

AAUP

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"Academic freedom for a free society"

SEXUAL MISCONDUCT POLICY: SERIOUS CONCERNS

Sexual misconduct, including sexual harassment, is a serious issue on campuses across the country, including the University of Delaware. There needs to be concerted efforts on the part of all members of the campus community, and faculty in particular, to recognize the serious harms done to victims of sexual misconduct and to join together to prevent such demeaning and harmful actions to students and employees. All such efforts must be predicated on the academic mission of the University, commitments to shared governance, and the provisions of the *Collective Bargaining Agreement*.

[AAUP Advice to Faculty Members on Training](#)

The AAUP leadership is very concerned about the sexual misconduct training that is being promulgated by the Administration. We have had ongoing discussions with the Administration and with faculty members regarding (1) whether the training is mandatory for faculty members and (2) the role of faculty in reporting sexual misconduct.

Faculty members have received mixed messages about whether the training is required. On the one hand, deans have informed faculty members that, while the training is not mandatory, it is extremely important for faculty to have an understanding of the sexual misconduct policies that are in effect at the University. The AAUP agrees with this view. On the other hand, faculty members have received messages from both the Title IX Officer and the Interim President of the University that all employees are required to take the training course. This has led to considerable confusion.

We have informed key administrators that the AAUP believes that such a requirement may well constitute a condition of employment

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that violates the Collective Bargaining Agreement. Moreover, the University Faculty Senate has not had an opportunity to discuss the training course since it was distributed before the first meeting of the senate.

In addition, the course, PREVENTING SEXUAL MISCONDUCT (TITLE IX), does more than provide information and training. At its conclusion, it requires faculty to “agree/disagree” that one understands the policy and will abide by it. However, a faculty member may agree that she understands the policy but will not abide by it. In effect, the question conflates two issues, understanding the policy and abiding by it.

The AAUP has received assurances from the central administration that taking the training course is not mandatory for faculty. Academic administrators have stated that the training is strongly recommended. Faculty members should exercise their individual judgment about the training.

The Role of Faculty in Reporting Sexual Misconduct

The AAUP is also very concerned that the mandatory reporting required by the policy will have adverse effects on faculty/student relationships and communication. For this reason, national AAUP has argued that, as a general rule, faculty members should not be classified as responsible employees who must report when students inform them of sexual misconduct. Having to inform students that we are required to report instances of sexual misconduct to the Administration will make it less likely that students will disclose such instances to us. It is a counterproductive intrusion into relations among students and faculty.

Faculty Expertise

The AAUP-UD urges the University Administration to include the wider university community in dealing with this important national issue of sexual misconduct on college campuses. There are members of the faculty, student population and staff who have unique expertise in the areas of gender violence, sexual harassment, and the cultural and social dimensions of these issues.

If you are not a member, join the AAUP. Be part of the conversation and faculty bargaining power! A membership form is attached.

AAUP Voice

A. Timothy Spaulding
VOICE Editor

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