

THE CONVERSATION

EDITORIAL OPINION

Title IX fight is only one front in war against sexual misconduct

As the Trump-era U.S. Department of Education prepares to change the rules governing how colleges and universities respond to allegations of sexual assault and harassment, it's safe to suggest that the move won't settle

what has become one of the most contentious issues in this very contentious time.

On one side are those who agree with Education Secretary Betsy DeVos that Obama-era guidance on complying with Title IX, the federal law prohibiting gender discrimination

at schools receiving federal funding, went too far. They complain that sexual misconduct was defined too broadly, that the rules were stacked against the accused and that schools were pressured to punish anyone accused lest they be shamed or lose funding.

On the other are those who point to a long, shameful history of sexual harassment and violence against women being swept under the rug by institutions that cared more about their public image than the well-being of women students and employees. These

advocates want federal pressure to remain on colleges and universities to follow strict protocols for responding to complaints.

In the past decade or two, most Americans have come to expect schools at all levels to take the problem of sexual misconduct seriously: to work to prevent it, to acknowledge when it happens and to provide support for victims and consequences for perpetrators. That's an unambiguously good thing, given the history of negligence.

But getting the rules just right is proving difficult.

The very nature of sexual misconduct — the things that can make it devastating to its victims — make truth-finding and justice especially complicated. The offenses often happen away from witnesses. Explaining what happened can require revealing painfully embarrassing personal details. Judgment and memories can be clouded by alcohol, drugs and emotion.

Two essential goals — protecting victims from further trauma and providing due process for the accused — naturally conflict. To insist that accusations shouldn't be questioned — that none will ever be false — is unreasonable.

All of this is difficult enough for courts of law to handle fairly and without undue harm; for disciplinary



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THE INSIDE STORY

Young and old struggle to discern reliable online sources



Alan Miller

I spend time each week in fascinating conversations with college students talking about news.

I also hear occasionally from older news consumers who accurately observe

that college students typically don't read newspapers and wonder about the future of the country.

This is ironic on a couple of levels. First, college-age adults are keenly interested in news; they just don't get it from ink on paper, and some have trouble discerning between reliable and questionable sources. Second, a study released in January showed that people over age 65 and ultra conservatives shared about seven

times more fake information masquerading as news on Facebook than younger adults, moderates and super liberals during the 2016 election season.

That indicates that young readers aren't the only ones having trouble telling the difference between reliable and unreliable sources.

The study released in January, the first major study to look at who is sharing links from debunked sites, finds that not many

people are doing it. On average only 8.5 percent of those studied — about 1 person out of 12 — shared false information during the 2016 campaign, according to the study in the journal *Science Advances*. But those doing it tend to be older and more conservative.

Researchers at Princeton University and New York University in 2016 interviewed 2,711 people who

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panels at academic institutions, the potential for getting it wrong is even greater.

Many question, reasonably, why colleges and universities are adjudicating claims of serious crimes such as sexual assault at all. Ideally, those should be tried in the criminal-justice system. But the very difficulty of it means many victims don't want to subject themselves to a criminal trial.

Guidance issued to schools during the Obama administration aimed to provide more recourse to victims and to avoid causing them additional trauma. It encouraged schools to decide accusations based on a "preponderance of evidence," a relatively low standard meaning the accused is considered responsible if evidence makes it more likely than not that he committed the offense. It required schools to respond to allegations of harassment or assault of students no matter whether or not they occurred on campus.

It defined sexual harassment broadly as "unwelcome conduct of a sexual nature" and did not guarantee accused parties the right to cross-examine their accusers or appeal findings against them.

The changes proposed by DeVos would relax requirements on schools, allowing them to offer mediation as an option and narrow the definition of

harassment to conduct that is so "severe, pervasive and objectively offensive" that it denies the victim equal access to education. Schools would not be required to investigate alleged incidents that happen just off campus, such as in campus-area apartments.

DeVos would allow schools, if they choose, to adopt a higher standard of proof — "clear and convincing evidence" — as long as the same standard is applied to all cases. Most controversially, the DeVos changes would guarantee accused parties the right to cross-examine their accusers — not personally, but through an attorney or adviser.

Based on its formal comment on the proposed changes, Ohio State University intends to stick to the more-stringent requirements of the Obama-era guidance. It will continue to use the preponderance-of-evidence standard and to address alleged incidents off campus if officials determine they pose a safety threat or create a hostile environment for students.

Commendably, Ohio State already has been allowing accused parties to present their own witnesses and evidence and to have attorneys or advisers who can question the accuser. It allows either party to appeal.

The sordid revelations of OSU's ongoing investigation of sexual-assault allegations against the late Dr.

Richard Strauss suggest how much has changed at the university and in society. Compare the protect-the-institution

culture that apparently allowed Strauss to abuse students with impunity to the robust investigation the university is conducting more than 30 years after the fact.

Title IX remains an essential backstop against colleges and universities ignoring or tolerating sexual misconduct that interferes with anyone's right to an education. The debate over the best way to implement it should go on.

Ultimately, though, the surest progress likely will stem from the same cultural shifts that propel the MeToo movement: Mainstream society no longer is willing to tolerate or ignore sexual misconduct and will punish even the most powerful people and institutions that do.

Ohio State's response to the proposed rule changes — opting to continue the victim-friendly provisions of the Obama guidance as well as afford due process for the accused — is similar to that of other mainstream universities and organizations such as the American Association of Universities, currently headed by OSU President Michael V. Drake. Presumably, all those institutions want to do the right thing.

But we also have arrived at a place where being seen as a school that sweeps sexual harassment and assault under the rug is more damaging than acknowledging the offenses that happen. That is real progress worth preserving.

MILLER

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used Facebook. Of those, nearly half agreed to share all their postings with the professors.

The irony, of course, is that some of those older people sharing bad information on Facebook are among those wondering about the future of the country in the hands of young people who don't read newspapers.

But those young people do consume news.

As you might expect in this digital age, rather than reading physical newspapers, they consume news primarily on their smartphones. (I purposely use the word "consume," because they don't just read. They also listen to news on podcasts and watch it in videos.)

I often ask college students where they go for news, and they routinely cite social media and aggregators — sites that pull in headlines and link back to stories produced by so-called legacy news organizations, including newspapers and TV news networks. They also go to a number of online-only sites that have developed reputations for fair and accurate reporting.

Some acknowledge being "scanners," who skim headlines looking for stories that interest them and sometimes stopping long enough to click on links and read beyond a summary of the story. That isn't all that different than traditional newspaper readers, some of whom skim their way through the paper, stopping to read the stories that pique their interest.

The biggest difference between the two groups of news consumers is that the younger group reading news almost exclusively online is faced with a sometimes overwhelming number of options, as was illustrated by

a study produced last year by Northeastern University in Boston.

In an article about the study on the Northeastern website, Molly Callahan wrote that college students turn to their peers and online versions of trusted newspapers for news at least twice as often as they do to print publications, TV or podcasts. "Those who get their news on social media turn to Facebook, Snapchat and YouTube more often than Twitter. And nine out of 10 college students get their news from at least five different sources in a given week," she wrote.

One of the Northeastern researchers, Dan Cohen, wrote that the study, "How Students Engage with News," details how college students are overwhelmed by the flood of information they see on websites and in apps, which is a result of their extraordinarily frequent attention to smartphones and social media.

"Students are interested in news, and want to know what's going on, but given the sheer scale and sources of news, they find themselves somewhat paralyzed," wrote Cohen, a vice provost, dean and professor at Northeastern.

"Furthermore, much of what they consume is visual rather than textual — internet genres like memes, gifs, and short videos play an outsized role in their digestion of the day's events. ... Of course, the entire population faces the same issues around our media ecology, but students are an extreme case."

The yearlong study surveyed 5,844 students at 11 U.S. colleges and universities. Researchers also combed through posts from 135,000 college-aged Twitter users to better understand their news-sharing behavior.

The researchers concluded that "the

findings suggest young adults believe news is valuable to their lives and to society on the whole, and many see themselves as active participants in its dissemination. Yet, the new digital environment and current political reality has made successful navigation extremely difficult.

"Educational and media institutions need to do far more to help this emerging generation succeed in this confusing, overwhelming, and often misleading online environment," the Northeastern researcher wrote. "Ultimately, they must educate young adults to understand how to find and engage with credible information and give them the knowledge necessary to fulfill both their personal needs and civic roles. This may be one of today's most difficult, yet vitally important, educational endeavors."

The more recent study looking at who shared bad information most often on Facebook indicates that this concern about the need for online readers to be more discerning about news sources stretches across the spectrum of news consumers to include some senior citizens who have been sharing bad information on Facebook.

The study by Princeton and NYU researchers showed that when other demographics and overall posting tendencies are factored in, the average person older than 65 shared seven times more false information than those between 18 and 29. The seniors shared more than twice as many fake stories as people between 45 and 64 and more than three times that of people in the 30- to 44-year-old range, said lead study author Andrew Guess, a politics professor at Princeton.

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