

Caitlin Taylor: New federal sex assault rules troubling

By [Caitlin Taylor](#)

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“After many trusted university officials throughout the country have been involved in years-long cover-ups of sexual misconduct, is boosting rights of the accused really the right move?” Caitlin says in her latest column.

After troubling back-to-back years in collegiate sexual assault scandals, new federal guidelines for handing crimes recently rolled out.

But some of the regulations actually feel like a step backward.

Earlier this month, U.S. Secretary of Education Betsy DeVos issued new Title IX regulations, the federal gender equity law that’s meant to protect individuals who report sexual victimization, that will impose new requirements for schools completing their discipline process for sex crimes.

In the wake of Larry Nassar, convicted sex offender and ex-Michigan State University doctor believed to have assaulted at least 250 women and girls over more than 20 years, you’d think that the new orders would ensure due process for survivors.

In many ways, though, it feels that the 2,000-page ruling is adding protections for the accused.

For example, beginning Aug. 14, in any new sexual assault complaints, the accused is permitted to participate in cross-examination of the alleged victim through a third party, meaning a complainant could be questioned by the accused’s parents, friends or even fraternity brothers.

Some advocates for survivors of sexual assault say this new provision could be used to silence the victim by intimidation by the perpetrator's cohorts or simply by a triggering court process.

Sure, all parties deserve access to fair legal proceedings, but after many trusted university officials throughout the country have been involved in years-long cover-ups of sexual misconduct, is boosting rights of the accused really the right move?

Another alarming element is schools no longer being responsible for responding to sexual violence that occurred off-campus or during study abroad trips, despite large numbers of college students living in off-campus housing.

As a former Sexual Assault and Relationship Violence Peer Educator at MSU, I know that off-campus gatherings like fraternity or house parties or bar crawls sometimes are hot beds for sexual victimization.

Women college students who study abroad also are five times more likely to be raped than their counterparts who stay on their college campuses, according to a 2017 study by the Northwestern University, Evanston, Ill., College of Law.

In addition, the new regulations mandate that college students report incidents of sexual misconduct only to the school's Title IX coordinator. At the K-12 level, however, students still are encouraged to disclose to any school employee.

In a way, that's a step up from requiring all university officials to be "mandatory reporters," meaning school employees are legally obligated to report mentions of sexual violence to the university. That policy made coming forward tricky for survivors who simply are looking for support or mental health resources, rather than a lawsuit.

But for those who do want to make a report to the university, ordering the claim to go through a school's Title IX coordinator may discourage victims from coming forward, if they're barred from disclosing to a trusted professor or resident adviser.

Don't get me wrong, there are some positive Title IX changes, such as allowing virtual misconduct hearings, but we're not going to make positive change with only praise and applause.

Now's the time to be critical.