

Barbara Kay: Betsy DeVos' support of due process on campuses makes her an excellent pick for secretary of education  
[National Post](#) - Tuesday January 24th, 2017

Barack Obama was the first president to make the advancement of feminist demands a priority. So the election of the sexist Trump has hit progressive women particularly hard. They fear that their hard-won battles for equality and rights will be rolled back by Trump through legislation or by the coming preponderance of conservative Supreme Court justices.

But there is one area that could stand a little rollback, and when Betsy DeVos is confirmed as Secretary of Education, it will be. DeVos's confirmation hearing was especially brutal. DeVos is deeply conservative and a member of the billionaire's club surrounding Trump. And definitely not a feminist. Although DeVos's passion for Charter schools is the most frequently cited talking point in the media when her name comes up, today I am more interested in another facet of her agenda, which is to return due process to the campus in cases of sexual misconduct.

During her hearing Sen. Bob Casey asked DeVos whether she agreed "that the problem — and that's an understatement in my opinion — of sexual assault on campus is a significant problem that we should take action on." DeVos responded, tellingly, that she believes "sexual assault in any form or in any place is a problem," by implication rejecting Casey's implication that there is a "rape culture" of epidemic proportions entrenched in campus life. Then Sen. Casey pressed her on whether she would uphold the education Department's 2011 "Dear Colleague" letter, which she evaded answering yes or no to, merely asserting that she would work with members of the Senate to "find some resolutions," adding it would be "premature" to commit one way or another.

(--image--)

What, you are wondering, is so special about the "Dear Colleague" letter that it needed no further explanation? To understand, we must go back to Title IX, instituted in 1972, a comprehensive federal law that prohibits discrimination on the basis of sex in any federally funded education program or activity. At first it was applied mainly to sports programs, under-resourced for women, but by 1987 Title IX had broadened out to include every area of campus life — academic, health, housing, etc — and ultimately became the primary tool in combatting alleged rape culture on campus. In 2011, the Office of Civil Rights (OCR) of the Department of Education issued the alluded-to Dear Colleague letter, which was sent to every public and private college and university administration, mandating — via Title IX — the suspension of due process for an accused in sexual misconduct cases, with failure to do so grounds for withdrawal of federal funds. This was an illegal misreading of Title IX, but it went down well with feminist groups like the American Association of University Women (AAUW), who were delighted to see "a preponderance of the evidence," i.e. a 50.1 per cent likelihood of guilt, replace "beyond a reasonable doubt (95 per cent certainty)," the standard in criminal court. The procedures outlined in Dear Colleague made it very difficult for an accused individual to defend himself: he could not see or present evidence, have a lawyer represent him, or confront his accuser, all routine rights in any real court.

(--image--)

Terrified of losing funding, administrations not only complied with the OCR directive, they went overboard. The OCR's understanding of "sexual misconduct" is so flexible it can mean anything from an improper word or glance to rape. Thus, City University of New York's Graduate Center instructed its faculty to stop addressing students as "Mr." or "Ms." in order not to cause possible offence. A Brandeis student was found guilty — without a hearing — of sexual misconduct for staring at his boyfriend's body in a bathroom. Many young men's lives have been ruined by what amounts to show trials mounted in deference to the OCR letter. One freedom of speech advocate described the OCR as "a massive, bureaucratic agency staffed with 650 lawyers ... (with) one job: punish universities that don't sufficiently police campuses for harassment and discrimination."

One of the charges levelled against Betsy DeVos in her hearing, urged on by the AAUW, was that she has contributed money to the Foundation for Individual rights in Education (FIRE), a nonprofit that bullishly defends freedom of speech and due process rights of university students and faculty. This is grossly unfair. Because FIRE defends the unjustly accused, DeVos is being portrayed as an enemy of women victims, obviously not the case at all.

At her hearing, DeVos said: "If confirmed, I look forward to understanding the past actions and current situation better and to ensuring that the intent of the law is actually carried out in a way that recognizes both the victim — the rights of the victims — as well as those who are accused." These words should not be considered controversial in any just society. DeVos has proved in her confirmation hearing that she can take the heat. I look forward to what she will cook up in her new kitchen.

National Post

kaybarb@gmail.com

Twitter.com/BarbaraRKay

(--image--)

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```
CommentsnpReady(function(){npJ('.npStoryShare .npIconComments').unbind().bind('click',function(){npJ('html, body').animate({scrollTop:npJ('#disqus_thread').offset().top});return false})})
```

LinkedIn

Tumblr

Pinterest

Digg

FarkIt

StumbleUpon

```
jQuery( document ).ready( function() {

googletag.cmd.push(function() {

var gpt_bigboxtop = googletag.

defineSlot ("/3081/npo_opin/full-comment/story", [[300,250],[300,251],[300,600],[300,601]] , 'gpt-bigboxtop');
adSlots.push( gpt_bigboxtop ); gpt_bigboxtop.addService( googletag.pubads() )
.setTargeting(
'loc'
, "top" )

; pnJustInTime.route(
{
ad_id: "#gpt-bigboxtop",
pixels_away:100,
pixels_away_count:1,
mode:'down',
lazy_loading_enabled:"on",
refresh_enabled:"on",
refresh_count:5,
refresh_time:62,
block_these_ads:"#gpt-bigboxtop, #gpt-grannybar,#gpt-skinnybar,#gpt-wallpaper, #gpt-leaderboard, #gpt-leaderboard-
mobile, #gpt-oop, #gpt-bigboxtop-mobile, #gpt-impulse, #gpt-impulse-mobile, #gpt-300x600, #gpt-title250x60, #gpt-
title88x31, #gpt-tile-120x90, #gpt-bigboxnewsletter, #gpt-impulsebot, #gpt-impulsebot-mobile, #gpt-impulsemid",
admode:""",
ad_data:'null',
adslot: gpt_bigboxtop,
}
);

});

});
```

Full Comment Videos( function() { pnShowVideo( "1\_9hi1opyb", 798880, "", "", "false", "", "", "kaltura", "playlist",  
"http://news.nationalpost.com/full-comment/video/{videoId}", null, "" ); } )(); Post Picks

Supermodel comes out as intersex: 'My body isn't really male or female,' Hanne Gaby Odiele reveals (--image--)  
Supermodel wants to break the "taboo" surrounding the syndrome of being born with sex characteristics that aren't

entirely male or female

Piers Morgan suffers Twitter meltdown following Ewan McGregor's criticism of his Women's March comments (--image--) 'Maybe actors should just talk about their films, and not get so worked up about politics because it's not really their game'

No, Gwyneth Paltrow, women should not put jade eggs in their vaginas, gynecologist says (--image--) An OB/GYN called the idea 'the biggest load of garbage' she's read on Goop since vaginal steaming and worse than saying wearing bras is linked to cancer

Watch: Shia (The Beef) LaBeouf shut down Nazi troll during anti-Trump livestream — without laying a hand on him (--image--) The project, which LaBeouf has labelled 'a show of resistance or insistence, opposition or optimism,' is meant to run for four years

Cossack squats and human flag: Seven exercise moves you've probably never considered (--image--) No need for gimmicky exercise equipment. These tough moves will shake up your same-old, same-old gym routine

## Recent Tweets

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Colby Cosh: Kevin O'Leary didn't come back for you. In fact, he didn't come back at all! [ow.ly/Qyda508S5Sb](https://ow.ly/Qyda508S5Sb) 1 day ago

--image-- FP CommentSomeone just hired Hunter Harrison for \$100 million — and there's an excellent reason whyKevin Libin: The only Fake News the government wants you to see is Government Fake NewsTerence Corcoran: Trump's anti-trade troops are already marching America backwards from greatness

```
jQuery( document ).ready( function() {
```

```
googletag.cmd.push(function() {
```

```
var gpt_bigboxbot = googletag.
```

```
defineSlot ("/3081/npo_opin/full-comment/story", [[300,250],[300,253],[300,600],[300,603]] , 'gpt-bigboxbot');
```

```
adSlots.push( gpt_bigboxbot ); gpt_bigboxbot.addService( googletag.pubads() )
```

```
.setTargeting(
```

```
'loc'  
, "bot" )  
  
; pnJustInTime.route(  
{  
  ad_id: "#gpt-bigboxbot",  
  pixels_away:100,  
  pixels_away_count:1,  
  mode:'down',  
  lazy_loading_enabled:"on",  
  refresh_enabled:"on",  
  refresh_count:5,  
  refresh_time:62,  
  block_these_ads:"#gpt-bigboxtop, #gpt-grannybar,#gpt-skinnybar,#gpt-wallpaper, #gpt-leaderboard, #gpt-leaderboard-  
mobile, #gpt-oop, #gpt-bigboxtop-mobile, #gpt-impulse, #gpt-impulse-mobile, #gpt-300x600, #gpt-title250x60, #gpt-  
title88x31, #gpt-tile-120x90, #gpt-bigboxnewsletter, #gpt-impulsebot, #gpt-impulsebot-mobile, #gpt-impulsemid",  
  admode:""",  
  ad_data:'null',  
  adslot: gpt_bigboxbot,  
}  
);  
  
});  
});
```

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```
var NPFreeScreen = NPFreeScreen || {};  
NPFreeScreen.ajaxUrl = 'http://news.nationalpost.com/wp-admin/admin-ajax.php';  
NPFreeScreen.nonce = '157619413e';_fskparameters=[];
```

```
if ( localStorage && localStorage.getItem("janrainCaptureToken") ) {
  _fskparameters['_sid'] = localStorage.getItem("npPostPointsSid");
}
if ( ! _fskparameters['_sid'] ) {
  _fskparameters['_sid'] = "";
}
} else {
  _fskparameters['_sid'] = "";
}
}
```

```
janrain.settings.borderColor = '#ffffff';
janrain.settings.fontFamily = 'Helvetica, Lucida Grande, Verdana, sans-serif';
janrain.settings.width = 300;
janrain.settings.actionText = '';
janrain.settings.capture.modalCloseHtml = '';
janrain.settings.capture.noModalBorderInlineCss = true;

janrain.settings.capture.flowName = 'standard';
```

[Sign Up / Sign In](#)

With your existing account from:

```
{* loginWidget *}
```

or with your account:

```
{* #signInForm *}
```

```
{* signInEmailAddress *}
```

```
{* currentPassword *}
```

[Forgot your password?](#)

[Sign In](#)

[Create Account](#)

```
{* /signInForm *}
```

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Sign in to your account

Welcome back, { \* welcomeName \* }!  
{ \* loginWidget \* }  
Not { \* welcomeName \* }? Switch Account

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Sign in to your account

Welcome Back, { \* welcomeName \* }!

{ \* #signInForm \* }  
{ \* signInEmailAddress \* }  
{ \* currentPassword \* }

Sign In

{ \* /signInForm \* }  
Not { \* welcomeName \* }? Switch Account

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Account Deactivated

Your account has been deactivated.

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Account Reactivation Failed

Sorry, we could not verify that email address.

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Account Activated

Your account has been reactivated.

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## Email Verification Required

You must verify your email address before signing in. Check your email for your verification email, or enter your email address in the form below to resend the email.

{\* #resendVerificationForm \*}  
{\* signInEmailAddress \*}

{\* /resendVerificationForm \*}

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Almost Done!

Please confirm your details below.

{\* #socialRegistrationForm \*}

{\* firstName \*}  
{\* lastName \*}  
{\* emailAddress \*}  
{\* displayName \*}

Postmedia wants to improve your reading experience as well as share the best deals and promotions from our advertisers with you. The information below will be used to optimize the content and make ads across the network more relevant to you. You can always change the information you share with us by editing your profile.

Birthdate{\* birthdate \*}

Gender{\* gender \*}

Attention Print Newspaper SubscribersFor verification of Print Subscriber offers (e.g. epaper, Digital Access, Subscriber Rewards), please input your Print Newspaper subscription phone number and postal code.

{\* phone \*}

{\* addressPostalCode \*}

By clicking "Create Account", I hereby grant permission to Postmedia to use my account information to create my account.

I also accept and agree to be bound by Postmedia's Terms and Conditions with respect to my use of the Site and I have read and understand Postmedia's Privacy Statement. I consent to the collection, use, maintenance, and disclosure of my information in accordance with the Postmedia's Privacy Policy.

{\* backButton \*}

{\* /socialRegistrationForm \*}

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Almost Done!

Please confirm your details below. Already have an account? [Sign In](#).

{\* #registrationForm \*}

{\* firstName \*}

{\* lastName \*}

{\* emailAddress \*}

{\* displayName \*}

{\* newPassword \*}

{\* newPasswordConfirm \*}

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Birthdate{\* birthdate \*}

Gender{\* gender \*}

Attention Print Newspaper SubscribersFor verification of Print Subscriber offers (e.g. epaper, Digital Access, Subscriber

Rewards), please input your Print Newspaper subscription phone number and postal code.

{\* phone \*}

{\* addressPostalCode \*}

By clicking "Create Account", I hereby grant permission to Postmedia to use my account information to create my account.

I also accept and agree to be bound by Postmedia's Terms and Conditions with respect to my use of the Site and I have read and understand Postmedia's Privacy Statement. I consent to the collection, use, maintenance, and disclosure of my information in accordance with the Postmedia's Privacy Policy.

{\* backButton \*}

{\* /registrationForm \*}

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Verfiy your email

We have sent you a confirmation email to {\* emailAddressData \*}. Please check your inbox and follow the instructions to confirm your email address.

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## Create a new password

Follow these simple steps to create a new password:

1. Enter your email address below
2. Wait for the instructions to arrive in your inbox
3. Follow the instructions to update your password

{\* #forgotPasswordForm \*}

{\* signInEmailAddress \*}

{\* backButton \*}

{\* /forgotPasswordForm \*}

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## Create a new password

We've sent an email with instructions to create a new password. Your existing password has not been changed.

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```
{* mergeAccounts {"custom": true} *}
```

## Merge Your Accounts

```
{| rendered_current_photo |}
```

```
{| current_displayName |}  
{| current_emailAddress |}
```

```
{| foundExistingAccountText |} {| current_emailAddress |}.
```

```
{| moreInfoHoverText |}  
{| existing_displayName |} - {| existing_provider |} : {| existing_siteName |} {| existing_createdDate |}
```

```
{| moreInfoText |}
```

```
{| existing_displayName |}  
{| existing_provider_emailAddress |}
```

```
Created {| existing_createdDate |} at {| existing_siteName |}
```

{| connectLegacyRadioText |}

{| createRadioText |} {| current\_provider |}

Validating

{| connect\_button |}

{| create\_button |}

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Sign in to complete account merge

{\* #signInForm \*}

{\* signInEmailAddress \*}

{\* currentPassword \*}

{\* backButton \*}

Sign In

{\* /signInForm \*}

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## Resend Verification Email

Sorry, we could not verify your email address. Please enter your email below, and we'll resend the instructions for email verification.

{\* #resendVerificationForm \*}

{\* signInEmailAddress \*}

{\* /resendVerificationForm \*}

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## Verification Email Sent

Check your email for a link to verify your email address.

Close

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Email Verified

Thank you for verifying your email address.

Close

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Change Password

{\* #changePasswordFormNoAuth \*}

{\* newPassword \*}

{\* newPasswordConfirm \*}

{\* /changePasswordFormNoAuth \*}

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Password Changed

Your password has been successfully updated.

Close

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FAQ

Create New Password

We didn't recognize that password reset code. Please enter your email below, and we'll send you a new code to reset your password.

{\* #resetPasswordForm \*}

{\* signInEmailAddress \*}

{\* /resetPasswordForm \*}

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FAQ

Create New Password

We've sent you an email with instructions to create a new password. Your existing password has not been changed.

Close

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Post to

Cancel

/\* \*/

/\* \*/

```
/* */

//

_tkq = window._tkq || [];
_stq = window._stq || [];
_tkq.push(['storeContext', {'blog_id':'37979189','blog_tz':'-5','user_lang':'en','blog_lang':'en','user_id':'0'}]);
_stq.push(['view', {'blog':'37979189','v':'wpcom','tz':'-5','user_id':'0','post':'1300646','subd':'nationalpostcom'}]);
function st_vt() {var
x=document.createElement("img");x.src="http://pixel.wp.com/g.gif?blog=37979189&v=wpcomvt&tz=-
5&user_id=0&post=1300646&subd=nationalpostcom&rand="+Math.random();}
_stq.push(['extra',
{'crypt':'UE40eW5QN0p8M2Y/RE1BNmNJfGhxNCVxUDExYmtib2E/SzdEJm0lUEtbdFU0fFk4cHZvcUFrZT90Tn4yQr
_stq.push(['clickTrackerInit', '37979189', '1300646' ]]);

(--image--)

if ( 'object' === typeof wpcom_mobile_user_agent_info ) {

wpcom_mobile_user_agent_info.init();
var mobileStatsQueryString = "";

if( false !== wpcom_mobile_user_agent_info.matchedPlatformName )
mobileStatsQueryString += "&x_" + 'mobile_platforms' + '=' +
wpcom_mobile_user_agent_info.matchedPlatformName;

if( false !== wpcom_mobile_user_agent_info.matchedUserAgentName )
mobileStatsQueryString += "&x_" + 'mobile_devices' + '=' +
wpcom_mobile_user_agent_info.matchedUserAgentName;

if( wpcom_mobile_user_agent_info.isIPad() )
mobileStatsQueryString += "&x_" + 'ipad_views' + '=' + 'views';

if( "" != mobileStatsQueryString ) {
new Image().src = document.location.protocol + '//pixel.wp.com/g.gif?v=wpcom-no-pv' + mobileStatsQueryString +
'&baba=' + Math.random();
}

}

//right rail native ads position
jQuery(document).ready(function(){
if (jQuery("#npContentSide .pn_kaltura").length>0) {
jQuery("#npContentSide .pn_kaltura").prev("#npContentSide
.npGutterBot:not(.npAd)").removeClass("npGutterBot").css("margin-bottom","30px");

}
});
```

```
jQuery(document).on('keydown', '.sponsored-icon img', function() {
jQuery(this).click();
});
```

```
jQuery(document).on('click', '.sponsored-icon>img', function() {
var popUpBox=jQuery(this).next(".sponsored-icon-popup");
if (popUpBox.css("display")==='none') {
popUpBox.fadeIn("slow");
} else {
popUpBox.fadeOut("slow");
}
});
```

```
jQuery(document).on('click', '.sponsored-icon-popup>img', function() {
jQuery(this).parent().fadeOut("slow");
});
```

```
jQuery(document).on('click', '.sponsored-icon>input[type=image]', function() {
var popUpBox=jQuery(this).next(".sponsored-icon-popup");
if (popUpBox.css("display")==='none') {
popUpBox.fadeIn("slow");
popUpBox.focus();
} else {
popUpBox.fadeOut("slow");
}
});
```

```
jQuery(document).on('click', '.sponsored-icon-popup>input[type=image]', function() {
jQuery(this).parent().fadeOut("slow");
});
```

```
window.fbAsyncInit = function() {
FB.init({
appId : '114466555268868',
xfbml : true,
version : 'v2.4'
});
};
(function(d, s, id){
var js, fjs = d.getElementsByTagName(s)[0];
if (d.getElementById(id)) {return;}
js = d.createElement(s); js.id = id;
js.src = "//connect.facebook.net/en_US/sdk.js";
fjs.parentNode.insertBefore(js, fjs);
```

```
}(document, 'script', 'facebook-jssdk'));
```

(--image--)

```
var _sf_async_config = {uid: 34988, domain: 'postmedia.com', sections:'nationalpost.com,nationalpost_full comment',  
path: window.location.pathname};  
_sf_async_config.authors = 'Barbara Kay';(function(){  
function loadChartbeat() {  
window._sf_endpt = (new Date()).getTime();  
var e = document.createElement('script');  
e.setAttribute('type', 'text/javascript');  
e.setAttribute('src',  
(('https:' == document.location.protocol) ? 'https://a248.e.akamai.net/chartbeat.download.akamai.com/102508/' :  
'http://') +  
'static.chartbeat.com/js/chartbeat_video.js');  
document.body.appendChild(e);  
}  
var oldonload = window.onload;  
window.onload = typeof window.onload !== 'function' ? loadChartbeat : function () {  
oldonload();  
loadChartbeat();  
};  
})();
```

```
var _gaq = _gaq || [];  
_gaq.push(['_setAccount', 'UA-17097415-1']);  
_gaq.push(['_setDomainName', document.location.hostname]);  
_gaq.push(['_trackPageview']);  
(function() {  
var ga = document.createElement('script'); ga.type = 'text/javascript'; ga.async = true;  
ga.src = ('https:' == document.location.protocol ? 'https://ssl' : 'http://www') + '.google-analytics.com/ga.js';  
var s = document.getElementsByTagName('script')[0]; s.parentNode.insertBefore(ga, s);  
})();
```

```
var _comscore = _comscore || [];  
_comscore.push({ c1: '2', c2: '10276888' });  
(function() {  
var s = document.createElement('script'), el = document.getElementsByTagName('script')[0]; s.async = true;  
s.src = (document.location.protocol == 'https:' ? 'https://sb' : 'http://b') + '.scorecardresearch.com/beacon.js';  
el.parentNode.insertBefore(s, el);  
})();
```

(--image--)

/\* \*/

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