Dear Members of the Franklin & Marshall Community,

We write to share F&M’s response to an announcement made earlier today by Secretary of Education Betsy DeVos. The U. S. Department of Education intends to put new regulations in place that will govern how colleges and universities handle reports of sexual assault and misconduct.

First, as F&M has stated in the past, we want to emphasize that there is no place on this campus for sexual assault, relationship violence, or any form of sexual misconduct or discrimination, and we remain wholeheartedly committed to the education, prevention, and reporting processes on our campus, as well as our adjudication system.

It’s very important for you to know that F&M offers many resources for anyone who has experienced sexual assault and that, regardless of any changes to national regulations, we encourage you to seek out Title IX Coordinator Kate Snider to report and discuss any incident of concern. Faculty and professional staff who are affected by sexual misconduct can find support resources through Human Resources.

You may recall that last fall, the U.S. Department of Education formally withdrew its 2011 and 2014 Title IX guidance, which had shaped sexual misconduct education, prevention, and adjudication processes at colleges and universities across the country, including F&M.

Today’s announcement proposes a new set of regulations that will become effective following a public comment period, which may lead to some revisions. Based on our initial reading of the proposed regulations, we can affirm that F&M’s current policies and practices are already overwhelmingly in compliance with them. We will, of course, review our processes carefully with the help of outside experts and make any changes needed when the new regulations go into effect.

There is a lot of nuance in the proposed regulations that we still need to explore, but today we would like to address three important areas that may cause concern to some and describe F&M’s approach:

1) **Evidentiary Standard**
Colleges and universities now have the option of applying an alternative standard of evidence in sexual misconduct hearings. Previous guidance required higher education institutions to use a “preponderance of the evidence” standard; a standard that F&M has used for many years in all areas of student conduct. To be clear, F&M will continue to use the preponderance of the evidence standard in sexual misconduct matters.

2) **Hearing Process**
The proposed regulations require that institutions offer a hearing following the investigation of a report of sexual assault. The College’s policy already includes a hearing process adjudicated by a panel of trained experts; this will continue to be an option for F&M students.
3) Cross-Examination
The proposed regulations establish the right for both students involved in a hearing process to cross-examine each other and witnesses, with questions conveyed through third-party advisors. F&M will continue to provide students with the ability to respond to direct questions from a remote location via a camera or other technology, so as to insure their sense of privacy and safety.

It is important to note that F&M’s current Mandated Reporters Policy remains in effect and is not superseded by the proposed regulations. If any employee of the College learns of a sexual assault, they must report it to the Title IX Coordinator within 24 hours. This policy applies to information that student employees learn during their hours of work.

In her announcement today, Secretary DeVos described the public comment process that precedes implementation of the new regulations. It is vital that all voices be heard—you can submit your comments within 60 days of the regulations being published in the Federal Register on the Federal E-Rulemaking Portal. Title IX Coordinator Kate Snider also welcomes conversations with any students who have questions or concerns about this new guidance.

In the weeks and months ahead, the F&M community will continue to develop our resources and educate each other, with the goal of preventing all forms of sexual discrimination and misconduct.

Sincerely,

Barbara K. Altmann, Ph.D., President

Margaret Hazlett, Vice President and Dean of Student Affairs