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UNIVERSITY SENATE

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November 1, 2012

Dr. Martha Nell Smith
Chair, University Senate
3238 Tawes Hall
College Park, MD 20742-8878

Dear Dr. Smith:

In December 2011, the University Senate approved the Student Conduct Committee's (SCC) report and recommendations on Senate Document #11-12-10, "Updates to Procedural Requirements Pertaining to Sexual Harassment and Sexual Violence." Likewise, President Loh approved the report and recommendations on January 17, 2012. One of the approved recommendations included a request from the committee to be charged in Fall 2012 with revisiting the *Code of Student Conduct* regarding the changes made to comply with the directives in the Department of Education Office of Civil Rights' (OCR) "Dear Colleague Letter" of April 2011.

In order to bring the University into compliance with the directives outlined in the OCR letter, the committee recommended revising the burden of proof requirements in the *Code of Student Conduct* to include "preponderance of the evidence" (e.g., it is more likely than not that the sexual harassment or violence occurred) instead of "clear and convincing" (e.g., it is highly probably or reasonably certain that the sexual harassment or violence occurred) as the evidentiary standard in proceedings for complaints of sexual harassment and violence only. This change to the *Code* has been made. In doing so, however, the *Code* now has two different standards of evidence, depending on the type of case, which is uncommon for an institution of higher education. The committee would like to explore whether this situation is in the best interest of the Office of Student Conduct and the University.

The SCC respectfully requests to be charged by the SEC with performing this review as soon as possible.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Speck".

Jason Speck
Chair, University Senate Student Conduct Committee

JS/cb

Cc: Reka Montfort, Director, University Senate
Andrea Goodwin, Director, Office of Student Conduct