

**THE SENATE OF THE ASSOCIATED STUDENTS  
CALIFORNIA STATE UNIVERSITY, LONG BEACH**

**Bill Number:** Senate Resolution #2018-11  
**Title:** Resolution in Support of Title IX and Maintaining Preponderance of Evidence  
**Sponsored by:** Senators-at-Large Stephanie Argent and Hilda Jurado; Senator for the College of Health and Human Services Leen Almahdi  
**Co-Authored by:** Commissioner for Women and Gender Equity Affairs Stevie Merino  
**Date Submitted:** October 19, 2017  
**Date Approved:** November 8, 2017

- WHEREAS** the Associated Students, Inc. (ASI) Board of Directors at California State University, Long Beach (CSULB) is the single recognized voice for over 37,000 students; and
- WHEREAS** the CSULB ASI mission states, “the Associated Students of CSULB seeks to facilitate the achievement of students’ educational objectives and life goals through programs, services, and facilities that advocate student needs and interests, compel student representation in campus decision making and provide students with resources that they identify as necessary for their intellectual, social and physical development;”<sup>1</sup> and
- WHEREAS** Title IX protection from sexual harassment, stalking, sexual violence and misconduct, established in 2011, set a precedent to “prohibit discrimination on the basis of sex in education programs or activities operated by recipients of Federal financial assistance. Sexual harassment of students, which includes acts of sexual violence, is a form of sex discrimination prohibited by Title IX;”<sup>2</sup> and
- WHEREAS** Title IX defines sexual violence as rape, sexual assault, sexual battery, and sexual coercion;<sup>3</sup> and
- WHEREAS** 1 in 5 women are victims of completed or attempted sexual assault while in college and 6.1 percent of males are victims of completed or attempted sexual assault during college;<sup>4</sup> and
- WHEREAS** 25 incidents of sexual misconduct, dating and domestic violence, and stalking were reported in the last fiscal year;<sup>5</sup> and
- WHEREAS** 13 of these reports were not carried through due to a decline to file, withdrawal of complaint, or deciding not to further communicate with the Title IX office;<sup>6</sup> and
- WHEREAS** Betsy DeVos, the U.S. Secretary of Education, announced her decision to rescind former President Obama’s guidelines on sexual violence and misconduct on college campuses on September 22, 2017;<sup>7</sup> and

<sup>1</sup> <http://www.asicsulb.org/pages/asi-mission-statement>

<sup>2</sup> <https://www2.ed.gov/print/about/offices/list/ocr/letters/colleague-201104.html>

<sup>3</sup> <https://www2.ed.gov/print/about/offices/list/ocr/letters/colleague-201104.html>

<sup>4</sup> <https://www2.ed.gov/print/about/offices/list/ocr/letters/colleague-201104.html>

<sup>5</sup> [http://web.csulb.edu/divisions/students/titleix/titleix\\_statistics.html](http://web.csulb.edu/divisions/students/titleix/titleix_statistics.html)

<sup>6</sup> [http://web.csulb.edu/divisions/students/titleix/titleix\\_statistics.html](http://web.csulb.edu/divisions/students/titleix/titleix_statistics.html)

<sup>7</sup> <https://www.nbcnews.com/news/us-news/devos-rescinds-obama-era-title-ix-protections-drawing-mixed-reactions-n803976>

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- WHEREAS** this decision increases the standard of evidence that must be available in sexual violence and misconduct cases;<sup>8</sup> and
- WHEREAS** Senator Patty Murray, a democrat from Washington state, alleged that Secretary DeVos was allowing “predators to continue to roam college campuses”<sup>9</sup> with her policy change; and
- WHEREAS** this rollback on policy is likely to discourage students from reporting incidents of sexual violence and misconduct as the media and new recommended standard of evidence involved creates a stigma of victim blaming; and
- WHEREAS** the language used by Betsy DeVos and communications from the Department of Education focuses largely on the rights of the accused with little mention on the rights and interests of the victim, this can push even more students to not come forward and erode the progress that college campuses have made to address sexual violence and misconduct;<sup>10</sup> and
- WHEREAS** considering this new Title IX guidance will allow campuses to move from a “preponderance of evidence” to a “clear and convincing standard of proof;”<sup>11</sup> and
- WHEREAS** considering that preponderance of evidence is defined as the greater weight of the evidence required in a civil lawsuit for the trier of fact to decide in favor of one side or the other; now therefore, be it
- RESOLVED** that the university provide more support and resources to victims of sexual violence and misconduct including creating more advocate trainings, comprehensive gender inclusive violence prevention programs, peer education programs, and continue to carry out the current procedures regarding sexual violence and misconduct on campus; and be it further
- RESOLVED** CSULB ASI encourages the university to maintain the “preponderance of evidence” guidelines when investigating instances of sexual violence and misconduct to maintain the safety and consideration of those victims; and be it further
- RESOLVED** CSULB ASI encourages Lobby Corps to include Title IX as one of the areas of focus for future lobby visits, including CHES and local district visits; and to support any legislative bills that are in connection with improving Title IX and creating safer campuses free of sexual violence; and be it further
- RESOLVED** that the protection of the campus community who are discriminated against based on, but not limited to: race, ethnicity, nationality, citizen status, political affiliation, religion, sexual

<sup>8</sup> <https://www.nbcnews.com/news/us-news/devos-rescinds-obama-era-title-ix-protections-drawing-mixed-reactions-n803976>

<sup>9</sup> <https://www.nbcnews.com/news/us-news/devos-rescinds-obama-era-title-ix-protections-drawing-mixed-reactions-n803976>

<sup>10</sup> <https://www.nbcnews.com/news/us-news/devos-rescinds-obama-era-title-ix-protections-drawing-mixed-reactions-n803976>

<sup>11</sup> <https://www.nbcnews.com/news/us-news/devos-rescinds-obama-era-title-ix-protections-drawing-mixed-reactions-n803976>

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orientation, gender identity, socio-economic status, age, and ability, are considered in the drafting of this resolution; and be it further

**RESOLVED** that CSULB ASI encourages faculty, staff, and administration to stand in solidarity with and advocate for victims and a safe campus community; and be it finally

**RESOLVED** that an electronic copy of this resolution, upon its approval by the ASI President, be distributed to CSULB President Conoley, Vice President for Student Affairs Carmen Taylor, Dean of Students Piya Bose, Vice President for University Relations and Development Andrea Taylor, Provost and Senior Vice President for Academic Affairs Brian Jersky, Vice President and Chief Information Officer Min Yao, Women & Gender Equity Center Coordinator Pam Rayburn, Title IX Coordinator, Dr. Jeane Caveness, and her deputy coordinators from the Office of Title IX, Director for the Office of Multicultural Affairs, Dr. James Manseau Saucedo, Assistant Director for the Office of Multicultural Affairs Christian Lozano Cuellar, Cal State Student Association President Maggie White, CSU Chancellor Timothy White, City of Long Beach Mayor Robert Garcia, all current ASI Officers, the Daily 49er, and 22 West Magazine.

Sofia Musman

Sofia Musman, Vice President &  
Chair, Associated Students Board of Directors

Delivered to the President of the Associated Students on:

Joseph Nino  
Joseph Nino, Associated Students President

11/8/17  
Date  
11/8/17  
Date

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