

Devos' new sexual assault rules could make Lancaster County colleges 'less safe,' advocates say



• [ALEX GELI | Staff Writer](#)

A [new rule](#) released Wednesday by U.S. Secretary of Education Betsy DeVos that outlines how schools must handle allegations of sexual assault and harassment has come under fire by women's advocates.

Critics say the directive, which falls under the federal civil rights law known as Title IX, reverses the progress schools have made to protect victims on the heels of the #MeToo movement, which inspired previously silent victims to speak out against their abusers.

DeVos and her supporters, meanwhile, say the new rule, initially [proposed in 2018](#), strengthens fairness and due process for both victims and the accused.

Title IX coordinators at Lancaster County colleges told LNP | LancasterOnline the new regulations will result in sweeping changes to their policies, but they intend to lawfully update them by Aug. 14, the deadline set by the federal government.

Clery Act Reports

F&M: 39 incidents of rape, 21 incidents of fondling and 41 incidents of domestic violence

Elizabethtown: 15 incidents of rape, eight incidents of fondling and 11 incidents of dating violence.

Millersville: 10 incidents of rape, five incidents of fondling, one statutory rape and eight incidents of dating violence.

SOURCE: Clery Act reports covering 2016-2018. The federal law requires colleges to publish crime and safety statistics every year.

Campuses ‘less safe’

Jennifer Burke, an assistant professor of education and the chair of the [President’s Commission on the Status of Women](#) at Millersville University, said the new rule may silence victims in favor of protecting the accused.

Victims of sexual assault, she said, often feel a sense of shame and embarrassment. Adding a live hearing and cross-examination might prevent them from coming forward.

“It really has the potential to make campuses less safe places,” she said.

To introduce the new rule during a pandemic, Burke added, was “truly appalling.”

But DeVos, in a statement, pointed at the new regulation as a way to support students who had lost access to education because of a school’s inadequate response to a student complaint of sexual harassment or sexual assault.

DeVos said the new regulation requires schools to act in “meaningful ways to support survivors of sexual misconduct, without sacrificing safeguards to ensure a fair and transparent process.”

Most notably, the rule prohibits universities from using a single official to investigate and judge complaints, and instead requires them to hold a live hearing in which representatives of the accused can challenge evidence and cross-examine the victim.

It defines sexual harassment to include sexual assault, dating violence, domestic violence and stalking, but requires it to be severe, pervasive and objectively offensive.

Title IX investigations

Franklin & Marshall College has the lone active Title IX investigation among Lancaster County colleges, according to [a list](#) published May 1 by the U.S. Department of Education. The case was opened in March 2014 and involves sexual violence.

Susan J. Frietsche, senior staff attorney at [Women’s Law Project](#), a public interest law center with offices in Philadelphia and Pittsburgh, said DeVos’ new rule derails the efforts schools are making to respond better to complaints of sexual harassment and assault.

“This new regulation undoes much of that hard work, throws schools into confusion in the midst of a pandemic, and turns back the clock on the progress schools have struggled so hard to make,” Frietsche said.

The document DeVos released Wednesday is 2,033 pages.