Betsy DeVos Response

We, as sexual assault survivor advocates and researchers, would like to respond to the recent decisions by Betsy DeVos and the Trump Administration to rollback the Obama-era expansions of Title IX on college campuses that protected victims of sexual harassment and assault. We believe these changes were made due to misinformation and a lack of understanding of the realities of of sexual harassment and assault. Here, we provide evidence to explain why Title IX protections for sexual harassment and assault survivors on college campuses make our students safer, ensure justice for all those involved, and to help move survivors towards healing from these traumatic experiences. 1 in 5 women will experience sexual assault in her lifetime, and the risk for young women in college is higher. The recent revelations of repeated sexual harassment and assault of several women in Hollywood by Harvey Weinstein, a prominent movie producer, only underline the necessity of preventing these behaviors and supporting survivors after incidents of abuse.

Sexual harassment and assault happen everywhere, in all industries, schools, and workplaces, and girls and women deserve more- not less- protection from our institutions. DeVos and this administration have the power to be part of the solution, by drawing from research and reliable data from advocates and professionals who are most familiar with the issues of sexual assault on college campuses. Betsy DeVos claimed that there is no clear definition of sexual misconduct, and that under the Title IX expansions, “everything” could be misconduct. While there are variations in definitions of sexual harassment and assault, all agree on the basic principles.

Additionally, it is not unreasonable to expect that people of all genders should be able to attend work and school in an environment where they feel safe and respected. The US Equal Employment Opportunity Commission (EEOC) states "It is unlawful to harass a person (an applicant or employee) because of that person's sex." This harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature. Harassment becomes illegal when it is pervasive and severe enough to create a hostile or offensive work environment. Our higher institutions of education should have policies that at the very least protect against these same behaviors. The Centers for Disease Control have developed a clear and comprehensive definition of sexual violence that is based on how researchers have demonstrated the origins of sexual violence and best practices for prevention. We recommend that all institutions of higher education adopt a consistent and clear definition of sexual harassment and sexual violence that corresponds with the EEOC and CDC definitions and includes provisions for issues that are specific to CSV.

Betsy DeVos also claimed that false accusations of harassment and rape can affect students’ lives and called for protection of men in these instances. This is not accurate or necessary. Only 2-10% of rapes are false reports, a rate that does not exceed the false reporting rates of other crimes (Lisak, Gardinier, Niksa & Cote, 2010). It is erroneous and dangerous to the well-being of survivors to present a false narrative that the most pressing issue on college campuses as it relates to sexual assault is the injustice experienced by those accused of sexual misconduct. It is imperative to ensure that those accused of sexual misconduct be treated fairly throughout the adjudication process. However, the primary issue on college campuses is a continued rate of 1 in 5 women experiencing sexual assault (National Sexual Violence Resource Center, 2016).

The best way to address campus sexual violence is to prevent it from happening in the first place (Centers for Disease Control and Prevention [CDC], 2017[CC1] ). Effective prevention must include informing students of a consistent definition of consent, guidance on how to communicate with partners about sexual intent, how to engage in and preserve healthy relationships and education to change detrimental gender expectations and cultural norms (i.e. rape culture) that continue to encourage sexual assault and blame victims when an assault occurs. The Title IX changes proposed by Betsy DeVos tell our higher education institutions that these efforts, supported by years of advocacy and research, are not important.

To take necessary actions to prevent CSV, universities need resources from both the state and federal governments. These resources are a worthwhile investment because the cost of prevention is far less than the cost of repairing the harm after the violence has been committed (Campbell, 2006; Campbell, Dworkin, & Cabral, 2009; Chen et al., 2010; Clark, Biddle, & Martin, 2002; DeLisi, 2010; Dolezal, McCollum, & Callahan, 2009; Jordan, Combs, & Smith, 2014; MacMillan, 2000). Prevention costs less than doing nothing.

It is also imperative that college campuses provide adequate resources for students who report a sexual assault and sufficient means of justice for survivors. About 1 in 6 college-aged female survivors received assistance from a victim services agency (Campus Climate Survey on Sexual Assault and Sexual Misconduct, 2015). If a survivor discloses assault, it is most often to a friend or family member (approximately 50% of the time) and rarely through a formal mechanism. That means many victims are left without resources or support to help them deal with the traumatic physical, mental, and emotional reactions to sexual assault. Academically this can lead to students missing classes, earning lower grade points averages, and ultimately dropping out. Survivors are also at high risk for depression, anxiety, obsessive compulsive disorder, Post-Traumatic Stress Disorder, anxiety and substance use problems (Resick, 1993; Cahill, 2001; Turchik & Hassija, 2014). Rape victims are also 13 times more likely to commit suicide than women who have never been victimized (National Institute of Justice, 2007). Students need access to confidential resources that facilitate post-trauma recovery as well as options to seek accommodations and justice. This includes but is not limited to access to crisis counseling, long-term counseling, victim advocates, housing accommodations, academic accommodations, and fair and non-disruptive conduct hearings.

Restorative justice is a framework that provides the best opportunity for survivors to achieve what they consider justice based on their terms. Restorative justice would require a college to address the sexual misconduct and the harms caused by it. Restorative justice also seeks to prevent future harm. One of the key tenets of restorative justice is that the survivor, in consultation with the accused, decides how best to rectify the harm done to her; which gives a survivor power. Restorative justice has the potential to transform the lives of both the perpetrator and victim in positive ways.

Because sexual assault is one of the most underreported crimes (National Sexual Violence Resource Center, 2015), it is important that services on college campuses address both prevention and providing adequate support services. Requirements need to both mandate colleges provide information to students about what to do when they have been sexually assaulted; substantial, repeated and effective sexual assault prevention education; and adequate support services for survivors, that include giving students resources and providing therapeutic interventions. Faculty and staff need to be trained on how to respond to students that report a sexual assault. Schools should also be advised on how to make campuses feel safe for students. Addressing all of these will contribute to the reduction of sexual assault on campus and validate survivor’s experiences in order to aid in their recovery.

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