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U.S. Secretary of Education Betsy DeVos touted the new Title IX regulations as motivated by the Department of Education's desire to "rebalance scales of justice" and effectively provide "due process" and "fairness" in investigations of sexual assault, specifically on college campuses. In fact, these new regulations only serve to further tip the already heavily weighted scales against victims of sexual assault and harassment.

Several key components of the new Title IX regulations, developed and released by the Department of Education, will make a young survivor's journey to healing more fear-provoking than ever, including: allowing a survivor to be cross examined by an advocate of the accuser's choice, the exclusion of requiring trauma-informed investigation procedures that take into account the psychological impact sexual misconduct can have on a survivor's memory, and allowing the burden of proof to be raised to "clear and convincing evidence." These sweeping measures, taken in the name of "due process," is misguided.

There is no due process for survivors. Historically, victims' voices have been stifled by authorities, their cases have not been adequately investigated, and they have received little to no justice.

While the #MeToo movement has encouraged victims to come forward and name the perpetrator who has sexually abused or harassed them, it has also come under attack by those who claim that it subverts the principle that everyone deserves due process before he or she is found guilty of an act.

The adversaries of #MeToo, and now the U.S. Department of Education, have incorrectly used the term "due process." Due process has a specific legal meaning: it is the legal requirement that no citizen be deprived of his or her legal right by the state without proper application of the law. In other words, under due process, the government cannot take someone's property or incarcerate him or her without a legal procedure first. While a person who is accused of sexual assault may feel as if he or she has been treated unfairly by the media, a workplace, or a school, his or her rights, property, and freedom have not been taken away by the government.

In an effort to understand the social implications, thoughts, and feelings surrounding the #MeToo movement, the National Center for Victims of Crime engaged in an extensive evaluation where issues of due process were examined. To do this, we surveyed over 100 men and 100 women, held in-person focus groups, and interviewed attorneys and media experts. During this process, one question asked was "Do you feel more comfortable reporting sexual assault since the movement started?". Of those surveyed, 43.5 percent said yes and 31.3 percent said no. Conversely, the men were asked, "Are you more worried about false accusations toward yourself since the #MeToo movement started?". A resounding 83 percent said no, and only 9.8 percent said yes.

These findings suggest the more considerable barrier to offender accountability, and a sense of justice remains within the victim's lack of comfort level and trust in a system that is supposed to support and protect him or her. These changes to Title IX foster a system that lacks progress and accountability and leaves victims vulnerable to retraumatization. The victim services field has made tremendous strides in advancing systemic response to crime victims by encouraging a victim-centered, trauma-informed process. Unfortunately, it is our fear that these steps in Title IX may negate those efforts.