

1 [Opposing Changes to Title IX that Diminish the Rights of Sexual Assault Victims at
2 Institutions of Higher Education]

3 **Resolution opposing changes to Title IX that diminish the rights of sexual assault**
4 **victims at institutions of higher education by making it more difficult to file an official**
5 **grievance and protect assailants from disciplinary action, and urging Congress to**
6 **further enhance victims' rights under Title IX.**

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8 WHEREAS, Title IX is a federal civil rights law in the United States that was passed as
9 part of the Education Amendments of 1972; and

10 WHEREAS, Title IX prohibits discrimination on the basis of sex in educational
11 institutions receiving federal aid; and

12 WHEREAS, Title IX states “No person in the United States shall, on the basis of sex,
13 be excluded from participation in, be denied the benefits of, or be subjected to discrimination
14 under any education program or activity receiving Federal financial assistance,” and

15 WHEREAS, Title IX was enacted as a follow-up to the landmark Civil Rights Act of
16 1964, which prohibited discrimination in areas of employment and public accommodation,
17 however, it did not prohibit sex discrimination against persons employed at educational
18 institutions; and

19 WHEREAS, Since it’s enactment, Title IX has been used to increase equity in athletics,
20 curtail harassment and sexual violence, and protect LGBTQ students; and

21 WHEREAS, In the 1970’s a group of students and faculty sued Yale University for
22 its failure to curtail sexual harassment and assault on campus; that case, Alexander v.
23 Yale, was the first to use Title IX to argue and establish that sexual harassment of female
24 students can be considered illegal sex discrimination; in that case, the plaintiffs alleged
25 rape, fondling, and offers of higher grades in exchange for sexual intercourse; and

1 WHEREAS, Despite losing in court, the case generated national media coverage and
2 had far reaching implications and generate including causing most United States universities
3 to institute grievance procedures for sexual harassment; and

4 WHEREAS, Many of the arguments made by the plaintiffs were later vindicated,
5 including in Meritor Savings Bank v. Vinson which held that a hostile work environment
6 constituted sexual discrimination; and

7 WHEREAS, Thanks to Title IX, women teachers who become pregnant are legally
8 protected from employment termination, and students are protected from being forced into
9 less academically challenging programs; and

10 WHEREAS, Title IX has increased access to higher education, technical education,
11 and athletics for women and girls for more than 50 years; and

12 WHEREAS, The current Secretary of Education, Betsy DeVos, issued new regulations
13 which revised how Title IX should implemented as it relates to how universities manage
14 sexual misconduct allegations; and

15 WHEREAS, Secretary DeVos' new interpretation of Title IX places new barriers
16 that will hamper or eliminate sexual assault survivors' ability to come forward; and

17 WHEREAS, These new rules increase the procedural hurdles necessary to file a claim
18 under Title IX, and will make it harder than ever for survivors to understand or avail
19 themselves of their legal rights; and

20 WHEREAS, These new rules also narrowly redefine sexual harassment to actions that
21 are "severe, pervasive, and objectionably offensive;" and

22 WHEREAS, In order for a university to intervene, the new rules require that a sexual
23 assault must have happened directly on campus or "in conjunction with an education program
24 or activity," which means that students who study abroad or take online classes will go
25 unprotected; according to a study by RAINN, only 8 percent of sexual assaults take place on

1 school property, which means these regulations give universities permission to ignore the vast
2 majority of sexual assault claims; and

3 WHEREAS, Formal investigations are now more difficult and dangerous for survivors
4 by requiring that survivors undergo cross-examination in a live hearing that would bring them
5 face to face with their assailants; and

6 WHEREAS, The new procedures incentivize a new “informal resolution” process, which
7 greatly benefit the assailants, by allowing them to opt-out of any disciplinary proceedings, and
8 it bans punishments including expulsions or suspensions; and

9 WHEREAS, Sexual assault on campus is a serious problem that requires greater
10 attention, investigation, resources, and protections for victims; according to a 2019 study by
11 the Association of American Universities, approximately one-quarter of undergraduate women
12 say they have been victims of sexual touching or penetration without consent since starting
13 college; and

14 WHEREAS, Victims of sexual assault are disproportionately likely to suffer long term
15 negative health consequences and to engage in suicide and self-harm; the best statistics
16 currently available analyzing the link between suicide and sexual assault are from 1992 and
17 study only women; that study states that 13 percent of those who are raped attempt suicide
18 (as opposed to .6 percent of all adults) and 94 percent experience post-traumatic stress
19 disorder; a more recent 2014 survey found that 38 percent of victims of sexual violence
20 experience problems at work or school, while 37 percent experience an increase in arguments
21 with loved ones and an increased inability to trust even those they trusted before the violence;
22 now, therefore, be it

23 RESOLVED, That the City and County of San Francisco affirms support for victims of
24 sexual assault on university campuses and opposes the Trump administration’s new Title IX
25 guidelines; and, be it

1 FURTHER RESOLVED, That the City and County of San Francisco recognizes the
2 broad and powerful impact Title IX has had on the lives of women and girls by prohibiting
3 discrimination on the basis of sex at educational institutions; and, be it

4 FURTHER RESOLVED, That the Board of Supervisors of the City and County of San
5 Francisco urge our elected representatives to pass legislation to strengthen Title IX; and, be it

6 FURTHER RESOLVED, That the Board of Supervisors directs the Clerk to transmit a
7 copy of this Resolution to all the members of San Francisco's state and federal delegation.

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City and County of San Francisco

City Hall
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Tails Resolution

File Number: 200927

Date Passed: August 18, 2020

Resolution opposing changes to Title IX that diminish the rights of sexual assault victims at institutions of higher education by making it more difficult to file an official grievance and protects assailants from disciplinary action, and urging Congress to further enhance victims' rights under Title IX.

August 18, 2020 Board of Supervisors - ADOPTED

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

File No. 200927

I hereby certify that the foregoing Resolution was ADOPTED on 8/18/2020 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Unsigned

London N. Breed
Mayor

08/28/2020

Date Approved

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without her approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

Angela Calvillo
Clerk of the Board

08/28/2020

Date