



ACTA
AMERICAN COUNCIL OF
TRUSTEES AND ALUMNI

Statement of the American Council of Trustees and Alumni
Anne D. Neal, President
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We can all agree: Sexual assault is a serious matter.

That is why Congress should vigorously oppose efforts by the Obama Administration and the Department of Education's Office of Civil Rights (OCR) to reduce criminal matters to sensitivity brigades on our college campuses.

Rape and sexual assault are felonies and they are matters for the police and criminal justice system—not universities. The higher education community simply is not equipped to play judge, jury and executioner in matters that require the careful eye of police and jurists. Both accusers and the accused are given short shrift when due process and the Constitutional safeguards of the criminal justice system are swapped for amateur investigators and ad hoc college tribunals.

It is true: colleges and universities should treat any alleged victim with care, providing her or him with interim relief such as new housing or class schedules. But, if the alleged victim chooses not to bring criminal charges, the university's obligation to adjudicate should stop there.

Students, by being students, do not merit a separate system of "shadow" justice that gives vast powers to ill-equipped campus bureaucrats. To do so creates two legal systems in our country and sends a disturbing message that those who go to college deserve something different from those who are victimized outside the Ivory Towers.

We have already seen the bald listing and "shake-down" by the Administration of schools with Title IX complaints, regardless of the merits, and the "promise" that OCR will "be more visible on campus during its investigations, so students can help give OCR a fuller picture about what's happening and how a school is responding." If this were not enough, the Obama Administration now threatens to "consider how our recommendations apply to public elementary and secondary schools – and what more we can do to help there."

The way to help is to withdraw. Title IX—which initially focused on gender equity in college sports—has now become a catch-all provision to justify massive federal intrusion. Congress should take steps immediately to roll back this unintended expansion, first, by defunding the OCR until there is public notice and rulemaking on these issues. OCR should not be allowed, for example, to lower evidentiary standards in disregard of Constitutional principles and Americans' deep respect for due process—by bureaucratic fiat. Yet, this is exactly what has happened.

Congress should, in turn, demand a system of clarity and coordination when it comes to sexual assault and college campuses; the OCR regime provides neither. Instead, it sets up a costly and duplicative system of simultaneous police and university investigations. A criminal investigation does not relieve a school of its duty to investigate and respond, making it possible to have two processes and two results. Meanwhile, schools are required to employ a vast new cadre of bureaucrats—sexual violence counselors, sex offender treatment programmers, Title IX coordinators, specialized trauma trainers—when the better place for sensitivity training and greater resources is within our police departments. At a time when the Obama administration itself complains about the ever-spiraling cost and declining quality of our colleges and universities, this misplaced initiative on sexual assault will absurdly increase the college price tag and take universities' focus away from urgent attention to quality education.

Trustees must take the lead in reminding the OCR that the keystone role of colleges and universities is to educate. And, in so doing, they must also embrace their obligation to ensure that their campuses are places of academic seriousness. It should come as no surprise that, when students admit to spending a majority of their time sleeping and socializing, as they do today, they fill the void created by a lack of academic rigor and substance with drinking and extreme behaviors.

Rather than turning our university staff into policemen, it's time we demanded that trustees reconnect their students with the life of the mind—scheduling more classes on Friday, creating intellectual alternatives to the party culture, insisting on greater faculty involvement with students outside the classroom, addressing grade inflation and involving the alumni to promote alcohol-free activities and to encourage greater law enforcement during athletic events.

Sexual assault on campus cannot and should not be condoned. And the best place to start is by calling it a crime.

The American Council of Trustees and Alumni is an independent national nonprofit organization dedicated to academic freedom, excellence and accountability. ACTA communicates regularly with a network of more than 13,000 college and university trustees.

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