



The ASWSUTC Vice President

8/17/2018
Date



The ASWSUTC President

8/17/2018
Date