College Park Colors: Inside and Out

By Alexander Williams, Jr. Executive Director Judge Alexander Williams, Jr. Center for Education, Justice and Ethics University of Maryland, College Park College of Behavior & Social Sciences

It is time to review Mandatory-Minimum Sentences

Judge Williams is a retired United States District Court Judge for the District of Maryland and served two terms as the elected States Attorney for Prince George’s County, Maryland.

Among the challenges this country faces as a nation are massive incarceration, racial disparities and the need for criminal justice reform. While the exercise of unfettered discretion by the various stakeholders in criminal justice must be examined, and the urgency of repairing police-community relationships is of critical importance, federal and state legislators and executives must review and rethink the impact of mandatory-minimum penalties and their contribution to massive incarceration.

In a rebuke and reversal of the Obama administration’s approach of avoiding triggering mandatory minimum sentences when charging some low-level, non-violent drug offenders, and in an effort to return to the days of stiff and severe sentencing policies initiated in the 1980s and 1990s to address the war on drugs, Attorney General Jeff Sessions [several weeks after his appointment] announced a new policy. He directed federal prosecutors to “charge and pursue the most serious, readily provable offenses” including enforcing and seeking mandatory-minimum sentences and penalties on drug trafficking criminal defendants. This inflexible and harsher perspective to sentencing is unwise, ineffective and unfair.

Historically, federal mandatory penalties were rare until the passing of the Boggs Act of 1951 and the Narcotics Control Act of 1956. These laws were reactionary to drug use following World War II. Boggs provided harsher sentencing to repeat offenders, while the Narcotics Control law included a harsh mandatory minimum of 5 to 20 years on first time offenders of marijuana export. The rationale for these early versions of mandatory minimum sentences was to punish repeat offenders, to send a clear message of tough consequences to those engaging in drug trafficking, and to reduce recidivism. In 1970 during the passing of the Comprehensive Drug Abuse Prevention Act, known to some as the DARE law, Congressman George H.W. Bush then called for reform of mandatory drug laws to only impact career criminals, stating “contrary to what one might imagine, however, this will result in better justice and more appropriate sentences.”

Fourteen years later in 1984 pursuant to President Ronald Reagan’s war on drugs, the Comprehensive Crime Control Act and Sentencing Reform Act was enacted which abolished parole, returned harsh sentencing for drug possession, and created the U.S. Sentencing Commission— directing this Commission to develop mandatory federal sentencing guidelines.

In June of 1986 [right on this campus] tragedy struck as Maryland Terps basketball star, Len Bias, died from a powder cocaine overdose while celebrating his selection as the number one college draft pick by the Boston Celtics of the NBA. In acts of sensationalism and demagoguery that followed the death of Bias, members of the law enforcement community, members of Congress and others [in the absence of any moral, empirical, or medical expertise] convinced the American public that: the crack epidemic was a frightening and widespread phenomenon; was more addictive than powder cocaine; would lead to the increase in guns and violence; posed threats to children; would have long term effects on “crack babies”; and because of the low cost of crack cocaine, made it more available to young people and more prevalent for consumption and distribution in “crack houses.” As a result of this hysteria and with the election season approaching that fall of 1986, Congress enacted [with little debate] the Anti-Drug Abuse Act of 1986 which created mandatory minimum sentences, including the 100-1 crack-powder disparity. The Sentencing Commission then adopted...
Changes to Title IX Guidance on Campus Sexual Violence

By Laura L. Dunn, Esq. 
Maryland Carey School of Law 
Founder and Executive Director, 
Survivors

On October 16, 2017, the President of the University of Maryland Baltimore (UMB), Dr. Jay A. Perman, announced the university’s ongoing commitment to “pressing sexual assault and other forms of sex- and gender-based misconduct” despite recent actions by the Department of Education’s Office for Civil Rights (OCR).1 Specifically, on September 22, 2017, Education Secretary Betsy DeVos announced that the Obama-era Title IX guidance is back in effect.2 These actions fall back crucial Obama-era guidance protecting victims of campus sexual violence by rescinding the 2011 Title IX guidance (hereinafter the “2011 DCL”3),3 and the 2014 Title IX guidance (hereinafter the “2014 Q&A Guidance”).4 The letter from President Perman put forth recommendations to the University Senate. The Task Force, with the develop of a comprehensive strategy on sexual assault, a subcategory of recommendations for a comprehensive Campus Sexual Assault Prevention Strategy. The Task Force members examined prevention strategies and other frameworks for achieving a comprehensive, functional and consistent approach to preventing, addressing, and responding to sexual assault on campus.

The task force members examined current prevention efforts at twenty peer institutions including all members of the Big Ten. We learned that universities typically rely on the 2001 Title IX guidance (hereinafter the “2001 Revised Guidance”),8 which is typically interpreted in an inclusive manner. The task force members examined the 2014 Q&A Guidance to determine whether the Department is using its broad regulatory authority to impose its interpretation of the 2001 Revised Guidance. The task force members examined the 2014 Q&A Guidance under the full scope of its authority to interpret federal laws, including those under investigation by DOE OCR at the time of the task force’s work.

II. Comprehensive Sexual Assault Prevention

By Steve Petkas
Associate Director, VPSA-RL Chair, Joint President/Senate 
Sexual Assault Prevention Task Force

In the eight years since the Department of Education’s Office of Civil Rights set forth updated guidance on post-secondary institutions’ compliance with Title IX, universities and colleges have struggled to understand and implement the new guidance. However, it is our experience that the guidance has been misunderstood, misinterpreted, and misapplied. The task force members examined the guidance issued by the Department of Education to determine whether the Department is using its broad regulatory authority to impose its interpretation of the 2001 Revised Guidance. The task force members examined the 2014 Q&A Guidance under the full scope of its authority to interpret federal laws, including those under investigation by DOE OCR at the time of the task force’s work.

On April 19th, the task force submitted its report and recommendations to the University Senate. The Task Force members examined current prevention efforts at twenty peer institutions including all members of the Big Ten. We learned that universities typically rely on the 2001 Title IX guidance (hereinafter the “2001 Revised Guidance”), which is typically interpreted in an inclusive manner. The task force members examined the 2014 Q&A Guidance to determine whether the Department is using its broad regulatory authority to impose its interpretation of the 2001 Revised Guidance. The task force members examined the 2014 Q&A Guidance under the full scope of its authority to interpret federal laws, including those under investigation by DOE OCR at the time of the task force’s work.

The task force members examined current prevention efforts at twenty peer institutions including all members of the Big Ten. We learned that universities typically rely on the 2001 Title IX guidance (hereinafter the “2001 Revised Guidance”), which is typically interpreted in an inclusive manner. The task force members examined the 2014 Q&A Guidance to determine whether the Department is using its broad regulatory authority to impose its interpretation of the 2001 Revised Guidance. The task force members examined the 2014 Q&A Guidance under the full scope of its authority to interpret federal laws, including those under investigation by DOE OCR at the time of the task force’s work.

The task force members examined current prevention efforts at twenty peer institutions including all members of the Big Ten. We learned that universities typically rely on the 2001 Title IX guidance (hereinafter the “2001 Revised Guidance”), which is typically interpreted in an inclusive manner. The task force members examined the 2014 Q&A Guidance to determine whether the Department is using its broad regulatory authority to impose its interpretation of the 2001 Revised Guidance. The task force members examined the 2014 Q&A Guidance under the full scope of its authority to interpret federal laws, including those under investigation by DOE OCR at the time of the task force’s work.

The task force members examined current prevention efforts at twenty peer institutions including all members of the Big Ten. We learned that universities typically rely on the 2001 Title IX guidance (hereinafter the “2001 Revised Guidance”), which is typically interpreted in an inclusive manner. The task force members examined the 2014 Q&A Guidance to determine whether the Department is using its broad regulatory authority to impose its interpretation of the 2001 Revised Guidance. The task force members examined the 2014 Q&A Guidance under the full scope of its authority to interpret federal laws, including those under investigation by DOE OCR at the time of the task force’s work.

The task force members examined current prevention efforts at twenty peer institutions including all members of the Big Ten. We learned that universities typically rely on the 2001 Title IX guidance (hereinafter the “2001 Revised Guidance”), which is typically interpreted in an inclusive manner. The task force members examined the 2014 Q&A Guidance to determine whether the Department is using its broad regulatory authority to impose its interpretation of the 2001 Revised Guidance. The task force members examined the 2014 Q&A Guidance under the full scope of its authority to interpret federal laws, including those under investigation by DOE OCR at the time of the task force’s work.
Sexual Assault Prevention

The task force members walked away from these engagements with great concerns for our students at the moment and obligation to share the depth of care and commitments to their welfare in the university at large. The significant level of current campus prevention efforts had learned about via task force deliberations was invisible to these students.

The charge we were given was wise and timely. It defined the focus to sexual assault and it called for a comprehensive and inclusive approach that must bring about synergy among all the campus players involved in prevention efforts. What we learned from students reinforced our thinking about the need for cross-sectional coordination in existing programs and collaboration on the creation of additional necessary efforts.

Challenges

The silos of organization as described above was one of the larger challenges in finding our way to workable recommendations. We were faced with the task of how to construct the perfect organizational structure to effect institution-wide prevention program. Such an effort would require the revision of organizational structures across divisions.

Another challenge that we encountered was understanding the role of student involvement in the campus community on the topic of sexual assault. Student activism on the College Park campus has been strong and dynamic in recent years. During the course of the task force’s work, controversy arose over several related issues. An initiative by the Student Government Association calling for a mandatory student fee supporting the Title IX Office gained notice in national media. The gender and identity politics of the national presidential campaigns and student reactions to Donald Trump’s election propelled passions to ever greater heights.

The intensely personal nature of sexual assault and the level of sensitivity of the topic is inestimable. With these realities in mind, the task force embarked on many discussions and brainstorming sessions and input. Stakeholders could join in the various forums, they could provide anonymous comment via a task force website, or could meet with the chair individually. All of these avenues of input were utilized by members of the campus community.

In our public engagements on the campus, the task force members dedicated themselves to engaging community members in dialogue. Knowing the level of passion on the campus, we felt that any perceptions of an adversarial air to our forums would seriously impede our goal of understanding our community members’ views. We dedicated ourselves to providing an open and inclusive environment for discussing existing campus practices, choosing instead to inquire consistently on thinking that would lead to a more successful comprehensive prevention strategy. The members of the campus—students, staff, faculty, and in some cases parents of students—met us in kind, impressed us with their earnest thinking, authenticity and civility.

Passions concerning the charge inter-tangled with dilemmas presented by choices in student training program content. The need to provide risk reduction training arose from both our experiences in the field and the examination of federally recognized best practices. Among risk reduction strategies, addressing the role of alcohol in perpetuating sexual misconduct remained elementary. But taking up the risks associated with drinking is perceived as victim blaming. Addressing the role of alcohol in sexual assault in a fashion that minimizes the stigmatization of victims is crucial.

A significant challenge is the balance between a combination of risk reduction and protective strategies (such as bystander intervention) versus campaigns aimed at perpetration reduction. The latter would address the power dynamics of sexual assault, sexual predation, and the impact of “rape culture.” Advocates for perpetration reduction as an emphasis in prevention training were particularly concerned. “Our examination of the best practices and current research on the effectiveness of prevention programs led us to recommend a combination of risk reduction and protective strategies instead of perpetration reduction, since the literature indicates that the former is more likely to achieve success in comparison to the latter.”

Student leaders on the College Park campus have consistently called for required in-person training in recent years. Some have advocated for annual in-person training for all members of the campus community. Both the political and the personal are clear. The demands of in-person training are considerable. The task force recommended a dramatic expansion of compulsory in-person bystander intervention training for all freshmen and transfer students in the course of the first year. All other training programs in our recommendations for undergraduate and graduate students are optional, although mandatory online training was recommended for each group. We remained mindful of the dual nature of our charge, to consider both recommendations that could be realistically implemented.

The stark divergence in needs among experiences of undergraduate versus graduate student became apparent in the forums we conducted. The focus of our charge on sexual assault within the larger spectrum of sexual misconduct more closely conformed to the needs of undergraduates. Graduate students presented a more complex picture of needs. Situations that graduate students experienced overlapped considerably the realm of personal care. Many graduate students are both students and graduate assistants—researchers, teaching assistants, and links for complaints. They are often faced with precarious living, inhumane, and affirmative thematic messages being served as the context for all programming.

As an additional recommendation, the task force recommended an awareness campaign which includes campus-wide events, publications, print and visual media outreach, or more personalized messages for faculty and staff, and toolkits for student-driven programming.

The role of the faculty in all these efforts is critical. The faculty must be accountable to a task force recommendation to consider the facilitation of required training for both undergraduate and graduate students. The faculty must be accountable to provide leadership and support in the implementation of these recommendations.

The highlighted recommendations are an important step forward. The task force’s recommendations are a first step in providing a comprehensive prevention strategy for the university. The task force members believed that the recommendations could be realistically achieved. The task force members used the insights gained from our research with peer institutions to guide the scope of the recommendations, which include:

• For first-year students, two required prevention training modules prior to enrollment addressing campus policies and alcohol, a presentation delivered by the Office of Alcohol Safety during summer orientation, and a required in-person presentation on bystander intervention to be incorporated into the orientation.

• One required online training module each year for second and third year students that address healthy relationships, consent, and the role of alcohol in sexual assault.

• Required training for student leaders in recognized student groups addressing constructive group climates, the role of alcohol, and options for reporting assaults.

• Enhanced online training for graduate students, peer-led training for research, teaching and administrative assistants that addresses their dual roles.

• Improved orientation of international students.

• Enhanced online training for graduate students, peer-led training for research, teaching and administrative assistants that addresses their dual roles.

• Improved orientation of international students.

• Improved orientation of international students.

• Creation of a cross-disciplinary collaborative body, the Sexual Assault Prevention Committee, consisting of representatives from many of the significant educational units in the university to carry out the task force recommendations on a multi-year time frame.

• Appointment a staff member with primary responsibility for prevention on the campus who would chair the Sexual Assault Prevention Committee.

• Creation of a centralized website hub providing specific student information and resources, including student groups and programs, campus resources, pro-
gram training information and calendars, and links for complaints.

• Potential creation of a prevention, in-
tuitive, and affirmative thematic mes-
sage serving as the context for all pro-
gramming.

• Conduct of an awareness campaign which includes campus-wide events, publications, print, social media out-
reach, or more personalized messages for faculty and staff, and toolkits for student-driven programming.

• Require deans to formulate action plans outlining how information distri-
bution will occur throughout the col-
leges concerning policy, procedures, and resources and prevention program-
ing.

• Conduct outcome-based assessments of all prevention programs, and assess changes in sexual assault and victimization via climate surveys.

Additional recommendations can be found in the task force report. Our goal was that the recommendations, informed by the perspectives, experiences, and knowledge of our research with peer institutions led us to conclude that as sound as many of the examples we have provided, we have adopted them.
College Park Colors: Inside and Out

By Steven W. Hurtt
School of Architecture

Colors must fit together as pieces in a puzzle or cogs in a wheel.

Athletics gets it. Students get it. Our graphic designers get it. Apparel companies get it. Even most architects seem to get it: the use of the Maryland State flag colors: red/white-black/gold.

What’s with building interiors on our UMCP campus? On much of the campus, whether you are outside or inside buildings, our State and school colors remind you of

By Steven W. Hurtt
School of Architecture

Athletics gets it. Students get it. Our graphic designers get it. Apparel companies get it. Even most architects seem to get it: the use of the Maryland State flag colors: red/white-black/gold.

What’s with building interiors on our UMCP campus? On much of the campus, whether you are outside or inside buildings, our State and school colors remind you of

Comcast Center

where you are: they affirm identity.

At a subtle level, the colors shared by the exteriors of our campus buildings contribute to that unique sense of place. Irrespective of architectural style, there are those color-material and place constants: pervasive red brick; off-white limestone; white columns; white entry doors, white window trim; black painted metal stair railings, guardrails, and ornamental work and golden bronze trim pieces like Testudo’s nose; bronze slate roofs which shade from dark grey to black while avoiding purple, orange or scarlet tones; and recent buildings with rooftop mechanical units and housings that are painted slate grey to match.

Variety? Look closely at the “red” brick and you find forty different color variations on “red” ranging from pink to dark brown and many that are of a richly variegated mix.

It is jarring when major parts of a building go awry of the basic four colors: blue tinted windows in Building #224, the Atlantic Building; green

and four strong colors associated with them. All four colors work well together, nearly any two will do.

What about interior design? When it comes to architectural interiors, to interior design, the opportunities for variety expand exponentially beyond those of athletics and graphics. With interior finishes, you also have variations in texture, material, and most particularly, the saturation levels of the colors themselves: providing a range that extends from vibrant and intense to restrained and muted.

Go into either Cole Field House or the new Arena and the colors are blaringly heraldic: heavily saturated red/white-black/gold is everywhere, “Go Terps!”

Enter the Main Administration building and you find the restrained, muted version: Classical woodwork painted a glossy white against pale yellow walls, sumptuous chairs covered in a rich yellow-gold fabric; cherry wood furnishings tasteful, subtle, nothing discordant, nothing to suggest that you are in a different university.

If the new Arena and Main Administration establish the two ends on a spectrum of possibilities, the range between those ends ought to seem both obvious and compelling. Elsewhere, the same colors but of different hues and quantities work their magic.

Walk through the Smith Business School, Kim Engineering, Knight Journalism, or CSPAC and variations on shades of red/white-black/gold keep you at home. Multi-color terrazzo floors predominantly use “our” colors, and variations on the palette show up in anything of wood and most paint and stain colors. Most recently, on wandering through the new Edward St. John Learning and Teaching Center, I was pleased to see a predominance of the Maryland colors as well.

But then there are the aberrations. On a construction-in-progress tour of the new James A. Clark building the other day, a building about which there is a great deal to admire, when it comes to colors, there is a lot of while with some strong accent colors. One accent color seems to mark pathways though multiple open lab spaces, a good orientation graphic, but the color is “orange”! Really, wide bands of orange, at Maryland?

In the same building, most of the big round concrete columns are left in their natural off-white burnished state, but one of them, central in the building and honoring graduate, inventor, and donor Robert E. Fischell, is painted a vibrant blue. Blue? Red or gold to highlight that single honorific column would have done nicely. But this is only to point to a recent example, and

College Park Colors: Inside and Out

Main Admin Building: All pictures courtesy of John T. Consoli/University of Maryland

Chincoteague Hall

Maryland State Flag.
Source: Wikimedia Commons

there are many others. Why? The control of colors on building interiors seems to be the purview of many, largely dependent on rank and authority, to whom are given no fixed parameters.

When buildings are new and have disinterested donors, the professional architects and interior designers typically make initial color and material selections. These extend from the most durable items such as natural materials unlikely to receive paint to the far less durable furnishings: carpets, tables, chairs, curtains, light fixtures and so on. But I’ve also experienced willful donors, deans, and others. Little in the way of rational argument dissuades them from imposing their point of view.

The reality is that anyone with some authority or opportunity, donors, presidents, vice presidents, deans, chairs, or anyone to whom they dived their authority from administrative assistants to friends and family members, spouses or suppliers and contractors, can determine interior design choices of all kinds.

Facilities Management staff, who are usually the most professionally qualified in these matters, are easily ignored. They provide technical review the complexities of code compliance, durability, and so forth; they are testedit and licensed by the State in such matters. They are also schooled and practiced in aesthetic matters as well. But three things limit their ability to apply that knowledge: job definition, authority, and cost.

They are a “service” group; their job definition shifts authority to those they “serve.” Authority: people with power tend to exercise it, whether they are qualified to do so or not. Cost: someone has to pay for the service, thus “others” can offer the service for “free.” Those administrative assistants, friends, relatives, spouses, and suppliers. The opportunities for this random sample of people to impose their “taste” is enormous. Interiors get lots of wear and tear, need replacement or just updating, and changes in administration offer special opportunities.

So, wander around campus into and...
College Park Colors

continued from previous page

Knight Hall

out of buildings and office suites and it is sometimes, whoa, where are we? The nearly infinite palette of red/White-black/gold is nowhere in evidence. Personal tastes, whether blandly conservative to hypefashion trends, are manifest. Why? We aim to please. Someone has been given the oppor-
tunity to play interior decorator. The rule of the day appears to be devia-
tion rather than adherence to a standard?

A standard? Is there one? If so, it is only customary. Standards and guidelines come about when things that have been customary but unreg-
ulated are violated to the extent that concern is expressed, “There ought to be a law!” I heard that when there was a change in the color scheme of the flowers making the “M” on Campus Drive from red and white to blue and yellow and this happened, innocently enough, coincident with the weekend of the Maryland-Michigan football game, ob-
jections were raised. Whoops. What might be done to avoid the proliferation of the random aberra-
tions that detract from our identity or brand, our sense of place? What is done when customary practice is sub-
verted?

Best practices establish clear stand-
ards, a set of guidelines, and a robust set of examples as a basis for discour-
aging worst cases and encouraging the best, including creative interpreta-
tion. Examples might start with one of the most important buildings in the history of architecture that happens to share the colors of our state flag rendered in marble and granite, the Pantheon in Rome. Best practices would also include more immediate examples such as the black and gold of the Recital Hall at The Clarice. Establishing a standard would be a big step toward keeping the invaders like the Blue Devils, the Syracuse Or-
angemen, and the purveyors of Har-
vard Crimson at bay.

Wouldn’t it make sense to follow the lead of athletics and the graphic de-
signers in this regard? We are direct-
ed far more rigidly from above in other matters of identity, the use of the logo among the most rigid of examples. It would not be hard to do. Dr. Loh could command it. Better yet, he could approve a recommendation from Facilities Council, the University Senate, or the Provost and or any of the Vice Presidents, most particularly the Vice President of Administration who oversees Facilities Management and Planning. It does not seem that something like this can bubble up from below. But di-
rected from above, a standard could be mandated, the necessary guide-
lines studied and approved, the inspir-
ing examples gathered, a hundred or so across a full spectrum of styles and applications from traditional to mod-
ern, from brash to restrained.

Tydings Hall

The members of the campus which we engaged earnestly conveyed their desire for a community in which no one’s academic and social pursuits are derailed by sexual assault. At present, this effort is a journey with an uncertain destination requiring com-
mitment, continuity of effort, and col-
laboration across the campus. Sex-
ual assault is such an impediment to our mission that prevention demands nothing less. The task force members put forth recommendations that out-
line a path of prevention that is com-
prehensive and will be pursued over a multi-year implementation effort. A university culture that values re-
spect, mutual responsibility, and safety as foundations to academic excellence will be inimical to atta-
cking sexual assault. These values must be emphatically and re-
peatedly expressed. Consider the comparison of the ubiquity of mes-
saging on campuses nowadays em-
phasizing sustainability to that ad-
dressing the values and commitments supporting sexual assault prevention. I submit that on many campuses, the comparison is telling. Among the factors that propel cul-
ture change are the ubiquity and con-
sistency of messaging in a community concerning its values, and those pri-
orities that will not be compromised. Faculty can join other members of the university in stating in multiple and frequent ways that sexual assault will not be tolerated, that every campus member has a role and a responsi-
bility in prevention, that resources for support and education are readily available, and that these efforts must be sustained until we reach the day in which no students are victimized.

Sexual Assault Prevention

continued from page 3

important roles to play in prevention. The following are suggestions for ac-
tions that faculty might undertake:

• In your first class session, speak to sexual assault prevention as a priority on campus in which everyone needs to be involved. You are in a position to speak to students when they are so-
ber, serious, and attentive. You can encourage participation in bystander intervention training, and help stu-
dents conceive of situations in which bystander action could make the dif-
ference in a student’s life and success at the university.

• Equip yourself with information on campus resources—especially the difference between confidential and non-confidential reporting options—
as well as basic information on report-
ing procedures and your obligations to treat students when they are so-
ber, serious, and attentive. You can encourage participation in bystander intervention training, and help stu-
dents conceive of situations in which bystander action could make the dif-
ference in a student’s life and success at the university.

• Maintain the ability to inform any student about required campus train-
ing programs, and where relevant online information about all campus resources can be found.

• Participate in optional training of faculty members in bystander intervention training, and where relevant online information about all campus resources can be found.

• Participate in optional training of faculty members in bystander intervention training, and where relevant online information about all campus resources can be found.

• Participate in optional training of faculty members in bystander intervention training, and where relevant online information about all campus resources can be found.

• Participate in optional training of faculty members in bystander intervention training, and where relevant online information about all campus resources can be found.

• Participate in optional training of faculty members in bystander intervention training, and where relevant online information about all campus resources can be found.
Mandatory-Minimum Sentences

the 100-1 disparity which provided: 5 grams of crack cocaine carried a mandato
ry minimum sentence, while 500 grams of powder cocaine carried the same mandato
ry minimum 5 year sentence. It rose to 10 years with 50 grams of crack cocaine and 500 grams (or 5 kilograms) of power cocaine.

First, President Bill Clinton (who later expressed some misgivings about portions of the bill) signed the Violent Crime Control and Law En
forcement Act which provided funding to states adopting “truth in sentencing laws.” The Act also inter established mandated life sentences for per
sons convicted of a third violent felony. Several Supreme Court cases have provided federal judges more discretion to deviate from the mandatory guide
line sentencing, and Congress in 2010 enacted the Fair Sentencing Act which reduced the crack-cocaine 100-1 ratio down to 18-1 and repealed the 5 year mandatory senten
cing for simple possession of crack cocaine. However, the net effect of the thirty year (or so) war on drugs and reduction of mandatory minimum sentences has, unfortunately, led to massive incarceration.

I offer several reasons for the review of and changes to federal drug laws. Legislative enactments and policies re
quiring mandatory minimum sentences. First, the federal government has removed the discretion of judges to take into consideration, as part of determining the appropriate sentence:

Changes to Title IX Guidance

lic comment period, the proposed regulations received nearly 10,000 comments.22 In response to this overwhelming feedback, HEW stat
ed: “Such a broad public reaction is healthy and reflects the fact that we undertook our responsibilities with a commitment to face the difficult and controversial issues inherent in the law.”23 In reviewing the public com
ment, the Department concluded that the discrimination against women in education exists unconsciously and through practices long ensnared in tradition. Therefore, the Department signed implementing regulations that would require schools to unpack such sex-based biases to work internally to correct them. Specifically, HEW an
nounced that “during the next year those in education begin a searching self-examination to identify any discrimina
tory policies or practices which may exist within their institutions.”24 Beyond spurring internal change to ensure compliance, the Department sought to preserve federal resources by limiting agency involvement in ad
 dreasingly more instances.25 In reviewing federal regulations, the Department decided to retain their discriminatory practices in light of the institution’s unique culture, practices, and traditions.

The Department published the final implementing regulations for Title IX in the Federal Register on June 4, 1975. The final regulations also contained 3 C.F.R. § 106.8, which requires recipients to designate a responsible employee to ensure compliance with Title IX and oversee the “prompt and equitable” grievance process required for stu
ents and employees to provide com
plaints, which must be investigated and resolved by the institution. Sev
eral subsequent OCR guidance mate
rials have arisen from this provision to clar
ify the contours of such a campus-
level grievance system.48 Thus, as of the
next year, those in education begin a search
ing self-examination to identify any dis-
Changes to Title IX Guidance

seemingly violates the equity require-
ment at the heart of Title IX. While the 2001 Revised Guidance barely touches on Title IX, the 2014 Q&A procedure is not required under Title IX. The 2011 DCL clarified that any proffered appeal process must be pro-
vided in accordance with Title IX. The 2014 Q&A guidance also went on to reinforce this requirement along with examples of procedures considered to be acceptable, but it include no grounds and ensuring a fair process for both parties.

As a final matter, the Department ar-
gued that it limited its scope of authority under Title IX when it required schools to “consider[] the impact of separating a student from her class on her ability to pursue her education.” As a result, students and survivors claim that the 2017 Interim Guidance infringes on the privacy of students and survivors while navigating the legal framework, and that the Department of Education failed to properly consider the effects of the policy. The court found that the 2017 Interim Guidance was not an abuse of discretion because the Department of Education did not have an opportunity to consider the effects of the policy on students and survivors while navigating the legal framework.

endents, and the 2001 Revised Guid-
ance, educational institutions may look to the American Law Institute and the New York Law School Center for Public Safety for more information on best practices to keep campuses safe. Beyond institution-led initiatives to combat campus activism led by students, sur-
vivors, and advocates are critically needed. On October 17, 2019, a stu-
dent at The University of Chicago and National Anglican occurred outside the U.S. Department of Education to push back against the Department’s efforts to block protections under Title IX. It is im-
portant to remember that these camp-
us-level actions were instrumental in spurring Obama-era federal guidance and enforcement actions.

By uniting with student leaders and advocates on our campus, we can all work together to counteract the poorly formulated interim guidance. With the support of students and advocates on our campus, we can all work together to counteract the poorly formulated interim guidance.

Reconsidering Title IX Rollback under Trump

While UMB President Perna stated that the university’s ongoing commit-
tment to address sexual violence “stands[] independent of past and the present OCR guidance,” it is impor-
tant to recognize the civil right battle that took place under the Trump administration.

Title IX pro-
tections for victims and survivors are being fundamentally undermined and is also being flipped on its head in the 2017 Interim Guidance to protect perpetrators of discrimination, harass-
ment, and violence. The Department of Education is relying on a view to resist this toxic political climate that makes a mockery of civil rights protec-
tions by holding the line and promot-
ing a narrow interpretation of the law for all students by eradicating sexually hostile environ-
ments.

It has already taken the lead by holding firmly to its values of “civility, diversity, and accountability,” which are furthered through compliance with Title IX. Many other educational institutions are still exploring what the guidance rescission and interim guid-
ance efforts mean for their campuses, level of compliance, and how UMB is standing by its current policies is a model for standing by Title IX protec-
tions. Beyond the immediate a-
lenging time, institutions seeking to comply can keep protections in place for survivors while navigating the legal minefield created by the Trump ad-
ministration through reliance on Title IX’s statutory language, relevant case law, and its implementing regulations.

This section will provide examples of how the 2017 Interim Guidance, as legal challenges have already arise and will likely continue to do so. In addition to reliance on established legal prec-
From the circular:
Opportunities to view indigenous peoples through the eyes of indigenous photographers are rare and recent. This photographic exhibition, with 51 historical and contemporary photographs, features the work of 26 indigenous artists from North America, Peru, Iraq, and New Zealand. The exhibition is distinctive in its historical reach, including newly discovered 19th-century trailblazers, members of the next generation of emerging photographers, and well-established contemporary practitioners.

Our People, Our Land, Our Images has been carefully constructed as a first-person, indigenous account—this curatorial approach is reflected in the choices of photographers and their subjects, the catalogue essays, and thoughtfully designed exhibition collateral. Reflecting contemporary trends, the photographs vary in style, from straightforward documentary accounts to aesthetically altered images combining overlays and collage. They stand united, however, in how they convey their makers' connections to the land, community, and traditions. Artists' statements, which appear in the catalogue and on the gallery walls, convey the plurality of the indigenous voices and their concerns.

Lee Marmon, Laguna Pueblo (b. 1925), Laguna Eagle Dancers, 1962, Black-and-white print

Aimee Ratana, Ngai Tuhoe/Ngati Haka Patuheuheu/Ngati Raka (b. 1978), Image 1 from the series Pukuwaitia, 2006, C-type print

Erica Lord, Athabaskan/Inupiaq (b. 1978), Untitled (I Tan to Look More Native) from the series Tanning Project, 2006 Inkjet C-print

Peña Bonita, Apache/Seminole (b. 1948), Skywalker, 2006, Color print

Larry McNeil, Tlingit (b. 1955), Yéil, 2006 Digital print

Sama Alshaibi, Iraqi/Palestinian (b. 1973), Olives from Gaza: The Bitter Dream, 2004 Digital print

Shan Goshorn, Cherokee (b. 1957), Pawnee Woman in Field from the series Earth Renewal c. 2002, Hand-tinted, double-exposed, black-and-white photograph

Shelley Niro, Mohawk (b. 1954), GIRLS 2006, Digital print

Will Wilson, Dine: Auto Immune Response #4