

Weakening Title IX Protections

[HB 573](#) - [Rep. Dohrman](#) (R-51, Lamont) | [SB 259](#) - [Sen. Romine](#) (R-3, Farmington)

These bills weaken protections for sexual assault survivors at colleges and universities by changing how complaints are handled under Title IX, a measure aimed at protecting students from sex discrimination – including sexual assault.

House Bill 573 and Senate Bill 259 would compromise the safety of sexual assault survivors and deter students from reporting sexual assault. The bills allow students with a complaint filed against them to bring the investigation to Missouri’s Administrative Hearing Commission, taking campus disciplinary proceedings out of the hands of universities and burdening survivors with onerous legal standards designed for criminal and civil courts.

- By applying the discovery process of civil court proceedings, the bills give the accused the power to obtain personal information and compel communication from the survivor and witnesses before the hearing. Survivors and their friends may be subject to “interrogation” in writing or in-person, which may be videotaped. These powers are inappropriate for the setting and could effectively require survivors to hire an attorney.
- They would allow those with a school sexual misconduct complaint filed against them to sue whoever accused them if the administrative courts decide it was a false claim. The bill does not define “false” or differentiate between claims that are intentionally false versus those that cannot be corroborated.

Reporting sexual violence can be difficult, and many survivors never come forward. These bills make it even less likely that survivors will report a sexual assault.

- Allowing accused perpetrators to cross-examine survivors and witnesses in school disciplinary settings will allow rapists to intimidate survivors into silence.
- The President of the Association of Title IX Administrators estimated that cross-examination process would lead to a 50 percent drop in the reporting of sexual assault on campuses.
- According to RAINN, only 20% of sexual assault survivors currently report their assault to law enforcement due to stigma, trauma, and fear of retribution.

Raising the burden of evidence to a “clear and convincing” standard makes it harder for schools to hold sexual abusers accountable.

- The measures apply legal procedures that are appropriate to criminal and civil proceedings, not school disciplinary actions. They go so far as to prohibit “all parties” from using the term “survivor,” mandating instead the term “complainant.” This level of unnecessary intervention disempowers universities and survivors.
- There is bipartisan agreement that the “clear and convincing” standard is inappropriate for campus disciplinary proceedings. In 2004, the Bush Administration found Georgetown University noncompliant with Title IX for using a “clear and convincing” standard. This standard of proof is unreasonable for school disciplinary action, and most survivors would not be able to meet it – particularly if they cannot hire an attorney.

Sources: Know Your IX, RAINN, the Columbia Missourian and the Kansas City Star.