

Guest opinion: New Title IX changes silence victims

By ROGER SHERMAN | May 21, 2020

Have we forgotten the lessons of Jerry Sandusky at Penn State or Dr. Larry Nassar at Michigan State? How could we? How dare we!

Changes to Title IX regulations, announced recently by the US Department of Education, make it more likely that victims of sexual assault and abuse will be silenced, and perpetrators will not be held accountable. Especially egregious is that coaches and athletic trainers at the college and university level, like those who knew about Nassar and Sandusky, are no longer mandated to report sexual misconduct if they learn of it. These new regulations undermine the intent of Title IX whose intent is to outlaw discrimination based on sex in any program funded with federal dollars.

As a quick reminder, Jerry Sandusky, popular assistant football coach at Penn State used his status to sexually abuse boys; a cloak of secrecy among his peers kept the abuse hidden for more than a decade. Larry Nassar, the team doctor for US Gymnastics, sexually violated hundreds of women and girls starting in 1992 before he was finally exposed and arrested just two years ago. Both men are currently in prison but the years of silence surrounding their crimes speaks volumes about the way that sexual abuse operates.

These new Title IX regulations put a heavier burden of proof and process on victims. Among the changes here are the requirement of hearings that allow for cross-examination, similarly to how legal cases of sexual misconduct would be conducted. The rules exclude the use of trauma-informed interviewing that take into account the psychological impact sexual misconduct can have on survivors' memory and interpretation of events. They also give schools the opportunity to raise the level of evidence needed to find fault. The rules represent a substantial setback in the arena of civil rights and educational equity.

Although the Idaho Children's Trust Fund, the state affiliate of Prevent Child Abuse America, that I represent, focuses on preventing sexual abuse of children, these changes

impacting young adults are a significant step backwards in society's efforts to end the silence around sexual abuse and assault. The new rules tip the scale towards protecting perpetrators by creating requirements that will likely force many victims to remain quiet, instead of holding perpetrators accountable.

Sexual abuse and harassment thrive under conditions of ambiguity and secrecy. Unfortunately, these new rules provide disincentive for victims to come forward, making it look, on paper, like the problem is going away. It will not!

As the Sandusky and Nassar cases painfully illustrate, too many cases of sexual misconduct have been handled improperly by institutions of higher education, making it all the more difficult for victims to expect justice if and when they come forward.

The rules are scheduled to go into effect in mid-August.