Re: ED-2018-OCR-0064

To Whom it May Concern:

Thank you for the opportunity to comment on Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance. The undersigned ___ students from the University of Denver’s Undergraduate Student Government are writing to you today regarding three main concerns in the proposed new rules to Title IX Policy.

In particular we are concerned with the new definition of sexual harassment, the lack of investigations of sexual violence that occur off-campus, and the introduction of live cross-examination.

The proposed new definition of sexual harassment includes, “...so severe, pervasive, and objectively offensive.” This definition is contrasted to our University’s current definition, “...conduct is sufficiently serious, pervasive, or persistent.” If enacted this rule would only require our university to investigate the most extreme cases of sexual violence. With this new definition 33% of violence experienced by students on our campus would not meet this new definition (University of Denver Human Resources, 2017).

A second concern to our community is the dismissal of sexual violence that occurs off-campus. 72.6% of undergraduate students at the University of Denver go abroad within their four years at the university. If violence is experienced by students abroad, our Title IX Office under federal guidance would not be able to assist them. Not only does this harm our University, but on a national level, 87% of students live off-campus. If enacted, this would automatically disproportionately disqualify students from seeking assistance from Title IX.

Our final concern as individuals from the Undergraduate Student Government is the introduction of cross-examination in an investigation. The practice of cross-examination can be retraumatizing for survivors. It is often rooted in gender stereotypes and rape myths that contribute to a victim-blaming narrative (Zydervelt, 2016). It does not produce a safe environment for student survivors to seek justice within their school.

As representatives from the Undergraduate Student Government we are responsible for representing 5,765 students who all deserve a violence-free education. As of 2017, 42% of students agreed sexual harassment was a problem on our campus, and 36% of students said sexual violence is a problem on our campus. We want to build a community that supports
survivors and does not make them fear reporting or make it more difficult for them to seek justice within their education system. For the foregoing reasons, these sections of the rule should be struck.

Sincerely,

Kendall Fowler, Secretary of Collegiate Gender Violence Topics
Grace Glaser, Off-Campus Senator
Matthew Walter, President Pro Tempore
Elizabeth Brawn, On-Campus Senator
Tom Dattilo, Secretary of Fraternity and Sorority Life
Kirby Montsinger, Freshman Senator
Stella Brown, On-Campus Senator
Natasha Crawford, Fritz Knoebel School of Hospitality Management Senator
Maisie Karlin, Secretary of Communications
Marshall Marrs, Freshman Senator
Bryce Armijo, Student Body President
Owin Orr, Daniels College of Business Senator
Laura Nierengarten, Secretary of Campus Traditions
Daniel Volin, Transfer & Exchange Student Senator
Savanna Morrison, Secretary of Fraternity and Sorority Life
Halle Brown, Natural Sciences & Mathematics Senator
Sophia Gonzalez-Mayagoitia, Junior Senator
JJ Khan, Senior Senator
Holden Fitzgerald, Study Body Vice President
Kate Patterson, Natural Sciences & Mathematics Senator
Quinn Merrell, Sophomore Senator