2018

The #Metoo Controversy

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Introduction:

The #metoo movement called attention to previously unheard cases of sexual misconduct in Hollywood. The revelation of the actions of Harvey Weinstein and Kevin Spacey were publicly condemned by all and resulted in them losing their jobs and their respect in Hollywood; however, there are other people's actions that have come to light as a result of the #metoo movement that are not as clear cut. For instance, when Aziz Ansari was accused of sexual assault in a babe.net article by a woman that he had gone on a date with, many people felt that the events as the woman described them did not fit the definition of what they believed to be sexual assault. It called into question whether Ansari's actions during the date were worthy of the stigmatization that came with individuals targeted during the #metoo movement. Were Ansari's actions worthy of the public humiliation and potentially career ending character assassination that he received as a result of this article? The #metoo movement has not only caused a spotlight to be on sexual misconduct and the treatment of women in America, it has raised attention to the grey areas of sexual misconduct and that includes taking a look at what counts as sexual harassment and sexual assault. This extends beyond Aziz Ansari's bad date into other individuals who have been put into the spotlight in the #metoo era and also other public arenas like college campuses, and the workplace. It is critical that we, as a society, decide what counts as an instance of sexual misconduct so we can devise effective policies to address this issue that are fair to all sides.

The #Metoo Movement

The #metoo movement first began in 2006 with a woman named Tarana Burke. Burke first had the idea for "Me too" while volunteering at a camp. A young girl told her that her mother's boyfriend had been abusing her. Instead of embracing the girl and telling her that she also had been sexually assaulted, she sent her to another counselor. The "me too" comes from

Burke wanting to tell this girl and others in her position “me too.” Burke wanted the “me too” movement to be an avenue where women of color could find others who had been in the same situation and gain strength from it. From this desire to tell others “me too,” Burke built up a movement that people who didn’t have access to crisis centers could connect with others that were in the same position, this spawned a Myspace Page and T-shirts that bore the phrase (Ohlheiser, 2017).

Although Burke coined the phrase in 2006, it wasn’t until 2017 that the #metoo movement gained attention on a national level. This happened just days after the *New York Times* wrote a scathing article detailing Harvey Weinstein’s systemic process of forcing women to engage in sexual acts with him through means of deception or outright propositioning. This article drew attention to Weinstein’s obvious pattern of behavior and resulted in him losing his position in his company and his power in Hollywood as a producer. (Kantor & Twohey, 2017; Johnson, 2018). Preceding the revelation of how many people were affected by Weinstein’s behavior, actress Alyssa Milano tweeted “If you've been sexually harassed or assaulted write 'me too' as a reply to this tweet,” resulting in many women replying with their own stories of sexual assault. This tweet spawned a name to the movement that had been catalyzed by the *New York Times* article on Harvey Weinstein and with it came the downfall of many other prominent figures in Hollywood. After the *New York Times* article and Alyssa Milano’s tweet came the allegations against Larry Nassar, Kevin Spacey, Roy Moore, Louis C. K, Russell Simmons, and many others (Johnson, 2018). These allegations caused many to discover a systemic pattern of behavior where powerful men in Hollywood were sexually harassing or assaulting individuals that they had encountered on a professional level. Each of the men listed above were accused of heinous acts of sexual misconduct against many individuals.

One of the most prominent downfalls enacted by the #metoo movement was that of Kevin Spacey. In an article, with Buzzfeed News actor Anthony Rapp was the first to accuse Kevin Spacey of sexual assault on a national level. Rapp alleged that when he was fourteen years old, Kevin Spacey assaulted him while he was at Spacey's apartment. This followed a trend where at least 14 other men, some who had been underage, had accused Spacey of assault or harassment. This resulted in Spacey losing his role as the main character in Netflix's "House of Cards" and being disgraced in Hollywood. (Puente, 2017). Another prominent figure to be targeted in light of the #Metoo movement was Doctor Larry Nassar. Nassar's was first accused on a public forum by Olympic gymnast Mckayla Maroney who accused him as the #Metoo movement was just gaining prominence (Johnson, 2018). Larry Nassar was accused of sexually assaulting or molesting various women and young girls, many of whom were either Olympic gymnasts or gymnasts at the University of Michigan whose medical care he was in charge of. This resulted in Nassar being fired from both his positions as medical physician for both USA gymnastics and University of Michigan. Nassar was also charged with 10 counts of criminal sexual conduct on girls under his medical care who were all under the age of 16 and several were under the age of 13. Nassar pleaded guilty of all charges and was sentenced to 40-175 years in prison for his crimes in Michigan and 60 years in federal prison for child pornography (Adams, 2018).

Both of these figures are perfect representations of what the #Metoo movement was made for, individuals who had been sexually assaulted or harassed being comfortable enough to tell their stories against prominent figures. In addition, both of these men are individuals who the public viewed as deserving of the consequences they received in light of the accusations against them. Larry Nassar abused his power as doctor, took advantage of young girls, and his crimes showed a large abuse of power. His crimes of pedophilia are crimes that no one could excuse

especially in his position as a doctor. Kevin Spacey was in a similar position; his abuse of young boys was something no one could excuse. Once the allegations against him came out, his consequences were immediate. He lost his position on a show he had previously been acclaimed for, he was outed as a homosexual something that he previously never addressed, and he was disgraced from his position in Hollywood. These two individuals were perfect examples of what people wanted to happen when someone was accused of sexual assault or harassment by multiple accusers. These cases were huge validations for the #Metoo movement because it showed prominent figures being punished for being serial harassers and rapists, and as a result people felt more comfortable coming forward.

Many of the cases of the #Metoo movement were similar to that of Kevin Spacey, Harvey Weinstein, and Larry Nassar. They each had multiple accusers that could attest to pattern of behavior that led many to believe that the allegations against them were true. However, aside from these cases where some kind of sexual misconduct seemed obvious there were others, like that of Aziz Ansari, that fell into a grey area. It is cases like Ansari's that aren't as clearly defined that have raised the question of what counts in the law and in public opinion when it comes to acts of sexual violence or harassment and what should be the consequences in these cases.

The History of Sexual Misconduct in America

Sexual Harassment is defined as "unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) an employment decision affecting that individual is made because the individual submitted to or rejected the unwelcome conduct; of (2) the unwelcome conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or abusive work environment"(State.gov). Sexual Harassment by this definition, can be explained simply in that

if an employer (or co-worker) makes sexual advances toward an employee and either rewards or punishes the employee based on how they respond, that is a form of sexual harassment. Another form of sexual harassment is that if an employer (or co-worker) exhibits behavior that makes an employee feel uncomfortable to the point where it affects their job performance.

Although sexual harassment by this definition didn't exist until the 1970s, a form of harassment was prevalent with African-American women during slavery who were coerced into sexual acts with the men in the households in which they worked. However, there were no laws that offered slaves or domestic servants protections from this type of sexual coercion. Sexual harassment laws first came into action as part of the women's rights movement, where women first began to express concerns over the practices of men taking advantage of women in professional settings or in settings where men obviously have the upper hand (Siegel, 2003). Sexual harassment has always been a way that men exert their power over women. Ultimately, it creates an environment that leads women to be uncomfortable in the workplace.

Although sexual harassment has always been a common practice it wouldn't be established in law until the Civil Rights Act of 1964. Title VII of the Civil Rights Act "establishes the legal foundation for preventing sexual harassment; however, at the time sexual harassment was not included in the legislation. Although both men and women are covered under Title VII, it was originally intended to protect women in the workplace." (Fenton, 2017; Mantel, 2012). The inclusion of sexual harassment in the Civil Rights Act of 1964 established a trend that would be established through several decades until today to provide protection to employees in the workplace. During this time Congress also created the Equal Employment Opportunity Commission (EEOC) as a government body that would "investigate employment discrimination claims" (Mantel, 2012). The legislation regarding protections for sexual harassment continued when in 1972 Congress passed Title IX of the Education Amendments that

prohibited “sex discrimination in federally funded schools and broadens the reach of sexual harassment laws” (Fenton, 2017). This legislation cemented the precedent of sexual harassment law by applying the same restrictions to colleges and universities.

Although the government established a trend of furthering sexual harassment law, not all of the cases were wins. In fact, in 1974 the U. S. district court saw the case of Barnes v. Train. Barnes filed the suit, because she said that she was fired after rejecting her supervisor’s advances. However, despite the previously established protections regarding sexual harassment in the Civil Rights Act, the court ruled in this case that there was no discrimination. However, this precedent did not last for long because in the case of Williams v. Saxbe, when Williams sued due to an incident where Williams rejected a sexual advance by her supervisor and as a result, he “repeatedly harassed and humiliated” her until she was fired later that year. In this case the court ruled in Williams favor and this was the first case where quid pro quo harassment was recognized as a type of gender-based or sexual discrimination (Fenton, 2017; Mantel, 2012). The next prominent case kept up with the progress of sexual harassment receiving more recognition in the law and it was a follow up of the 1974 Barnes case (Fenton, 2017). After the decision in 1974 with the U.S. district court, Barnes appealed to the U.S. appeals court in 1977 and won. They ruled not only that the U.S. district court was wrong, they also ruled that the supervisor violated Title VII of the Civil Rights Acts of 1964 and as a result, Barnes was awarded $18,000 in back pay and in lost promotions (Fenton, 2017; Mantel, 2012). In the last sexual harassment advancement of the 1970’s, the Pregnancy Discrimination Act was established and amended the Civil Rights Act of 1964 to include that sex discrimination on the “basis of pregnancy, childbirth or any other medical conditions” was against the law (Fenton, 2017). During this time not only was the law recognizing sexual harassment as a punishable offense, the practice of harassing

someone, or firing an employee was officially described as “sexual harassment,” by feminists at Cornell University (Mantel, 2012).

In 1980 the EEOC established guidelines for sexual harassment in the workplace, following the basis that sexual harassment is a violation of the Civil Rights Act of 1964. Another defining case occurred in 1984 in the case of Barrett v. Omaha National Bank in this case the “Eighth U.S. Circuit Court of Appeals finds that a single incident, if severe enough, can constitute sexual harassment.” (Mantel, 2012). The federal government once again got involved in sexual harassment when the Supreme Court addressed it for the first time in 1986 with the case of Meritor Savings Bank v. Vinson. In this case the Supreme Court ruled “that severe or pervasive” sexual harassment of an employee by their supervisor violates federal law. The court ruled that if the employer knew of the sexual harassment it’s their responsibility to take action against the perpetrator (Mantel, 2012; Fenton, 2017).

The next important development in sexual harassment law came when Congress passed the Civil Rights Act of 1991 that was implemented to provide more protection against employees being discriminated against in the workplace. Also, during this year the case of Robinson v. Jacksonville Shipyards occurred in the federal district court in Florida and this decision established that “crude language, sexual graffiti and pornography create a hostile work environment.” (Mantel, 2012). In 1994 the Violence Against Women Act was passed by Congress, which established that evidence of the sexual harasser’s previous history be admitted as evidence, but the evidence of the sexual history of the accuser be limited. Congress established another law in 1995 that determined that Congress was subject to the same employment laws as other workers in America. The next form of sexual harassment legislation came in 1998 in the case Burlington Industries, Inc., v Ellerth. In this case the Supreme Court determined that “employers are liable for sexual harassment by their employee even if their

threats and favors aren't carried out. However, employers have grounds for defending themselves if they can prove that they took prompt action to prevent the harassment by the employee and took prompt action to respond to complaints of harassment" (Fenton, 2017).

The most recent prominent sexual harassment case came in the 2005 Jackson v. Birmingham Board of education case, in this case the Supreme Court ruled that it's illegal to punish someone for reporting sexual harassment and discrimination. In this year Congress also passed the Reauthorization of the Violence against Women Act, which gave federal funds to aid victims of sexual violence and assault. It also ensured that victims are able to pay for a fair trial. (Fenton, 2017).

America has gone through substantial changes in sexual harassment legislation throughout its history. It has changed from the practice being unacknowledged, to a crime that individuals can lose their jobs for. Women who have been victims of sexual harassment have gone from their voices being stifled to them having the legal means to punish their harassers as well as hurt their harasser financially. The #metoo movement has built upon this legal practice by making it more common for people to talk about. Prior to the #metoo movement people had the legal avenues to accuse and punish their harassers, but they were not comfortable enough to talk about being harassed in an open space let alone going through all the channels that the legal system requires. The #metoo movement has done a lot of good when it comes to sexual harassment regarding the victims. However, the movement has also caused people to question on whether or not the immediate consequences are impeding on people's legal right to a trial before being punished for a crime. Many people feel that the movement has impeded an individual's right to due process and their right to defend themselves against their accusers. This point that has been brought up publicly in the case of Aziz Ansari and in other avenues that this paper will explore, such as universities, and the workplace.

The History of Sexual Assault Laws in America

Unfortunately, like sexual harassment, sexual assault has also been a problem that always existed in the world. Sexual assault by today's standards can be described as "any type of sexual conduct or behavior that occurs without the explicit consent of the recipient. Sexual assault is basically an umbrella term for sexual activities such as rape, fondling, and attempted rape" (Miller, 2017). From a legal standpoint, although there were laws that existed the rape laws at that time were always in reference to a woman's relationship to a man. In fact, prior to the 11th and 12th centuries "the rape of a woman was considered a property crime against the victim's husband or father." (Bishop, 2018). After this time, the definition of rape changed and it was finally considered as a crime against the victim. This was reflected in the early American colonies where rape was defined as a "carnal knowledge of a woman 10 years or older, forcibly against her will." (Bishop, 2018). This represented a time where people were finally beginning to acknowledge that women had a right to refuse sexual acts even at a young age. In the 1800's, as part of the women's suffrage movement, the legal age of consent was raised from 10, and raised depending on the state from the ages 14 to 18. However, at this time the laws did not apply to black women who did not benefit from this advancement in rape laws. When slaves were raped they could not even defend themselves or they would be beaten. This only changed in 1861 when slavery was abolished; it was only then that black women could file charges against a white man (Bishop, 2018).

The next time prominent changes in rape laws occurred was during the anti-rape movement in the 1960s. This movement forced laws to acknowledge that rape was a weapon of power that was used to control women. These advancements continued into 1975 when Congress made the rape shield laws which, "limit the Defendant's ability to probe into the sexual behavior,

history, or reputation, of the alleged victim" (Bishop, 2018). This allowed people to avoid having their reputation tarnished when they decided to press charges against their rapists. Also, at this time marital rape began to be considered a crime. This started in 1976 with Nebraska and by 1993 all states considered marital rape a crime (Bishop, 2018).

Sexual assault did not have nearly as many obstacles as sexual harassment, but both had to go through significant changes to get to where they are today. Sexual assault was once only acknowledged as a crime against a man. A sexual assault victim did not even have agency over their own body but, that was for white women, black women did not even have avenues where they could report or get justice when they were sexually assaulted. The changes in law that were brought about by social movements now include black women, white women, and wives; all women have the ability to press charges against strangers, acquaintances, friends, or their own husbands. However, this progress has not come without a cost, the legislation has now reached a point where individuals feel that the government is not doing enough to enforce these laws and establish that those accused of sexual assault are found guilty beyond a reasonable doubt.

What Counts on College Campuses

When faced with the statistics of how often rape occurs on college campuses, the results are grim. The Rape, Abuse and Incest National Network reports that women in college between the ages of 18 and 24 are 3 times more likely than other women to be raped. RAINN also reports that "11.2% of all students experience rape, sexual assault or violence through physical incapacitation," this includes undergraduate and graduate students. This statistic means that more than 10% of everyone that goes to a college or university will be sexually assaulted, male or female. It speaks to a problem that influences a large population, and also like rape in society in

general, it's widely unreported. This realization caused the government to try to make sexual assault less prevalent and to make individuals more comfortable with reporting it. However, with this overhaul it has resulted in many practices that have fundamentally changed what counts as sexual assault on college campuses (RAINN).

In an article with *The Atlantic*, writer Emily Yoffe describes the case of Kwado Bonsu, a man who was at one time a successful and involved student at the University of Massachusetts at Amherst. Then, after a sexual encounter with a girl, who by her own accounts, smoked marijuana with Bonsu and performed oral sex on him reported that after realizing how high she was, she wanted to leave. In the account, she describes how her first attempt to leave "playfully" were halted by Bonsu, who had no idea how she was feeling as she had not verbalized it. Despite Bonsu's attempts to keep her at his place, she left a couple of minutes later. This encounter upon further reflection by her constituted sexual assault. However, by the definition of sexual assault earlier described in the paper, she was not assaulted especially considering it was her who initiated and performed the sexual act on him. Given the fact that even according to the victim Bonsu did not force her, it seems that at the time of the encounter Bonsu had her "explicit consent." However, despite this fact, the school followed through with the allegations of assault when the girl reported it, which led to him no longer being able to visit "dormitories other than his own, he was limited to eating at a single dining hall, and he was forbidden from entering the student union,"(Yoffe, 2017) In this case, Bonsu was essentially being treated as if he was already guilty despite the fact that the account by the accuser didn't fit a clear definition of sexual assault, so much so that the police didn't follow through with the investigation and closed the case. In addition, to the previously listed restrictions, Bonsu was ultimately expelled from school.

This article also describes why changes in the handling of sexual assault cases are taking place at campuses across the country. It is a result of a "Dear Colleague" letter that required schools to operate on the preponderance of evidence burden of proof, which had been described as just over a 50 percent likelihood of guilt. Schools were also "told to investigate any reports of possible sexual misconduct, including those that came from a third party, and those in which the alleged victim refused to cooperate. "(Yoffe, 2017). As a result of schools operating on a standard of preponderance of the evidence, even cases that aren't necessarily described as sexual assault, like that of Bonsu are now being treated as if the accused are guilty. It also results in individuals being treated like criminals in schools that they chose to go to and spend their money at without being given a chance to defend themselves. Students are being sanctioned for cases that may not be sexual assault harsher than those outside of school. For criminal cases an individual must be convicted beyond a reasonable doubt. In addition, those who are accused of sexual assault are unable to defend themselves in these proceedings, meaning that they can be restricted on campus and ultimately kicked out of school on an accusation that may or may not be sexual assault.

The distinction of what counts under federal guidelines for colleges and universities have now gone into a gray area of nonconsensual and unwanted sex, Yoffe argues that nonconsensual sex and unwanted sex are two distinctly different things. As she puts it: "many people, regardless of gender and sexual orientation, have consensual sex that is unwanted...ambivalence simultaneously wanting, desire, and revulsion-is endemic to human sexuality." This means that although a sexual act is consensual, it is possible that the sexual act is at least partially unwanted. This was definitely the case with the accuser in the Bonsu case; however, based on the way the university handled this case even partially unwanted sex, can be considered sexual assault. (Yoffe, 2017).

What Counts in the Workplace

Sexual harassment in the workplace has been a major theme of the #metoo movement, many of the men who have been ousted as serial harassers, have been proven to target their victims in a professional capacity. The sexual harassment that has been made public in the entertainment industry during the #metoo era is reflective of the problem that America has with sexual harassment as a whole. In fact, in "an online survey launched in January by a nonprofit called Stop Street Harassment…it found that 81 percent of women and 43 percent of men had experienced some form of sexual harassment during their lifetime (Chatterjee, 2018). This means that a large majority of Americans, male or woman, have experienced sexual harassment. These statistics give credence to the many claims that the upheaval of people in power as a result of the #metoo movement is long overdue.

However, with the large amount of people being accused of harassment in the #metoo movement, many men have raised questions about what types of behavior in the workplace can be defined as sexual harassment. Men in the workplace now want to know how to navigate the workplace without infringing on anyone's rights to be comfortable in their place of work, but there are many gray areas that make sexual harassment in the workplace difficult to define. In fact, in a survey by Christina Cauterucci with Slade, fifty-six people described what they would define as a gray area of sexual harassment in the workplace and their answers describe complex situations where it's hard to distinguish whether the situation was sexual harassment or not. The situations described in the article ranged from a boss telling an employee her "boobs seemed much larger than normal," to the company president pulling down an employee's shirt so that he could see the tattoo that she had on her back (Cauterucci, 2017). Although the first scenario isn't nearly as severe as the second one, in both situations the women felt uncomfortable but didn't

think it was sexual harassment. The two examples show the variety of ways that a woman can be made uncomfortable at work without the behavior being classified as sexual harassment. It signifies how the gray area not only includes instances like inappropriate comments, but also behavior that can leave someone feeling violated.

As a way to make defining sexual harassment clearer and stopping people from resorting to the "Pence Rule" at work, which is refusing to meet with a woman alone, Kathleen Reardon describes a method that she developed "to help people define and differentiate among types of gender-based offense" called the Spectrum of Sexual Misconduct at Work (Reardon, 2018). The spectrum ranges from 1-6 and in it Reardon clearly describes what type of behavior falls into the area of sexual misconduct and what type of behavior does not. The first level on the scale are things that generally Not Offensive like comments on hairstyle or clothing choice. The second is behavior that Reardon defines as Awkward or Mildly Offensive and this would be if someone made comments that would be unfavorable to women, like saying that men are smarter or more effective than women. The third category focuses on things that Reardon would classify as Offensive which would be something that would be gender insensitive or superior like uninvited hugs, or saying that a woman should be home with their family. Categories 4-6 range from Highly offensive, Evident sexual misconduct, and Egregious sexual misconduct. A category 4 offense would be comments that are intentionally demeaning, embarrassing, or insulting. A category 5 would behavior that would be grabbing, or kissing women in an aggressive manner without the woman's consent, or after her expressed disinterest in having an intimate relationship. The most severe form of sexual misconduct on Reardon's spectrum is category 6 which includes coercing or attempting to coerce a woman to engage in sex or sexual acts (Reardon, 2018). Reardon has helped define what counts as sexual harassment in the workplace,

and in doing so she has helped companies determine when action should be taken and what cases shouldn't be taken too seriously.

The Controversy over What Counts in the #metoo movement

Babe. Net's public condemnation of Aziz Ansari on his date with "Grace" has been a major controversy within the media since the article came out (Way, 2018). Bari Weiss a writer with the *New York Times*, had a few criticisms about Grace's account of the events on the night that she had a date with Ansari. First, it seemed that Grace expected Ansari to read Grace's mind in following the "verbal and nonverbal cues" that she gave him. Second, Grace didn't seem to have any agency in the events that she described. In various aspects of the night in question Weiss felt that at any point, Grace could have left. When Grace said Ansari rushed through the dinner or when Ansari wanted to do more than Grace was comfortable with, Weiss explores the idea that leaving was always an option for Grace considering Ansari was not physically keeping her there. (Weiss, 2018). Because of the issue of agency, many find Ansari's case simply a case of bad sex, or a bad date.

In another article with the *Intelligencer*, Andrew Sullivan, wrote an article titled "It's Time to Resist the Excesses of #Metoo". In the article, Sullivan addresses the Louis C.K. situation by saying, "sexual abuse is real and evil, but if you're talking to someone on the phone that is masturbating, you can always, you know, hang up" (Sullivan, 2018). This brings up an argument that was brought in the Aziz Ansari situation by Weiss, where women have the agency to get out of uncomfortable situations, especially in which there are no power structures that are keeping them there. Unlike Harvey Weinstein, neither Aziz Ansari nor Louis C. K. had power over the women who accused them of sexual misconduct, which means in these cases the women could have gotten out of it.

Another major criticism of the #metoo era besides the case of Aziz Ansari is the "Shitty Media Men" spreadsheet. This spreadsheet created by Moira Donegan can be described as something "that collected a range of rumors and allegations of sexual misconduct, much of it violent, by men in magazines and publishing" (Donegan, 2018). This description on its own doesn't sound like a bad thing, it sounds like a good way to warn women in the media of men that they need to look out for. However, despite Moira's intent to provide a way for women to "protect ourselves from sexual harassment and assault," this is not what happened. In fact, in an article with Buzzfeed News, Doree Shafrir describes how "the allegations on the spreadsheet range from "flirting" and "weird lunch dates" to accusations of rape assault, stalking, harassment, and physical violence"(Shafrir, 2018). Shafrir then goes on to describe the problem: anyone was able to contribute to the spreadsheet and stay anonymous. As a result, the accused did not have a way to defend themselves.

The incidences above also point to a larger issue with the #metoo movement, because within in it cases of "weird flirting" or "bad dates" are presented as a form of sexual harassment. This is reflective of the problems that society has when people self-report a crime. When people self-report, it must be assumed that people are being honest, that there are no biases getting in the way of their responses, and that they understand what is being asked (Hoskin, 2012). The same could be said about the #metoo movement because within it people say #metoo and we are including them in the amount of people that have been sexually harassed or assaulted. However, if people are including things like weird flirting in their assessment of sexual harassment it seems like there is lack of understanding within the #metoo movement of what sexual harassment is. In addition, in the case of the #Shitty Media Men spreadsheet all the people who have contributed to the list are anonymous so there is no way to determine if they are being honest or if they have any biases in the people that they put on the list. These issues prove that the issues within the

#metoo movement lie within what instances are being reported as sexual harassment, but also in how they are being reported and until these problems are corrected there will always be aspects of the movement that cause controversy and are not fair to everyone.

Conclusion:

The parameters over what counts as sexual harassment and sexual assault in the #metoo era have been criticized by detractors of the movement, particularly in cases that many would see as falling into a gray area. This occurred in the allegation against Aziz Ansari, because although "Grace" said the sexual encounter was unwanted, she didn't explicitly say no, and to many individuals she didn't give enough indication that she wanted to leave. Another criticism of the #metoo movement is that it doesn't give individuals due process, where they can refute the claims against them. This was exemplified not only in the #metoo movement but also on college campuses and the workplace. It seems that in the efforts to right the wrongs of the past when it comes to sexual assault and sexual harassment, we are assuming that the accused are guilty. It seems that Americans are more accepting of those who are accused in the #metoo era being presumed guilty, if the accused are serial harassers, or rapists like Kevin Spacey, Harvey Weinstein, or Matt Lauer. However, when it comes to more questionable cases, we need more protections to be put in place as opposed to someone being outright humiliated via the media or kicked out of school without being able to defend themselves.

I find that the road to sexual assault and sexual harassment being treated fairly for everyone is a hard one. The reason that the #metoo era is happening in the first place is that sexual assault and sexual harassment have been notoriously underreported and not taken seriously when they are. The #metoo era has helped people become more comfortable with reporting and also in acknowledging that they have been the victim of sexual assault. However, I

don’t think that this openness should come with individuals being unnecessarily punished for something that doesn’t meet the legal definition of sexual harassment or assault. Do I believe that more education is needed all around to prevent awkward encounters such as the one that “Grace” described or that the girl in the Bonsu case endured? Yes. But I don’t think that in cases like Bonsu, men should be expected to read the hidden signs of someone being uncomfortable. It was also the woman’s responsibility to tell him that she was uncomfortable. I think that cases that are obviously sexual assault or harassment should be met and treated with the fullest extent of the law, but the other cases that fall into a gray area should be further investigated. The last thing that should happen is that people be kicked out of school or sent to jail for something that may have been a misunderstanding. For there to be fairness in the #metoo movement there must be a way to clearly determine what the parameters are for sexual harassment and sexual assault and if someone is going to be punished for crossing a line there should be evidence to back it up. Everyone must be afforded the same pathways to justice even the people that are being accused.

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