

# Navigating Complexity: The Challenging Role of Title IX Coordinators in Campus Sexual Assault

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NAVIGATING COMPLEXITY:  
THE CHALLENGING ROLE OF TITLE IX COORDINATORS  
IN CAMPUS SEXUAL ASSAULT

Dissertation  
by

COREY ROSE KELLY

submitted in partial fulfillment  
of the requirements of the degree of  
Doctor of Philosophy

May 2019

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## **ABSTRACT**

### **NAVIGATING COMPLEXITY: THE CHALLENGING ROLE OF TITLE IX COORDINATORS IN CAMPUS SEXUAL ASSAULT**

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The purpose of this study on university handling of Campus Sexual Assault (CSA) was to understand the experiences of Title IX Coordinators as key administrators in this work. CSA continues to be a pervasive problem, and the dialogue on campuses and externally is highly contentious. Guidance from the federal government, combined with a recent surge in lawsuits against universities, have created a precarious legal context for CSA that is exceedingly difficult for universities to manage. How institutions handle the array of moving parts with CSA is largely absent from the current literature. This study interviewed university Title IX Coordinators, who are responsible for overseeing the institutional response to CSA and therefore are uniquely positioned to offer insight into how universities are handling the problem and the internal and external factors that are playing a role.

Sixteen interviews were conducted of Title IX Coordinators responsible for overseeing student CSA matters at NCAA Division I institutions. The research questions guiding this study included: (a) how do Title IX Coordinators handle and carry out their responsibilities related to CSA; what shapes the ways in which Title IX Coordinators handle their responsibilities related to CSA, and (b) how does university culture influence Title IX Coordinators' work related to CSA?

The theory that emerged from the data indicates that Title IX Coordinators have an array of complexities to navigate in their CSA work, stemming from an interplay of both internal and external pressures and factors, that can lead to a range of outcomes that are most often negative. Using grounded theory methodological procedures, a theory and visual model were generated to explain the interactions among the following components: Title IX Coordinator values and priorities; processes involved in CSA work; university culture and structure; collaboration with and management of university partners; the legal landscape and external context; and case outcomes and Title IX Coordinator impact. The theory has implications for policy, for Title IX Coordinators and universities, and for future research.

## ACKNOWLEDGEMENTS

This dissertation would not have been possible without the support of many people who helped me along this journey. First, I want to thank Dr. Heather Rowan-Kenyon as the chair of my dissertation committee. She was instrumental throughout the entire process, and her encouragement gave me the confidence that I needed to return to my dissertation following my maternity leave. Heather's consistent mentorship is what allowed me to continue moving forward and challenge myself. I am incredibly grateful for the ways in which she opened doors for me to explore a topic that is so important to me. I also wish to thank my wonderful dissertation committee: Dr. Ana Martínez-Alemán, Dr. Lisa Goodman, and Dr. Katherine O'Dair. Without your thoughtful feedback and guidance, I would not have been able to produce a dissertation that I am so proud of. All of you pushed me to think about this work in different and deeper ways, and I am so thankful for your advice and expertise.

I would also like to thank my colleagues at Boston College, especially those in the Office of the Dean of Students. I am fortunate to work with such genuinely caring individuals when I go to work each day. All of you patiently listened to me as I went through the various stages of this dissertation. You cheered me on and allowed me to vent about the challenges that arose, and I have appreciated your understanding and kindness more than you know.

My fellow doctoral students in the Higher Education program have also been an instrumental part of this journey. I am especially grateful to the cohort that I joined for the Capstone class in the fall of 2018. To the members of that class, and to Dr. Karen Arnold as the professor of the course, thank you for your careful review of my work, for

allowing me to process many aspects of my dissertation with you, and for providing me with the structure I needed to make more progress than I thought I could.

To the Title IX Coordinators who participated in this study, this dissertation would not have been possible without you. Thank you for openly sharing your experiences as administrators doing this incredibly important work. I hope that this dissertation can initiate greater discussion about the challenges of this role and encourage positive change.

I need to thank my family and friends, and especially my Mom and Dad for their unwavering support and for doing literally anything they could to assist me in my educational pursuits. I am grateful every day to have a family that is so loving and believes in me so strongly. Mom and Dad, you taught me to value education and always encouraged me to take risks that would bring me closer to my dreams. I could not have done this without you.

Finally, thank you to my husband Ben and my daughter Samantha. You have made countless sacrifices during my time in this program and have been my biggest supporters along the way. Samantha, you have brought more joy and laughter to my life than I ever knew was possible. Ben, you have always believed in me, and you kept me going through the doubts and the difficult days. I cannot thank you enough for giving me the humor, understanding, and love I needed to accomplish this.

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## CHAPTER 1: INTRODUCTION

### Introduction

Sexual assault has become a prominent and challenging issue for institutions of higher education. With approximately one in five college students experiencing some form of sexual victimization, it is a critical problem for universities to address for the safety and wellbeing of students (Fisher, Cullen, & Turner, 2000; Krebs, Lindquist, Warner, Fisher, & Martin, 2007; Krebs, Lindquist, Warner, Fisher, & Martin, 2009). Most campus sexual assaults are preceded by voluntary alcohol consumption, and about 90 percent of college student victims of sexual assault know the perpetrator of the assault (Lawyer, Resnick, Bakanic, & Burkett, 2010; Sampson, 2002). Victims of sexual assault may experience a wide range of negative outcomes, including post-traumatic stress disorder (Frazier et al., 2009) as well as heightened distrust of others, guilt, anger, isolation, strained relationships, low-self-esteem, and sadness (Guerette & Caron, 2010) and poor physical health outcomes (Zinzow et al., 2011).

In addition to the high prevalence of sexual assault and the harmful ramifications for survivors, sexual assault has become a major issue for universities, and if not handled properly, can yield significant negative media attention, litigation, and financial repercussions. The topic of campus sexual assault (CSA) began to attract much more attention on a national level after the federal government determined that universities were often mishandling cases of sexual assault and sought to change those practices. The Office for Civil Rights (OCR) in the United States Department of Education issued a 19-page *Dear Colleague Letter* to universities in April 2011. This guidance letter offered additional interpretations of Title IX of the Education Amendments Act of 1972 (“Title

IX”), a civil rights law banning gender-based discrimination in education. The letter outlined a wide range of expectations on how colleges should be responding to complaints of sexual harassment and assault, as well as implementing education and prevention efforts, in order to be in compliance with the law (OCR, 2011). The 2011 *Dear Colleague Letter* caused a cultural shift for universities by establishing a system of university accountability that threatened sanctions, including the loss of federal funding for noncompliance (OCR, 2011; Kaukinen, Miller, & Powers, 2017). The dissemination of the letter was a turning point for the landscape of CSA, including how universities managed the problem and how students, staff, faculty and the general public became more involved in it (Wilson, 2017). Since the 2011 letter, institutions of higher education have been under more scrutiny and held to higher expectations. Additionally, an April 2014 *Question and Answer* document was issued by the OCR to clarify the 2011 guidance, and an April 2015 *Dear Colleague Letter* was distributed to further outline the role and responsibilities of Title IX Coordinators, administrators on each campus who are responsible for overseeing the institution’s response to CSA.

In September 2017, both the 2011 letter and the 2014 document were rescinded by the OCR under the new administration (United States Department of Education, 2017), and updated interim guidance about campus sexual misconduct was issued, followed by new proposed regulations in November 2018. The 2017 *Question and Answer on Campus Sexual Misconduct* document and the 2018 proposed regulations reflect a strong concern with due process and the rights of accused students and give universities permission to use a higher standard of proof for CSA adjudication (OCR, 2017; 2018). Although the April 2011 letter and the April 2014 document were subsequently withdrawn, universities had

already made drastic changes to their policies and practices during the six years that the April 2011 guidance was in place (Kaukinen et al., 2017). Many of those changes remain in place today, including intensified awareness and reporting of CSA, increased resources, more comprehensive policies, heightened expectations for the Title IX Coordinator role, significant changes to investigatory and student conduct practices, and more training of various campus constituents (Wilson, 2017). The legislative context had a major influence in overhauling how universities handled sexual assault, including changes to policies, practices, trainings, programs, staffing, and resources, many of which have been costly and challenging for universities to implement (Kaukinen et al., 2017). These externally-driven cultural shifts around the CSA problem have been significant and likely will not rapidly disappear, even with the retracting of the key documents that initially set the cultural shifts in motion.

### **Purpose**

Because there continues to be so much at stake for students, campus communities, universities, the government and the general public around CSA, it is important for universities to handle the issue appropriately and comprehensively. This includes responding to complaints, adjudicating cases fairly, managing the campus climate related to gender issues and sexual assault, offering resources and accommodations to those affected by CSA, educating the community, and taking steps to prevent sexual assault, among others. However, little is known empirically about how universities deal with sexual assault in a broad sense. This study aimed to begin filling this gap in the literature by focusing on the work of university Title IX Coordinators to understand how they handle the challenging issue of CSA.

Specifically, this research examined the role of university culture in the management of the pervasive and complex student sexual assault problem on campuses. This relationship between university culture and university handling of CSA was explored through the perspective of the institution's Title IX Coordinator. For the purposes of this study, CSA refers to college student-on-student sexual assault. Nearly all institutions of higher education in the United States must comply with the federal requirement to identify at least one Title IX Coordinator who is responsible for the university's compliance with Title IX, which includes implementing certain CSA education, prevention and response efforts. Given the similar role of Title IX Coordinators across college campuses and their close proximity to this issue, it is logical to study university handling of CSA through the lens of these administrators who are doing the work daily.

According to the 2015 OCR guidance that remains in place, part of the role of the Title IX Coordinator is to coordinate the college's compliance with Title IX, including the grievance procedures for pursuing a CSA complaint. This entails ensuring that students are aware of their rights under Title IX, managing responses to CSA reports and complaints and overseeing investigation results, identifying problematic patterns and campus climate issues, and managing policy revisions. The 2015 OCR guidance also requires Title IX Coordinators to have appropriate training, be independent and without conflicts of interest, and be visible and accessible to the campus community; it further suggests that the role be a full-time position. The guidance states that in order for Title IX Coordinators to be "effective," they "must have the full support of [the] institution," and universities must give their Coordinators "the appropriate authority and support

necessary for them to carry out their duties and use their expertise to help their institutions comply with Title IX” (OCR, 2015, p. 2). Because of the critical role that a Title IX Coordinator plays in how a university addresses sexual assault and their presumed knowledge of relevant aspects of campus culture, examining the issue of university handling of CSA through the lens of the Title IX Coordinator was a helpful contribution to this sparsely studied area.

### **Research Questions**

This study aimed to better understand the role of university culture in university handling of sexual assault by examining the following research questions:

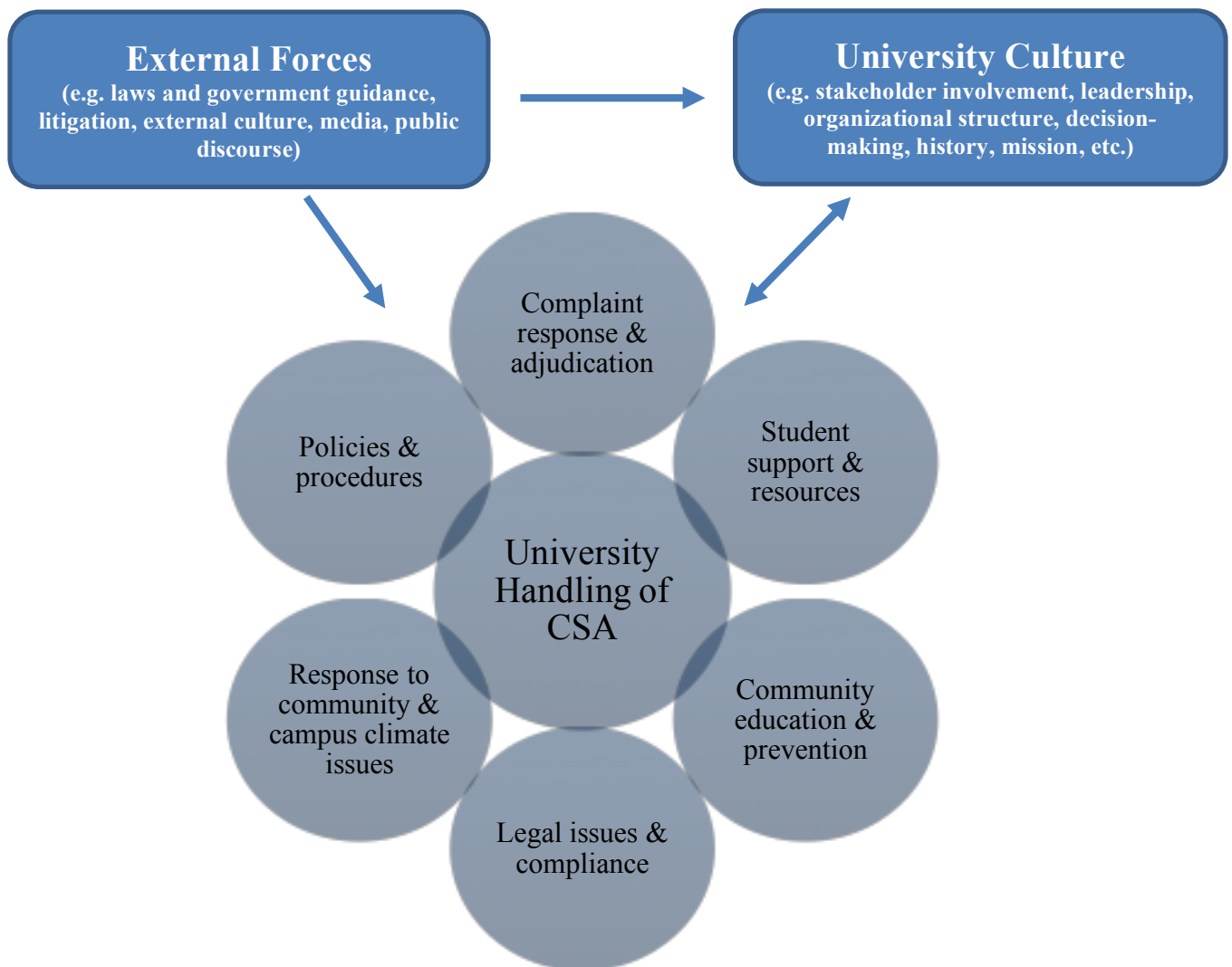
1. How do Title IX Coordinators handle and carry out their responsibilities related to campus sexual assault (CSA)?
  - a. What shapes the ways in which Title IX Coordinators handle their responsibilities related to CSA?
2. How does university culture influence Title IX Coordinators’ work related to CSA?

For the purposes of this study, university handling of CSA encompassed the six components identified in Figure 1. These components are: the university policies and procedures related to CSA; the university response, investigation, and adjudication of sexual assault complaints, including sanctioning standards and practices; on-campus and off-campus resources for students impacted by CSA; CSA education and prevention programs for students, faculty and staff; assessments of issues of campus climate related to CSA and actions taken as a result of the assessments; and compliance with state and federal laws related to CSA. Figure 1 shows the reciprocal relationship between



**Figure 1**

*Components of University Handling of Campus Sexual Assault and Relationship to University Culture and External Forces*



university culture and university handling of CSA. While institutional culture informs how the university manages CSA in these six areas, the university's ways of dealing with CSA can also in lead to shifts in the culture. Figure 1 also indicates that external forces, such as laws and government guidance, litigation, media portrayal, and public discourse related to CSA, can impact each of these six components as well. Further, the external environment can lead institutions to respond to sexual assault differently and thus contribute to changes in university cultures.

## Theoretical Frameworks

This study presents two different and somewhat opposing theoretical frameworks for understanding how university administrators handle CSA. In one framework, operating from a post-positivist lens, theories on organizational culture can be relied upon to understand the role that institutional culture plays in how Title IX Coordinators go about their work. However, this approach neglects the gendered power dynamics, values, and inequities that are inherent in the workplace. Therefore, the second potential framework for this study utilizes a critical approach and a feminist lens to account for the masculine-dominant structures in organizations that most often privilege white men. Researchers have applied these different frameworks to their work and provided sound rationale for their respective decisions to do so. For example, Kezar and Eckel's (2002) study on widespread changes in universities found that leadership strategies and staff development were relevant to institutional change. Results were interpreted through an organizational culture lens, and attention was not paid to the identities of the leaders or the staff, or how factors such as gender and race interfaced with organizational change. In contrast, other researchers have implemented critical theories to account for organizational phenomena, including Armstrong, Hamilton, and Sweeney (2006), who studied the prevalence of CSA with the assumption that gendered processes at multiple levels perpetuated inequalities and ultimately contributed to CSA.

The proposed organizational culture framework is based on both Kuh and Whitt's (1988) four layers of analysis and Tierney's (1988; 2008) framework for organizational culture. Tierney (1988; 2008) offers six elements of culture that were applied to university handling of CSA in this study: environment, mission, socialization,

information-sharing, strategy and leadership. First, in considering the environment, the shifting external and internal expectations around CSA have considerably impacted how universities handle the problem. Second, how the university mission is defined and articulated is a key element of culture, along with how the mission is stated as the basis for decision-making (Tierney, 2008). Understanding how universities describe and use their missions to inform the response to CSA sheds light on the how they handle this issue. Third, the socialization of students, staff and faculty reveals the dynamics on campus and how individuals and groups communicate and form relationships that may be relevant to institutional response to CSA. Fourth, information-sharing about CSA speaks to university management of the issue (Tierney, 2008). How internal and external constituents are given information about CSA and the transparency about the handling of cases are critical. Fifth, the strategy for decision-making and identifying individuals with decision-making authority on CSA matters are important. For instance, decision-making about CSA programs and resource funding, as well as decisions about responsibility and sanctions in CSA cases, are key aspects of university handling of CSA. Lastly, university leadership, particularly the president's style of leading and communicating about CSA, is another central component of culture in Tierney's (2008) paradigm.

Kuh and Whitt (1988)'s framework includes four layers of analysis: the external environment, the university itself, the subcultures of the university, and key individuals. First, the external environment is a driving force behind university handling of CSA, especially the influence of the legal system and society's contentious views of this issue. Second, within the university itself, the history and identity of the university, institutional ethos, and organizational and structural dynamics can impact the handling of CSA (Kuh

& Whitt, 1988). Third, subcultures within the university, such as athletic teams or fraternities, may promote cultures that are conducive to CSA and thus affect how universities approach the problem. Fourth, the roles of individual actors such as the president and the campus community's perceptions of those are another manner in which culture plays a role (Kuh & Whitt, 1988). Kuh & Whitt (1988) offered a focus on the external environment that was especially helpful for examining CSA and defined particular elements of university dynamics that were used to guide this research. Tierney's (1988; 2008) six elements, which often interact and influence one another, also shaped the concept of culture in this study.

The other proposed framework for this study offers a critical approach and is based on the works of Acker (1990; 2006) and Mills (2002), who recognize the ways in which gender is embedded within organizations. Both Mills (2002) and Acker (1990) criticize the organizational culture literature for assuming gender neutrality and in response offer a feminist approach for studying organizational culture. For example, Mills's (2002) approach can be used to illuminate the role of masculine discourse in how institutional culture manifests, and to challenge aspects of masculinity that are viewed as necessary for university success. Acker (2006) addresses the intersectionality of gender, race, and class when considering inequities in organizations. The systematic inequalities in organizations, which change over time and are reflective of larger society, can include inconsistencies in power, resources, and decision-making authority. Taking a critical, feminist approach helps to articulate the ways that organizational culture could be fueling problematic social norms that are inhibiting the appropriate institutional response to CSA, an issue that disproportionately affects women. Whether or not Title IX Coordinators

feel empowered and supported by their institutions to challenge the gender norms that perpetuate CSA and enact social change is a critical question that will inform how universities are handling this issue.

In light of these two divergent but similarly applicable theoretical perspectives, this study assumed that either type of theoretical frame could be employed to understand institutional culture. Both frameworks were utilized in this grounded theory study in order for me to be truly open to the experiences that surfaced from participant interviews and the theory that emerged from the data.

### **Methodology**

As described in Chapter 3, this qualitative study intended to further the understanding of how Title IX Coordinators handle and carry out their responsibilities related to CSA. Each university's Title IX Coordinator is responsible for ensuring that their institution is complying with requirements under Title IX to appropriately respond to and prevent CSA. This study also sought to uncover how university culture impacted the CSA work of Title IX Coordinators. The research questions stated above were answered using grounded theory methodology. A grounded theory design allowed me not only to describe the ways in which Title IX Coordinators carry out their roles, but also to identify an emerging theory about the *process* of how Title IX Coordinators handle their various CSA responsibilities and how university culture interacts with that process (Creswell, 2013). Since the literature on how universities or administrators handle CSA is limited, generating a theory based on data gathered from the administrators who are doing this work was a practical contribution to the field of higher education.

Grounded theory methods include some methodical guidelines that also allow for flexibility (Creswell, 2013). Glaser and Strauss (1967) assert that in grounded theory research, data collection, coding and analysis all occur jointly throughout the research process. The data collected in this study was deemed sufficiently rich and detailed to provide a glimpse of Title IX Coordinator views within their university contexts (Creswell, 2013). Purposive sampling was utilized to select universities and the Title IX Coordinators at those institutions who specifically handle matters of *student* sexual assault. Based on the prior research that informed the sampling, which is explained in Chapter 3, this study assumed that CSA is generally more prominent at four-year institutions with major athletic programs. Therefore, the appropriate Title IX Coordinators at the universities within selected NCAA Division I athletic conferences were invited to participate.

Title IX Coordinator participants were individually interviewed and asked questions regarding various aspects of how they carry out their multiple CSA-related responsibilities and about the role of the external and internal forces, particularly institutional culture, in that process. Information about CSA was gathered from university websites to inform the interviews of individual participants. I wrote field notes during interviews and memos during data collection to limit the impact of researcher bias and engaged in member checking to add to the study's credibility. The constant comparative method of data analysis explained by Glaser and Strauss (1967) and Strauss and Corbin (1990) was implemented to code the data and generate a theory. Glaser and Strauss (1967) describe the four stages of the constant comparative method, which are summarized in Chapter 3. Open coding, axial coding, and selective coding procedures

were applied to organize and categorize the data (Strauss & Corbin, 1990). Limitations and research issues, including the role of the researcher, ethical issues, and reliability and validity concerns are also addressed in Chapter 3.

### **Significance**

It is critical to gather the Title IX Coordinator perspective on the issue of university handling of CSA because of the unique role of the Coordinator position to oversee and manage matters of sexual assault on their campuses. Title IX Coordinators are largely responsible for how their universities manage this problem, and their unique perspectives on this topic are currently absent from the literature, despite that CSA has remained a prevalent problem and is a constant topic of discussion in the media and among the general public. Universities continue to be criticized and held accountable in the legal system for mishandling matters of sexual assault, and they face significant consequences as a result.

As former federal judge Nancy Gertner (2015) argues, issues surrounding CSA are much more complex than the media coverage reflects, and in trying to combat CSA, some universities have gone beyond the legal requirements in ways that infringe on the legal rights of the accused or respondent students. Betsy DeVos, the current United States Secretary of Education, has declared that the way that universities manage CSA is a “failed system” that she wants to replace (Tolentino, 2018). Universities have also been subject to increasing litigation from both accusing and accused students in this area based on alleged mishandling of sexual assault cases, which are typically costly and harmful to the institution’s reputation.

In addition to the widespread criticism that universities receive related to their handling of CSA, sexual assault cases can also have an impact on university culture, structure and resource allocation, which can yield financial repercussions as well. For instance, years after a highly-publicized CSA case that resulted in a student carrying a mattress around campus to protest Columbia University's handling of her reported sexual assault, Columbia now has 23 staff members with Title IX responsibilities (Tolentino, 2018). The staff members are investigators, case managers, and administrators, and Columbia offers free legal services to complainants and respondents. Columbia has also launched a 2.2-million-dollar research initiative that examines multiple factors that shape sexual health and sexual violence for undergraduates at Columbia (Tolentino, 2018). This is merely one example of how the manner in which sexual assault cases are handled can yield significant cultural shifts and enduring consequences for universities.

Despite the apparent connection between university culture and university handling of CSA, this relationship has barely been explored by researchers, and the existing literature leaves an incomplete picture at best. Developing a clearer understanding of how Title IX Coordinators, key university administrators in this area, handle their CSA-related responsibilities in light of university culture made an important contribution to the field. This grounded theory study yielded a preliminary theory that offers a more nuanced understanding of how universities manage this challenging issue, compared to most prior research.

### **Limitations**

Due to the qualitative nature of this study, my background, views and assumptions have assuredly impacted the data collection, analysis and interpretation.



Perhaps most importantly, my background as a university administrator working directly with CSA has enhanced my understanding of the participants' experiences. I have substantial experience with conducting CSA investigations among students and collaborating with a range of other administrators who also do CSA work. Overall, my comprehensive understanding of this field and typical university practices with CSA added credibility to the study. However, my background and close work with the issue may have also interfered with my ability to be objective in some circumstances. I took steps to limit the impact of my biases on the outcome of the study, including debriefing interviews and writing memos to encourage reflection.

I also acknowledge the relatively limited scope of the study. The goal of this grounded theory study was to generate a theory about how university Title IX Coordinators execute their roles and broadly handle CSA, and how university culture is involved in that, but this study only begins to shed light on this multi-faceted topic. It cannot address every aspect of university handling of CSA, nor will it apply to all universities and institutional contexts. Additionally, while the theory that emerged from the research is expected to be a useful starting point for better understanding how universities deal with CSA, this study was not able to test or validate the theory.

### **Overview**

This dissertation includes seven chapters, with the first providing justification for the study and a summary of the research. The second chapter reviews the relevant literature on the topics of CSA and university culture, as well as areas of overlap between the two. The third chapter explains the research design and grounded theory methodology that was used, including a description of data collection and analysis. The

fourth, fifth and sixth chapters outline the findings of the study and are organized by theme. Finally, the seventh chapter discusses the conclusions and implications of this study and addresses the study strengths and limitations.

## CHAPTER 2: LITERATURE REVIEW

### Introduction

Multiple studies have demonstrated that campus sexual assault (CSA) is alarmingly prevalent, with about one in five college women enduring some form of sexual victimization (Fisher et al., 2000; Krebs, et al., 2007; Krebs et al., 2009), and there is little evidence that incidences of CSA are declining (Wies, 2015). More recently, researchers found that 15 percent of women reported incapacitated rape and 15 percent reported forcible rape during their first year of college (Carey, Durney, Shepardson, & Carey, 2015). Despite the prevalence of CSA, it is widely under-reported among college students. A study using a national sample of college students found that only 17 percent of sexual assaults and 22 percent of rapes were reported to law enforcement, campus police, or other authorities (Sloan, Fisher, & Cullen, 1997). Others have found even lower reporting rates, including that only 2 percent of sexual assaults experienced by college women were reported to police (Fisher, Daigle, Cullen, & Turner, 2003), and that 5 percent of college students who were raped reported it to law enforcement (Koss, Gidycz, & Wisniewski, 1987). The under-reporting of CSA suggests that the issue could be impacting even more than one in five students. Students who experience sexual assault are more at risk for a wide range of negative outcomes, including mental health, physical, and emotional issues (Frazier et al., 2009; Guerette & Caron, 2010; Zinzow et al., 2011).

The high prevalence of CSA and the significant negative consequences that sexual assault has on students makes this issue a critical one for universities in terms of student safety, wellbeing and retention. The legal implications and compliance

components of CSA add to the importance of the matter to university leaders and administrators. The *Dear Colleague Letter* issued by the Office for Civil Rights (OCR) in 2011 fundamentally changed the way that universities handled sexual assault by outlining an extensive set of expectations for administrators, especially Title IX Coordinators (OCR, 2011). The responsibilities associated with the position vary among universities, but according to the 2011 OCR guidance, the Title IX Coordinator is responsible for “overseeing all Title IX complaints and identifying and addressing any patterns or systemic problems that arise” and “review[ing] the [university’s] disciplinary procedures to ensure that the procedures comply with the prompt and equitable requirements of Title IX,” in addition to meeting directly with students (OCR, 2011, p. 7). The OCR (2011) guidance also asked institutions to consider adding other requirements to the Title IX Coordinator position, such as maintaining regular communication with university police and reviewing all evidence in each case to “determine whether the complainant is entitled to a remedy under Title IX” (p.18).

The 2011 *Dear Colleague Letter*, along with a 2014 *Question and Answer* document from the OCR, directed universities to respond more swiftly, fairly, and extensively to complaints of sexual assault and sexual harassment (OCR, 2014). This guidance from the federal government resulted in major changes to university policies and practices and fundamentally altered how many institutions deal with CSA (Wilson, 2017). Despite the fact that current administration has rescinded these documents, nearly all of the changes made as a result of the guidance remain in place at universities today (Kaukinen et al., 2017).

Even with the significant legal shifts that have taken place since 2011 on CSA, little research has been conducted on how universities handle the issue. A considerable body of literature is available on other related aspects of CSA, such as factors that contribute to CSA and the programs implemented by universities to combat sexual assault, but a broader picture of how universities, and in particular the responsible administrators, deal with CSA is missing. Overall, the empirical research on CSA is focused on individual, student-level factors (e.g. individual traits, attitudes, behaviors, or group memberships) that contribute to sexual assault. Most CSA research does not address relevant factors within the university or external environment. While some studies have examined specific CSA education and prevention efforts and the outcomes of such programs, a more general understanding of how universities handle CSA within their particular campus contexts is unclear. The role that cultural or university-level factors play in CSA is seldom assessed, and how universities and particular administrators handle CSA in a broad sense is largely absent (Moynan & Javorka, 2018; Stotzer & MacCartney, 2016).

This study seeks to respond to this gap in the literature by beginning to explore how universities handle student-on-student sexual assault and the role of university culture in that process. Because of the broad nature of the concept ‘university handling of CSA’ and the number of people at an institution who play a role in that, this study intentionally focuses more narrowly on how Title IX Coordinators navigate their responsibilities with CSA. Title IX Coordinators are specifically charged with managing the institution’s response to CSA, and therefore they have a pulse on a variety of university efforts in this area. In order for progress to be made on this issue, garnering an

understanding of what challenges and successes Title IX Coordinators face is a viable first step toward a comprehensive understanding of how universities are handling CSA and what can be done to improve that process.

Because the research that is directly related to this topic is sparse, the following review will first summarize the available literature on CSA in general, in addition to the limited research available on aspects of university handling of CSA. This literature offers some insight into the complexity of the CSA problem and the difficulty in addressing it fully. Next, given that the relationship of internal factors including institutional culture to CSA is poorly understood, this study explored how various aspects of university culture influenced the CSA work of Title IX Coordinators. Therefore, a literature review on university culture is also provided as a central concept for this study, particularly in relation to how it impacts the work of Title IX Coordinators. This chapter will then return to the CSA literature with a focus on areas of overlap between CSA and aspects of university culture. This includes a review of the literature on university-level and cultural factors that contribute to CSA, the literature on university CSA education and prevention efforts, and recent legal cases brought against universities for their handling of CSA cases. In light of the literature, this chapter offers a working definition of university handling of CSA, the broad concept in which the research questions involving Title IX Coordinators is nested.

### **Campus Sexual Assault**

For the purposes of the current study, sexual assault is broadly defined to include completed or attempted forced penetration, completed or attempted alcohol- or drug-facilitated penetration, completed or attempted acts that force the victim to penetrate

someone else, non-physically forced penetration through verbal pressure or intimidation, unwanted sexual contact, and noncontact unwanted sexual experiences (Basile, Smith, Breiding, Black, & Mahendra, 2014). The term “campus sexual assault” refers to college student-on-student sexual assault. Importantly, the word *campus* does not imply that the assault necessarily occurred on campus, but rather that college students were involved in the assault. Instances of CSA may occur at off-campus parties and houses, for example. Because the literature has utilized a variety of terms to describe the same or similar events, the terms sexual violence, sexual victimization, sexual misconduct, and rape may also be used in this chapter.

This study will use the terms victim, survivor, and complainant interchangeably to refer to students who are sexually assaulted and/or are accusing another student of CSA. The terms perpetrator, accused student, and respondent will be used interchangeably to refer to students who commit sexual assault and/or are accused of sexual assault.

### **Individual Factors**

Because individual factors can impact institutional prevention and response to the problem, the existing literature on both victims and perpetrators of CSA will be briefly summarized. For both victimization and perpetration, the fairly robust existing research on individual-level factors centers on behaviors, experiences, attitudes and personality, as well as aspects of the individual’s immediate social context and relationships. First, with respect to victims, researchers identified variables such as prior sexual victimization, alcohol use, expectations of the relationship with the perpetrator, and assertive or precautionary behaviors as being related to CSA victimization (Macy, Nurius, & Norris, 2007). Specifically, women reporting experiences of forced or incapacitated sexual

assault prior to attending college were at higher risk for being victims of the same type of sexual assault in college (Krebs et al., 2009). Others found that CSA victimization had a relationship with difficulty with assertiveness (Kelley, Orchowski, & Gidycz, 2016), with low self-control (Franklin, 2011) and with poor risk perception and emotion deregulation (Walsh, DiLillo, & Messman-Moore, 2012). Multiple studies discovered that substance abuse among college women was significantly related to sexual victimization (Krebs et al., 2009; Mouilso, Fischer & Calhoun, 2012; Littleton, Axsom, & Grills-Taquechel, 2009). These multiple significant factors suggest a range of variables that make students vulnerable to CSA.

Second, regarding what is known about CSA perpetration, the literature similarly proposes the existence of numerous risk factors. Multiple researchers have utilized a confluence model of sexual aggression, which suggests multiple existing pathways to sexual aggression (Malamuth, Linz, Heavey, Barnes, & Acker, 1995). One discovered pathway involves hostile masculinity and another is based on childhood adversity and engagement in impersonal sex (Malamuth et al., 1995). The confluence model is supported by longitudinal data and was further developed to include alcohol use (Zinzow & Thompson, 2015b), risky behavior (Zinzow & Thompson, 2015a), antisocial personality traits (e.g. lack of empathy, hostility, and impulsiveness) and sexual compulsions (Abbey, Jacques-Tiura, & LeBreton, 2011; Malamuth, 2003) as factors contributing to perpetration. Similarly, a systematic review identified two groups of factors that can lead to perpetration: first, the presence and acceptance of violence at the individual, peer, and family level, and second, unhealthy sexual behaviors, attitudes, or experiences at the individual, peer, and family levels (Tharp et al., 2012). The results of



other studies identifying multiple pathways to perpetration suggest that perpetration risk factors change over the course of a person's lifetime (Thompson, Swartout, & Koss, 2013).

Several researchers have emphasized the importance of examining sexual assault through a model that incorporates male gender role socialization and masculinity, which some of the literature fails to address (McDermott, Kilmartin, McKelvey, & Kridel, 2015). For example, one study found that group secrecy and peer pressure for sex had a direct impact on sexual assault perpetration, while other factors such as beliefs about gender role had an indirect impact (Franklin, Bouffard, & Pratt, 2012). Fraternity membership also had an indirect effect on sexual assault through peer pressure for sex and alcohol and drug use. In addition to fraternity members, college athletes could also be at increased risk for perpetration. Morean and colleagues (2018) offered a comprehensive literature review on the role of athletes in CSA and concluded that male athletes are at greater risk for committing acts of sexual misconduct.

While a range of individual traits have been studied, few researchers have explored the interactions among these individual risk factors and the broader community- and cultural-level factors. For instance, little is known about how students' behaviors associated with CSA are impacted by the campus context. Without understanding how campus culture could be influencing the problem of sexual assault, it remains unclear how universities should be handling CSA within their campus contexts. This study aims to address this missing piece of the CSA literature by beginning to examine the relationship between institutional culture and university administrator handling of CSA. Prior to continuing to review the literature on CSA, the concept of university culture will

be introduced. Following a discussion of the literature on university culture, this chapter will return to the topic of CSA and explore the overlap between CSA and university culture.

### **University Culture**

Before investigating the connections between topics related to CSA and university culture, the central concepts and literature on institutional culture will be reviewed.

Anthropologist Clifford Geertz (1973) asserts that culture is a “historically transmitted pattern of meanings embodied in symbols, a system of inherited conceptions expressed in symbolic forms by means of which [people] communicate, perpetuate, and develop their knowledge about the attitudes toward life” (p. 89). Tierney (2008) expands on this by asserting that organizational culture is “the study of particular webs of significance within an organizational setting” (p. 25). Kuh and Whitt (1988) similarly describe university culture as layered and complex, and being shaped by the symbols, attitudes, behaviors and interactions of individuals over time. The key elements of institutional culture existing within the university itself are “an institution’s ethos, academic traditions, and heroes” and “how faculty and students spend their time, with whom they interact, what people ‘perceive’ the culture to be, and the manner in which the norms and values of the institution shape behavior in the midst of crises” (Kuh & Whitt, 1988, p. 49).

According to Kuh (1993), “At the core of an institution’s culture are fundamental beliefs and assumptions about what is important” (p. 112). The shared perspectives on life at the university become a “cognitive map” that indicates “what the institution is like and how to get things done” (Kuh, 1993, p. 112). Part of university culture is what students, faculty and staff think about what needs to occur in order to accomplish

something at their university, but the culture is also continuously changing. How a university was founded has an ongoing impact on the institution and its policies, and understanding the history is key to understanding culture. Kuh (1993) distinguishes between the formal or written mission and the living mission, which is what students, faculty, staff and alumni say the college is about and aims to be. When the values that an institution puts forth in publications and statements do not match the values and practices that are carried out, culture can become a problem.

Kuh (1993) argues that culture can be taught and communicated in ways that reinforce certain aspects of the culture over others. For example, a university may want to shape student behavior by emphasizing cultural elements that promote kindness and service and understate elements of the alcohol culture. Communicating stories about key university figures and events is one way to convey the values and goals of the institution, particularly to those who are new to the university. Ceremonies can be used to address cultural issues, explain aspects of the mission, support groups of students, and bring individuals together during challenging times. Core aspects of the culture can be difficult to change, and “many of the institution’s core assumptions about human nature are deeply rooted” (Kuh, 1993, p. 117).

As explained in Chapter 1, the work of both Tierney (1988; 2008) and Kuh and Whitt (1988) made up one of the two theoretical frameworks utilized to guide this study. Kuh and Whitt (1988) offer a framework for examining culture in higher education which focuses on four levels or layers of analysis: the external environment, the university itself, the subcultures of the university, and key individuals. The framework posits that institutional culture forms from the interaction between the external environment and a

university's history, the organization of the university, the views of faculty and students, and the ideas that students and faculty develop about the university (Kuh & Whitt, 1988). To some extent, the university mirrors the values and customs of the surrounding society and the relevant external and internal actors. Kuh and Whitt (1988) also suggest that how the university was formed and its background create a unique culture that is then reinforced by the faculty and student views and actions that are consistent with this culture. The subcultures within the university that become most prominent also work to contour the culture of the university.

Similarly, Tierney (1988; 2008) offers a framework for university organizational culture that includes six elements: environment, mission, socialization, information, strategy and leadership (see Table 1). Tierney's (2008) framework suggests that the perpetuated cultural norms of a university are composed of multiple interacting pieces and can offer insight into why institutions behave and make decisions in the way that they do. Tierney (1988) states, "Even the most seasoned college and university administrators often ask themselves, 'What holds this place together? Is it mission, values, bureaucratic procedures, or strong personalities? How does this place run and what does it expect from its leaders?'" (p. 3). Tierney (1988) posits that what does in fact hold universities together includes both external and internal shaping factors. The internal dynamic is embedded in the university's values, practices and objectives of the individuals most involved with the institution's operations. "An organization's culture is reflected in what is done, how it is done, and who is involved in doing it. It concerns decisions, actions, and communication both on an instrumental and a symbolic level" (Tierney, 1988, p. 3).

**Table 1**  
*Tierney's (1988) Framework of Organizational Culture*

Environment	How does the organization define its environment? What is the attitude toward the environment? (Hostility? Friendship?)
Mission	How is it defined? How is it articulated? Is it used as a basis for decisions? How much agreement is there?
Socialization	How do new members become socialized? How is it articulated? What do we need to know to survive/excel in this organization?
Information	What constitutes information? Who has it? How is it disseminated?
Strategy	How are decisions arrived at? Which strategy is used? Who makes decisions? What is the penalty for bad decisions?
Leadership	What does the organization expect from its leaders? Who are the leaders? Are there formal and informal leaders?

With regard to college administrators, Tierney (1988) asserts that many administrators only have a “passive awareness” of cultural forces that come into play and affect their decision-making. Administrators also only tend to see the role of university culture when they infringe on the boundaries of the culture, or when a conflict or challenge arises. Therefore, institutional culture is rarely discussed in a proactive manner and is often only addressed in times of crisis. Universities can grow and benefit from better understanding their own cultures, especially as decision-making becomes more complex, as costs rise, and as resource allocation becomes more challenging (Tierney, 1988). Tierney (1988) further states the following:

Indeed, properly informed by an awareness of culture, tough decisions may contribute to an institution's sense of purpose and identity. Moreover, to implement decisions, leaders must have a full, nuanced understanding of the organization's culture. Only then can they articulate decisions in a way that will speak to the needs of various constituencies and marshal their support. (p. 5)

By developing a better understanding of the role of university culture, leaders can limit the negative outcomes of cultural turmoil and encourage the emergence of common goals and ways to fulfill those objectives.

While researchers have discussed the importance of understanding culture for achieving goals, others have emphasized the role of university culture in the change process. With CSA being an area that is subject to frequent changes internally and externally, this literature could help inform the findings of this study. Strategies for change in higher education are often characterized as applying universally to all institutions, but Kezar and Eckel (2002) argue that a cultural perspective is needed in the change process. After studying several universities undergoing changes, the researchers found a relationship between university culture and change, and they established support for multiple assumptions found in cultural theory. They discovered that culturally fitting strategies were important and that accounting for the various layers of culture was needed. Overall, Kezar and Eckel (2002) demonstrated that unique institutional cultures influence the process of change and need to be considered when devising strategies for transformation. They supposed that “comprehensive change...might best be examined through a framework in which values and beliefs are a focus because major alterations to an organization usually impact underlying belief systems” (Kezar & Eckel, 2002, p. 437).

The importance of addressing culture is further emphasized by Clark (1984), who describes culture as central to the unique nature of universities: “Academic systems are ideologically rich in part because they provide plurality of nested groupings that manufacture culture as part of their work and self-interest” (Clark, 1984, p. 75). According to Clark (1984), there are four parts of university culture that are interconnected: the culture of the discipline, the culture of the enterprise, the culture of the profession, and the culture of the system. Among the four cultures that Clark (1984) defines, the culture of the enterprise, which is particularly focused on administrative culture, is the most relevant to the current study on university Title IX Coordinators and therefore will be reviewed in depth.

In discussing the enterprise culture, Clark (1984) emphasizes the importance of institutional symbols to the culture of the university. The strength and power of those symbols to unify a campus can depend on the scale, the level of integration, the age, the struggle, and the competitiveness of the organization. Universities that are smaller tend to be able to better develop “unifying ideologies,” and those that are more integrated are more likely to develop a common language and identity for the organization (Clark, 1984). Universities that have rich histories and extraordinary stories about their founding are more apt to have significant symbols. Clark (1984) states that “competitive distinctiveness is the sharp edge of enterprise culture” because universities that must compete to survive tend to form unique identities and powerful shared feelings of struggle (p. 81-82). Organizational saga, including stories, legends, and commonly shared feelings and attitudes that develop, are also important to university culture. Over time, symbols form from institutional saga, and meaning is attributed to those symbols.

When members of the university community bond over those symbols, loyalty is cultivated and individuals become attached to the institution (Clark, 1984). This process makes universities and their cultures distinct from other types of organizations.

These cultural features of a university can be drawn upon during challenging times, including perhaps when universities are facing complex issues such as CSA. Clark (1984) states, “A potent institutional myth is a resource deposited in the bank of institutional morality, an account on which one can draw without going under when difficulties arise” (p. 84). The strong beliefs present among members of the university community can connect the university to the external environment and allow the institution to tap into resources. These powerful beliefs can also lead to pitfalls, including universities investing too much in niche areas rather than diversifying to prepare for changes that are necessary to adapt to the shifting environment. The loyalty and strong ideologies can also lead universities to become rigid and resistant to new ideas (Clark, 1984). University cultures that are structurally tight, as opposed to fragmented, are more likely to remain strong during periods of difficulty. Clark (1984) argues that structural fragmentation can lead to a similar fragmentation of culture, especially for loosely integrated universities where individuals tend to be more independent.

As universities grow, subcultures develop around key areas that pull students, faculty, and staff further from each other and accentuate their differences (Clark, 1984). This is an important consideration as CSA is a problem that impacts all subcultures of a university, but the subgroups may all have differing views and roles in the issue that need to be addressed in particular ways. While faculty tend to adopt beliefs consistent with the notion of a “community of scholars,” students are less cognizant of their paths and the



university's values and goals, leading them to look to other symbols to understand culture. The literature on student culture in the United States suggests that there are multiple pathways by which students "orient their behavior by shared beliefs" (Clark, 1984, p. 87). Particularly within the context of elitism, student subcultures act as influential factors that form lasting beliefs and allow students to bond with each other. Faculty culture has grown more fragmented as universities become increasingly large and complex and more disciplinary subcultures form (Clark, 1984). Countercultures are additional forms of subcultures that possess core values that contradict the values of the dominant university culture. The counterculture and the dominant culture subsist "in an uneasy symbiosis" and have opposing views on important issues (Martin & Siehl, 1983).

Additionally, administrative culture is becoming progressively more separate from faculty and student cultures. "As cadres of professional experts replace the professor-amateur, in campus, provincial, and national administration, a separate set of roles and interests emerge around which separate definitions of the situation form" (Clark, 1984, p. 89). Administrators and faculty become more detached from each other as they spend more time in their respective fields and specialties. Administrators, including university Title IX Coordinators, increasingly have more meetings and specialized conferences among those in similar positions at other universities. "As other groups in the university see 'the Administration' as a distinct and even alien segment, symbolic separateness grows. In response, administrators develop a special self-interest in creating and spreading certain official ideologies" (Clark, 1984, p. 90). Some administrative cultures help administrators to delineate their roles within the larger university, while other administrative cultures offer "definitions at system levels" and are

permeated with national and regional obligations (Clark, 1984). This literature on university culture, and administrative culture in particular, helps to situate Title IX Coordinators within their institutional contexts and anticipate aspects of institutional culture that can impact their work.

For the current study, the culture of a university (as it is understood by key administrators in the area of CSA) is a central concept in the exploration of how the university handles CSA and the forces that influence that process. While the exploration of university culture was wide-ranging, because this study is from the perspective of key university administrators, organizational and administrative culture were concentrated on, rather than student culture. This research examines how, in light of institutional culture, Title IX Coordinators approach and implement their responsibilities related to CSA, which is an important component of how universities handle CSA overall. Next, the literature that helps to build a connection between university culture and CSA will be discussed. Because few researchers have directly examined the issues addressed in the research questions, this chapter will review the literature that is at least partially relevant to the research questions. The following section will provide the foundation to then discuss how university administrators handle issues of CSA and the role of institutional culture, in line with the focus of the current study.

### **Campus Sexual Assault and University Culture**

This section returns to the topic of CSA and begins with a discussion of the literature on what is known about community-level and cultural factors that extend beyond the individual victim and perpetrator level, which were described earlier in this chapter. Some researchers have investigated aspects of universities and their cultures that

contribute to sexual assault, though those studies are relatively small in number and limited in scope. After reviewing the research that has touched on aspects of university-level factors, the larger body of literature that has examined sexual assault education and prevention programs will also be summarized. Implementing CSA education and prevention programs seems to be a common strategy for universities to attempt to not only respond to the problem of sexual assault, but also to influence cultural factors that lead to CSA, and therefore that literature is important to consider here. This section will lead into a discussion of how university administrators handle the complex aspects of CSA, and the role of university culture in that process.

### **University-Level and Cultural Factors**

Despite the emphasis that researchers and experts have placed on taking a comprehensive view of CSA that accounts for university-level factors, relatively few studies have directly examined those broader community and cultural influences. Moylan and Javorka (2018) recognized this missing perspective in the literature and took an ecological approach to examining campus-wide issues that contribute to CSA. To do this, they explored the existing literature on a range of campus-level factors in CSA related to alcohol, athletics, fraternities, experiential learning, student demographics, and other campus variables (Moylan & Javorka, 2018). One study that they reviewed found that a high level of student episodic alcohol use on campus in general was a predictor of risk for being sexually assaulted, even after controlling for individual risk factors and other campus risk factors (Mohler-Kuo, Dowdall, Koss, & Wechsler, 2004). Additionally, qualitative data may support the idea that party culture on campus contributes to CSA, but further research is required to understand this relationship,

particularly because the literature about how campus alcohol policies and their enforcement impact rates of CSA are mixed (Moylan & Javorka, 2018). Because many sexual assaults occur within the context of hookups (Flack et al., 2016), the college hookup culture may also contribute to CSA, but this connection requires additional investigation as well.

Consistent with the ecological view taken by Moylan and Javorka (2018), Murnen (2015) used a social constructivist lens to understand the relationship between sexual assault and masculinity, arguing that the use of measures of individual factors such as attitudinal scales alone does not allow for a comprehensive prediction of behavior. While men with hyper-masculine attitudes may be more likely to perpetrate CSA, a broader approach that encompasses individual, situational, peer and societal factors should be used to predict sexual aggression. Murnen (2015) argues that prevention efforts must be targeted toward shifting situational and societal factors in conjunction with efforts directed toward individual attitudes and behaviors. Banyard, Plante and Moynihan (2004) have also contended that peer- and community-level dynamics need to be accounted for in interventions for sexual violence.

More specifically, Martin (2015) reviewed the literature on fraternities and athletic teams, two historically problematic social contexts that may also influence the culture around sexual assault in a wider university environment. The cultures and rituals of these specific groups promote competition, aggression, sexual aggression, and exploitation of women (Martin, 2015). Based on the connection between the promotion of hegemonic and hostile masculinity within these organizations and sexual assault, Martin (2015) asserts that research must be devoted to the characteristics and dynamics

of each cultural aspect of the fraternity and athletic team context. He offers practical and structural suggested changes for universities to reduce incidents of sexual assault, yet also acknowledges the challenges of making such changes based on institutional constituents with power and resources. Pascoe and Hollander (2015) make a similar argument for investigating masculinity as a key aspect of viewing sexual assault from a cultural standpoint, while accounting for the constantly shifting meanings of sexual assault in society. Another study of fraternity men showed that conceptions of masculinity and social status may contribute to perceived ability to have sex with women (Sweeney, 2011). While some researchers have addressed masculinity in various forms and contexts and its relationship to sexual assault, there are many other cultural and campus factors that could also be playing a role in CSA.

One of the only studies to examine multiple cultural-level factors related to CSA at numerous universities is a 2015 study conducted by the Association of American Universities (AAU). The AAU collected data from 27 institutions of higher education to conduct a climate survey on sexual assault, sexual harassment, stalking and domestic violence, part of which addressed campus-level factors that contribute to CSA (Cantor et al., 2015). The survey's main purpose was to measure the prevalence and characteristics of sexual assault on various campuses, including understanding more about the victims and reporting behaviors, and to assess the campus climate around sexual assault. Measures of campus climate included questions on: student expectations of responses from the university upon reporting sexual assault; whether student witnesses intervened and exhibited bystander behaviors; whether students viewed sexual assault as a problem on campus; student perspectives on prevalence and personal risk; and student knowledge

of university policies (Cantor et al., 2015). The researchers were able to examine certain university characteristics in relation to these measures of campus climate, and they did so using multivariate models and reporting the university characteristic predictors that emerged as significant. Several of the results of this unique study relevant to university culture will be discussed.

The AAU study found substantial variation across universities for most types of sexual assault and for a range of campus climate indicators (Cantor et al., 2015). The researchers could not explain these variations across institutions and stated that while they found some correlations with university factors, the correlations were not especially strong. Overall, they concluded that the commonly cited statistic that 1 in 5 female students will be victims of CSA may not apply to every university (Cantor et al., 2015). This suggests the need for additional university-level factors, including facets of university culture, to be investigated more thoroughly, as they may account for some of the variation in CSA rates across institutions.

The AAU study investigated the relationships between: (a) certain university characteristics and (b) students' expected responses from the university when reporting a sexual assault. The university characteristics examined were enrollment, public or private type, percentage of female students, percentage of undergraduate students, percentage of white students, and the survey response rate (Cantor et al., 2015). The expected university responses included the students' perceptions of how the university would respond to a report of a CSA. Specifically, expected university responses refer to student perceptions about how likely it is that: other students would support the reporting person; the respondent would retaliate against the reporting party; campus officials would

take the report seriously; campus officials would offer protection to the reporting person; the university would conduct a fair investigation; the university would take action against the respondent; and the university would take steps to address factors that contributed to the assault (Cantor et al., 2015).

In their analysis of students' expected university responses, the researchers found significant relationships with two university characteristics: enrollment and percentage of female students (Cantor et al., 2015). Institutions in the second highest enrollment category (26,000 to 40,000) had fewer students report that they thought university officials would take CSA reports seriously, conduct a fair investigation, and/or take steps to address issues that led to the sexual assault. Universities with higher percentages of female students had fewer female students who thought that university officials would take reports seriously, conduct a fair investigation, and/or take steps to address issues that led to the sexual assault (Cantor et al., 2015). This suggests that larger universities and those with more female students could have issues with campus climate that are negatively impacting students' views of how the university will handle reports of CSA. The researchers emphasized, however, that these correlations were not particularly strong, suggesting that the relationships between university-level factors and CSA require additional exploration to be fully understood.

The AAU survey also considered whether any university traits were linked to how problematic female students thought sexual assault was at their school. They discovered that at universities with higher proportions of female students and undergraduate students, more female undergraduates believed that CSA was a problem on their campus. Universities with higher response rates on the survey also had students reporting that

sexual assault was more problematic at their institution. Additionally, when examining student knowledge of university sexual assault policies and procedures, institutions with higher percentages of female students had more female undergraduates who felt knowledgeable about university resources on CSA and seeking assistance (Cantor et al., 2015). Interestingly, the gender breakdown of students on campus appeared to be related to multiple measures of campus climate. However, the implications of these findings about students' perceptions for university policy and practice are unclear.

Overall, the AAU study demonstrates that some demographic and cultural aspects of the university, including enrollment, percentage of female students, and student response rate, could relate to aspects of campus climate around sexual assault. However, this survey does not provide a nuanced understanding of the elements of university culture that may be affecting campus climate, nor does it directly address how universities and their administrators are handling CSA. The AAU survey also provided the student perspective on the issue. While this viewpoint is valuable, gathering the information from an administrator perspective in the current study was critical to gaining a more complete view of how CSA is approached by universities.

Stotzer and MacCartney (2016) also took a quantitative approach to examining institutional factors and CSA. They were specifically interested in reported prevalence of sexual assault, and routine activities theory (RAT) was utilized to frame their study. RAT allowed the researchers to investigate the combination of individual traits and behaviors with environmental risk factors for CSA. Based on RAT and past research about crime occurrences, this study assessed various cultural factors within three categories: the availability of victims, the presence of motivated offenders, and the lack



of capable guardians. One factor in each of those three cultural categories were found to be significantly related to reported instances of CSA: campus residential population, NCAA Division, and campus alcohol policy (Stotzer & MacCartney, 2016).

First, highly residential campuses had two times higher rates of reported sexual assault compared to primarily commuter campuses (Stotzer & MacCartney, 2016).

Second, athletic division was the only significant factor among the ‘presence of motivated perpetrators’ category, with institutions in NCAA Divisions I, II, and III reporting more sexual assaults as their Divisions became increasingly competitive, compared to universities without NCAA affiliation or with no athletics program.

Interestingly, the percentage of men participating in fraternities was not a significant predictor of CSA prevalence. Third, universities with alcohol policies that permitted students of legal drinking age to possess alcohol had higher numbers of sexual assaults, compared to schools with more restrictive alcohol policies (Stotzer & MacCartney, 2016). In discussing the implications of their work, Stotzer and MacCartney (2016) wrote:

Membership in *potentially* rape-prone organizations does not necessarily result in an increase in reported sexual assault, which suggests that further attention needs to be paid to variables that examine rape-supportive cultural factors, campus climate, and campus messaging about sexual assault and case handling. (p. 2702)

These results indicate that certain aspects of campus culture, including those related to student population, athletics, and policies, may be especially important to consider with regard to preventing and responding to CSA.

Several other researchers have addressed campus-level factors for outcomes such as the utilization of resources or the reporting of CSA, rather than on the occurrence of CSA itself. Moylan and Javorka (2018) concluded based on their review of literature that generally universities did not coordinate their on-campus resources with community-based resources. This lack of coordination could be problematic given the evidence on sexual assault response teams used in community settings, which suggests that when resources are better coordinated, survivor experiences are improved (Greeson & Campbell, 2013). Moylan and Javorka (2018) argue that because CSA is generally under-reported and some institutions, particularly smaller schools, are less likely to have on-campus resources, it is especially important that universities make efforts to better coordinate both on- and off-campus resources for students. Whether a university internally and externally coordinates resources is at least a partial reflection of the institutional culture. Additionally, Holland and Cortina (2017) found that the most frequently stated reason for students not reporting a sexual assault or not utilizing resources was the perception that their assault or their response to their assault were not sufficiently severe to warrant use of the service. This implies that how universities market their services and work to shape perceptions of their services are important to connecting CSA survivors to the appropriate resources.

Collectively, the literature on university-level factors impacting CSA reinforces the importance of addressing facets of campus culture that contribute to sexual assault, many of which require further research to be thoroughly understood. Moyland and Jarvoka (2018) state that “it is essential that researchers continue to explore how

institutional and larger social contexts shape both the prevalence of and response to campus sexual assault” (p. 9).

### **Sexual Assault Education and Prevention Programs**

Although few researchers have examined institutional contextual and cultural factors related to CSA, the more substantial body of research on sexual assault education and prevention programs indicates that universities are making efforts to address certain aspects of university culture. While evaluations of education and prevention programs do not provide a complete view of the role of university culture in CSA or how it is being attended to, this literature does offer some insight into university attempts to address cultural aspects of the problem and influence campus culture. The implementation of education and prevention programs encompasses one aspect of how universities handle CSA in light of institutional culture. A diverse set of university programs have been evaluated, both in individual research studies and through meta-analyses. All-male prevention programs, risk reduction programs for women, and bystander intervention programs are several common types of programming that have undergone empirical evaluation. Several prevention programs across these categories that have demonstrated promise will be reviewed, in addition to a series of meta-analyses conducted.

**All-male prevention programs.** First, all-male programs discuss masculine stereotypes and encourage men to develop skills to prevent sexual assault (Berkowitz, 2002). They also help men develop empathy for survivors and confront attitudes and jokes that contribute to sexual violence (Foubert, 2005). One large study of first-year fraternity men utilized the Illinois Rape Myth Acceptance Scale and the Sexual Experiences Survey, both of which have demonstrated validity and reliability, to test the

impact of The Men's Program (Foubert, Newberry, & Tatum, 2007). This prevention program involved presentations by trained peer educators, a video, learning skills for intervening with a survivor, a guided imagery exercise, hypothetical situations, and self-reflection.

Based on ANOVA tests, fraternity men who completed The Men's Program engaged in significantly fewer sexually coercive acts during their first year, compared to men in the control group who did not complete the program (Foubert et al., 2007). Program participants also reported a significant decrease in rape myth acceptance from pretest to posttest, and this decrease was sustained at the 7-month follow-up period. Only half of participants were administered pretests, and the researchers found that men completing a pretest more often had lower posttest rape myth acceptance scores, regardless of program completion. However, these pretest effects were not found at the follow-up test point (Foubert et al., 2007). The researchers did not appear to apply advanced methodology, but by utilizing a control group, giving only some participants a pretest, and including follow-up data collection points, they provided a more complex look at the data and better justified the positive impact of the program. This study provides some initial evidence that the program may help to reduce rape myth acceptance, and reduce sexually coercive behavior, in part by challenging cultural beliefs and notions of masculinity.

**Risk reduction programs.** Second, programs aimed at reducing risk of sexual victimization for women are a source of controversy in the prevention field. While some would say that a program aimed at reducing risk for women is placing the burden on the victims to solve the problem, McCaughey and Ceremele (2017) argue that because most

other primary prevention programs do not include self-protection components for women, they assume that women have no agency in situations of sexual assault. From a public health perspective, self-defense may play an important role in empowering and protecting women against sexual violence (American College Health Association, 2016; McCaughey & Ceremele, 2017). Consistent with this view, multiple studies examining the same risk reduction program and utilizing control groups found that the programs significantly increased protective behaviors and awareness of sexual assault over a six-month period (Gidycz, Rich, Orchowski, King, & Miller, 2006) and increased self-protective behavior, assertiveness, and self-efficacy in one's ability to self-defend over a follow-up period (Orchowski, Gidycz, & Raffle, 2008). Other researchers using control groups have found that risk reduction programs do decrease rates of sexual victimization (Simpson Rowe, Jouriles, McDonald, Platt, & Gomez, 2012; Mouilso, Calhoun, & Gidycz, 2011).

**Bystander programs.** Third, bystander prevention and intervention programs operate under the assumption that sexual assault is at least partially caused by social norms and community factors. Bystander programs are also rooted in a community readiness model, believing that all community members have a role in stopping sexual assault and supporting victims (Banyard et al., 2004). The community-readiness model focuses on factors that influence bystander actions, including the size of the group, presence of peer role models, social and institutional context, and social norms that perpetuate sexual violence. Social norms theory also supports a bystander intervention model of prevention. Social norms research shows that students overestimate how often their peers engage in sexual activity, how many sexual partners their peers have, and their

peers' acceptance of rape myths, and that college men underestimate their peers' discomfort with disparaging comments toward women (Berkowitz, 2010). Based on this, small-group bystander intervention programs and social norms marketing campaigns may be effective ways to inform students and change beliefs and behaviors related to sexual assault.

The considerable body of literature on bystander program effectiveness has demonstrated a number of positive outcomes. A large cross-sectional evaluation found that a bystander program decreased rape myth acceptance and increased bystander behaviors (Coker et al., 2011). A longitudinal evaluation of the same program utilizing one intervention campus and two control campuses showed that rates of sexual victimization and perpetration were significantly lower on the intervention campus (Coker et al., 2016). An all-male bystander program reportedly reduced rates of sexual aggression and shifted men's perceptions of their peers' behavior; compared to a control group, program participants also reported a lower propensity for sexual aggression, decreased association with sexually aggressive peers, and less exposure to sexually explicit media (Gidycz, Orchowski, & Berkowitz, 2011). Further, a six-module web-based bystander intervention program found that at a six-month follow-up, compared to a control group, program participants reported increased knowledge of CSA and consent and willingness to intervene as well as decreased perpetration, acceptance of rape myths, hostile attitudes toward women, hyper-gendered thinking, and comfort with men's problematic behavior (Salazar, Vivolo-Kantor, Hardin, & Berkowitz, 2014). Overall, bystander programs have demonstrated various measures of success, though it is unclear whether any existing education and prevention programs actually decrease rates of CSA.

University bystander programs are attempting to impact campus culture on the student level by targeting community factors and aiming to impact social norms. They do this by challenging students' beliefs and encouraging them to take active steps to prevent CSA and believe survivors. Bystander programs are one important facet of addressing institutional culture in relation to CSA. While such programs may be able to influence how students respond to instances of potential sexual assault and their beliefs about victims, bystander programs are generally one-time programs directed toward students. It is unclear whether the results of such programming can have a lasting impact over a student's tenure. How bystander programs may fit within a more comprehensive approach to combat CSA is also absent in the current literature. It is also unknown whether bystander programs could influence the larger university culture beyond the student culture, as these programs are not generally intended on challenging the beliefs of faculty or staff. Thus, bystander programs alone cannot be relied upon to address cultural issues, nor can they serve as the sole indicator of how CSA is handled on campuses.

**Meta-analyses on sexual assault programs.** Over the past 20 years, several meta-analyses have provided a synthesis of studies on sexual assault prevention programs. In 1998, Flores and Hartlaub conducted a meta-analysis of 18 studies evaluating the value of programs aimed at decreasing rape-supportive attitudes and beliefs. Several years later, Brecklin and Forde (2001) built upon this by expanding the inclusion criteria to encompass dissertations and studies examining a broader range of programs. Linear regression modeling yielded the following findings: compared to dissertations and unpublished studies, published research studies demonstrated increased positive attitude changes; changes in attitude diminished with time; and men in programs

with only men reported greater attitude changes than men in mixed-gender programs (Brecklin & Forde, 2001). The authors focused on attitudes toward rape because at the time of the article, attitudes were the most frequently used program outcome measure. While there may be a connection between rape-supportive attitudes and sexual aggression, the researchers acknowledged that this relationship is not known to be causal in nature. Therefore, many have advocated for the use of behavioral measures instead of attitudinal outcomes. Brecklin and Forde (2001) directly stated that “no conclusions can be made as to the effectiveness of these programs in reducing the incidence of rape” (p. 311).

Another meta-analysis, which used seven outcome variables and only included studies that utilized a control group, found that sexual assault program efficacy differed based on type of outcome examined (Anderson & Whiston, 2005). The rape knowledge outcome showed the most positive change for participants, followed by rape attitudes. For all other categories examined, either the change was not statistically significant or the effect size was not sufficient. Programs that focused on gender role socialization, offered general information about rape, examined rape myths, and presented risk-reduction strategies had a stronger positive impact on rape attitudes, compared to programs focused on rape empathy (Anderson & Whiston, 2005). Based on the positive results but the unknown or weak relationship between attitudes and behaviors, scholars agree that future research should focus on evaluating programs with extended follow-up periods, and behavioral outcome measures must be developed in order to assess the effectiveness of programs in decreasing incidents of sexual assault (Brecklin & Forde, 2001; Anderson & Whiston, 2005).



A meta-review of 102 systematic literature review articles on effectiveness of college sexual assault prevention initiatives indicated that program effectiveness depended on audience type, role of the facilitator, program format and program content (Vladutiu, Martin, & Macy, 2011). Specifically, programs facilitated by professionals, directed toward single-gender audiences and administered on an ongoing basis were more effective. Workshops or classroom courses with multiple, lengthy sessions were particularly effective. Program outcomes varied across the studies, and researchers utilized slightly varying terms or definitions, which presents challenges for comparing data across multiple studies and literature reviews. Rape attitudes and rape myth acceptance were the most commonly used outcomes, followed by rate of sexual assault perpetration or victimization (Vladutiu et al., 2011). The authors recommended that prevention programs be coupled with community-based programming to convey messages to the wider campus, and that policymakers offer incentives for universities to implement evidence-based prevention practices for sexual assault. In agreement with other researchers, they advocated for the use of behavioral outcomes and stated that people will “never have full confidence in our prevention programs until they are firmly linked to reductions in violence perpetration and victimization” (Vladutiu et al., 2011, p. 81).

Lastly, in a recent meta-analysis, DeGue and colleagues (2014) reviewed 140 outcome studies published from 1985 to 2012 on sexual assault primary prevention programs and found that only 3 of the 140 demonstrated a decrease in sexually violent actions through a rigorous methodological approach. Although the authors reviewed both university and community programs, 70 percent of the sample were university programs.

Most interventions were short in duration, psycho-educational in nature, and utilized a pretest-posttest design, and the majority examined outcomes relating to increasing knowledge and altering attitudes, and very few demonstrated changes in perpetration behavior. The existing literature focuses on attitudes and knowledge, which may only explain a limited amount of behaviors. Therefore, programs that aim to change knowledge and attitudes alone are likely not sufficient to impact rates of perpetrator behavior (DeGue et al., 2014). This 2014 study is particularly relevant to assessing the state of the literature on sexual assault prevention programming because it utilized multiple methods to obtain a broad range of studies and reports, and only those on primary prevention programs with outcome measures related to perpetration were included. The inclusion criteria also required experimental, quasi-experimental, or single-group pretest-posttest designs because with those designs, changes in outcome measures can more confidently be attributed to the intervention (DeGue et al., 2014).

Most studies implemented a pretest-posttest design with only one immediate posttest. Programs had a range of findings, with 41.4 percent reporting mixed findings, 27.9 percent reporting positive effects only, 21.4 percent reporting null findings, and 6.4 percent reporting negative findings. Studies with more rigorous designs were less likely to report positive effects of the intervention, compared to less rigorous studies (DeGue et al., 2014). Research that investigated sexually violent behavior reported more null results, and very few reported positive results; those that measured knowledge, bystander behavior, intentions and skills, on the other hand, frequently reached positive conclusions. For studies on attitudes or affect, no pattern of findings was apparent. Not surprisingly, studies demonstrated more positive findings when interventions were longer

in duration (DeGue et al., 2014; Anderson & Whiston, 2005). The lack of rigorous methodology utilized to evaluate many of the interventions is concerning, given that evaluation research in any field is expected to advance and increase in rigor over time (DeGue et al., 2014).

The only three effective interventions in this meta-analysis were the Safe Dates program, the Shifting Boundaries intervention, and the funding associated with the Violence Against Women Act (VAWA), none of which involve college student populations (DeGue et al., 2014). This suggests a critical need for improvement in college-based sexual assault prevention programs that are effective in addressing cultural issues and reducing rates of CSA. Safe Dates and Shifting Boundaries both occurred over an extended period of time (10 sessions and 6-10 weeks, respectively) and measured outcomes at follow-up periods. Both were randomized control trials and demonstrated decreased perpetration behavior. The VAWA funding, used for a variety of grants and programs, demonstrated decreased rates of rape by using regression modeling to examine police reports over a 7-year period. Interactive, ongoing skill-based learning programs, programs that created positive relationships among the participants and facilitators, and those that incorporated community beliefs and social norms were more effective. Even among the three interventions deemed to be effective in reducing sexual assault, none have been replicated with other populations, and none of the three approaches are enough alone to combat sexual assault on a larger scale (DeGue et al., 2014). Very few sexual assault prevention programs address outcome measures beyond individual-level factors such as knowledge and attitudes. Also, few programs target social norms, aim to make

policy changes, intervene on a wider community level, or make environmental changes (Gray, Hassija, & Steinmetz, 2017).

Taken together, these meta-analyses point to the prominence in the sexual assault prevention literature of attitudinal and knowledge outcomes, and the lack of use of behavioral outcomes. Few programs have demonstrated effectiveness in actually altering behaviors or rates of CSA. Further, when behavioral outcomes are used, programs tend to demonstrate less effectiveness. Researchers seem to agree that changes in attitude may not be sufficient to lead to behavioral changes, either by reducing perpetrator behavior or increasing bystander behavior, but measuring behavioral changes may be practically challenging and costly. In the recent meta-analysis by DeGue and colleagues (2014), only 3 out of the 140 programs had demonstrated effectiveness in reducing rates of sexual assault, and none were college-based. It is a concern that many CSA prevention and intervention programs are not supported by empirical data, nor are they rooted in a sound theoretical foundation (Gray et al., 2017).

While universities may need to improve their education efforts in this area, such programming is merely one piece of university handling of CSA and indicates the limited efforts of universities to address the role of institutional culture in sexual assault. Other aspects of how universities deal with CSA are generally absent from the literature, and therefore require empirical identification and exploration. The next section defines university handling of CSA for the purposes of this study, explains the use of Title IX Coordinator handling of CSA as the focus, and reviews the limited literature in that particular area. It also analyzes the legal cases brought against universities for how their

administrators have responded to CSA cases, which demonstrate how universities are being held accountable for the handling of CSA.

### **University Handling of Campus Sexual Assault**

This study aims to develop a deeper understanding of how universities handle CSA by examining how Title IX Coordinators go about their work and responsibilities with respect to CSA. A broad definition of ‘university handling of CSA’ that incorporates multiple components is utilized here. For the purposes of this study, the university handling of CSA includes:

- university policies and procedures related to CSA,
- how the university responds to, investigates and adjudicates sexual assault complaints, including sanctioning standards and practices,
- on-campus and off-campus resources for students impacted by CSA,
- CSA education and prevention programs and trainings for students, faculty and staff,
- assessments of issues of campus climate related to CSA and actions taken as a result of the assessments, and
- compliance with state and federal laws that stipulate how universities deal with CSA.

Because Title IX Coordinators are ultimately responsible for overseeing their university’s efforts, policies and practices in each of these areas (OCR, 2015), in order to get at the overall concept of ‘university handling of CSA,’ this study focuses on how Title IX Coordinators carry out their various roles and responsibilities with CSA. According to previous OCR guidance that has recently been rescinded but was used to

shape the currently existing Title IX Coordinator roles on campuses, the Title IX Coordinator is responsible for “overseeing all Title IX complaints and identifying and addressing any patterns or systemic problems that arise during the review of such complaints” (OCR, 2011) and “overseeing the school’s response to Title IX reports and complaints” (OCR, 2014). Prior government guidance also specified the particular knowledge and training that Title IX Coordinators must have, and it stated that they may be given additional responsibilities, including:

...providing training to students, faculty, and staff on Title IX issues; conducting Title IX investigations, including investigating facts relevant to a complaint, and determining appropriate sanctions against the perpetrator and remedies for the complainant; determining appropriate interim measures for a complainant upon learning of a report or complaint of sexual violence; and ensuring that appropriate policies and procedures are in place for working with local law enforcement and coordinating services with local victim advocacy organizations and service providers, including rape crisis centers. (OCR, 2014, p. 18)

Title IX Coordinators are tasked with the overarching responsibility of ensuring their university’s compliance with Title IX, which includes the prompt and equitable response to complaints of CSA in addition to other responsibilities, often incorporating the overall campus education and training on CSA. The Title IX Coordinator’s task to oversee the institution’s handling of sexual assault is shown to be a major responsibility, particularly if it is done in a comprehensive way that aligns with current expert recommendations.

According to the American College Health Association (ACHA, 2016), to successfully manage the issue of sexual assault a university should take an ecological

approach. This includes addressing multiple layers of the campus environment, including the individual, university, and cultural factors described earlier in this chapter. Such an approach involves actions such as creating trauma-informed practices, responding sensitively to marginalized populations, using evidence-based approaches and emerging research, assessing services, delivering culturally-sensitive education and resources, and conducting campus climate surveys (ACHA, 2016).

Similarly, the Centers for Disease Control (CDC) has put forth a framework for combating CSA that includes five main components: planning a comprehensive prevention approach, building the prevention infrastructure, appealing to diverse audiences, building key partnerships to sustain prevention efforts, and evaluating efforts (Dills, Fowler, & Payne, 2016). In addition to individual-level interventions, the CDC asserts that campus leadership should prioritize building a culture of respect and safety, that social norms campaigns should be implemented, and that problematic areas on campus should be thoroughly monitored. On the societal level, policy enforcement, strategies to mitigate alcohol use, and methods of increasing reporting of policy violations are all recommended (Dills et al., 2016). The National Sexual Violence Resource Center (NSVRC, 2015) also advocates for a widespread manner of handling CSA that involves strengthening individual knowledge and skills, promoting community education, educating providers, fostering coalitions and networks, changing organizational practices, and influencing policies and legislation. There appears to be a disconnect between the comprehensive nature of these recommendations and the government's suggestion that one Title IX Coordinator (or perhaps several) holds all of the responsibility for the institution's response to CSA. It is conceivably problematic that

a single person or small number of individuals are responsible for handling an issue that is deeply connected to institutional culture and larger societal norms.

Additionally, despite the recommendations for CSA to be handled in a comprehensive, multi-level manner, few studies have examined whether universities take this approach to addressing sexual assault, and whether they are putting resources and systems in place to allow Title IX Coordinators to do this work effectively. However, a limited number of researchers have attempted to define and measure overall university approach to the CSA problem. One of the only studies to broadly examine how institutions address sexual assault on a systems level assessed nine issues, including: how universities defined sexual assault; whether they had sexual assault policies; how they trained individuals likely to receive reports; on- and off-campus reporting procedures; resource options for victim safety; medical care and counseling; existence of policies that may encourage or discourage reporting; and university disciplinary procedures and sanctions (Karjane, Fisher, & Cullen, 2002). The researchers found that only about one third of institutions reported crime data as required by the Clery Act, most offered a variety of reporting options, less than half provided sexual assault education to students, less than half administered prevention programming to students, and only one in four offered victim services to special populations. Notably, this particular study was conducted before the updated requirements set forth in the 2011 *Dear Colleague Letter* from the OCR were in place.

Recently, Richards (2016) conducted a follow up study to Karjane, Fisher, and Cullen's (2002) examination of general university handling of sexual assault. Richards (2016) compared the two datasets and reported results in the following categories related



to CSA: policies, primary prevention awareness, reporting procedures, on- and off-campus resources, and investigatory and disciplinary processes. Most but not all institutions had a policy against sex discrimination as required by law, 61 percent of universities had primary prevention programs for sexual assault (only a slight improvement over the 2002 data), 40 percent provided no information on prevention programming at all, and 30 percent did not have an identified Title IX Coordinator as required by federal law (Richards, 2016). However, compared to the 2002 study, more universities offered on-campus counseling to victims, and many institutions improved their sexual assault disciplinary procedures. While the comparison of the 2002 and 2016 data demonstrates some positive university-level change in how CSA is managed, in several areas very little change had transpired over the 14-year span. This lack of change is particularly troubling considering the major law and policy updates and the increase in awareness and resources that have occurred during that time period.

Although Richards (2016) captured some elements of university handling of CSA using a large, representative sample, all variables were coded using a simple dichotomous (no or yes) rating. For example, if the university had a program directed toward primary prevention of sexual assault, they received a 'yes' rating in that category. This is a marginally useful outcome to measure, but it is overly simplistic and will not distinguish an institution with a multi-pronged, comprehensive prevention program from an institution with a sparsely implemented program with limited scope. This type of study may be a solid indicator of whether institutions are meeting certain required standards put forth by Title IX and other relevant laws, but it cannot adequately answer the more comprehensive question about how universities handle CSA (Richards, 2016). Even

when examining the information available on university websites related to CSA, researchers found that most but not all (88 percent) universities had information available about CSA (Lund & Thomas, 2015). Information most commonly available included content about university policy, law enforcement contact information, and other resources. Most university websites did not include information about affirmative consent or debunked myths about CSA that blamed victims. This limited available research on university handling of CSA suggests that some institutions may not even be meeting basic compliance guidelines.

### **Recent Legal Cases**

Although little empirical research is available on the topic of university handling of CSA or how key administrators manage and execute CSA work, recent legal cases against universities shed light on this. Legal proceedings also identify aspects of culture that could be negatively impacting institutional response to CSA. The litigation outcomes that criticize universities for their management of CSA cases provides some insight into how universities are dealing with the issue and being held accountable for mishandling cases. The changes to sexual assault case procedures that nearly all universities implemented in response to the 2011 OCR guidance (Gertner, 2015) prompted many students to sue universities for mismanaging their cases. Recent legal cases do not provide a complete view of where universities are faltering, but they do offer an indication of how institutions are handling or mishandling cases and whether they are meeting their legal obligations. The facts that emerge in court cases can also reveal how aspects of institutional culture influence decision-making in CSA cases. Additionally, the outcomes of legal proceedings against universities are helpful to examine because

they can impact how other campuses, who monitor the legal sector for their own compliance purposes, handle CSA. University leaders may use the judges' opinions to shape their own policies and practices in order to avoid the same pitfalls. While university culture can influence institutional policies and handling of CSA issues, when universities act to change their policies in response to the outcomes of legal cases, this can in turn cause the university culture to shift.

How universities respond to complaints of sexual assault and adjudicate cases has become a prominent subject of litigation, and Title IX Coordinators are ultimately responsible for that process as part of the institution's response to CSA. Though universities are being accused by both complainants and respondents of wrongdoing, recently lawsuits from accused students have increased. The claims most often include allegations that the university violated students' due process rights, including the right to a fundamentally fair, impartial process. Some male students accused of sexual assault are also alleging that their schools violated Title IX by discriminating against them on the basis of gender in CSA proceedings (Shapiro, 2017). While Title IX originally created a path for survivors of CSA to hold their universities accountable, particularly after 2011, now many accused men are using Title IX to protect their rights in sexual assault cases.

Currently, more accused students are successfully shutting down university motions to dismiss and reaching the fact-finding portion of litigation, when universities must opt to either settle with the student or proceed in court (Shapiro, 2017). In either case, when a university loses a motion to dismiss, there are often significant financial costs incurred, and damage to the university's reputation can occur during the litigation process. Because numerous cases have been successful and the most recent interim OCR

(2017) guidance was increasingly concerned with due process and fairness for the accused, this type of litigation against universities can be expected to intensify. Several examples of recent legal cases will be reviewed in order to demonstrate where universities may err in handling CSA matters and when elements of university culture could be playing a role in that.

**Due process claims.** In a case against James Madison University (JMU), the university was found to have violated the accused student's due process rights (*Doe v. J. Alger et al.*, 2016). Doe was found not responsible for sexual misconduct after a JMU hearing. Following the complainant's appeal and submission of new evidence, Doe was found responsible and suspended for over five years. By significantly limiting Doe's involvement in the appeal process, the university did not adequately allow him to respond to the new information or defend himself, constituting a due process violation (*Doe v. J. Alger et al.*, 2016). In a similar claim, the court ruled that George Mason University (GMU) violated the respondent's due process rights during the appeal process (*Doe v. GMU*, 2016). The hearing board found Doe not responsible, but after the complainant appealed, a single appeal officer altered the finding and dismissed Doe without a stated rationale. The appeal officer veered from institutional policy, expanded the investigation's scope without informing Doe, and admitted that he prejudged the case by deciding to find Doe responsible before meeting with him, which the court deemed to be unfair (*Doe v. GMU*, 2016). The cases against JMU and GMU speak to the importance of properly training university appeal officers, who are often high-level university administrators, to ensure that decisions are not violating students' due process rights.

In a case against the University of Southern California (USC), the respondent also successfully argued that his due process rights were violated during a sexual misconduct investigation (*Doe v. USC*, 2016). The court ruled that a respondent was not given sufficient notice of the charges or the evidence used in the case, and that since the findings were not supported by the facts, USC “abused its discretion.” The court raised general concerns about university investigation models that do not allow cross-examination and hearings. Doe’s inability to confront witnesses was deemed a due process violation (*Doe v. USC*, 2016). In another case against the University of California San Diego (UCSD), a judge ordered UCSD to reverse the suspension of a student found responsible for sexual misconduct because of a due process violation (*Doe v. UCSD*, 2016). Doe claimed that he was presumed to be responsible prior to being heard by a hearing board and did not have the opportunity to see key evidence or confront witnesses.

Although several court outcomes have underscored the importance of cross-examination, the 2014 *Questions and Answers* document from the OCR (which is currently rescinded but was in place at the time of these rulings), directly contradicts the views of the judges in the USC and UCSD cases. The 2014 document states that the OCR “strongly discourages” universities from allowing cross-examination because it “may be traumatic or intimidating [for the complainant], and may perpetuate a hostile environment” (OCR, 2014, p. 38). In order to be in compliance with the OCR and minimize the negative impact of the conduct process, many universities have adopted investigatory models that involve meeting with parties separately and do not permit cross-examination. Lawsuits such as these, especially when universities are forced to

reverse their decisions, may cause universities to seriously reconsider their CSA policies and practices.

Collectively, recent court cases brought by accused students against universities for due process violations speak to multiple aspects of how universities handle CSA cases. The outcomes demonstrate that universities must, but sometimes neglect to, properly notify students of the charges against them, provide them with a fair opportunity to respond, allow them to see and respond to all evidence, perhaps offer an opportunity to cross-examine, and distribute decision-making power among multiple university employees. Although Title IX Coordinators may be responsible for oversight over each of those major areas of institutional response, they are likely not the only university administrators who are faltering as alleged in these legal matters.

Delving into these court proceedings provides some insight into how aspects of university culture could be impacting the way that CSA cases are handled. In the cases discussed, it is apparent that at some institutions, the conduct officers, investigators, or appeal officers had little oversight and were allowed significant latitude to make decisions throughout the process without much input or consultation with others, sometimes going against university policy. This speaks to reporting lines, power dynamics and communication patterns within the university, which are reflective of the institutional culture. These cases strongly suggest the need for research like the current study to learn more about the challenges institutions face with CSA work.

**Title IX claims.** In addition to due process claims, some male students accused of sexual assault have successfully sued universities for violating their Title IX rights. In a case against Indiana University-Purdue University Indianapolis (IUPUI), the male

respondent was questioned by police about a sexual assault allegation, placed on interim suspension, removed from housing without a hearing, and later was found responsible and dismissed (*Marshall v. IUPUI*, 2016). During a meeting, Marshall reported that he had been sexually assaulted by a female student, but this report was not investigated. The court contended that intentional gender discrimination could be proven by Marshall claiming “selective, gender-based enforcement” because the female student’s complaint against him was fully investigated, while Marshall’s claim against another female student was not (*Marshall v. IUPUI*, 2016, p. 5). The court found support for a “causal connection between his treatment and gender bias” (*Marshall v. IUPUI*, 2016, p. 5).

In a case against Washington and Lee University, the student was also successful in bringing a Title IX claim by demonstrating a possible causal relationship between his dismissal and gender bias, and showing that the investigator’s bias was relevant (*Doe v. Washington and Lee University*, 2015). The court ruled that Doe successfully argued for a link between this gender bias and his dismissal from the school. Part of the court’s decision was based on a presentation given by the investigator, which suggested that the investigator may have possessed a gender bias that led to sex discrimination, constituting a Title IX violation (*Doe v. Washington and Lee University*, 2015).

In a case against Brown University, Doe’s allegations of gender bias were supported by a former Brown employee’s statements that the university treats male students as guilty until proven innocent and that Brown’s process is biased against men (*Doe v. Brown University*, 2016). Several Brown professors also claimed that gender bias in sexual misconduct cases is “overwhelming” and that Brown views men as corrupt and females as sexual assault victims. Doe alleged that Brown had a pattern of bias

against men in sexual assault cases, as evidenced by multiple other cases brought by accused men. The court allowed Doe's gender bias claim to move forward and denied the university's motion to dismiss (*Doe v. Brown University*, 2016).

Lastly, Prasad successfully brought a Title IX claim against Cornell University after the court concluded that Prasad's gender might have motivated the university's adjudication of a sexual assault case (*Prasad v. Cornell University*, 2016). Prasad criticized Cornell's investigator model, which denied him the opportunity to challenge witness credibility, cross-examine the complainant, and ultimately defend himself. He also alleged that the process lacked the protection of checks and balances, that Cornell inappropriately placed the burden of proof on him, that the complainant's account was taken at face value, and that his actions were described with slanted and overly negative language. The court found that Prasad casted reasonable doubt on the accuracy of the hearing outcome, and that gender may have motivated the decision. Based on this, Prasad established a causal relationship between the gender bias and his expulsion (*Prasad v. Cornell University*, 2016).

The Title IX claims reference above demonstrate that universities can be liable for outcomes rooted in apparent gender bias, particularly when complaints are handled differently based on gender, and when there is evidence of gender bias in decision-making. In some of the cases discussed, elements of university culture are evident in the fact patterns. For example, the ways in which administrators communicate with and treat students throughout the investigation and the perceptions of faculty members about the culture of CSA played a role in the cases. The recent legal success that students have had in demonstrating a lack of due process and gender bias against them underscores the need



for universities to handle CSA cases very carefully in order to comply with the law, avoid costly litigation, and treat all students fairly. Legal cases and decisions can ultimately impact institutional decisions and management of the problem by causing university leaders and administrators to adjust their own sexual assault policies and practices in response.

Overall, the legal case briefs and the literature on CSA, university culture, and how universities handle sexual assault, all point to the need for a better understanding of how these areas overlap and what university actors need to do this complicated work well. In this study, understanding the ways in which Title IX Coordinators handle and execute their CSA responsibilities serves as a gauge for university handling of the problem and the barriers that exist.

### **Summary**

Overall, the empirical research on how universities and their administrators handle CSA and the role of university culture within that process is limited. Multiple scholars have argued that the role of campus culture in CSA is significant and should be more thoroughly researched (Moylean & Javorka, 2018; Martin, 2015; Pascoe & Hollander, 2015; Sweeney, 2011). Banyard (2011) contends that because most CSA interventions focus on individual-level factors and ignore cultural factors that contribute to the problem, sexual assault is frequently viewed as an individual issue rather than a community or cultural problem. In response to this gap in the literature, this study seeks to begin to uncover how universities handle this problem by understanding how, in light of institutional dynamics, Title IX Coordinators manage their responsibilities to oversee the university's prevention, education and response efforts for CSA. By employing

qualitative inquiry, the perspectives of the university administrators on the front lines of CSA work was gathered to establish how they grapple with the complexities of CSA and the aspects of university culture that come into play. How the Title IX Coordinator, an important administrator in this area, carries out their responsibilities ultimately serves as an indicator of how the university handles CSA.

In utilizing the two different theoretical frameworks described in Chapter 1, one based on organizational culture theories and the other based on critical, feminist theories, I was able to remain open to multiple possible interpretations of the data and emerging theories. Employing both of these perspectives allowed for a more comprehensive understanding of how Title IX Coordinators carry out their challenging, multi-layered roles related to CSA. By building a foundational understanding of how university administrators are dealing with the complex problem of CSA in light of institutional culture, future CSA research may be able to identify areas for improvement for universities. This issue is not only of interest to college leaders and administrators, but also to the federal government in their enforcement of Title IX, and to college students and families who are directly impacted by sexual assault.

## CHAPTER 3: RESEARCH DESIGN AND METHODOLOGY

### Introduction

The current study endeavored to understand the ways in which Title IX Coordinators handle their responsibilities related to campus sexual assault (CSA) in a broad sense. More specifically, this study also aimed to examine the role of university culture in how Title IX Coordinators carry out their job responsibilities with regard to student-on-student CSA. The issue of CSA is complex and multi-faceted, and universities are expected to meet a variety of legal and societal expectations with regard to the problem. Universities that mishandle CSA face significant financial and reputational consequences. The current lack of understanding about how institutions of higher education are handling this difficult problem of CSA is concerning, particularly given the recent litigation with major potential financial and reputational ramifications for universities. This research addressed this by conducting a qualitative study of how Title IX Coordinators (the key administrators ultimately charged with overseeing institutional response to CSA at their institutions) handle their various responsibilities. Additionally, because universities have unique cultures that could impact their how their employees deal with challenging issues such as CSA, the current study also examined the role of university culture in how Title IX Coordinators carry out their work.

The research questions for this study include:

1. How do Title IX Coordinators handle and carry out their responsibilities related to campus sexual assault (CSA)?
  - a. What shapes the ways in which Title IX Coordinators handle their responsibilities related to CSA?

2. How does university culture influence Title IX Coordinators' work related to CSA?

This chapter will describe the study's approach to these questions, including the research design and methodology. A brief review of qualitative research and specifically grounded theory research will be provided, followed by a description of the data collection processes. The sampling procedures, target population, interview protocol, and procedures for writing field notes and memos will be described. The data analysis process, including coding procedures, and research issues and limitations are also discussed in this chapter.

### **A Brief Review of Qualitative Research**

Broadly, qualitative research attempts to apply a “critical interpretive approach” in order to make meaning of the phenomena and circumstances of daily life (Denzin & Lincoln, 2018). By nature, qualitative research is fluid, open-ended, and flexible, and it can evolve throughout the research process (Merriam, 2009). It can take several different general forms, and it can occur within various interpretive paradigms. Research questions that are interested in the meaning of people's experiences and phenomena, rather than on determining cause and effect, are often well suited for qualitative research (Merriam, 2009). Creswell (2013) states that qualitative research starts with assumptions and theoretical or interpretive frameworks that guide inquiry into research questions about a particular human issue and the meaning that individuals or groups attach to it.

Qualitative research is conducive to learning more about an area of practice and improving that practice because it is centered around discovery, aims to increase insight, and sheds light on the experiences and views of participants (Creswell, 2013).

Qualitative researchers are often interested in how people make sense of the world and how they tell stories within their social and cultural contexts. The research questions posed here are well suited for qualitative inquiry because they are focused on understanding a process (the process of how CSA issues are handled) from the perspectives of certain individuals (Title IX Coordinators), and they do not ask cause and effect questions. Additionally, university handling of CSA is not a well-studied topic, and this study intended to build awareness of the experiences of Title IX Coordinators in order to improve this area of practice for universities.

Often qualitative research occurs in the field or in a natural setting, incorporates multiple forms of data collected, and considers the researcher an important instrument in the research process (Merriam, 2009). Qualitative research also frequently involves both inductive and deductive reasoning to build on themes, relies on the perspectives and interpretations of participants, allows for flexibility within the research process, and provides a multifaceted, holistic portrayal of the issue in question (Merriam, 2009). Qualitative research utilizes the researcher as the primary tool for collecting and analyzing data, which has both advantages and disadvantages. Since the main goal is to understand a particular phenomenon or experience, a human ability to respond to the data and offer interpretations is helpful. Researchers also approach the data with their own biases, which could influence how data is collected and analyzed. The outcome of a qualitative study is often abundantly descriptive and offers detailed depictions of the data and quotes (Creswell, 2013).

### **Grounded Theory Research Design**

Of the types of qualitative inquiry, grounded theory methodology was chosen for the current study because the aim was not only to describe Title IX Coordinator handling of CSA, but also to generate a theory about that concept and in particular how institutional culture relates to it (Creswell, 2013). Grounded theory can be especially helpful with questions related to process (Charmaz, 2006), and in this case the central research interest was the *process* of how Title IX Coordinators handle and execute their responsibilities within their roles to prevent and respond to CSA. I expected this process to be layered with multiple components, and therefore the purpose was to gather sufficiently detailed information to generate a theory about it. Grounded theory methods include “systematic, yet flexible guidelines” for data collection and analysis in order to generate a theory that is rooted in the actual data (Creswell, 2013). Because university handling of CSA is not well understood in the literature, forming a preliminary theory that is based on the lens of the administrators who are doing this work on campuses each day was a valuable contribution to this field.

A grounded theory approach was utilized to examine the ways in which Title IX Coordinators do their work related to CSA and the role of university culture in that. This research sought to uncover the theory that emerged to describe how Title IX Coordinators handle their CSA responsibilities and the interaction with institutional culture. The interpretations that Title IX Coordinators drew from their interactions and observations of their respective universities shaped their views and ultimately the emerging theory. It is also important that I acknowledged my own background in the area of CSA work and how it shaped my interpretations of the participants’ experiences.

Grounded theory can take many forms and “can be presented either as a well-codified set of propositions or in a running theoretical discussion, using conceptual categories and their properties” (Glaser & Strauss, 1967, p. 31). Glaser and Strauss (1967) suggest that generating a theory and the idea of a theory as a process means that data collection, coding and analysis occur together on an ongoing basis. The ongoing nature of a grounded theory study takes the form of comparative analysis, which is discussed in more detail later in this chapter. In their discussion of grounded theory research, Glaser and Strauss (1967) offer several purposes of engaging in comparative analysis in order to create or verify a theory. One purpose is to assess the accuracy of initial evidence and replicate the facts with comparative evidence. Another is to establish empirical generalizations. They state, “By comparing where the facts are similar or different, we can generate properties of categories that increase the categories’ generality and explanatory power” (Glaser & Strauss, 1967, p. 24). Comparative analysis can help make a theory more broadly generalizable. It also allows the researcher to specify a concept and make sure the story is being understood accurately. When going through the grounded theory inquiry process, first conceptual categories and corresponding properties are formed, and then hypotheses about how the categories and their properties relate to one another emerge. Understanding those relationships among categories helps the theory to surface from the data (Charmaz, 2006).

While some researchers, including Strauss and Corbin (1990), describe a systematic approach to grounded theory analysis that includes multiple layers of comparative analysis, other researchers such as Charmaz (2006) take a more constructivist approach. For Charmaz (2006), grounded theory research often starts with

general interests and guiding concepts that provide some structure to those interests, and those initial interests lead to related concepts. The concepts then drive the questions asked of participants, and they lead to the continual formation of ideas throughout the research process. As the researcher gathers data, impressions may shift, and the researcher needs to be open and respond to what is emerging from the data (Merriam, 2009). Although I considered some of the coding strategies described by Charmaz (2006), the procedures for grounded theory described by Strauss and Corbin (1990) were more heavily relied upon due to the more structured and prescribed nature of their techniques. Particularly because I did not have prior experience with conducting grounded theory research, the more concrete procedures offered by Struss and Corbin (1990) were a better fit for this study and may have enhanced reliability and validity of the findings because of their more systematic nature.

The Title IX Coordinator participants all experienced the multi-layered process of overseeing the response to and prevention of sexual assault on their campuses. Each participant also articulated an understanding of the culture of their university and how it influenced their work with CSA. A grounded theory study typically results in the creation of a substantive theory, which refers to certain everyday situations, rather than a formal or grand theory (Merriam, 2009). A theory about how Title IX Coordinators handle their responsibilities related to CSA, and how those processes are influenced by university culture, ultimately developed from the data. This theory, described in Chapter 7, may help to explain the process that university administrators go through when dealing with the complex issue of CSA within their institutional contexts. Because substantive theories are often beneficial for areas of practice that are lacking in literature and theories



(Charmaz, 2006), the theory that emerged from the current study is expected to be useful for this aspect of Student Affairs practice.

### **Strengths and Limitations of a Grounded Theory Methodology**

Glaser and Strauss (1967) assert that with a grounded theory methodology, the researcher can constantly modify the data collection process by monitoring whether the incoming data is relevant to the criteria of the emerging theory. They argue that this flexible approach is advantageous because when data are collected using calculated procedures, the researcher may be pulled into “irrelevant directions and harmful pitfalls” (Glaser & Strauss, 1967, p. 48). The flexibility inherent in grounded theory research allowed me to tweak the procedures along the way to adapt to the information that participants were providing. On the other hand, this flexibility within grounded theory design also relies heavily on the interpretations and perspectives of the researcher. Creswell (2013) emphasizes that in order to remain open to the theory that arises from the analysis, the researcher must be able to put aside their existing theories and ideas. I attempted to do this as much as possible by reflecting on my opinions and biases after each interview and making adjustments to my questioning if necessary in subsequent interviews. Additionally, by employing two differing theoretical lenses for viewing the data, I was able to remain open to additional possible interpretations.

### **Data Collection**

In a grounded theory study, the researcher usually has a set of initial concepts about the topic that provide structure for the study. The researcher does not know at the beginning how relevant each of the concepts will ultimately be to the research problem or question (Glaser & Strauss, 1967). Both data collection and analysis are “recursive and

dynamic,” and they both become more intense throughout the research process (Merriam, 2009). Data gathered in a grounded theory study should be rich, detailed and focused enough to reflect participant views, behaviors, and feelings within their contexts (Creswell, 2013). Rich data permits the researcher to develop strong grounded theories that are well supported by the data. This was achieved in the current study by conducting in depth interviews with participants, which included initial open-ended questions and probing questions. Next, the sampling procedures and target population will be discussed, followed by an explanation of the data collection process.

### **Sampling Procedures and Target Population**

Purposive sampling was utilized to select universities and corresponding Title IX Coordinators at four-year universities in the United States, the target population for this study (Patton, 1990). If a university listed more than one Title IX Coordinator on their website, I selected the Title IX Coordinator who was either the designated Coordinator for students or seemed to be a primary resource for students based upon the website information. If it was unclear from the website, I generally contacted the main Title IX Coordinator for the institution. Because I expected issues of CSA to be more prominent at traditional four-year institutions with major athletic programs, I began by asking Title IX Coordinators at all universities within a selected NCAA Division I athletic conference to participate in the study. After obtaining participation from as many Title IX Coordinators as possible within the first selected conference, I contacted Coordinators in a second NCAA Division I conference, and after similarly exhausting participation from that conference, I contacted Coordinators in a third Division I conference. All three selected NCAA athletic conferences included universities with a variety of student

population sizes, geographic locations and backgrounds, and included both public and private universities. The diversity of universities allowed for increased depth in the data, as a variety of institution types offered a more dynamic view of handling of CSA and university culture.

Prior research suggests that universities with major athletic teams may have particular issues with CSA, making them the ideal candidates for this qualitative study. Multiple researchers have demonstrated a connection between college athletics and sexual assault. Murnen and Kohlman (2007) conducted a meta-analysis of studies on fraternity members and college athletes and attitudes and behaviors related to sexual aggression. Of all relationships that were examined, the largest effect size found was in the connection between athletic team membership and hyper-masculinity. The relationship between athletic participation and self-reported sexual aggression was also statistically significant. Overall, the effect sizes were larger for athletes than for fraternity members, suggesting that athletes may have particularly high levels of sexual aggression (Murnen & Kohlman, 2007). Since student athletes are often told that they are special and hold significant social capital on campus (Martin, 2015), the attitudes and views of athletes are particularly influential and may have an impact on the overall student body. The relationship between athletic participation and attitudes that promote CSA suggests that universities with athletic programs could potentially have particular issues with sexual assault that need to be managed (Murnen & Kohlman, 2007).

Additionally, based on routine activities theory and prior research, Stotzer and MacCartney (2016) propose a model of why instances of CSA occur that includes “a motivated offender, an available victim, and a lack of capable guardians” (p. 2689). The

motivated offenders may often include college athletes because male athletes are expected to perform masculinity in particular ways, including by drinking heavily, partying frequently, and “conquering women” (Stotzer & MacCartney, 2016). With respect to the variables related to the existence of motivated perpetrators, athletic division was the only significant factor connected to reported sexual assaults on campus. Their findings revealed that campuses with more competitive athletics, as measured by higher athletic division, had higher reported rates of CSA. Specifically, NCAA Division I colleges were the only group that was statistically significantly different in reported sexual assaults, compared to colleges that were not part of the NCAA or had no athletics (Stotzer & MacCartney, 2016). The presence of major athletics suggests that a campus could have more issues with sexual assault or at least more reports that are made; this makes universities with Division I athletics particularly interesting to examine for the purposes of the current study. In light of this literature, this study aimed to understand how Title IX Coordinators at Division I universities handle issues of CSA and the intricacies of the problem on their campuses. This was particularly useful to illuminating a theory on Title IX Coordinator handling of CSA by providing more richness and depth to the data.

All participating Title IX Coordinators, as part of their roles, were responsible for overseeing matters of *student* sexual assault. I noted that some universities had one Title IX Coordinator, while others had more than one Coordinator or several Deputy Coordinators. At universities with more than one Title IX Coordinator, the Coordinator with the most direct responsibility over student sexual assault was identified when possible. In one instance, the main Title IX Coordinator at the university referred me to

speak to one of the Deputy Coordinators based on a lack of availability. Of the 16 participants interviewed, 8 were the main Title IX Coordinators at their institutions and 8 were Deputy Coordinators. Regardless of the participant's particular position at the institution, in each interview it was determined that the participant was responsible for overseeing student sexual assault. Confidentiality was protected by using pseudonyms and omitting identifying information and institution names.

As suggested by Glaser and Strauss (1967), data collection continued until saturation, which occurred when a sufficient amount of data was obtained about how Title IX Coordinators carry out their responsibilities and contend with CSA issues in order for categories to be saturated and it became clear which were the core categories. Saturation was achieved when the examination of new data no longer resulted in newly formed codes or categories. Saturation was achieved after 13 interviews, and 3 additional interviews were completed because they had already been scheduled. These final three interviews were helpful in confirming aspects of the emerging theory, which remained consistent.

### **Participant Descriptions**

As Table 2 shows, 16 Title IX Coordinators were interviewed, which included both women (12) and men (4). The educational background of participants varied, with some being attorneys and others having doctorates or Masters' degrees. Not depicted in Table 2 is the range of experience of participants. Most had many years of experience related to CSA and/or Title IX, and for 11 participants this experience was a combination of a Student Affairs and Title IX background. Four participants had a hybrid of legal experience outside of higher education and Title IX experience within higher education,

**Table 2**  
*Title IX Coordinator Participants and their Universities*

Identifier	Gender	Education	Full-Time Title IX Coordinator?	Undergraduate Enrollment	Institution Type <sup>1</sup>	Geographic Location
Albert	Male	JD	Yes	< 10,000	Private	Southeast
Michael	Male	JD	No	10,000-20,000	Private	Southeast
Karen	Female	PhD/EdD	No	< 10,000	Private	Northeast
Jennifer	Female	Master's	Yes	10,000-20,000	Public	Northeast
Barbara	Female	PhD/EdD	No	10,000-20,000	Public	Southeast
Lisa	Female	Master's	Yes	> 20,000	Public	Southeast
Rhonda	Female	PhD/EdD	No	> 20,000	Public	Southeast
Amy	Female	JD	Yes	10,000-20,000	Public	Southeast
Jade	Female	Master's	Yes	< 10,000	Private	Midwest
Eric	Male	Master's	No	> 20,000	Public	Midwest
Nora	Female	Master's	No	10,000-20,000	Public	Southeast
Claire	Female	JD	Yes	< 10,000	Private	Midwest
Leslie	Female	Master's	No	10,000-20,000	Private	Northeast
Adam	Male	Master's	No	> 20,000	Public	Northeast
Rebecca	Female	PhD/EdD	No	10,000-20,000	Private	Midwest
Alana	Female	JD	Yes	< 10,000	Private	Midwest

and one participant had an advocacy and community organizing background before entering the university setting. The profiles of the universities where participants work in terms of enrollment, type and location were also variable, which allowed for differences in institutional context. Although traditionally in grounded theory research more specific participant descriptions would be provided, a limited set of information is included in this study in order to protect participant identities, many of whom can be easily identified from website information based on their Title IX Coordinator titles.

### **Interviews**

Prior to conducting each interview, I found information about each participant's university by scanning the institution's website. This information was used to inform the

<sup>1</sup> The designation of "public" includes universities that are classified as state-related institutions.

interviews, particularly with regard to my understanding of the participant's title and office and the university's resources and adjudication processes for CSA. Information about CSA geared toward the campus community, including CSA policies, provided me with background information to frame particular questions and to avoid asking unnecessary questions that could be easily answered by examining the website.

Interviewing is the main source of data collection in qualitative research and is necessary when the phenomenon being studied cannot be directly observed (Merriam, 2009). Because the ways in which Title IX Coordinators handle and execute their CSA work cannot be directly observed, interviewing the Coordinators responsible for overseeing response and prevention of student sexual assault served as the source of data. Each participant was asked to participate in an individual phone or video conference interview lasting approximately one hour, and all participants elected to have interviews by phone. Interviews were semi-structured and followed an established interview protocol. Several initial questions related to participant background and role structure. Most of the questions asked about how the participant handled various facets of student sexual assault, and about the university's culture in relation to how they did their work. Interviews were audio recorded and transcribed for coding. I also wrote field notes with initial reflections during and following each interview. Reading the transcriptions of the interviews allowed me to form a more comprehensive understanding of the data, and field notes helped me to identify commonalities and salient themes that developed during the process (Merriam, 2009).

An interview protocol was developed and piloted with two Title IX Coordinators prior to data collection. Consistent with grounded theory methodology, the interview

protocol was continuously adapted during data collection to follow the salient topics and themes that were arising from the interviews. The most recent version of the interview protocol is included in Appendix A. Interview questions were focused on obtaining the type of information needed to answer the research questions, and the probes were intended to generate a deeper understanding of the participant's responses (Charmaz, 2006). Questions were generally open-ended to allow for topics to be more fully explored and to avoid forcing the data to fit into any predetermined notions (Glaser & Strauss, 1967). Questions addressed the various areas of CSA work, as well as the influence of university culture on the work of participants. Because many administrators only have a "passive awareness" of the cultural forces that impact their decision-making (Tierney, 1988), the interview questions addressed university culture in part by asking about the particular elements that make up culture, rather than only asking broadly about culture.

### **Memos**

I wrote memos throughout data collection in order to document the interview data collection processes and to account for my potential biases. I wrote memos both to reflect on how my own experience with CSA was influencing the interviews and to document ideas that were arising about the emerging theory during the coding process (Glaser & Strauss, 1967). To address the role of bias, I reflected on my general impressions in the moment and the discussions, the responses I received from participants, the questions I asked, and my rapport with the participant during each interview. This allowed me to identify when I was allowing my preconceived notions or



personal areas of interest to dictate my follow-up questions or reactions to the interviews themselves.

The memos were revisited and reviewed during data collection, and they guided me on the salient areas to concentrate on in the next interview (based on what participants presented, rather than my preconceived notions) and how to adjust questioning for the next interview, if needed. Memo-writing and diagramming were also used to document my instinctual reactions to the data and develop them further (Charmaz, 2014). I began developing visual depictions of the connections between major themes and the emerging theory early on, and those evolved and ultimately formed the visual model presented in Chapter 7.

Writing memos during data collection also encouraged reflection on issues that arose and whether they corresponded to any bigger theoretical or methodological concerns (Merriam, 2009). For example, memo-writing initiated my reflection on the differing theoretical frameworks that guided this study, and I challenged myself to consider multiple possible interpretations of the data that aligned with either framework.

### **Data Analysis**

Consistent with a grounded theory approach, data analysis began when data started to be collected, and it continued throughout the collection process. Merriam (2009) argues that this simultaneous process of data collection and analysis is the most important aspect of data analysis. The overall approach to analyzing the data using the constant comparative method will be described, followed by the particular coding procedures for grounded theory methodology.

## The Constant Comparative Method

Consistent with the systematic approach described by Glaser and Strauss (1967) and Strauss and Corbin (1990), I utilized the overall approach of the constant comparative method to analyze the data, which is recommended by other qualitative researchers (Creswell, 2013; Merriam, 2009). The constant comparative method of qualitative analysis combines specific coding processes with formulation of a theory. Glaser and Strauss (1967) describe four stages of the constant comparative method, which include “comparing incidents applicable to each category,” “integrating categories and their properties,” “delimiting the theory,” and “writing the theory” (p. 105). They also suggest that data collection and data analysis occur simultaneously to encourage the emergence of a theory. I remained flexible enough to return to earlier stages during the analysis, as each stage was continuously established throughout the analyzing process.

In the first stage, while coding a particular occurrence in a category, it was compared to the other occurrences that were coded within the category. This process of making continual comparisons of occurrences started to establish the theoretical aspects of each category. For example, within the category of *Student Rights/Due Process*, one participant said, “I want to make sure that all parties have an opportunity to express themselves, and to be fully heard, and to tell their side of the story, and to make sure that that opportunity exists.” That occurrence was compared to other occurrences in the category, including participants discussing how they “tell [students] what their rights are” and “explain due process” to complainants when they ask why the respondent cannot be immediately removed from campus. This process of comparison led me to more fully develop the category of *Student Rights/Due Process* and specify that it encompassed not

only informing students of their due process rights, but also actively encouraging students to share the information they wish to provide during the investigatory process.

I then considered the category in relation to the other categories and reflect on its properties, dimensions, and consequences (Glaser & Strauss, 1967). For instance, after the multiple categories involving internal collaboration formed (*Internal Collaboration-Challenge/Conflict*, *Internal Collaboration-Positive*, *Internal Collaboration-Neutral*, and *Internal Collaboration-Complex*), those categories were compared to each other. This led the properties, dimensions, and consequences of each category to take shape. For example, while the *Challenge/Conflict* category encompassed descriptions of open disagreements or personality clashes, the *Complex* category included descriptions of collaborations with internal stakeholders that were both positive and contentious at times. An example of a quote that was categorized as *Complex* is:

...So we would go at it. You know, and there would be some choice words when we would first be discussing certain issues. But it also allowed us to then stop and really start peeling back the onion and really taking a look at every case from both of our past professional experiences. That's how we knew we were getting to the most fair result.

This quote described an experience that involved some conflict that eventually led to a positive outcome (getting a fair result), thus distinguishing it from both the *Positive* category (collaborations described solely in positive terms) and the *Challenge/Conflict* category (collaborations that were primarily marked by conflict and challenge, with no redeeming quality identified). This property of the *Complex* category (collaborations with internal stakeholders that are characterized by some challenge or conflict, but that

were balanced by or eventually led to a positive outcome) emerged in part from the comparisons made with other categories. This also allowed for dimensions of the *Complex* category to come forward, as some participants described more significant and ongoing conflict that was somehow mitigated or worked through over a longer period of time, while others described challenges regarding more minor issues that were relatively quickly resolved.

For some categories, after the category was coded several times, I had conflicting thoughts and theoretical notions. Initially, for instance, the codes *Neutrality*, *Fairness/Equity*, and *Student Rights/Due Process*, which are all similar concepts, were coded using a singular code. I had conflicting thoughts about whether to capture all of these occurrences in the data together or separately because they overlap in some respects. At that point during the analysis, I paused the coding process and wrote a memo, as recommended by Glaser and Strauss (1967) to mitigate the cognitive conflict. After reflecting, it became clear that while these codes shared similar characteristics, each was a distinct concept that needed to be distinguished from the others in order to accurately capture what participants were referring to. Throughout the analysis, reflection was utilized as an important exercise to reaching inferences that were based in logic and rooted in the data, rather than speculation.

In the second stage, the unit of comparison shifted from comparing an incident with another incident to comparing an incident with the category features that surfaced from the preliminary comparisons made between incidents (Glaser & Strauss, 1967). At this point, the pieces of information gathered about categories started to be incorporated together, and each category became more unified and clearly defined. As the properties

and dimensions of categories developed (a process that is described below in the discussion of open coding), comparisons between incidents with category features more easily occurred. This ultimately continued to shape and define each category.

In the third stage, the theory began to take shape because substantive changes to the theory became less frequent as more comparisons were made between incidents and category properties (Glaser & Strauss, 1967). At this point, the adjustments being made were related to clearing up the logic, removing properties that were not relevant, and incorporating nuances of properties into the overall scope of categories. For example, a few participants discussed their working styles and where they see their strengths in the workplace. While I initially anticipated that this category may play a role in the theory about how Title IX Coordinators handle their responsibilities, it ultimately was not discussed by most participants, nor were connections between other categories evident in the data, and therefore it was not incorporated into the theory.

The third stage also included a reduction process of identifying similarities among the initial categories or their properties and condensing them to a “smaller set of higher level concepts” (Glaser & Strauss, 1967). This especially occurred during the axial and selective coding processes, described in the following section. This reduction allowed the theory to be more generalizable and applied to a broader population of Title IX Coordinators. At this point, examining the incidents became more focused, and more time was spent on comparing occurrences that applied to the more selective set of categories (Glaser & Strauss, 1967). Categories also started to become “theoretically saturated,” which delimited the categories even further (Glaser & Strauss, 1967). New

incidents could more rapidly be coded into the remaining categories, or they were not coded to avoid adding unnecessary noise.

In the fourth and final stage of the constant comparative method, I had coded data, written memos and a formulated theory. The memos offered some context for the categories, which turned into the central themes of the theory. When writing memos about recurring themes, I observed that many of the themes centered around the idea of complexity, including the themes related to the wide range of responsibilities associated with the Title IX Coordinator role. Documenting the emerging themes about how Title IX Coordinators orchestrate campus training and education, how they oversee group decision-making processes, and how they deal with the external environment and context, to name only a few, helped me to group the themes together and visualize how they fit with one another. Writing about them also led to the emergence of a central concept for the theory, because that became the common thread that ran through the study themes and categories. Once I was satisfied that the theory fairly captured the issue being examined, and that it could be framed in a way that might prove useful for others, the theory-generating process was finished (Glaser & Strauss, 1967). To write the theory, I collated my memos and revisited the coded data when needed to corroborate ideas, identify supporting data, and yield graphic representations of the theory.

The constant comparative method was utilized in part for its likelihood to generate a complex theory that reflected the data. I was required to grapple with diversity in the data through making comparisons, which allowed the emerging theory to capture the data more fully and accurately. Using this inductive comparing process also resulted in a developmental theory rather than a static one (Strauss & Corbin, 1967). In sum,

consistent with the constant comparative approach, in the current study, the information collected in interviews was assembled throughout the data collection process. The incoming data was compared to the rest of the data and the emerging categories in order to formulate a theory as described by Glaser and Strauss (1967). The constant comparative method served as an overlay to the coding procedures in grounded theory.

### **Coding Procedures**

While implementing the constant comparative method of analysis, the coding of data occurred in three main stages. Open coding was first used, when I formed categories of information about Title IX Coordinator work with CSA and university culture by breaking the information into appropriate groups (Strauss & Corbin, 1990). Initial codes were grouped into categories that became the components of the grounded theory, such as collaborating with or managing internal partners, the legal landscape of CSA, and Title IX Coordinator priorities and values. From open coding, the *Navigating Complexity* category was ultimately chosen to be the foundation of the emerging theory. Second, axial coding was used to conceptualize the categories in relation to one another (Creswell, 2013). Third, I implemented selective coding to establish a narrative that connected the categories and form hypotheses from the model. As interviews were being conducted, the data collected were continuously compared to the emerging theory. The three coding stages and procedures are described in more detail in the following sections.

**Open coding.** I first utilized open coding in order to maintain an open mind to all potential theoretical ideas that might emerge from the data (Saldaña, 2016). Open coding refers to “the process of breaking down, examining, comparing, conceptualizing, and categorizing data” (Strauss & Corbin, 1990, p. 61). After interviews were transcribed,

data from each interview were looked at closely, and phenomena (including words, actions, and concepts) were identified and assigned names, and this helped to form general categories. Data were split into distinct parts, studied, and compared to one another. During open coding, I was asking questions about the phenomena that were shown in the data, and I was forced to reflect on and question previously held assumptions (Strauss & Corbin, 1990). For example, I noticed that I held an overall assumption that participants would be able to readily identify aspects of their institutional cultures that directly contributed to their work with CSA. While this was true for some participants, others seemed to operate without much awareness of the impact of culture.

The first step in open coding analysis was to label phenomena and conceptualize the data. This involved taking a particular idea or incident and naming it to reflect what is exemplified (Creswell, 2013). Codes were named in several different ways. Key concepts and ideas that emerged from the data were used to name several codes. During the coding process, I noted that participants described various steps that they took to keep students safe, including: building trust with a student by giving them time and space to make a decision before moving forward; taking steps to investigate and prevent further behavior even without a formal complaint; and making an institutional assessment of student safety using a team approach. These were all strategies to promote student safety and took a variety of forms, and thus the code was named *Student Safety*.

Code names were also derived from the Title IX landscape and key concepts found within important government documents related to Title IX and CSA. One such code included *Office for Civil Rights/Dear Colleague Letter*. The Office for Civil Rights (OCR) is the central government entity responsible for enforcing Title IX, and the 2011



letter they issued to educational institutions was a pivotal document in CSA work. *Fairness/Equity* and *Retaliation-Addressing* also became codes in part because they are central concepts within government-issued documents. In some instances, in vivo coding was utilized to capture the words of participants (Charmaz, 2006), including *High Stakes*, which was used by participants to describe the gravity of case outcomes and the high investment of students, families, and the institution in these outcomes. Another in vivo code that emerged was *No Winning*, a phrase that multiple participants used to describe the difficulties and complexities of their roles, and the notion that no matter what they do in certain cases, there is ‘no winning’ at the end. As one participant described:

I would say the hardest part is dealing with the actual cases because no matter what the outcome is, there are no winners in any of it. There’s just none. Even the panel members are affected. There’s nothing. No one walks away and says, ‘Justice was served.’ That’s not how this works.

This concept of there being ‘no winners’ is what prompted me to consider the range of complexities of the Title IX Coordinator role and how the participants navigate those intricacies.

By comparing incidents or occurrences to one another, similar events were assigned to the same label. For example, instances described by participants that involved well-known past events at the university that shaped the current understanding or handling of CSA, as well as past descriptions of how the campus community used to be, were labeled *University History*. The next step was to discover categories by grouping similar concepts together. Categories were analytically created and named by me. For instance, *University History*, *University Mission*, and *University Demographics*

formed into a larger category of *University Characteristics*. Strauss and Corbin (1990) assert that category names can also be taken from the literature, but they caution against using “borrowed concepts” that have known meanings and connotations. Readers may expect those borrowed terms to be defined in certain ways and thus ascribe unintended meaning to the work.

Strauss and Corbin (1990) state that categories should be developed in terms of both their properties and dimensions, meaning that the characteristics of the categories (properties) and the position of the category on a continuum (dimensions) should be identified. The properties of each category were developed, which specified the characteristics of each category across various situations. For example, an emphasis on *Neutrality* when handling CSA cases was identified as a category, and the properties of this category included Title IX Coordinators’ desires to take a neutral stance when dealing with student Title IX reports and cases. Dimensions of those properties were established by placing the data on a continuum. Using the *Neutrality* code example, participants placed varying levels of emphasis on the need to be neutral with CSA matters. While some discussed neutrality as a critical guiding principle in the work, (i.e. “...neutrality is vitally important and you don't get to pick sides...I've been really focusing on that neutrality aspect”), others described neutrality in a less central way, such as by giving examples of the ways in which they offer resources to both complainants and respondents. Therefore, the level of emphasis on neutrality varied from person to person, which created the dimensions of the category. Properties and dimensions were important to define because they formed the foundation of the links between categories and subcategories. Specifying properties and dimensions allowed me to group

observations together, leading to a more comprehensive breakdown of the data (Strauss & Corbin, 1990).

During open coding, I discovered along the way that some codes needed to be combined into a singular code. For example, *Student Rights* was a code that emerged from participants discussing the importance of honoring students' various rights in CSA cases, and *Due Process* was another term that individuals used to talk about that particular right of the accused students. Because both of these codes seemed to describe the same phenomenon, and because due process is a fundamental right that overlaps with other rights of students in ways that were not able to be untangled within the data, *Student Rights* and *Due Process* were combined into a singular code. In contrast, it became apparent during open coding that other codes needed to be split into multiple codes in order to best capture what was being said. For instance, participant mention of their institution's Title IX or sexual misconduct policy began as one code, but after coding several interviews, I found that the policy was discussed by participants in two different ways: either the practice or importance of *following* one's institutional policies, or the process of making *revisions* and changes to the policy. Thus, the original code was split into the codes *Policy-Following* and *Policy-Revising* to capture the distinct concepts.

**Axial coding.** While open coding separates the data into categories, axial coding brings the data back together by creating links between a category and its subcategories. Axial coding is a process of putting the data back together in different forms (Strauss & Corbin, 1990). This was done by grouping codes together based on shared characteristics and naming those categories accordingly. For instance, codes that represented the Title IX Coordinator partnering, communicating and working with various university

stakeholders were grouped together, and the category was named *Internal Partners-Collaborating/Managing*.

Using axial coding, I first concentrated on outlining several key categories that were easily identified, including *University Structure/Culture* and *CSA Work Processes*. The grouping of codes into these categories is depicted in Table 3, which displays all seven key categories and the codes encompassed within each. These categories each included components that had emerged from the data during open coding. When examining the attributes of the *University Structure/Culture* category, for example, subcategories emerged based on identifying the areas of commonality and overlap of the data. *Capacity/Resource Issues*, *President/Leadership*, *Title IX Coordinator Decision-Making Authority*, *Title IX Coordinator Position/Reporting*, *University Characteristics* (e.g. demographics, mission, and history) and *Student Culture* were identified as the subcategories within *University Structure/Culture*. The subcategories each described different aspects of the institution's culture and structure that collectively provided a detailed understanding of this key category.

The formation of both categories and subcategories and reflecting and writing memos about them led me to understand the relationships between categories and then in turn to identify which categories made up the additional elements in Strauss and Corbin's (1990) paradigm model: causal conditions, phenomenon context, intervening conditions, action/interaction strategies, and consequences (see Figure 2).

**Table 3**  
*Codes and Categories that Emerged During the Axial Coding Process*

<b>TIXC<sup>2</sup> Priorities &amp; Values</b>	<b>CSA Work Processes</b>	<b>University Structure &amp; Culture</b>
Compliance	Group Title IX Issues-Responding	Capacity/Resource Issues
Confidentiality/Privacy	Interim Measures/ Accommodations-Implementing	President/Leadership
Doing What's Right/Integrity	Logistics- Challenges/Managing	TIXC Decision Making Authority
Fairness/Equity	Policy-Revising	TIXC Position/Reporting -Supervision
Neutrality	Retaliation-Addressing	University Commitment/Philosophy
Policy-Following	Student Intake/Adjudication -Group Decision-Making -Overseeing Process -Investigating -Weighing Requests	University Characteristics: -History -Mission -Demographics
Restorative Justice Approach	Training/Education for Campus	Student Culture: - Alcohol - Climate Survey - LGBTQ Students - Student Reporting Trends - Student Body/Culture
Student Rights/Due Process		Gender Dynamics
Student Safety		University Politics
Student Support		
Transparency		
Trauma-Informed Approach		

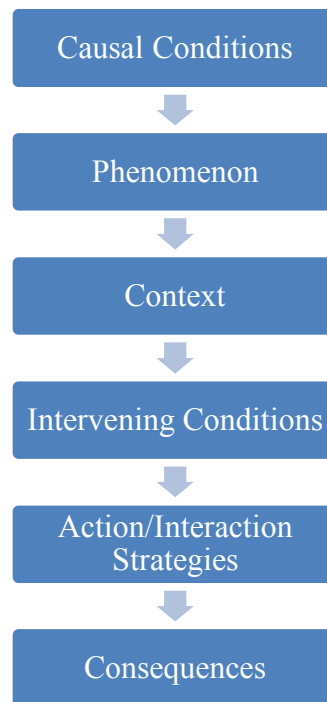
<b>Internal Partners- Collaborating/Managing</b>	<b>Legal Landscape</b>	<b>Other External Context</b>	<b>TIXC Outcomes</b>
Internal Collaboration -Challenge/Conflict -Neutral -Positive	Clery Act	External Culture, Perception & Events	High Stakes
Faculty -Challenge/Conflict -Influence/Involvement -Positive -Relationship Building/Supporting	Courts/Litigation	Media Involvement	No Winning/ Criticism-Both Sides
Legal Counsel -Collaboration -Guidance/Advice -Relationship	DOE/OCR <sup>3</sup>	Non-Government External Stakeholders	TIXC Burnout/Impact
Police Involvement	State Laws		TIXC Feel Supported
Student Collaboration	VAWA		Student Perceptions/Questions
Title IX Working Group			

<sup>2</sup> "TIXC" refers to Title IX Coordinator.

<sup>3</sup> "DOE" refers to Department of Education, and "OCR" refers to the Office for Civil Rights.

**Figure 2**

*Strauss and Corbin's (1990) Paradigm Model Used in Axial Coding*



This paradigm model encouraged me to adopt a systematic view of the data and allowed the analysis to have more depth and complexity. Using Strauss and Corbin's (1990) model as a guide, I considered whether the categories from the data reasonably fit the components of this model, and I found that they generally did. Defining each category through axial coding led to the development of the 'navigating the complexities of CSA work' as the central phenomenon because that was the underlying thread that tied all of the other categories together. Once this emerged as the central phenomenon, I returned to the data and researcher memos and found that indeed the notion of navigating complexity was the most consistent theme. When participants discussed how they managed, made decisions, and executed their responsibilities as Title IX Coordinators, the common factor was that they were often contending with various complexities within

their multi-faceted roles. The core theme of navigating complexity permeated through each of the other major themes, which are discussed in detail in Chapters 4, 5, and 6. Chapter 7 explains how these major themes mapped onto the components of the paradigm model, and how this led to the grounded theory.

In summary, axial coding involved using the paradigm model to hypothesize about the relationships between subcategories and categories and returning to the data to verify those hypotheses. By comparing categories to each other, I investigated potential relationships between those categories, which was done in more depth during selective coding.

**Selective coding.** In selective coding, the categories are integrated in order to establish a theory. Although it is a more abstract process than axial coding, I utilized several steps suggested by Strauss and Corbin (1990). The first step was to explicate the story line; second, to relate other categories and subcategories around the central category using the paradigm; third, to relate the categories to each other based on dimensions; fourth, to validate the relationships using the data; and fifth, to fill in categories that need to be more developed. The story was in part identified by asking what was most striking and what the main problem was. The story was put together analytically in order for the story line to develop. During this stage, ‘navigating the complexities of CSA work’ continued to be the concept that seemed to encompass all of the other categories and represent the story being told by participants (Strauss & Corbin, 1990).

During selective coding, the story about the theory came about by describing the properties of the central phenomenon (‘navigating complexity’), and the other categories were positioned in relation to the core category (Strauss & Corbin, 1990). The

relationships between navigating complexity the other categories (i.e. those related to CSA legal issues, collaborations with campus partners, and university culture and structure) are detailed in Chapters 4, 5, and 6. Navigating complexities in CSA work emerged as the thread that tied all aspects of the grounded theory together. The story line about how Title IX Coordinators needed to find their way through multiple overlapping complex elements of CSA work allowed me to “arrange and rearrange the categories...until they seem[ed] to fit the story” (Strauss & Corbin, 1990, p. 127). This process led the categories to be integrated and clearly placed within the storyline, rather than simply being a list of topics.

Selective coding helped to untangle “a network of conceptual relationships” that were present and to sort the data based on identified patterns and themes (Strauss & Corbin, 1990). This process ultimately added to the specificity to the theory, and the theory articulates what happens to Title IX Coordinators given particular conditions. The data became connected not just on a general conceptual level, but also on property and dimensional levels for the main categories. For instance, when describing the various internal and external influences on CSA work, participants reported varying levels of influence based upon their experiences and their institutions.

Lastly, to ground the theory, it was validated using the data. The theory was laid out in a detailed manner in a graphic format, the final result of which is revealed in Chapter 7 (Strauss & Corbin, 1990). I defined the relationships among the categories by writing about them, and I corroborated the definitions by comparing them directly to the data and determining whether there was a general fit. Based on these comparisons, some adjustments were made to ensure that the theory fit the data. Once the theory was formed



and found to be supported by the data, I returned to the categories to flesh them out and fill in any missing details, which added “conceptual density” and “conceptual specificity” to the theory (Strauss & Corbin, 1990).

### **Research Issues**

The role of the researcher in this grounded theory study, potential ethical issues, and reliability and validity concerns will also be addressed.

### **Role of the Researcher**

In qualitative research, the researcher is the key instrument, and data is collected through the lens of the researcher (Creswell, 2013). It is essential that I acknowledge how my subjectivity impacted the overall approach of this study and the analysis and findings. I am a licensed clinical social worker and a Student Affairs professional. As a social worker with training in school, hospital and emergency services settings, I have worked with young adults who have experienced various forms of trauma, including sexual assault. For the past seven years, I have been working in higher education, specifically in a Dean of Students Office with a primary focus on student conduct and sexual assault investigations.

During my time working in student conduct, one of my main responsibilities has been adjudicating cases of sexual assault brought against students, and I have experience with two different adjudication models: a hearing board model and a dual investigator model. For several years, I oversaw a process during which faculty and staff heard sexual assault cases in a hearing board format. More recently, I served as a university investigator of cases of sexual misconduct for three years, including sexual assault, stalking, intimate partner violence, and sexual exploitation. In this role, I typically

worked with one other internal or external investigator to determine whether the university's sexual misconduct policy was violated. This involved interviewing the complainant, respondent and witnesses, writing detailed summaries of those interviews, and gathering other evidence (i.e. text messages, emails, photographs, and social media data.) It also entailed serving as the primary point of contact for all students involved in the investigation, notifying students of their rights in the process and providing updates on the status of the investigation, and offering students the opportunity to review and comment on the evidence. At the conclusion of the process, I deliberated with the other investigator and wrote a comprehensive final investigatory report, which included an overview of the investigation, a review of key evidence, an analysis of the relevant evidence in light of the policies, and a rationale and finding about whether university policies were violated.

As the primary point of contact for students in this process, I also had frequent contact with other staff members who provided support services and resources to students during the investigation. While serving in this investigatory role, I attended many professional training sessions on CSA, best practices in investigations, and relevant legislation (e.g. Title IX, the Clery Act, the Violence Against Women Act.) My current professional role involves having both initial meetings with students and notifying them of the outcome at the conclusion. I typically receive the investigative report from the investigators, review and approve it alongside the Title IX Coordinator, and determine sanctions, if applicable. I also serve on my university's Title IX Steering Committee, which is comprised of staff members throughout the university who have significant job responsibilities related to Title IX, including matters of CSA.

My widespread experience and training in sexual misconduct investigations, as well as my understanding of the roles of others at the university who handle aspects of CSA and my knowledge of the legal framework, ultimately aided my understanding and analysis of the data. However, I also frequently reflected on my positionality as the researcher during memo writing, as described previously in this chapter.

**Theoretical sensitivity.** During both data collection and analysis, I had to be “theoretically sensitive” in order to generate a theory that emerged from the data (Glaser & Strauss, 1967). Theoretical sensitivity is threatened when the researcher is committed to one particular predetermined theory and is not able to see the alternatives. Theoretical sensitivity involves being attentive to the nuances of the meaning in the data, and these details helped me to develop the theory (Merriam, 2009). By debriefing interviews and writing memos, I reflected on my biases and their limitations. Stepping back to consider the influence that my views had on the analysis and intentionally being open to alternate explanations allowed me to cultivate enough theoretical sensitivity to distinguish the important parts of the data and assign meaning to the data.

### **Ethical Issues**

Similar to any research study, several ethical considerations arose in this grounded theory study. Qualitative research generally relies heavily on the individual researcher, and it was important that I was credible and well-informed about the topic of interest. Researcher credibility depends upon training, experience, status and presentation, as well as scholarly precision, integrity, and competence with the methodology (Merriam, 2009). I have sufficient expertise in the area of CSA and related legislation, and my role as a college administrator who has investigated and adjudicated

cases of student sexual assault positioned me well to be credible to the Title IX Coordinator participants in this study.

Although I did not notice any power dynamics or differentials between me and participants, it was essential to allow the participants' own words to be heard. According to Creswell (2013), it is critical for the interviewer to remain non-judgmental during interviews and be aware and respectful of the participants' feelings about the questions asked. Ethically, it was also important to consider sharing the results of this study with the relevant stakeholders in the field so that university handling of CSA can be improved (Merriam, 2009).

An ethical issue that was particularly relevant for the current study was confidentiality of participants and anonymity of universities (Creswell, 2013). Because participants were asked questions that yielded both sensitive information about their institutions and, in some cases, responses that portrayed the institutions in a negative light, ensuring confidentiality was especially critical to obtaining valid data. I used pseudonyms to protect confidentiality and avoided including any identifying information about the participants or universities. I was transparent with participants about the purpose of the study and explained the steps that were taken to ensure their anonymity.

### **Reliability and Validity**

In qualitative research, issues of validity and reliability can be addressed by being mindful of the study's creation and the process of data collection, analysis and interpretation. Overall, researchers can increase reliability and validity by demonstrating that the outlined research procedures were closely adhered to and that the conclusions are reasonable (Merriam, 2009). Key considerations include the how transferable,

dependable, and confirmable the results are. Reliability, validity, and methods for addressing reliability and validity concerns are discussed below.

**Reliability.** Reliability, or the replicability of the findings, raises the question of whether a repeated version of the study would yield similar results (Merriam, 2009). Qualitative research relies heavily on the interpretations of participants and the researcher, and thus another study may not yield the same results. Therefore, for qualitative analysis, reliability deals with whether the results are consistent with the data that was gathered. Reliability is enhanced when the researcher has appropriate training and practical experience (Merriam, 2009). I have extensive training and years of practical experience with handling matters of CSA, which enhances the reliability of the current study. As an administrator situated in a Dean of Students Office, I am also exposed to many aspects of handling reports of sexual assault beyond the investigation and adjudication process. I also have experience working directly with a variety of other administrators who have a range of interactions with students involved in CSA cases, including administrators who provide resources and support, offer accommodations, assist with the criminal processes, respond to issues of retaliation, and notify students of decisions. This exposure, along with my direct collaboration with the Title IX Coordinators at my institution, provided me with an understanding of the wide range of topics and issues that Title IX Coordinators are facing.

**Validity.** Internal validity or credibility refers to how consistent the results are with reality, whether the findings describe what the data show, and whether the researchers are measuring what they think they are measuring (Merriam, 2009). It is important to note that qualitative research assumes that reality is complex, evolving and

not fixed. Therefore, validity cannot be concretely proven, but rather can be evaluated in the context of the research. External validity or transferability involves whether the study's findings can be generalized to other circumstances (Merriam, 2009). By providing detailed descriptions of the study design, participants, and findings, this study can be considered more externally valid.

**Addressing reliability and validity.** Several strategies were used to improve the reliability and validity of this study. In order to increase trustworthiness and credibility, a peer independently coded an interview in addition to the primary researcher. The coding was largely consistent between the two raters, and any areas of inconsistency were discussed. Areas of inconsistency were mostly related to differing levels of understanding of the legal landscape of CSA, and once discussed, the coding was very consistent. This process allowed me to identify the overlap between several of the codes and helped me decide to combine some of the codes, as described earlier in this chapter. This also permitted me to process the parts of the interview that were double-coded and begin to conceptualize the overlapping concepts that ultimately influenced the emerging theory and model.

Additionally, data were collected until saturation occurred, as previously explained in this chapter. This also strengthens reliability by creating a more thorough understanding of the phenomenon of interest. Internal validity was enhanced by interviewing multiple participants and gaining varying perspectives on how Title IX Coordinators constructed reality. This study aimed to improve external validity by creating variation in the sample, thus increasing the likelihood that the results would be applicable to a wider range of readers (Merriam, 2009). I also reflected critically on my

position and role as the primary instrument in the study, which aided the reliability and validity. After each interview, I took note of my biases and reflected on how those may have impacted the interview itself or my interpretation of it. Generally, I found that my practical experience in the area of CSA, my knowledge of Title IX and other relevant laws, and my familiarity of the Title IX Coordinator role helped to make the study more reliable and credible.

As part of the grounded theory methodology, member checking was also used as a tool to establish the credibility of results (Charmaz, 2014). After the data analysis, member checking occurred by sending all participants a graphic depiction of the emerging theory along with a written description and asking for feedback. Seven participants responded, most of whom indicated that the findings were aligned with their experiences as Title IX Coordinators and that they did not have any suggested changes or additions. One participant offered minor suggested changes, and another proposed a visual modification to the model that she believed would better capture her experience as a Title IX Coordinator. Her feedback was incorporated into the final model.

### **Limitations**

Despite the steps taken to address potential reliability and validity issues, there are possible methodological limitations in this study. While my own beliefs, assumptions and experiences related to CSA served as an asset to the credibility of the study, they also influenced the data collection, analysis and interpretation. For example, my own lens of CSA work based on my background in student conduct may have led me to be more interested in that aspect of the work. I may have interpreted participant responses about CSA adjudication with particular biases that stem from my direct experience in that area.

Additionally, because of my role as a university administrator, it is possible that I interpreted the data with an overly positive view of the administration's actions with regard to CSA. When a researcher begins to side with the participants, it could result in a one-sided portrayal of the issues (Creswell, 2013). I attempted to bring awareness to the ways in which my views were affecting both the interviews and the data analysis by acknowledging and writing about my biases in memos, and by debriefing interviews with others to remain open to other interpretations.

Further, this study is also somewhat limited in scope. The results offer insight into the experiences of Title IX Coordinators to shed light on some of the ways in which universities handle CSA and the role of institutional culture in that process. However, this study only scratched the surface of the many cultural, environmental, and societal factors that influence how institutions are handling this problem. The current study was not able to generate a theory that addressed every aspect of university handling of CSA, and the results cannot be generalized to all universities and their various cultural contexts. Additionally, further research will be necessary to validate the theory that emerged from this study. While the constant comparative method of analysis yielded the development of a preliminary theory, this method did not permit for the theory to be provisionally tested, which would require other methods that are beyond the scope of this study (Merriam, 2009). Despite the limited scope of this study, given the small number of studies that have examined university handling of CSA, this study does propose several viable avenues for future research that could be valuable for institutions in navigating this complex issue.



## **CHAPTER 4: TITLE IX COORDINATOR VALUES AND CSA WORK**

### **PROCESSES**

#### **Introduction**

This chapter is the first of three chapters that present the findings of this study on how Title IX Coordinators handle and carry out their responsibilities related to campus sexual assault (CSA) and what influences that process, including university culture. The findings are drawn from the analysis of the interviews with Title IX Coordinators at NCAA Division I institutions who serve as resources for students and who are responsible for overseeing student-on-student CSA reports and cases. Overall, the data indicate that Title IX Coordinators view their work in regard to CSA to be highly complex and influenced by a variety of internal and external factors. Participants described CSA work as “always complicated” (Jade), “just so epically challenging” (Leslie), “one of the most complex and most difficult arenas” (Adam), imbued with “very challenging concepts,” and requiring “do[ing] the work through [a] multiply-complicated lens” (Claire). As anticipated, university culture played an important role in how Title IX Coordinators conceptualized and carried out their work related to CSA prevention, education and response. Chapters 4, 5, and 6 explain the major themes from the data analysis, which leads into a presentation of the grounded theory and model that emerged from the data, found in Chapter 7.

In Chapter 4, the Title IX Coordinator’s own values and priorities are discussed as important factors dictating how participants navigated their roles on campus and as laying a foundation for how they conceptualize their work with CSA. This chapter next describes CSA work itself and discusses the various processes that take place at

universities for handling CSA, such as the adjudication of complaints and educating the campus on this issue. These are processes that participants described as enormous undertakings that often involve difficult decision-making. This chapter provides a foundation for understanding the CSA work of Title IX Coordinators and how they approach their work.

Next, Chapter 5 addresses the internal university influences on CSA work for Title IX Coordinators. This includes elements of the institutional culture and structure that influence their responsibilities with CSA, in addition to the nature of work frequently requiring Title IX Coordinators to collaborate with and manage a wide range of internal partners. These internal factors proved to have a major impact on how Title IX Coordinators are mobilized or challenged to carry out their job responsibilities.

Lastly, Chapter 6 reports on the external influences that Title IX Coordinators face, especially the legal context of CSA and other external cultural factors. The legal landscape of this issue includes compliance with laws, especially Title IX, as well as the influence of lawsuits against universities. The chapter also explains that as a result of the exceedingly complex nature of their roles and responsibilities with CSA, Title IX Coordinators experienced largely negative outcomes and feedback. These findings culminate in a presentation of a model depicting the grounded theory that emerged from the data analysis, which appears in Chapter 7. The model and theory explain how the core themes relate to one another and are connected through the idea of ‘navigating the complexity of CSA work,’ the central phenomenon of this study.

The current chapter begins by illuminating participant descriptions of their priorities and values, which many described as grounding them in the work, and then

describing CSA work itself and the multiple complex processes that Title IX Coordinators manage.

### **Title IX Coordinator Values and Priorities**

Participants generally described their values and priorities as Title IX Coordinators in ways that positioned those values as driving forces behind their CSA work and how they work through the challenges of it. Several of the values were commonly held across participants, including a focus on student rights, due process, fairness and neutrality, compliance and following policy, student safety and support, and integrity, among others. Every participant mentioned at least two values that influenced their work at varying levels, with many identifying more than two. These values and priorities impacted how Title IX Coordinators framed their thinking about CSA work on their campuses, what actions they took to execute their job functions, and how they worked with students and collaborated with colleagues.

### **Fairness, Neutrality and Student Rights**

Three of the most commonly mentioned values among participants included fairness and equity, neutrality, and an emphasis on student rights, all of which are ultimately rooted in being fair and impartial. All 16 participants reported that they held at least one of these values related to fairness, and many described fairness, equity and attentiveness to students' rights during CSA investigations as critical underpinnings to their work.

Claire, an attorney and full-time Title IX Coordinator at a small, private institution in the Midwest, spoke generally about fairness by discussing the importance of

being balanced and bearing in mind the rights and needs of both complainants and respondents:

[My work is] equally informed by the fact that I am a gender-based violence expert, I'm an expert in the impact of trauma, and then also an expert in protecting responding parties' rights. Those things have to be held equally. Title IX asks us to be equitable. It's hard work. I'm on a tight rope, which is where I should be. It's not a job for people who are uncomfortable with being uncomfortable, and I've been very clear with the community about that...I don't think gender based violence prevention and respondent's rights are oppositional.

Rebecca, who has a doctorate and works at a mid-sized private university in the Midwest and has job responsibilities outside of being a Title IX Coordinator, also said that what guides her work is both equity and care for all students:

I think my overarching goal is to provide that fair, equitable and timely process for all students...You know, that is my overarching concern of people getting their education completed, but being cared for so that we can provide that fair and equitable and timely process...I would feel and do feel that we have we have a very balanced approach, that we have a very fair approach, we have a very equitable approach, we have a very considered approach.

This overlap between being a resource for all students while maintaining neutrality was described by Karen as well, and she explained how she balances that with students. Karen has her doctorate and has additional responsibilities outside of being a Title IX Coordinator at a smaller private institution in the Northeast. Consistent with being equitable and giving both parties equal access to supportive measures, Karen said

that it is important to make sure that the accused student, in addition to the complainant, “gets what they need if they’re in distress.” Karen makes sure that she is “taking care of the individuals involved” and “making sure they’re connected with resources” on campus, but she does not “give the impression that [she is] taking sides.” Similarly, to explain her neutral role to students, Leslie, who works at a mid-sized private institution in the Northeast, has a Master’s degree, and serves in additional roles outside of being a Title IX Coordinator, tells students, “I’m not on anyone’s side...I’m here to make sure the university does what it’s supposed to do.”

In addition to acknowledging fairness as a fundamental principle in the work, Rebecca described situations in which students can have difficulty understanding the extent of the rights of accused students. She has received comments from complainants such as, “Well, why isn't this respondent gone today? You know, I complained today. So they need to be gone today.” Rebecca said that she has to be “able to explain due process and to explain our policies and to explain our procedures,” and that she has “always cared about all [institution name] students,” so talking about fairness is “a through line” for her.

Some participants provided examples of particular aspects of fairness that are important to them in this role. According to Amy, who is an attorney and a full-time Title IX Coordinator at a mid-sized public university in the Southeast, their policy implementation is fair and “incredibly transparent” because both parties are able to access all case information. Amy said:

Everything that is relied upon by the investigator is attached as an exhibit to the draft or final investigation report. All the parties have a chance to review that

information. When there's a change, we document it, we include that with that information. So really ensuring that due process is the forefront of our mind as we're moving forward and that all the parties understand exactly what it is that we are relying upon to make that determination.

Another aspect of fairness described by Leslie was the opportunity to be heard and provide information:

Every day when I come into this job, I just want to make sure that it is as fair as possible. So, in the end, that's really what tries to guide me every day. I want to make sure that all parties have an opportunity to express themselves, and to be fully heard, and to tell their side of the story, and to make sure that that opportunity exists.

Barbara, who has a doctorate and is at a medium-sized public university in the Southeast, where she has responsibilities in addition to being a Title IX Coordinator, implied that part of being fair means ensuring that institutional policy is being followed and applied consistently. She said that in light of the complex nature of CSA cases, “due process is extremely important, so the following [of] our process and policy, and just being clear about what that is” is helpful in navigating challenging cases.

### **Integrity and “Doing What’s Right”**

In addition to emphasizing the importance of fairness, neutrality, and preserving students’ rights, many Title IX Coordinators also said that they do their jobs with integrity and that the principle of ‘doing what is right’ helps to guide their CSA work. At times, the theme of ‘doing what is right’ overlapped with other values and priorities, especially the priority of fairness. For example, Lisa, a full-time Title IX Coordinator at

a large public institution in the Southeast with a Master's degree, said that the combination of neutrality and integrity guides her work in a very strong way:

Then, I still go back to my neutrality and my integrity. I have been known to be very clear in what I expect. I've also, at a previous institution, probably risked my job on more than one occasion to protect a student from institutional action that I thought was disingenuous and inappropriate. I will refuse to sign things. I will go up the chain as far as I need to in order to act on a student's behalf to make sure that their rights are being respected.

This willingness to perhaps risk one's job in order to do what is right and fair for students in this work demonstrates a strong commitment to integrity.

Leslie also said that both fairness and "doing the right thing" go hand in hand and are key to doing this difficult work:

...[M]y fundamental most concern [is] just being fair. And if me being fair is making it quote-unquote 'right.' I didn't begrudge anybody their opportunity to represent and be heard and make sure they have a fair opportunity to participate because that's the best I can do. In the end, I don't know if we ever get any of them right. But every day, I just want to make sure everybody is treated fairly, and the opportunity to be heard.

Leslie expressed that "doing the right thing" and being fair are values that are very important to her, and she believes they can be relied upon even in the face of doubt about how to handle complex CSA situations. Adam has a Master's degree and has multiple roles at a large, public institution in the Northeast. With respect to his combination of

guiding principles as a Title IX Coordinator, which are rooted in a desire to do “what’s right” regardless of external factors, Adam said:

One, we just want to do what’s right. That’s been one of the things that I’ve been proud of at [institution name], is regardless of where the pendulum is swinging sort of Title IX nationwide, we are trying to be as diligent as we can, as doing what we think is right, provide significant due process, while also providing the safest community possible for all of our students. That’s our goal.

In all, about half of participants said that having integrity was a major force behind their roles and influences how they conceptualize their work. Nora, who has her Master’s degree and serves in multiple roles at a mid-sized public university in the Southeast, said that she tells her staff, “You want to always do the right thing so you can sleep well at night,” and said that this is one of the “principles that [she thinks] are critical in this work.” More specifically, when discussing how a decision was made about whether to pursue a cross-complaint put forth by the accused student, Nora said:

So as a Title IX Coordinator, that was a decision I made and I was going to stand firm on because sometimes, as I said, you want to be able to sleep well at night. And for me it was the integrity of the process. So, I had to make that call and decided that that was the thing we needed to do, and it was...So then after the case was over they were given the opportunity to pursue it, and they chose not to...It was just so many moving pieces in that particular instance.

When describing how she knows whether she did the ‘right thing,’ Nora said:

The question is, did we do what we could have done to ensure that we followed the process the way it needed to be done? Or provided the services?...Did we do



all that we can do? Because at the end of the day, that's the most important piece. Did we do what we said we were going to do for our students? And so I think if we can look at it from that perspective, that would make my job a lot less complicated, a lot less frustrating.

Nora most thoroughly illustrated the way that integrity guides her daily work and decisions.

Related to the value of integrity, a few participants also discussed the importance of being transparent with the campus about how they handle CSA matters. For instance, Amy said that they implement policy in an “incredibly transparent” way by allowing students to review all information and publishing data about CSA case outcomes, which students had requested. However, she said that students “still want more” and “always will want more information about what we are doing.” Amy is “trying to meet those needs to make sure that [students] understand that we do take reports seriously and that there are significant consequences as a result of them.” One could argue that being transparent with CSA processes and sharing data is one aspect of having integrity and running an honest process.

### **Student Safety and Support**

In addition to the values and priorities already discussed, participants also often reported that they keep the safety and wellbeing of students at the forefront when doing CSA work. Many expressed their efforts to ensure that all students impacted by CSA or involved in a case receive the support and resources that they need.

**Student safety.** Several participants described prioritizing student safety as being in line with other values, such as integrity and following laws and policies. Half of

participants discussed the importance of student safety, and they consistently said that safety was the most or one of the most important priorities.

Some participants said that student safety was a critical factor that motivates them to continue doing CSA work. Adam believes the university has the “obligation and the responsibility to help ensure that our students have the safest experience possible,” which is what prompted him to start doing CSA work. Rhonda, who has a doctorate and works at a large public university in the Southeast, where she has job responsibilities outside of being a Title IX Coordinator, also said that she is “driven by...creating a safe, welcoming and inclusive environment for all of our faculty, students, and staff.” Alana’s first priority in doing CSA work is “the safety of our students and our staff on campus.” Alana, an attorney and full-time Title IX Coordinator at a small, private institution in the Midwest, further said that if students do not feel safe, the university has advocates that help them with interim measures meant to enhance safety. She said that generally, students are in control of choosing their reporting options, except if there are significant safety concerns, in which case they will make a threat assessment and do everything possible to “investigate and figure out what happened in an effort to continue to keep our students and other constituents safe.”

Multiple other participants also conveyed the importance of maintaining student safety by describing the processes that they go through to assess and preserve the safety of students in CSA matters. Jennifer’s campus has a team that makes decisions about threat assessment when concerns for student safety arise. Rhonda said that her role is to “do an analysis” when faced with safety considerations in order to determine how to proceed when a reporting student “wanted to keep it confidential and didn’t want to have

the university process.” Amy also said, “When a report comes in... We’re looking at weighing that health and safety risk, so that’s kind of our first inquiry.”

One participant illustrated the challenges with making such safety assessments. Claire described a case she handled with critical components of student safety. While the student’s wellbeing seemed to be the most dominant factor she considered, it proved to be difficult to balance student safety with other concerns and challenges with CSA work. Claire said that she had to decide how to proceed when a student reporting a Title IX concern told her, “I don’t want you to go forward...if you go forward or if you take a step against my wishes, you are putting me in more harm.” Claire “honored that person's wishes” and said:

What I saw happen twice is that given that breathing room and that space and having their wish honored, those students actually came back to me once I was able to help...Once those fundamental parts of that person's life were stabilized, they had more capacity to come back and say, ‘I think I could be interested in a no-contact notice. Tell me more about that,’ or, ‘I feel like maybe I am prepared to do an investigation.’

Claire added that she believes it is critical to honor a student’s wishes when possible for their wellbeing and in order to build trust with the student body to encourage overall reporting. In general, the Title IX Coordinators who explicitly characterized student safety as a priority seemed to place safety above most other priorities.

**Student support.** Title IX Coordinators also seemed to strongly prioritize offering support to students, with 14 of 16 participants explicitly discussing providing support to students, some at length. Overall, participants seemed to deeply value

ensuring that all students impacted by CSA or involved in CSA cases were supported and connected to the appropriate resources. For example, Claire said, “There’s an approach I think that I’ve developed here...All I want is for [students] to know they’re not alone, and that their rights, options, and resources should they want to engage...” When she receives a report about a student experiencing CSA, Karen also “reach[es] out to the student to make sure they’re aware of resources and supports.” Karen is in charge of “taking care of the individuals involved,” including the accused, and “making sure that [the accused student] gets what they need if they’re in distress about being accused.” Lisa also prioritizes “working with students...and making sure that they’re connected to resources” for support, including assistance with financial aid, housing, and other practical components.

Most participants who discussed student support indicated that this stemmed from the value they placed on caring for students. For Nora, one of the principles guiding her work is student wellbeing and “ensuring that our students are cared for and that they get the services they need.” She said, “Their wellbeing is probably the over-arching, so whatever is best for our students, on either side.” Barbara said that “student success” and “student safety” are “absolutely two pieces” that are central to her approach to CSA work. It is important to her that students “feel heard and supported” and that others on campus are also equipped to refer students to the appropriate resources. Barbara added that she thinks students on her campus “feel affirmed...safe and respected.” Amy said that “one of the key things” guiding her work is making sure that students know that her office is “not just here to investigate” and is “also here to coordinate support.” Beyond formal adjudication, she looks for “other actions that our office...can do for that student

to make sure that they have access to their living, learning, and working environment.” Amy added, “We really approach the Title IX work from a very holistic view to make sure that we’re not just looking at reports and response, but also support for those students.”

A few Title IX Coordinators indicated that, consistent with a university priority to provide students with support, they have particular advocacy or support people that they assign to students going through a CSA case. Jade, who has her Master’s degree and is a full-time Title IX Coordinator at a smaller private institution in the Midwest, described her institution overall as “a very caring place for students,” which translates into “a lot of structural and procedural things in place to help [institution name] students be successful.” This includes referring both complainants and respondents to a support person on campus who can “help them navigate the process” and “get them connected to, not only campus resources but community resources.” Alana similarly said that after compliance, her “second priority is responding in an effective and efficient manner to those affected by sexual violence [and] to make sure that they have the resources in place to be able to heal and move forward.” At her institution, a student is often connected to an advocate who “provides immediate support and resources.” Related to supporting students is the idea of having processes and approaches to the work that are mindful of the needs of students who may have experienced trauma.

### **Trauma-Informed Approach**

Another major theme that emerged as a priority for Title IX Coordinator participants was the emphasis on taking a trauma-informed approach that seeks to minimize the negative impact of the complaint process on survivors, including the risk of

re-traumatization. About half of participants said that they valued having a trauma-informed approach, at least in some respects, when doing CSA work. For instance, participants said that having this type of approach informs how they interact with students and conduct investigations and trainings. Rhonda said that her institution tries to take a “holistic approach” to working with students, and that she actively works to ensure that the victim is not receiving contact from too many people at the institution. She said, “We’re handling cases and trauma along the way. We try to avoid four or five different people making contact with a survivor...” and added that the goal is to help reporting students “feel safe” and know that “if something does happen, they are going to have a very trauma-informed process as much as possible.” Amy also said that the institution takes a “very holistic view” of CSA work, and that they train their investigators and people involved in case decision-making “on how to be trauma informed” and “understand the impact of trauma.”

Other participants also provided examples of ways in which they prioritize the needs and wishes of victims and how this view informs their work. Albert, a lawyer and full-time Title IX Coordinator at a smaller private institution in the Southeast, said that his institution’s “approach is very much guided by a sensitivity to survivors,” and Karen said that when she receives a report, she responds “with a focus on the needs of the student making the report.” One of Leslie’s top priorities in CSA work is to “make sure that the complainant can remain in school” and said:

Because I think fundamentally that is what this is all about. It’s not always about catching a bad guy, because there’s going to be plenty of bad guys or bad girls that aren’t found in violation, but I need to make sure that that complainant has

counseling and feels safe and [can] continue. And even if they need to take a semester off, how do I get them back?

Claire indicated taking a trauma-informed approach by describing the ways in which she does not push survivors of CSA to make reports or proceed with an investigation. She said, "...people know I'm not in the business of tracking down people who've experienced [CSA]. All I want is for them to know they're not alone, and their rights, options, and resources should they want to engage..."

Two participants specifically mentioned taking a restorative justice approach to CSA work, which is focused on addressing and repairing harm done to victims. Lisa said, "And that goes back to my sanctioning philosophy as well; it's really trying to get a restorative aspect in the process of saying to the affected individual, 'What would make you feel whole again?'" Jade similarly said that at her institution they "want to address behavior that's harmful," and they are "really trying to transition to more of the restorative justice language where we're addressing harms." Incorporating restorative justice elements into CSA processes is one way to create a more trauma-informed approach to the work.

Of note is that all of the participants who discussed having a trauma-informed approach to CSA also emphasized the values of fairness, neutrality, and/or student rights, so participants did not seem to view these values as mutually exclusive. Referring to prioritizing both of these, Karen said, "So, just in trying to be very supportive and caring, but at the same time, balancing that with recognizing my role as being there for everyone involved, in terms of their needs and policy and compliance and all that." Claire also said that in order to "establish credibility and expertise" as a Title IX Coordinator, she had to

demonstrate her ability to “balance[e] the rights [of students] and doing so in a compassionate, trauma-informed expert way.” However, participants did not explicitly identify how they were able to balance being both trauma-informed and neutral.

### **Compliance and Following Policy**

Lastly, participants frequently described a focus on compliance with Title IX and other relevant laws, as well as the importance of following one’s own institutional CSA policies. These two principles are connected because the former involves adherence to federal and state laws about CSA, while the latter involves adherence to institutional policies, both of which universities can be held liable for if they fail to do properly. Participants who reported the importance of being in line with institutional policy described it as being critical and fundamental to the work, while those who brought up being in compliance with laws described it as necessary to consider but not necessarily a critical force behind CSA work.

**Following institutional policy.** About half of participants specifically mentioned following their policies as important to their CSA work. Several emphasized that following policy is a fundamental and driving force behind what they do. Michael, a lawyer at a medium-sized private university in the Southeast with additional job responsibilities outside of being a Title IX Coordinator, said that they are “very driven by [the] process” outlined in their policies. Barbara also described following CSA policies as part of her institution’s identity: “‘This is our policy, and we follow our policy,’ and that’s who we are.” With respect to what drives her CSA work, Lisa said, “I think first and foremost is what have we said that we will do in our policy. So, when you look at



whether or not we're moving forward, looking at what our threshold is [in the policy], and also what access to information that we have.”

Others described the principle of following one's policies as guiding their decision-making on CSA matters. Rebecca said that she emphasizes “making decisions based on our policies” and stated, “Everything that we do in our work...is related to the policies of the university. And so, we're constantly referring back to those policies and making sure that we're following our procedures and we're in line with all the policies.” Amy also described the policy as providing the foundation for how she carries out CSA work processes:

So what my role is in that is to make sure that the review panel is convening and reviewing the evidence, [that] they're given the entire record to review, that they're meeting the goals of our policy, which is to stop the prohibited conduct, prevent its recurrence, and remedy its effects...I'm making sure they're being thorough, fair and impartial, which is required under our policy.

Barbara also described how her emphasis on following the policy impacts how she does her job by saying:

... we're trying to look at all of the information that we've gathered, review that information and determine what next steps are best sitting within our policy and also respecting the request of the student as best that we can...So I spend a lot of time with the Title IX investigators, helping them also work through that process and making sure again that we're crossing all T's, dotting our I's and following our process.

**Compliance.** In addition to following institutional policy, about half of participants discussed the importance of helping their universities stay in compliance with laws relevant to CSA. Most participants who emphasized a focus on compliance with laws as guiding their work and decisions related to CSA expressed that although being in compliance is necessary, it is not the fundamental factor influencing CSA work.

For Nora, while compliance is one aspect of doing CSA work, it is not the most important. She said that one of her institution's "overarching principles" behind the work relates to ensuring student wellbeing, and she added that the university also needs to "ensure" that they are "in compliance [with] federal laws, guidelines." Nora also seeks to "make sure that our campuses are aware, our students are aware...make sure everyone understands the policies, the expectations...again, how to report, who to report to."

Rebecca went further to say that she does not want the community to perceive that how she handles CSA is overly compliance-focused and said:

I know that someone recently said to me that this just felt like a lot of legalese.

And so, you know, that saddens us, those of us who do the work, because we don't feel like we are operating in legalese. But at the same time, we have to use certain language and we have to follow certain pathways through these processes.

Others similarly said that while compliance must be a factor, CSA matters on their campuses are not dictated solely by legal compliance issues. Claire does not view CSA as an issue that can be dealt with through only a compliance lens; she said that CSA is a "complicated issue," and therefore "anyone who thinks that you can do a black and white checklist to solve this is sorely mistaken." When asked about her overarching philosophy, Alana said:

I mean, obvious[ly] I have to say compliance with federal law. But I can tell you that I break it down to our primary report importance is the safety of our students and our staff on campus. The second priority is responding [in] an effective and efficient manner to those affected by sexual violence. To make sure that they have the resources in place to be able to heal and move forward.

The compulsory nature of emphasizing compliance was also echoed by Rhonda, who said, “‘Do the right thing all the time’ means at a minimum you are compliant, right? You are doing the thing that you want to do, that you’re required to do.” This implies that in order to respond to CSA appropriately within one’s campus community, a Title IX Coordinator needs to consider the issues comprehensively, beyond simply from a compliance standpoint.

Other participants described a compliance focus as merely one of multiple lenses through which to view CSA work. When discussing what guides her work, Karen said:

I guess it depends on which of the two buckets it falls into. The compliance piece is really, the philosophy is, ‘These are the requirements and we need to make sure we’re in compliance.’ And so that’s much more of a matter of fact. Like, checking the box and making sure we’re doing it and we’re doing a good job with it.

Jennifer, a full-time Title IX Coordinator at a medium-sized public institution in the Northeast with a Master’s degree, distinguished between following what the laws say and carrying them out practically to meet the needs of particular students:

I guess there are probably two [principles that guide my work]. One is the letter of Title IX, which is to make sure that no one is excluded from opportunity based

on their sex. The second is that, I would say for me personally, the spirit of Title IX is as much about practice and realization as it is compliance. While we want to make sure we're complying with state, and federal, and local policy and regulation and guidance, we also have to make sure that we are treating people as individuals and understanding that each individual is going to need a different set of resources and services to navigate through this process.

Jennifer acknowledged that although this is not her approach, some institutions might treat CSA as largely a compliance issue. She said:

...some places are set up to look at this as a compliance checklist issue, and the reality is that this is work that's focused on addressing climate issues, quite frankly. And so, I think that that's the way it needs to be implemented. And I think different schools have different views on that...I think there are differences in the level of commitment to compliance versus the level of commitment to the individual.

The views of participants who discussed having compliance as a priority in CSA work reflect that although compliance needs to be considered, focusing only on compliance will not permit Title IX Coordinators to successfully deal with matters of CSA.

### **Summary**

Participants all consistently brought up the ways in which their values and priorities in doing this complex work play into their responses to students and approaches to CSA decision-making and issues. Many of the values were consistent across participants, especially fairness, neutrality, and equity, along with an emphasis on doing this work with integrity. Most participants were committed to prioritizing student

support and safety for all students involved, with some also mentioning the need to be especially mindful of the needs of survivors who have experienced trauma. Also frequently mentioned was the need to follow institutional policy and remain attentive to the compliance aspect of doing CSA work. These priorities needed to be balanced, and the values held by Title IX Coordinators served to ground them in this very difficult work. Their values also helped to guide them through challenges in the work, including the multiple CSA work processes that they are required to implement or oversee.

### **Processes Involved in CSA Work**

A major part of the Title IX Coordinator job involves managing and carrying out the key CSA work processes that tend to be common across institutions. These processes include the student intake and reporting process, the CSA investigation and adjudication process, implementing campus training and education, and managing logistics and revising CSA policies. Title IX Coordinators often need to either directly execute or oversee these various processes at their institutions, which frequently present demanding levels of complexities and difficult decisions. In reference to the various complex processes to manage, Barbara said, “There are a lot of nuances in this work...I think we can all agree that these cases are challenging and they’re complex and there’s a lot of pieces there.” Handling the time consuming and often arduous tasks associated with these vast responsibilities contributes to the complex nature of CSA work. Some similarities and differences were found across the processes themselves, and the role of participants in those processes and how they approached them varied, perhaps partially based on institutional context. Each main category of CSA work processes will be reviewed, beginning with student intake and the adjudication of CSA cases.

### **Student Intake and CSA Adjudication**

As part of their explanations for their decision-making and thought processes in addressing sexual assaults that are reported to them, all participants described, in differing levels of detail, their university processes for receiving student reports and investigating and adjudicating CSA cases. In addition to the variation across these processes themselves, the Title IX Coordinator role in each of their university processes also varied.

In terms of the university adjudication of CSA generally, the following aspects of the process differed across participants: who does the intake with a student (i.e. offering interim measures and explaining the adjudication process and other options), who investigates, whether a hearing is part of the process, whether there is any direct or indirect confrontation or questioning between parties, and who determines responsibility and sanctioning. In addition, many participants described multiple points of assessment and decision-making during the course of an adjudication process. For example, some discussed making an assessment about whether a complaint met the threshold of a possible policy violation after an investigation, and a few also said that they were part of the decision about what type of process is most appropriate to resolve a complaint. These points of decision-making, as well as when the decisions occurred during the process and who was involved in making them, was different across institutions.

**CSA investigation and adjudication.** Despite the range of adjudication models described, some commonalities also existed. About half of participants specifically discussed their institution's Student Conduct office as being part of the adjudication process. It should be noted that while most participants said that they were positioned

outside of the Student Conduct area, a few said that they were either situated in the Student Conduct office or were responsible for overseeing that office. Student Conduct seemed to play an important role in the hearing process for about half of participants, but there were differences in terms of when the office became involved and during which phases of the process. For example, one participant said that Student Conduct does the intake with students, a separate office focused on equity and Title IX does the actual investigating, and then Student Conduct assesses whether there is sufficient information to bring charges, and if so, arranges for a hearing. Another said that the Title IX Coordinator does the intake and assigns investigators, and that the Title IX Coordinator decides if there is enough information to warrant conduct charges, and if there is, the matter is then referred to Student Conduct for a hearing. At another institution, Student Conduct staff do the investigating directly. Other participants mentioned a hearing or hearing board process as part of the adjudication but did not mention whether Student Conduct is in charge of that process.

A few others said that the Dean of Students, a role often responsible for overseeing Student Conduct, is involved in making key decisions during the adjudication. Two participants said that the Dean of Students makes a decision about sanctions once a case is complete, and another said that the Dean of Students decides whether a case will go through the conduct process or not. At other institutions, neither the Dean of Students nor Student Conduct appeared to be directly involved in the intake and adjudication processes. For example, one participant said that someone in an advocacy role does the intake with a student, and then the Title IX Coordinator or someone similar investigates and determines whether violations occurred and issues sanctions. At several other

institutions, the Title IX Coordinators are responsible for overseeing the investigation and assigning investigators, the investigators write a report, and both the Title IX Coordinator and some type of hearing panel make decisions about the outcome.

In spite of this wide range of institutional processes, the Title IX Coordinator role in CSA adjudication was most commonly characterized as overseeing the entire investigation process. About three quarters of participants said that they had comprehensive oversight over the process. For example, Jade is the “primary gatekeeper” during investigations, and Nora said, “My role is – number one, primary – to manage and administer, oversee the Title IX processes and Title IX policies and procedures...” Eric, who has a Master’s degree and serves in additional roles at a large public university in the Midwest, said, “I’m the conduit back to the investigative officer, and [I] provide that direction.” Rather than being directly involved in the decision-making, Eric is “empowering the people in those actual roles to make those actual decisions.” Adam also said that he works with the investigators and oversees the process: “I’m working with the investigators to make decisions throughout, kind of oversee the investigations...I also work with the office to ensure that when incidents of potential Title IX violations are reported, that we respond appropriately.” Karen said that she is focused on “not letting the communication drop” and “making sure things are running smoothly,” and Michael also said that his role is “pretty much entirely” to make sure the investigatory process runs smoothly. Others also referenced the direction they provide to investigators. Amy said, “The investigator has a lot of discretion, but they’re checking in with me throughout the entire process...I’m making sure they’re being thorough, fair, and impartial.” Most participants said that they had oversight over the investigators and they



did not directly investigate CSA cases themselves. However, three described themselves as serving as the primary or default investigator for CSA cases, while two said that they sometimes investigate if needed due to staff capacity issues.

Seven participants specifically mentioned that some form of hearing board or panel of individuals is part of the CSA adjudication process. For most of these universities, a board made up of trained faculty, staff, and/or students make a decision about responsibility and/or sanctioning after an investigation. The participants' roles in the board decision-making process varied. Some said that they hand off the case to Student Conduct to manage, while others said that they oversee the hearing panel process and make sure it runs smoothly, and others are actually part of the hearing because they did the investigation themselves.

Part of the case adjudication process requires grappling with broad concepts that need to be carefully interpreted by Title IX Coordinators. For instance, the 'preponderance of the evidence' standard of proof, which most campuses use to adjudicate student sexual assault cases, can be challenging to interpret and put into practice. The preponderance of the evidence means that if a behavior is more likely than not to have occurred, the student is found to be in violation. Adam expressed the complexity of interpreting multiple different concepts:

There's a lot of decisions to be made in gray areas...What does preponderance mean? What is relevant, what's not? What determines credibility, what doesn't? What is even appropriate due process?...There's not any or much firm guidance about much of that, so it's really making decisions that you know can be

questioned and are your best decisions, but a lot of other folks could have issues with.

Also regarding the challenge of interpreting the standard of proof, Jade said:

...when you're talking about preponderance, what's more likely than not, those are hard decisions, right?...the cases that are most difficult is when they're kind of hovering right there. And so when those kinds of things are happening, how do you give weight and credibility to different things?

Similarly, Claire discussed the difficulty of determining what is considered fair: "What needs to be assessed when we're looking at fairness? These are very challenging concepts, fairness and equitability..."

With respect to the level of difficulty of the decision-making in CSA cases, Alana said, "I have to tell you that every decision I make is challenging. The most difficult is [when] something happened, I just don't know what it is...I take every case as seriously as the other and they're all just as hard." Alana also described the decision-making in cases and the magnitude of it as "hands down" the most challenging aspect of the job.

**Addressing group issues.** When asked about the handling and adjudication of CSA situations involving groups such as athletic teams, Greek organizations or other student groups, participants generally said that their decision would depend on the particular situation. However, many said that their response would likely involve collaborating with the appropriate office to determine the best course of action. Most participants said that they would have a conversation with the student group in question about their culture and practices with their members, or that they would implement a particular training or other educational requirement for the organization to go through as

a result of a concerning report or pattern. For example, Albert said, “We have had lots of situations where we will meet with the members of a particular fraternity or team or organization and talk about issues.” Nora said that they have developed “specific and specialized trainings” to address issues within groups that are reported. Claire said that even if she does not have a “specific complaint,” she will investigate the concern “to figure out what’s going on and to address the issue.” Leslie also said that she will do a “bigger deep dive” when she discovers a possible concerning pattern within an organization, and student organizations could be suspended as a result.

Although participants were broadly able to discuss their general course of action with teams and organizations, their discussions of intake and adjudication with particular student cases were much more detailed and specific. The adjudication of student reports of CSA seemed to be dealt with more frequently and was also characterized as more complex and layered in terms of the response.

**Interim measures and accommodations.** Because participants were selected in part based on their role in student-on-student CSA, part of their jobs as Title IX Coordinators is often to intercept students who have reported experiencing CSA and offer them the appropriate interim measures and accommodations they may need. When discussing administering those supportive measures, most participants described them as relatively simple to offer and implement, because difficult decisions do not need to be made to put them in place. For example, Karen said that because “trauma... affects people differently,” it is “not [her] role to judge” a student’s level of impairment when deciding whether to implement accommodations. She said, “I don’t feel like that’s so much decision-making on my part” because she implements supportive measures for

students based on their reported needs. Jennifer similarly offers students a “menu” of options for resources, such as academic accommodations. She said, “...we don’t ever really say no to interim measures. It’s more like, ‘Okay, how can we facilitate that,’ depending on what it is.” While many participants seemed to share this view, Albert, in contrast, said that when considering academic accommodations, they need to be “very mindful of issues, like if a particular request is reasonable or is a fundamental alteration of the program.” He said that “issues of cost and feasibility” also come up and need to be accounted for.

**Deciding to pursue charges and weighing student requests.** Another prominent theme that arose within the CSA intake and adjudication process was the Title IX Coordinator’s responsibility to weigh student requests, especially requests not to move forward with an investigation or other action. Half of participants brought up the scenario in which a student reports a CSA, decides that they do not wish to pursue any charges, and asks the university not to act. Participants generally identified the criteria they used to determine whether they could honor a student’s request or not, which commonly included factors such as any previous reports about the accused student, the use of weapons or violence, predatory behavior, and use of alcohol or drugs. In many cases, criteria such as these were used by participants to make assessments about whether there is an ongoing risk for the reporting student or other safety risks to the campus community.

At some institutions, these requests are weighed by particular groups, teams, or panels of particular individuals who collectively make a decision on the request. For instance, one participant said that when students “say they don’t want any further action

to happen,” those cases are presented to a panel of university personnel who determine whether the institution can “adhere to the complainant’s wishes.” The panel then decides “whether or not we can leave the case as is, or if there are informal or smaller measures needed, or if we need to conduct a formal investigation that will lead to potentially a formal conduct process.” Another participant similarly said that they have a “panel of individuals” that “reviews the requests by examining risk factors.” Rhonda said that when a student requests not to move forward, her role is to “do an analysis,” that could involve conversations with campus partners. She added:

I have to do an analysis and think, ‘Is this a predatory situation? Is this person a continued danger to that person or to others?’ If the answer is yes, we may have to proceed, without the wishes of the person who came forward...if we do the safety analysis and the answer is no, then depending on the egregiousness of the situation or the act, we will likely close the case and make sure that the person has everything that they need...

Eric said that when his institution decides the “threshold of risk is reached” and they determine they need to move forward against a complainant’s wishes, they could decide to do a full investigation or implement “some sort of intermediary action to prevent, stop, or remedy the effects of the harassment.”

Participants generally said that they attempted to honor students’ requests when possible. Jennifer said that the decision about pursuing an investigation is “most often driven by the complainant,” but added that the institution would “take that decision out of [the student’s] hands” if the accused student is “a repeat offender...[and] we’ve had similar concerns before” or if “there’s an immediate campus safety threat,” in which case

they “might need to move forward even if the complainant doesn’t want to engage in a full investigation.” Amy tries to “honor the preference [of the student] in all cases possible,” but said that “there are often times because of the significant health and safety risk to the complainant or the community, a requirement that we move forward” due to the severity of the incident or the presence of a “power dynamic,” meaning that a student in a position of authority used their power to take advantage of another student.

Similarly, Alana may choose not to honor a student’s desire to not proceed with an investigation if she has “enough information to determine whether or not there’s a threat to campus safety.” Alana said that the “gravity of the decisions that you’re making is compounded by a variety of factors,” including the need to consider both individual and community safety. Lisa also discussed the need to balance these competing interests by saying:

...we may have full details and a lack of cooperation if there’s an ongoing concern or a threat to other members of our community, so we have to balance the individual versus the community and make a decision that is the best for everyone involved as well as we can.

Barbara and others said that when they need to intervene with a situation against a complainant’s wishes, they remain in contact with the complainant and inform them of next steps.

Claire described a situation in which a complainant did not wish to go forward with any adjudication process, despite the egregious nature of the reported behavior. She conducted a safety assessment and decided that it was ultimately in the reporting student’s best interest to give the student “power and control back” and establish “trust

and rapport.” This then allowed the reporting student to feel more comfortable asking the Title IX Coordinator for various resources and academic and emotional supports, and eventually the student was prepared to go forward with an investigation. Claire surmised that given that situation, other Title IX Coordinators might have chosen to initiate an investigation regardless of the student’s wishes because of the severity of the report, but Claire believed that the choice to trust the student and give them time ultimately led to the most positive outcome. However, the decision-making process was very difficult for Claire because there were risks associated with every option.

How to handle a request from a student to not move forward with any action is just one of many points of decision-making that are complex and require the consideration of several factors. Despite the range of CSA intake and adjudication processes described, one consistency across participants seemed to be the multiple assessments that need to be made at various stages during a single case. The key decision points discussed seem to be whether a case will move forward and if so, in what manner, whether conduct charges will be brought, and whether the respondent is responsible and what sanctions are appropriate. Participants are faced with making complex decisions involving student safety, weighing requests of students who are directly impacted by CSA, analyzing evidence and determining whether policies were violated, and evaluating severity of behaviors. While Title IX Coordinators may not alone be responsible for all of the decisions that arise in a case, it seems that most of them are at the very least somewhat involved, if not largely responsible, for the decisions made before, during and after CSA investigations.

### **Training and Education for the Campus Community**

Beyond the handling of individual students, cases and issues, under the 2011 Office for Civil Rights (OCR) guidance, Title IX Coordinators are also responsible for educating and training everyone on campus about CSA and related issues. The most common types of training implemented included a required online module, some type of educational program at student orientation, and training for specific subgroups of students. Most participants said that their institutions require an online sexual misconduct training for incoming students, and many mentioned requiring this for new staff and faculty as well. Claire described online training as a tool to help them “lay the groundwork” and “have a consistent message,” and said that her institution “really build[s] on it” through additional efforts, including incorporating training into required classes for students. One participant said that they require students to complete the online training at several points during their time at the institution, and another said that faculty and staff are mandated to go through training periodically as well. Outside of online training, several participants said that their institution offers Bystander Training for students, and a couple participants said that they required students to complete it.

Additionally, some participants described a presentation, skit, or other type of educational program for all new students at orientation. Many also said that they train particular students on CSA, especially leaders of student organizations, students involved in fraternities and sororities, Resident Assistants, and students in other types of mentorship roles, such as Orientation Leaders. For example, Nora said that they have “individualized training” with Resident Assistants, graduate students who work with undergraduates, and certain mentors on campus, including “anyone we identify as a



‘Responsible Employee.’” Training for particular groups such as athletes is also driven by NCAA requirements and state laws. For example, Alana said, “We specifically have to go into Athletics, because of the NCAA resolution that was passed in August of last year requiring all student athletes, staff and administrators to receive sexual violence prevention training every year.” Other participants said that they train groups on campus in response to particular issues. Nora said that her institution has developed trainings that certain groups complete annually in response to “the population they work with” or “issues that [have] come about” with that particular group previously.

**Title IX Coordinator role in training.** Similar to participants’ self-described roles in the intake, investigation and adjudication of CSA cases, the roles of participants in the training and education for the campus also varied. Participants had differing perspectives on what their role in CSA training and education ought to be. Some, like Rebecca, felt that that education of the campus was her direct responsibility, while others, such as Leslie, did not see herself as taking a lead in those efforts but perhaps being involved in some way. Additionally, the amount of direct participant involvement in education and training varied. In terms of training for faculty and staff, several described their roles as being the primary trainers for that group, including Barbara, who said that she and her colleagues “put on a road show” and did over 40 presentations in a single year. Alana also said that she trains “all new faculty” but a separate office is in charge of the training for students. Adam said that due to the size of his campus, a collaboration between many offices is required to coordinate campus training, but that his role is to ensure those partnerships are happening and the requirements for training are being met.

Several other participants also said that while they are not the primary trainers for students, they have responsibility to ensure that other offices are conducting the appropriate training. Nora said that a colleague in her office “does the majority of the training on our campus for Title IX related issues,” and she works with that person on training and education efforts, in part to “make sure that [the university is in] compliance” with federal laws. Karen said that she “work[s] closely” with a gender office on campus that runs many of the trainings for students. Amy partners with colleagues, including those in an equity office, Human Resources, and the Dean of Students office, who are in charge of implementing the campus trainings. Michael described an assortment of CSA-related programs that are run through various offices on campus, and he said that there is a team of people on campus, which includes him, who oversee the education efforts. Depicting a more hands-off approach, at Leslie’s institution, another office is responsible for carrying out trainings, and she said, “I’m usually a guest or participant in the programming, but I don’t organize it at all.”

A few participants raised the issue that within the broad scope of their roles, they do not have the capacity to do all of the campus training. Rebecca said:

I believe that the Title IX Coordinator is the person responsible for coordinating the training...But I don’t think that a Title IX Coordinator can do all the training...And so the Title IX Coordinator needs to be watching for places of concern I guess, where training may need to especially occur.

Also raising a capacity issue, Jade said that although her institution covers student trainings “really extensively,” ensuring that all faculty and staff are properly trained has

been difficult. Nora said that she is seeking to increase staff so that her institution can “do more of the training that is required of us.”

**Training philosophy and goals.** In spite of their differing roles in CSA education efforts, participants expressed relatively similar philosophies about this area of the work. Many agreed that ideally, to be effective, comprehensive training for students is needed throughout their time at the university. Regarding her philosophy on training, Claire said, “Our approach generally to all of that is many dosages. Meeting students and faculty or staff where they are, [with] multiple mediums. We know the one-off [training] doesn’t work. So really taking that 10,000-foot view...” Uniquely, Claire also incorporates training into students’ classes because students will not voluntarily attend “a consent program done by the Title IX Office,” which “won’t engage them.” In terms of taking a comprehensive approach, Amy also said that their “goal is to hit broad,” meaning that they seek for everyone on campus to be trained, but they also incorporate “targeted” trainings for certain groups.

Rebecca similarly said that she thinks about CSA training as a pyramid, and “an effective training program is really scaffolded,” meaning that everyone receives “baseline training,” and “individual populations, based on their need and based on their context, will get something else in addition.” For example, Rebecca has helped to train particular schools within her institution about boundaries and consent based on their specific needs. At Rhonda’s institution, they have a “multi-disciplinary type of approach,” that includes online training, in-person training during orientation, presentations to particular groups of students, and trainings on “specific topics” that they do based on “requests for custom training.” Along the same lines, Michael said that part of his aim as a Title IX

Coordinator is “creating an environment that is well-saturated with a lot of education to do as much as we think we can to help to prevent these situations as well.”

Also conveying a belief in the importance of comprehensive training, Lisa said, “Well the easiest approach is just to water hose them. Give everybody the same thing, and just spray it over everyone. I don’t think that works. But I think looking at individual climates and communities is really important.” Alana also seeks to change culture through trainings, but added that “culture is hard to change” and that it is “an uphill battle in changing the overall culture.” Albert also spoke about the difficulty of making change through training and said that one of the most challenging aspects of his job is identifying “effective training” strategies. He said that at his institution, one concern is spending money on a program that is not “proven to reduce prevalence” of CSA. Overall, while many participants agreed that a comprehensive, multi-level approach to training the campus community on CSA was ideal, it was unclear whether participants felt this was attainable and whether they had the resources to implement such an approach.

### **Managing Logistics and Revising Policy**

Participants also brought up logistical challenges in relation to their CSA work, the most significant of which is dealing with the length of cases. About half of participants discussed timeliness of investigations as a major challenge in their work. Alana said that in some cases, it is “very, very difficult to stay within [the 60-day guideline from the OCR] if you’ve got a very complex case.” She said, “...you have those situations where you’ve got 3,000 documents you’re looking through and applying and multiple witnesses and maybe multiple parties.” Lisa said that her “biggest priority

has focused on timeliness,” and Rhonda said that timeliness of investigations has been a source of discontent from students, who are “not happy” with the length of the process. Amy also said that “one of the most challenging aspects” of her role is “to have enough resources in place to be able to move these quickly,” and that they are often required to utilize external investigators as a result. Nora said that there are “all sorts of reasons why it may take longer than most people want,” including that sometimes advisers “drag this process out unnecessarily” and make the cases more “complicated.”

Adam said that he has had a hard time balancing the goal of being timely with the priority to be thorough. He said that his institution had been completing the investigations faster, and then they found that “more information [was] being added” to cases, and they began allowing parties to respond to the additional information, which increased the length of the process. Leslie has also dealt with challenges related to timing by “push[ing] on investigators” and asking them, “What’s going on? What’s taking so long?” Some of the other, less frequently mentioned, logistical challenges included managing the unpredictable volume of reports and cases and adhering to stipulations in policies related to timing. For example, Barbara said that the requirement for both parties to be simultaneously notified of the outcome can be problematic. When discussing logistical challenges, Leslie said that under their policy, certain investigative documents need to be reviewed in the office, and allowing students to review them while they are out of the country has been a presenting issue.

In addition to dealing with the logistics of cases, another behind-the-scenes responsibility of Title IX Coordinators is often to revise CSA policies or assist with the revisions. Six participants who discussed the policy revision process said that their

institution takes a team approach, meaning that the Title IX Coordinator is one of several campus constituents who collaborate to edit the policy. Five described themselves as either taking the lead role in revising CSA policy or taking a dual lead role with another colleague. Claire said that she “would be leading the conversation” about policy change with additional “stakeholders at the table.” She actively seeks feedback from students, faculty and staff about the policy, as does Albert, who “talk[s] with students all year” about their feedback and experiences.

Although policy changes were generally talked about in a relatively straightforward manner, many said that the policy review was an annual process and often involved going through layers of approval, gathering feedback, ensuring proposed policies met legal compliance requirements, and other time consuming steps. Jennifer also pointed out that because of the continuously shifting legal environment, policy revisions are frequently occurring in response. She said, “None of this exists in any sort of static state anyway. We’re constantly, every year, looking at what we’re doing and where do we need to make improvements, where do we need to make changes? That’s happening continuously.” Most participants seemed to have a relatively set process for reviewing and revising policies, but this is yet another aspect of the Title IX Coordinator role that takes time and adds to the responsibility.

### **Summary**

It was evident from participant interviews that Title IX Coordinators are responsible for overseeing or executing a number of CSA-related processes. Most complicated and time consuming are the processes involved in CSA case adjudication and the training and education of the campus community on this issue. While

participants presented variations of these processes and their roles in them, it is clear that regardless of the particular university process, Title IX Coordinators are responsible for a number of multi-step processes that are filled with difficult decisions. Making challenging decisions and overseeing a variety of processes in CSA work, while being guided by one's core values in this work, all take place for Title IX Coordinators within their institutional contexts. The ways in which institutional culture and collaborations with university partners add to the complexity of CSA work are explained in the following chapter.

## **CHAPTER 5: UNIVERSITY CULTURE AND INTERNAL PARTNERS**

Title IX Coordinators face a number of internal influences that are inextricably connected to how they do their work with campus sexual assault (CSA). The internal culture and structure of the university provide a framework in which Title IX Coordinators perform their work functions. Various aspects of institutional culture can be a help or a hindrance for participants in this role. The other major internal influence involves the collaborations that Title IX Coordinators need to have with others at their institutions in order to do their jobs well. Relationships seem to serve as the guiding force behind this work, and Title IX Coordinators rely on a range of institutional partners, including colleagues in Student Conduct, the Dean of Students, faculty, Legal Counsel, police, administrators sitting in offices responsible for serving students affected by CSA, and many others. Similar to the overall culture of the institution, these relationships and collaborations can serve to either facilitate or impede the work of Title IX Coordinators.

### **University Culture and Structure**

The influence of university culture and structure on how Title IX Coordinators handle CSA matters emerged as a prominent theme in the data. These cultural and structural elements related to various aspects of the functioning and setup of the participant's institution and included: Title IX Coordinator position and reporting structure, university philosophy and commitment to addressing CSA, institutional characteristics, history, and mission, as well as institutional gender dynamics, and role of the President and leadership. While it is not the focus of the current research, some participants also discussed aspects of the student culture as playing an important role in CSA issues on their particular campuses and how participants then addressed those



student culture issues. Participants described a range of characteristics of the university's structure and culture that provided the foundation for what they were able to accomplish in their roles and the resources available to them to do their work. The first element of institutional culture discussed is the nature and structure of the Title IX Coordinator role.

### **The Title IX Coordinator Position and Reporting Structure**

In describing their positions as Title IX Coordinators, it became clear that participants felt that the nature of their positions and job responsibilities, their reporting structures, their perceived decision-making authority, and their access to influential university actors were key to carrying out their responsibilities with CSA. Before focusing on these elements of reporting and position, the wide range of Title IX Coordinator roles across institutions needs to be addressed.

The nature of the Title IX Coordinator positions themselves varied somewhat across participants. Participants were identified at their institutions based on being the primary Title IX Coordinator or one of the Title IX Coordinators designated specifically to address student issues. Six participants were assigned only to oversee matters of student sexual assault, while ten dealt with similar faculty and staff matters as well. Also, seven participants were full-time Title IX Coordinators, while nine had areas of additional job responsibility. Some participants with other roles outside of being a Title IX Coordinator had a significant set of additional responsibilities, such as being in charge of an entirely separate office or overseeing multiple offices.

Where each Title IX Coordinator was situated within their respective university's reporting structure also varied. Half of participants were part of their institution's division of Student Affairs or Student Life, while the other half were located in other

areas of the university, mainly in independent offices such as in Diversity or Equity offices. Many participants described recent, ongoing or upcoming shifts to the Title IX Coordinator positions, offices, and reporting structures. In fact, two participants were currently in interim roles at their institutions and were planning to transition out of the role soon based on structural changes. Participants also had varying levels of perceived power and decision-making authority. This variation across participants about their positions, the institutional reporting structures, and their level of influence seemed to translate to their perceptions of their ability to execute their CSA work in the way that they aspired to.

Despite this variety in the sample, participants addressed similar issues, and a few major sub-themes within this category developed. The first two sub-themes discussed below consider participant views of their positions, including the position level, reporting structure and authority to make and implement decisions and to influence others. The first sub-theme captures the participants who had a largely positive perception of their Title IX Coordinator positions and levels of authority. The second accounts for those who described their positions and authority primarily in terms of challenges and hindrances. The third sub-theme involves the capacity and resource issues that participants faced when carrying out the wide scope of their positions' responsibilities with CSA.

**Positive perception of the position and authority.** Seven participants described the overall nature of their Title IX Coordinator positions, including the level of the position, the placement and structure, and their power and autonomy, positively. Three

additional participants spoke about their positions primarily in terms of who they report to, and those supervisory relationships were portrayed as positive and helpful to the work.

With respect to where their position ‘sits’ at the university, two participants described the placement of their Title IX Coordinator position as conducive to them handling CSA matters well. Jennifer, a full-time Title IX Coordinator, described herself as being positioned well to fulfill her job responsibilities. Regarding her reporting structure within an independent office reporting directly to a high-level leader, Jennifer said:

I think it’s a positive, because we are positioned in a way that we’re connected to a larger conversation about diversity/inclusion issues on campus. I find that very helpful because we’re not sort of existing in a vacuum, and we’re able to recognize the intersectionality of most of these concerns that we have.

Claire echoed a similar sentiment and also mentioned her access to key individuals.

Claire reports to two different people in separate areas, and the setup of her position has been a “very good fit.” She said:

That’s been perfect for me. I have a foot in both worlds. I’m highly connected...I sit at the Student Affairs director table because I need access to those relationships. On the other hand, I work very closely with leadership in HR and the Provost, so I have that employment side as well.

Having access to key actors on campus is one component of the level of the position. When explaining the positive impact of having a sufficiently prominent role, participants discussed their access to important individuals including the President, how they are perceived and their influence on campus, any additional titles outside of the

‘Title IX Coordinator’ title, and their autonomy. For example, Albert believes that the level of his position is high enough for him to do his work effectively, and he described having the power to make key decisions. He said that the university has substantially increased its CSA resources and staff members working in the area. Albert said:

So I think I am positioned well. I have access to the Vice President for Student Affairs. I have access to the Vice President for [the diversity and equity area]. I have access to the General Counsel, and I have access to the Provost so that I can make my pitch and be listened to. And 8 out of 10 times I would say my recommendations are eventually adopted.

This suggests that these key individuals respect Albert’s opinions and take his requests seriously.

Amy spoke similarly about access, specifically in relation to the President. She has a “dotted line” report to the President and said:

I think it’s been extremely important for the Title IX Coordinator to be very close to the President, either direct or dotted line. While it is a dotted line, I meet monthly with the President...that connection [is] to make sure that [we] are able to raise any concerns, any flags, any issues, have that direct line to the President so that [the President] is aware of what’s happening is incredibly important.

Amy said that her office has a “really good structure” because her office has a “direct” relationship to the President, which “positions [them] neutrally in the university.”

In addition to having the appropriate access to powerful actors on campus, others addressed their level of influence based on their position status and title, which seemed to hold value. Barbara described herself as having enough influence to do her work well

and emphasized the importance of the Title IX Coordinator being an appropriately elevated role within the university structure. She said, “I’m not at the top of the hierarchy...I think I’m at a level in which there’s enough influence.” Barbara is a Deputy Title IX Coordinator who works with students, and her office is in very close proximity to the overall university Title IX Coordinator, which she said is “important” because “there’s elevation to” her role. Also related to position level, Karen said that her title and the level of her position gives her “a fair amount of authority with Title IX things.” Karen explained that she has multiple job responsibilities outside of being a Title IX Coordinator and said that she does not think that having multiple roles “makes it [the Title IX Coordinator role] less important or less valued” and said, “I think the fact that I report to the Vice President, again, on the surface is a positive thing.”

The direct supervisor of the participant did seem to play a central role in the Title IX Coordinator being able to appropriately handle the challenges of CSA work. In fact, three participants discussed their positions and the structure of their roles primarily in terms of the person they report to, and they all characterized their supervisory relationships as helpful and supportive, which had a positive outcome on the work. Eric said, “On paper, it really does work out pretty positively that I have a supervisor that...understands the campus and should be a valuable resource to me...[and] that understands the campus dynamics...” When asked about his position and the reporting structure, Michael said that his supervisor is “very supportive” and has a “great working knowledge” of Title IX. Leslie also said, “I’m blessed, I’m very fortunate, I think, because [my supervisor] is also a big advocate for student rights and for fairness, definitely for fairness...She’s a big supporter, and she’ll support me up against Legal

Counsel...” While a number of participants generally characterized the structure of their positions and reporting to be useful, others viewed these factors as barriers to CSA work.

**Challenges and hindrances with the position and authority.** Six participants primarily described their position and level of authority by discussing challenges or hindrances that added complications to their roles. The challenge of having multiple roles was reflected by many saying that the volume of work was difficult to manage at times. Rebecca said that having served in a Student Affairs leadership role and a Title IX Coordinator simultaneously was a conflict of interest and made it difficult for her to both exhibit concern for students “while also holding them accountable.” The volume of work in that situation was also untenable. While interviewing for her position, she told one of her interviewers, “I really don’t think that this is the appropriate way to do this work is to have the [Student Affairs leadership position] do it [be a Title IX Coordinator] permanently.” The interviewer agreed with her but said that the university had “a ways to go” and said she would need to help advocate for it to be changed. When Rebecca was serving in both roles, it was “very difficult” because it is a “large university...and there were a lot of cases,” and the participant was “just doing it by [herself] without an investigator.” In response to this arduous situation, Rebecca helped to advocate for a change in the role, and the Board of Trustees agreed to create a separate position for the Title IX Coordinator.

Other participants described their position structures in more negative terms and stated that they caused limitations in the work itself. Alana indicated that she wished the Title IX Coordinator was more elevated and independent. With respect to the insufficient level of the position, Alana said:

Do I feel like the Title IX Coordinator is elevated enough within the university? I think it could be elevated more. I really think that Title IX Coordinators across, on all the schools, should be at an upper executive level or at least a Director of [a diversity and equity office]. If the Title IX Coordinator reports up to that person, that person has some access to the executive function to oversee kind of the broader scope...Because the more the Title IX Coordinator is seen and heard and is able to collaborate, I think the better off the university is going to be all around.

Alana further discussed the importance of the Title IX Coordinator being “autonomous” and not “reporting up” through Legal Counsel, who is “always looking to avoid litigation, which may impact how a decision is made in the case.” Alana added that in order for the Title IX Coordinator to function autonomously, they need to be “qualified and know what they’re doing” so that “you don’t have the butting in of like, your General Counsel’s office or your Vice President of Student Affairs...”

Nora similarly said that her position should be more elevated and needs access to the appropriate people and decision-making groups. She said, “...I know the recommendation through the [OCR] guidance...said the Title IX Coordinator should probably report to the President or someone on a higher level because at that point, I think the university would see it as a higher priority.” In explaining the reporting of her position, Nora explained that she reports to someone who reports to another individual who reports to the President. She said that this creates a “gap” and said:

And so when I’m articulating what’s important, it kind of loses it once it gets to a certain level. And so that’s probably one of [the] sources that we are finding is

creating a lot of difficulty for us to actually really complete and do our jobs effectively...

Nora placed emphasis on having access to the right people and meetings in order to accomplish what she needs to. She stated, "I think the structure is so important. So if you're not able to be at the table, then you're going to have a difficult time getting the things that's important to pass through or be honored or provided."

Rhonda also said that her opinion is that the Title IX Coordinator should report to the Chancellor or President in order to have enough influence, but instead there are several reporting layers in between at her institution. Rhonda said:

I'm of the school of thought that I feel that the role and the work should have a working relationship to the Chancellor or President. The reason why I say that is there's a different level of respect from the different individuals that you need to deal with when there is a close connection with the Title IX Coordinator. [This] also allows the Title IX Coordinator to treat everything neutral and not be influenced...It is very difficult to be talking to one person, another person, another person who are so far removed with work that you do that they're not experts to articulate what is needed on campus.

Adam also referenced aspects of positional structure that hindered his work. He described the politics at his institution as being roadblocks to putting the proper structure for CSA work in place. Adam described a series of recent shifts made to the Title IX Coordinator position and distribution of responsibilities, including where CSA complaints were being handled. In his description of the shifting of CSA responsibilities, Adam illustrated his frustrations with the impact of institutional politics:



We decided all that [to make the changes to CSA responsibilities] last [year]. That structure itself wasn't approved, and most of it was because of honestly, some politics, some funding, who's going to fund the new positions we're proposing, where are reporting lines, and I'm like, 'Oh my gosh. Who cares? This is important, let's just make it happen.' But, you know, we decided that that would be the best way to go last [year]; it wasn't solidified until [month] this year. So in the meantime, that office was still struggling. We had staff leave. I was there in an interim capacity... That was institutional culture of – it was more about the funding and the position, who would have the power over this office and that sort of thing, at times.

Lisa also described structural issues, including a lack of stability due to staff turnover, issues of “territorialism” in CSA work, and the challenge of not having supervisory authority over key people in the process. Lisa said:

Our structure at the university is fairly young, and there's been a lot of turnover, so our initial director was hired... that's when the department itself was established. And in that time, we had that director, there's been [multiple] interim directors, and then I was hired in [date]. So, there hasn't been a lot of stability, so we're still trying to navigate some territorialism and some other things that I think are just a function of people having to make it work with what they have in terms of resources and support and really delving into what makes the most sense for our system and our students.

Lisa said because of these territory issues, as well as the “siloiing that goes on” on her campus, she has been challenged with understanding how to answer the question, “What

is really my authority to make a decision?” Because there is “no true reporting line, whether informal or formal, over all the people that are doing the work,” Lisa is put in a “tough position” because she does not have “supervisory responsibility” over the various staff members across the institution that contribute to CSA work. As an example, Lisa said that she has identified “some pretty big [compliance] issues and some missteps,” and she questioned, “What authority do I have to say, ‘You need to change the [policy] in this way to make that happen?’ And so we’re navigating that.” Lisa also has “no oversight” over an office that does most of the CSA trainings, and she said, “...I think that’s one of the challenges as well, is trying to navigate how much you can expect of people you don’t supervise. And how much you can expect of people that Title IX isn’t their full-time job.” Beyond these common challenges related to the Title IX Coordinator position and reporting, many participants specifically mentioned difficulties in doing CSA work when faced with limited resources.

**Capacity and resource issues.** Although participants were not specifically asked about challenges related to resources and capacity to do CSA work, about half brought this issue to light. Nora explained that since beginning a new process for handling CSA matters several years ago, their number of incoming reports has tripled. Nora attributes this to the information about reporting being “out there” in the community, and she believes that people are “reporting and letting their friends know, ‘You can go to this office if you need resources to help you.’” Nora believes that this increase in volume without additional resources puts the institution at “great risk” because it is taking them longer to complete investigations. Nora also expressed disappointment that senior leadership is “not as involved or knowledgeable about the topic [of CSA]” and is not

willing to commit financial resources to this area, including declining to fund appropriate training for staff.

Karen also expressed significant challenges in managing the volume of cases:

...[W]hat feels like the biggest challenge for me is that there's absolutely no control, nor can there ever be control, over the ebb and flow of the work. You can plan out education things and training things and review of policies, but you can't plan and schedule when someone is going to make a report. I feel like it often feels like feast or famine...there may be a time where in a given week I have multiple reports, like three or four reports...[and] those take priority. No matter what else is going on, that I've got to respond to those students.

Karen said that some cases can take numerous hours in a given week, which is particularly challenging given that she has many other job responsibilities beyond CSA, and those other responsibilities often need to be put on hold.

Lisa also said that limited capacity was one of her most significant challenges in the role: "I think one of the biggest challenges is just volume and me having the bandwidth to be everywhere for everyone." Rhonda described her office as "grossly understaffed," and Amy said that even with a well-staffed office, resources still remain a major issue. Amy said, "I think probably one of the most challenging aspects is having enough resources. We are very well-resourced. We are very well funded...But even then, having enough people to do the work at times can be very, very challenging."

Many decisions about resources, positions and organizational structure originate from or are contingent on the approval of university leadership, which emerged as another important aspect of institutional culture.

## **The University President and Leadership**

Ten participants described the university leadership, including the President, as generally helpful in handling CSA issues, while two described the leadership in mostly negative ways, and four either did not discuss the leadership in depth or described the relationship in relatively neutral terms. Overall, whether positive or negative, the majority of participants characterized the role of leadership in the management of CSA as playing a critical role in this work.

**Positive impact of leadership.** Claire very clearly articulated the unusual level of support that she has from the President, including that she is trusted as an expert on CSA and that leadership is engaged with these issues. She said:

I think an internal factor that has enabled me to do the work in the way that I feel comfortable, and very proud of, is the university President and leadership here. I have many colleagues across the country who either one, do not have the authority that they need to do their work, or two, are for whatever reason in an adversarial or conflict space with their either counterparts...or the leadership. Here I have been thrilled just to have the full support of the President's Office, the Provost's Office, in my approach and the way we do things. I am well aware that that is rare. And it's not that we don't have conflict; these are very challenging issues. But the conflict is about the content, and struggling with what's the right thing to do. That's how it should be. It's not about territorial or me feeling I don't have the authority I need. This is very hard work. I can't imagine doing it without the support of my team and the support of the leadership here.

Describing a similar type of relationship, because Amy is “close” with the President, she is “able to raise any concerns, any flags, any issues” about CSA with the President directly. The President has also been “very supportive” and directly involved in efforts to improve the university’s response to CSA, including with establishing a memorandum of understanding with police. Amy believes that the President “backs the work that we do,” which “means that people understand the Title IX space is important, and their obligations for reporting need to be met, and how to do that.” Having the President’s support allows her to be taken seriously by others at the university and gives her the appropriate authority to do her job. Albert also emphasized the importance of his office having a direct relationship with the President, which he said has been useful in coordinating the messaging to the community about CSA.

In addition to having a positive relationship with the President, Amy said that the President has sent university-wide emails about “the importance of reporting” and has notified people of the “reporting mechanisms.” Also regarding communication from leadership, Claire described the President’s willingness to speak about CSA in front of the Board of Trustees and the media. The President participated in a large-scale project on CSA and was the only university President to do so. Rebecca similarly spoke about the importance of the direct communication from the President to the community and the awareness of senior leadership about CSA. She said this has helped to establish the importance of the CSA issues on her campus. Lisa also said that the President identified CSA as a “strategic priority,” and that the President has put forward signed statements to the community that bring attention to CSA and behavioral expectations, which has been “very helpful.” At Jennifer’s institution, “the Chancellor has sent messages to the

university community about his prioritization of this issue on campus,” which “makes it easier to do the work because people know that the Chancellor takes it seriously.”

Several participants expanded on the idea of being entrusted by leadership with the proper level of authority and autonomy to do their work effectively. Barbara feels that the President and Provost have appropriately delegated CSA work to her and her colleagues and said that they “trust our understanding as the experts in the area” to make necessary changes to practices. She has never felt “pressure in a negative way,” and she feels “trusted to do [her] job” because “the investigations are respected.” Michael indicated that he also feels trusted to do this work and said, “That’s been the attitude here. If you’re following your process and you’re doing what you’re supposed to do and you’re good at it, the leadership here lets you do what you need to do.” Karen feels that she is trusted by university leaders to make decisions:

It’s interesting that even though I report to the Vice President, I rarely go to her in decision-making or seeking approval...I really, for the most part, rely on my judgment. I think people here at the institution let me do that, but they don’t question that I’m making decisions based on my knowledge of this and my work with students.

One participant described the President as being helpful in initiating necessary change for CSA, but also described a somewhat more complicated picture in which interactions with leadership also have their challenges. Despite the difficulties previously described by Adam related to establishing the appropriate structure for the Title IX Coordinator position, Adam said that he is “extremely fortunate” that the President makes CSA a priority, and that the President was helpful in moving the necessary changes

forward: "...the President sort of looked at the two VPs who were supposed to be doing this, and was like, 'It [this position] will be [solidified] within the week.'" Adam also said that the President established a task force on sexual misconduct and has been willing to commit financial resources to this area, which helped the university to make forward progress on CSA. However, Adam did not paint a completely positive picture; he also said that he still often feels "on [his] own" to make decisions because Presidents generally "aren't really in the loop as much." The Board of Trustees is also "more interested than ever" in CSA, which Adam "appreciate[s], but it's also sort of a pain." Several other participants were more direct in describing the negative impact that relationships with leaders have had.

**Negative impact of leadership.** While several participants discussed particular situations in which the leadership had a negative impact on their work, only two participants described the leadership in primarily negative terms. Those individuals described their university leadership as hindering their CSA work by not committing to the appropriate organizational structure, undermining or not granting appropriate authority to the Title IX Coordinator, and generally not understanding the issues at hand.

Regarding decision-making authority, Eric indicated that his decisions are not necessarily supported by leadership:

So, I really don't rely on [two leadership positions] for all that much technical knowledge, but I do need to satisfy their inquiries and I need to appease whatever their interests are, and if I make a decision that they're not on board with, regardless of if it's the right decision or not...they certainly have the authority to overrule me in some way. That can be frustrating...

Nora also articulated concerns about not being involved by leaders in key decisions:

And so that's probably one of sources that we were finding is creating a lot of difficulty for us to actually really complete and do our jobs effectively...I'm frustrated to some extent because then also when we do have these issues related to Title IX, decisions are being made where we're not involved and part of the process. And so [the leadership is] making decisions without even talking to the folks who are actually responsible for doing the work, specifically to Title IX.

Additionally, Nora brought up difficulties stemming from a lack of understanding from the leadership:

I think the issue with me now, if you me ask about relationships – it's somewhat strained in terms of upper administration and leadership. It's simply because we've had a few cases that come forward so now everyone's involved in trying to make decisions about a process and about doing Title IX procedures...without the knowledge.

Nora said that senior leadership is “not as involved or knowledgeable about the topic.” In her experience, many leaders “just see this [CSA] as a liability” and are only thinking, “How can we save ourselves from being sued?” A major challenge for Nora is helping the administration to look beyond that and ask additional questions, rather than just focusing on litigation. Eric also voiced a strong concern about the competence of leadership in this area by saying:

I think there are a lot of senior level administrators who still hold a lot of responsibility in these cases who...are not aware of their own biases. And [they] are not aware of the more promising practices, the more promising research out



there on this truly being a gender-based, a sex-based offense, and still engage in a lot of victim-blaming language and behaviors.

Several participants also described decisions made by leadership that have an impact on the organizational structure in a way that negatively influences CSA work. For instance, Eric said that the main Title IX Coordinator reports through General Counsel (despite that many have voiced concerns about the conflict of interest inherent in that structure) because the President “likes the idea that in some way shape or form, General Counsel has a finger on the pulse, and may or may not be calling some shots.”

While most participants perceived their university leadership as being positively involved with CSA work, the two who did experience a negative impact seemed to feel the negative impact in very strong ways. Some neither described positive nor negative effects of interactions with university leadership. For example, Karen said:

...I have not received any such messages [from the leadership about CSA], with the exception of who to routinely notify about reports. In terms of how to handle a particular case...I've never felt pressure from above in terms of how I respond to any cases.

Karen implied that the leadership is mainly concerned with having information to help with “the management of potential phone calls that could come in” and said, “To give the administration credit, they pretty much stay out of the day-to-day operations of Title IX. I think their biggest thing is they want to be in the know so that they're not blindsided by a phone call.” Although participants providing this type of response did not necessarily offer a negative assessment of the leadership, most implied a lack of understanding of this complex issue.

### **University Commitment to and Philosophy of CSA Work**

In addition to the role of leadership, many participants also identified the university's overall commitment to CSA work and philosophy around the topic as factors that impacted their work as Title IX Coordinators. Those who did describe their university commitment to this issue generally portrayed it in a positive light, despite that there may be some flaws and challenges.

Some participants felt that the elevated level of their positions, as described in the previous section, were a reflection of their university's commitment to tackling CSA issues properly. For example, Albert said that the level of his position and the full-time nature of it is an indicator that the university "takes this issue very seriously as an institution." Amy similarly believes that "having a single office devoted to all civil rights work...really shows that the university is committed to civil rights work as a whole..." Albert, who works at a prestigious and well-funded private institution, also said that they are "very well-resourced" and have over ten people who work on "Title IX/sexual misconduct matters," which further demonstrates a university commitment to this area. Albert provided an example of the university resources given to CSA and said that when he wanted to implement an educational tool that was costly, he "knocked on [the Vice President's] door," met with him within two days, and the Vice President said "sure" and provided the funding. Albert said, "...he saw a need, and he was more than willing very quickly to meet it. So, I think that is illustrative of the level of commitment that administrators here have toward addressing the issue."

Several participants also conveyed the overall university commitment as stemming from university leadership. While the role of the President and leadership was

addressed in the previous section, it is also worth noting here as the perceived catalyst for overall university commitment and philosophy. For example, Alana said that she has received “tremendous support” for her institution to “comply with the law and what the best practices are” for CSA, and the support is “fantastic” and “crucial.” Alana also said:

I think that to really commit to having an environment free of sexual harassment, discrimination and sexual misconduct, including sexual assault, it has to be a top down commitment. That starts with the President, and it trickles down through the administration into every aspect of our institution.

Michael offered an example of the Board of Trustees using their leadership to send a message about the issue. He described an institutional effort to “redefine” the culture in a positive way and minimize existing power dynamics:

It was one of those things where there are a lot of folks in leadership positions who were jerks, and the Board of Trustees was getting that feedback, and decided that...that behavior needed to be addressed. That it's not an appropriate part of our culture that because you are XYZ title to treat someone with less than XYZ title a certain way, so that's sort of where it started.

Also making it clear that her institution is highly invested in addressing CSA properly because of “top level” commitment, Claire said that upon interviewing for her position, the institution’s search committee said “that they were committed to approaching the work with a full understanding of the complexity, and the unique position these issues have in our culture.” Claire also said that she “wanted to do Title IX work inside a university that [she] really felt understood the issues and really wanted to do the work at a best practice level,” and she has “definitely” found that at her institution.

She also said that CSA “is a top priority and is integrated at top level spaces.” Claire indicated that it is helpful to her work to have institutional recognition and acceptance of the complexity of the work: “I feel like it's an institutional value here that it's okay to acknowledge the enormous complexity of these issues and have some vulnerability around that we're open to working and that we'll make mistakes.”

Positive institutional commitment was also portrayed through participants speaking more generally about the attitude of people on their campus, beyond just leaders. Leslie said that the culture on her campus is that they are “open about [CSA],” “not afraid of it,” and they “want to do the right thing.” Leslie said that the community “trust[s] [her] that students are found in violation, that [she is] doing something about it,” and that the university is conducting a “fair process” in which they are “not ignoring sexual assault.” She added, “I feel our campus community does get it.” Michael also said that CSA is “just not one of those things that people want to mess with,” and regarding the institution’s overall approach to the issue, he said, “I don’t know that I would call it... ‘zero tolerance,’ but I’ll say that the attitude here is that anybody will be sacrificed if you mess around with it...there’s just no room for sexual misconduct with people anymore.”

Other participants also thought about university commitment in terms of their own level of commitment or the commitment of their colleagues. For example, Barbara said:

I think [university] takes it seriously... it's not uncommon for a professional to text or call me on the weekend when information has been provided to them from a student...I think the institutional culture...are lots of people that are like that.

So, they're willing to go the extra mile no matter when it is and work hard. We're not an institution that has a lot of extra people, ... people work really hard, and they're very committed.

Amy also emphasized that her colleagues take CSA seriously and respond accordingly:

People understand the Title IX space is important, and their obligations for reporting need to be met, and how to do that. So, if they get a call from the Title IX Coordinator, they generally will call me back...I think that having that kind of institutional understanding that this is something that is important, does ensure that people respond to our requests for information.

While most participants felt that their universities were committed to addressing CSA properly in general, a couple of participants seemed less confident about the level of overall commitment. For instance, Nora described a possibly shaky university commitment to the issue. She tries to "...ensure that the resources are available" and that students know "that we take every complaint seriously." But Nora then added:

People [at the university] don't want to be responsible for having to address something that definitely is part of our fabric. So, we have to be willing to at least address it and provide whatever is the best possible solution. It's not necessarily always a popular solution but at least we would've taken it seriously and did that diligence to address it.

For Nora, an additional cultural challenge was the presence and prominence of athletics.

She said:

When you're Division I...athletics is a huge part of your culture, that can impact your work...If we get a case that involves one of our athletes who happens to be

one of our star athletes, the people who are involved is unbelievable and want to know what's happening.

Nora gave a specific example of an instance several years ago involving sexual misconduct by an athlete who was going to a major game, and she was asked, "Are you sure? Do you really need to? You know this is a critical athlete." Nora responded, "Does it really matter if he's a critical athlete or not? If we have an issue, we should address it in the manner that we would with any other student." This issue prompted Nora to establish a process with Athletics and build a relationship with a colleague in that area. While some participants mentioned the role of Athletics in CSA, Nora was the only participant to discuss it in depth. This could be in part because many institutions have another Title IX Coordinator within Athletics, and that person tends to handle the additional implications of Title IX that are specific to Athletics and not directly related to sexual assault. The participants in this study may have been somewhat more removed from dealing with the politics or other dynamics of the Athletics area of the institution.

As evidenced by participant quotes in this section, the attitudes, statements and actions of university leaders offer some reflection of the university's overall commitment to the issue. The approach taken by the President and other leaders can trickle down to influence the broader university population and affect whether the community as a whole has a helpful philosophy around addressing CSA. Next discussed is the role of university mission, history and other characteristics, which also influence CSA work.

### **University Mission, History and Characteristics**

In addition to participant statements about the overall university's commitment to addressing CSA matters and the role of university leadership, several particular university

characteristics emerged as additional factors impacting how Title IX Coordinators navigate their roles and responsibilities. These include university mission, history and other features such as location and size.

**University mission.** Six participants described the institutional mission as central to their work as Title IX Coordinators. Most of them addressed the values and declarations in their university mission statements that they saw as correlating with their efforts to combat CSA. The mission seemed to serve as a foundation for some participants to develop language to describe the handling of CSA in ways that resonated with the campus community and got others on board with their approach to the work.

For example, Jade said that her institution is “very centered on respect and care for one another” and the concept of family. She stated, “And so we do it [CSA work] with a lens of [compassion], but also that holding people accountable is [compassionate]. And we can do that in a way that supports the need for accountability as well.” Jade explained that their efforts to incorporate restorative justice language into their policy is congruous with the idea of caring for one another in a family. Claire also said that her approach to doing CSA work is “mission-centered” and that she is “constantly anchoring” her training, education and dialogue with students in the institution’s mission, and the mission has been “such an enormous help” in framing the issue and directly connecting her work as Title IX Coordinator to the mission.

Several additional participants mentioned values included in the mission statement that are useful in discussions about CSA, including values of inclusion and respect (Alana), respect and civility (Leslie), respect and responsibility (Lisa) and care for others (Rebecca). Rebecca said that the mission is “very much at the forefront of the

conversation, and everyone expects that...and so that works for us, [and] that helps us to focus on the good and the wellbeing of each other.” Rebecca also said that there is a slogan at her institution, and that slogan is used in “almost all” training sessions on CSA because it “speaks to self-care and...to standing up for yourself and knowing what your boundaries are.”

Other participants addressed the mission, but it was not viewed as a major force behind CSA work. For instance, Rhonda said that her own values related to student safety and inclusivity are “what drives [her] more so than the mission” because “the mission doesn't directly speak to Title IX.” Michael also said that the mission “doesn't directly address sexual misconduct” but does address how community members behave toward one another, which can be somewhat helpful in doing this work. Karen indicated that the mission could actually be viewed as a hindrance to the work by some, although she does not believe it is. She stated, “Looking at just things that could be perceived barriers to students...how comfortable is someone coming forward to report that if they have the perception that it could be viewed differently?”

Most participants at least mentioned the university mission, and in some cases, it was a prominent factor in shaping their approach to navigating CSA, while for other participants it was viewed as less central. This could be due to differences across institutions themselves and how integrated the mission is into the various parts of the university. The differences could also stem from the participants' own views of and alignment with their institutions' missions. In addition to university mission, the history of the institution was also raised by several participants as a factor that shapes CSA work.



**Recent historical events.** When asked about relevant aspects of university history, four participants mentioned specific high profile CSA events from relatively recent history, within the last 15 years, that had and will continue to have a lasting impact on their CSA work. Albert brought up a major past event in the university's history that "everybody in higher education seems to know about," and he said that despite the amount of time that has passed, "it doesn't go away." He added:

And to this day that has implications. When we had this meeting with the [parent group], it wasn't but 20 minutes into the meeting when the issue of the [past event] came up. It has caused tensions to this day between the university and [an external entity] that have an impact on what we do.

Adam described a similar high profile event at his university and said:

I think more than anything, that doesn't really inform how we do what we do; it does inform, though probably how we keep track of what we do. How we document it, how we ensure that we're following our policies and procedures related to documentation just because...I'm sure it does also inform how we do what we do, because there is a spotlight on us...If something were to go wrong, we'd be in the news.

Adam said that their practices related to reporting CSA data improved and staffing was increased as a result of the event and the consequences that came from it.

Lisa also identified a "very public situation" at her institution, which she described as "a dark cloud that has still not gone away" and has "definitely had a big impact on campus." Despite that it occurred a number of years ago, it "gets referenced on a fairly frequent basis." As a result of this history, "there is definitely still a perception

that the university tries to hide things and gloss over them.” To combat this notion, Lisa says to people, “I don't care who you are. I don't care how much money you make. I don't care what you are or aren't going to be when you leave here. If you violate our policy, you will be held accountable.” Lisa added, “I've said that in front of the President, and I mean it. I've said it in front of our entire new [athletic team] staff, and I mean it.” Similar to Adam, Lisa said that the high-profile campus event led to significant changes in structure. As a result of the public event she referenced, the university formed a new department, and the staff in charge of addressing CSA matters shifted. Amy also said that a high-profile event, which remains “at the forefront of our conversation” and is “still something that's very much in the public conversation,” led to “significant change to our policies.”

**University characteristics.** Beyond institutional mission and history, some participants identified additional university characteristics that affect their work. Most Title IX Coordinators raised at least one additional factor such as the size, location or affiliation of the institution that impacted how they carried out their CSA responsibilities and navigated the challenges in the work.

First, university size was the most frequently discussed characteristic, with some participants at larger institutions perceiving that they faced additional challenges, especially with handling the volume of CSA cases and ensuring that everyone in a large community was properly trained about these issues. Of the six participants who said that the large size of their institution made it challenging to reach the entire community for training and education, one was classified as undergraduate enrollment over 20,000, four had enrollments between 10,000 and 20,000, and one had enrollment of less than 10,000

students. As Amy put it, “I think that’s our biggest battle, is to reach [all] students and have them understand at that very minutia level that there’s work being done...”

Rebecca said, “I don’t think that a Title IX Coordinator can do all the training. I don’t know about at a small place, but certainly not at a big place.” Other identified challenges related to large institutions included the existing bureaucratic processes and silos. Lisa said:

I do think there are some challenges in our system because we are such a large institution. There's a fair amount of siloing that goes on. One of the things that I've been challenged with is, what is really my authority to make a decision...There's some conversation ongoing about what that looks like. Some of that is some personalities that are in positions in oversight of those areas.

Second, five participants mentioned a religious affiliation of their institution as having some relevance. Three of those characterized the religious identity of the university as something that is helpful to CSA work based on the religious values related to care and respect that are aligned with combating CSA. The other two participants brought up religious affiliation by saying that it may lead students, especially LGBTQ+ identifying students, to be more hesitant about coming forward to report CSA.

Third, two participants said that the location of their institution impacted their work and responses. One is located in an urban setting and said that students are often assaulted by non-students, which informs how she educates the community and ensures that students know that there are resources and avenues for reporting even when the person committing the assault is not a student. This participant said that the city “itself is its own predator” that the university needs to be aware of. Nora was the other participant

that addressed location in depth. As explained further in Chapter 6, she discussed the impact of being in the South, where students, families and community members tend to more often have conservative views about sexual assault, which impacts her response to those views and how she educates the campus.

Collectively, these characteristics are part of the university makeup and culture that can have a bearing on the CSA work of Title IX Coordinators. Next, the gender dynamics of the institution will be discussed as an additional component of university culture.

### **University Gender Dynamics**

Somewhat surprisingly, while most participants brought up gender issues within the student culture (discussed below), only three participants identified institutional gender dynamics on a broader level that they viewed as relevant to their work in this area. Several examples of the relevant gender dynamics are provided next: the first illustrates the negative impact of institutional gender dynamics, and the second is an instance of the university making a positive attempt to address gender issues.

One participant said that gender dynamics on campus are “very much a problem” and explained that there was a prominent male administrator who is “...no longer here in some respects because of some of the concerns associated with gender dynamics.” This participant also said that he has “routinely” had “significant concerns” brought to him about another male administrator, “where folks felt like they had an obligation to inform me that his actions may, in and of itself, have been mistreating or discriminatory in some way towards students of the opposite gender.” This participant said that this is “troubling” to him, and he “lack[s] faith” in an administrator who serves as an appeal

officer for CSA cases because that person makes “comments that are extraordinarily sexist” and makes “victim-blaming comments.”

Another participant also raised concerns about gender issues at her institution, but acknowledged the positive progress that has been made toward those issues. This person said:

First of all, the [religious] structure is highly male dominated. That’s certainly here, and those are lines that we’re pushing on quite a bit, wanting more women in leadership. We’ve done a ton over the last five years to assess where we are as a community. We did an enormous campus climate survey... There were some really significant issues identified there in terms of how staff, and faculty and students of color and women-identified students experienced [the university], which was wholly out of depth with the mission. We’ve been working through this diversity inclusion plan to really address some of those broader issues around inclusive hiring, promotion, retention... It’s forever work, I think... We’re really working on putting these ideas and our goals into action.

This participant described broader institutional issues of gender inequities and the lack of representation of marginalized identities, but she also believed the university was taking positive steps to address the problematic gender dynamics. Although most participants did not identify larger gender dynamics at their institutions when asked, many did discuss gender issues with respect to the student culture specifically.

**Student gender dynamics.** About half of participants described gender issues within the student culture as impacting student reporting of CSA and the university response and education efforts. Five Title IX Coordinators said that problematic notions

of masculinity play into how students conceptualize CSA. Albert often hears from female students that they did not express what they wanted during a sexual encounter with a male student. He said:

We hear so often... 'Well I didn't want to embarrass him,' or 'I'm afraid that would make me unpopular,' or 'He looked cold and I didn't want him to go home in the cold and that's why I let him stay in my room.'...It's a lack of self-esteem or being raised to be deferential.

A few participants said that gender issues are particularly evident among fraternities, sororities and athletic teams. Lisa gave an example by saying:

There are some fascinating gender dynamics in our Greek community... And one group [of students working on a class project], their specific topic was gender expectations on overnight date functions, which I found fascinating...And I said, 'How did you know that this was an expectation [to have sex]?' And they were like, 'Well...' and I was like, 'No, somewhere along the line, you had to learn that. As a high school senior, you didn't know that that was an expectation, so how did you learn that? Was that from your [sorority] sisters? Was that from men in the community? How did you learn that there was this expectation that if you go on an overnight date function, that you will have to engage in sexual activity?'

Karen brought up student gender dynamics in relation to the alcohol and social culture. She said that "widespread use of alcohol" on campus and "bro culture," which is "the idea of guys sticking together, and the partying hard," influence how students understand CSA. Karen said that some students have difficulty reporting CSA "if they

perceive any impact on their friend group, or if there is a power dynamic with the accused student, for instance if they are an athlete.” She recalled that one female student who was hesitating to pursue a complaint said, “I don't want to be that girl who gets him kicked out of here.” Karen believes that the alcohol and social culture “play into [institutional] responses to sexual assault when something does happen or...what someone will come forward about or not,” meaning that Karen and others need to keep the student dynamics and culture issues in mind when assisting individual students and when educating and responding to the student body as a whole.

### **Summary**

Institutional culture and structure were expected to play a role in the ways that Title IX Coordinators handle CSA matters, and multiple facets of university culture seemed to in fact influence this process. The setup and reporting structure of the Title IX Coordinator positions themselves seemed to either minimize or exacerbate the already complicated jobs of Title IX Coordinators. Additionally, the overall institutional approach to CSA and the role of university leaders also served as either helpful, unhelpful or neutral, depending on the participant. Other cultural elements such as university mission, history, characteristics, gender dynamics and student culture were also described as influencing CSA work and were portrayed in a variety of ways by participants. The range of responses about institutional culture and how it impacts the work of Title IX Coordinators suggests that these factors are important determinants of how empowered or disempowered these administrators feel to accomplish their difficult array of tasks with CSA. While the university culture and structure may provide the setting in which CSA work takes place, the Title IX Coordinator as an individual also

brings certain views and values to the work. The institutional culture, coupled with participant values, not only permeate Title IX Coordinators' work with students, but also guide their interactions with campus partners, another critical component of their roles.

### **Collaborating with and Managing Internal Partners**

When discussing their approaches to handling various CSA work processes and situations, many participants brought up the ways in which they collaborate or interact with partners within their universities in order to do their jobs and manage the presenting complexities. Additionally, because Title IX Coordinators are tasked with preventing and responding to CSA and educating the campus community (responsibilities that often require working with other individuals and departments on campus), participants were asked about their collaborations and the quality of them. Relationships seemed to guide CSA work for participants, with some describing their roles as hinging on the expertise, approval of, and/or collaboration with various internal stakeholders.

Title IX Coordinators collaborate with a wide range of people, offices and departments, some of which are particular to the structure of their roles and their campuses, and they approach these relationships in a range of ways. The type and quality of the partnerships varied, some being positive, some challenging or contentious, and some complex, while others were neutrally described collaborations without any assessment of the quality. Because of this variation, the discussion of how Title IX Coordinators collaborated internally is organized by the nature and quality of the partnership. Next, because relationships with university Legal Counsel and with faculty were frequently discussed by participants, those particular partnerships are described separately and are also organized by the nature and quality of the interactions. Lastly,



this section reviews participant collaborations with students around CSA issues in a broad sense, including how participants view students as stakeholders.

### **Overall Internal Collaborations**

All participants identified multiple collaborations with university partners, and all described some diversity of relationship quality. Based on participant descriptions, I classified the collaborations as positive, challenging/contentious, complex, and neutral. Every participant had internal partnerships in at least two categories, with most participants (11 out of 16) articulating partnerships falling into three or all four classifications. Participants often named a wide range of campus constituents as partners on CSA matters, and the nature and quality of the relationships differed both across and within participants. Each of the four categories of internal collaborations are discussed in the following subsections.

**Positive collaborations.** All but one participant identified at least one positive collaboration or relationship with an internal partner on campus. Some characterized their relationships and ways of collaborating as positive in general, while others mentioned specific collaborations that were helpful. Several common characteristics of the positive collaborations included individual relationship-building, regular communication with partners, having shared goals and visions with partners, and engaging in consultation or shared decision-making.

First, several participants explained the importance of taking the time to build relationships with key stakeholders and partners in order to do their work well. For instance, Claire said that over the past several years, she has been “building those strong relationships, not just in talk but in working with those partners I mentioned in action,

one case at a time, one student at a time.” Alana has also “made a conscious effort to meet with and collaborate” with key constituents. She works “very, very closely” with an office that provides direct support to students. Lisa described how she strategically partners with and forms “alliances” with key individuals on campus who have credibility:

I thankfully have a fantastic colleague [who]...dually reports to the President and the Board of Trustees. She is incredibly well-respected on campus as well. She's been helping me navigate some of those things from a compliance standpoint. I've learned who the players are at the table and who gets listened to, and use that to my advantage where I can.

Establishing trust within these key collegial relationships was another critical factor for Barbara that has been conducive to her CSA work:

I have a lot of really good relationships from that [giving presentations] that I created with faculty and department heads, deans. So those are all important. Other VPs, other associate provosts. So really, there's a lot of other folks because those calls all come to me...it's building that trust. I don't have a negative relationship. I would not be able to give you an example of a negative relationship...So just building that relationship and trust and having people recognize that if they come to me, that work will get done. So being able to prove that has been a helpful strategy for me. So I think those relationships have mattered.

Second, related to forming strategic individual relationships, is the importance of staying in regular communication and consultation with campus partners. Multiple participants said that their open channels of communication with others have been helpful

in their work. Eric said that because of the “complicated organizational structure” of his institution, he needs to “have [his] finger on many different pulses,” and he has “many partnerships in many different areas.” Eric further said:

I have a lot of coffee with a lot of people, keeping those relationships strong just so that in my Deputy Coordinator role I always have a firm grasp of where we're at with the university on stance we're willing to take on certain issues, or policies that we're in the midst of revising, or implementing.

This communication with partners allows Eric to supervise his staff and “empower them to work as independently as possible and not have to worry about all those other complex matters.” Karen also described having “frequent contact” with a few key partners on campus, during which they all provide updates, which has created a “good working relationship.” Alana and Albert both consult with campus partners during investigations to avoid issues and concerns that might otherwise arise at the end. Speaking to the importance of having established lines of communication, Albert pointed out that even when campus partners do not agree with him, having the “opportunity to be heard and taken seriously” counts for “a lot.”

Third, in addition to having frequent communication, when participants found common ground with their campus partners, including working together around a shared goal or vision, they were able to form stronger collaborations. For example, Claire often comes together with colleagues around the university mission and said, “I think strong, proactive relationships, building those has really been my focus in making sure that we're on the same page in terms of our approach.” Alana similarly said that she “reach[es] out to other constituents on campus because it is so important to have a collaborative and

collective approach to combating, preventing, and responding to sexual violence on campus.” Echoing the view that having shared goals is helpful, Michael said:

You know we’re all collaborators, really. We understand that we have goals and missions and things we need to accomplish, that the issue is important, and so we tackle it together. They reach out to us or we reach out to them.

Lastly, in their depictions of their positive collaborations, multiple participants discussed team decision-making processes that helped them to navigate the challenging decisions that arise in CSA matters. Claire said:

...when I'm making decisions around these cases, whatever it looks like, in whatever place we are in...I'm not doing so in a vacuum. I have key people who I'm consulting in a team setting, so maybe it's the Dean of Students or General Counsel or [Campus] Police, that I'm hearing [from] and evaluating with them all of the factors.

Claire is “so grateful” for this group decision-making and said that it is a “critical piece” of decision-making because hearing from multiple perspectives helps inform her thinking. Rebecca’s institution has a group that she regularly consults with to make decisions, and she said, “I feel like I have a village of people that I can go to.” Rhonda similarly has a team that meets regularly to review and manage CSA cases, which allows them to make decisions and be “handling cases and trauma along the way.” Also speaking to the collaborative nature of this work, nine participants mentioned a Title IX working group or task force made up of a range of internal constituents who gathered to address important questions and issues related to CSA. Overall, these various forms of positive working partnerships on CSA cases and issues seemed to be viewed as extremely

important by participants in order for them to carry out their core responsibilities as Title IX Coordinators.

**Challenging or contentious collaborations.** While nearly all participants discussed positive internal collaborations in their work, about half also described interactions with some campus constituents as challenging or contentious. Within this umbrella, a few themes emerged: the lack of understanding or misperceptions of campus partners; challenges with enforcing policies with staff and faculty without having any supervisory authority over them; participant decisions being questioned or overturned by others; and dealing with issues of territorialism and hostility.

Most commonly mentioned was the lack of understanding and misperceptions of internal stakeholders about CSA. Eric stated this most strongly by describing two key individuals involved in CSA processes as “arrogant.” One individual is “behind on most promising practices,” “doesn’t always have a full grasp of our own processes,” and “doesn’t take the time to ask the right questions.” The other key partner “believes himself to be a pretty strong Title IX expert, but he really has a hard time keeping up in conversation with most promising practices.” Eric added that he aims to shield the investigators from the issues with campus partners so that they “can be entirely focused on their investigative work and not worry about some of the political matters at play behind the scenes.” Additionally, although Claire largely portrayed her institutional relationships and collaborations as positive, she has also had to work hard to “establish [her] credibility and expertise” with the community. Some internal stakeholders at her institution are “not fully on board with [her] vision” of CSA work, which can make it difficult to get the buy in that she needs. And even with those efforts, she needs to

address misperceptions of campus partners that she either “only believe[s] reporting parties” or is “only protecting respondents.” In explaining that some of the internal partnerships have been challenging because of misperceptions, Claire said, “...not everyone has drank the Kool-Aid.” She has chosen to share data on case outcomes with campus partners who do not trust the process and believe it is “totally unfair.”

Multiple participants faced challenges related to their responsibility to ensure the institution’s compliance with Title IX, despite not having direct supervisory oversight of most staff and faculty at the institution who have obligations under Title IX. One commonly discussed obligation is the requirement for staff and faculty to report disclosures of sexual assault to the Title IX Coordinator. Participants explained the challenges of enforcing that policy when they received pushback from staff and faculty without having any supervisory authority over them. Rhonda said, “[It’s] so difficult to get individuals that you have no supervisory oversight over [to do] things that you need [them] to do to make sure that it’s all compliant.” Similarly, Lisa said that they “rely a lot on institutional partners” to do a lot of the work with CSA, and then added:

...but I have no oversight over them, and they also have other job responsibilities that are not Title IX-related, and so I think that's one of the challenges as well, is trying to navigate how much you can expect of people that you don't supervise.

In addition to challenges and conflicts stemming from a lack of understanding of CSA issues and the absence of supervisory authority, a few participants provided examples of having their decisions questioned or overturned. For instance, Leslie explained that a sanction she issued to a student found responsible for CSA was significantly altered by her colleagues, which was “frustrating.” As previously

mentioned, Nora was questioned about holding an athlete accountable for a sexual misconduct incident in the way that she normally would with a student. Participants who had their decisions undermined by other campus constituents described that as challenging to deal with, particularly because they felt that their decisions were in the best interests of the students and the institution.

Lastly, a couple of participants said that there are issues with territorialism and hostility in relationships with campus partners that have negatively impacted their work. Lisa's relationships with stakeholders are currently "evolving," and she said that because of the turnover and instability in her area, people have been territorial about CSA work, which has made trust and collaboration difficult. Rhonda also said that campus partners "tend to be territorial" and that multiple stakeholders end up getting involved in CSA cases, even when it is not benefitting the students. Rhonda further said that she feels that campus partners hold some hostility toward her role:

[As a Title IX Coordinator], at times you're seen as part of the institution, but at times the Title IX Coordinator is seen as not a big part of the institution...the Title IX Coordinator is viewed as the police or the FBI or just some enemy coming in saying, 'This is how things need to be done or need to be handled'...I think there is some hostility towards the Title IX Coordinator and just understanding of the role.

**Complex collaborations.** Seven participants described internal collaborations as having elements that were both positive and challenging, and those were categorized here as 'complex.' For some participants, managing the divergent viewpoints of campus partners was both a challenge and a benefit. Others described additional factors that

made collaborations with campus partners both positive and problematic at different times, with different partners, or in different ways.

A few participants said that the divergent perspectives on CSA issues among campus partners led to disagreements or other challenges, but those disagreements were characterized as ultimately helpful or necessary to the work. Adam said:

...you have people coming from different perspectives...probably my closest colleagues are in [the gender center], but we don't always see eye-to-eye on policies or procedures or how best to achieve the outcomes. Same with the police. We may or may not see the same, but thankfully we've established communication structures, and enough of a team orientation that we all know that we're working towards the same ends, but we all just bring our different perspectives to it.

Further emphasizing the value in the disagreements, Adam said, "We may disagree, that's okay, but we're all going to be part of this process." Alana also referenced both the challenge and the value of working with campus partners that bring opposing perspectives. She said that a colleague she works closely with is a "former criminal defense attorney," while Alana worked as an attorney in a different setting before entering higher education. Regarding this relationship, Alana said:

So, we would go at it, and there would be some choice words when we would first be discussing certain issues. But it also allowed us to then stop and really start peeling back the onion and really taking a look at every case from both of our past professional experiences. That's how we knew we were getting to the most fair result.



For both of these participants, the disagreements were ultimately framed as helpful to navigating the complex nature of CSA.

Several others described collaborations that had attributes of both positive partnerships and challenging or contentious ones. For example, Lisa said that she finds that some campus partners understand their roles and the importance of addressing CSA properly, while others do not, and that this level of understanding can shift. She said:

I think it depends on the partner. I would say our Student Affairs staff definitely sees it as more of a part of their job than some of our other areas of campus.

Although I find that that quickly changes if Student Affairs had an incident in an area that wasn't expecting it.

Rhonda described her relationships with campus partners overall as “good” collaborations that “sometimes...can get intense” because different partners “have different pieces of a particular case, and when you’re attempting to have a holistic approach, sometimes it can be understanding and trusting each other...” She added that the relationships can be complicated and require effort: “So I would say it’s good but it’s challenging and also a constant continuum of trying to keep those relationships together because you get new people and different situations may challenge those relationships.” Jade also spoke to the difficulty of maintaining the trust of key partners, while also doing the work the way it needs to be done. Despite that she works in “an extremely collaborative environment within the immediate stakeholders,” Jade still needs to navigate how to do CSA work in a way that allows her to be “trusted to do the work well.” She needs to do her job “in a way that satisfies General Counsel, that satisfies [the

equity office], that satisfies HR,” while also “continually keep[ing] the student as a priority.”

**Neutral collaborations.** While many collaborations described by participants could be characterized in one of the above three categories, some colleagues or areas were named as campus partners in CSA work, but the nature and quality of the relationships were not commented on. The most commonly mentioned campus partners included the Student Conduct office, the office or center focused on gender and/or sexual violence prevention and response, Human Resources or an office dedicate to access and equity, Campus Police, the Dean of Students office, and other areas of Student Affairs such as Residential Life, the Counseling Center and the Health Center. As discussed earlier in this chapter, the Title IX Coordinator participants themselves were positioned in various offices and branches of the university, which may have some influence on their partnerships. Two frequently mentioned campus partners included the university’s Legal Counsel and faculty members, which are examined separately below.

### **Working with Legal Counsel**

Title IX Coordinator interactions with members of their respective university Legal Counsels (also referred to as General Counsels) were generally discussed in more detail than collaborations other university partners. Most participants described their relationships with Legal Counsel as positive and helpful and said that they had a strong partnership with that person or office. However, a few participants said that Legal Counsel had more control than they should over CSA matters and that Legal Counsel created hindrances in CSA work.

Beginning with participants holding a more negative view of their interactions with Legal Counsel, Leslie implied that Legal Counsel at her institution has too much control over CSA processes and said that Legal Counsel questions and sometimes overturns decisions. Leslie said that Legal Counsel is “very invested” in CSA case outcomes, “especially when [the student is found] in violation.” She said:

...I’m going to make my decisions. I just know where I’m going to get pushback. Then I have to decide. Really, who really, really, really will control the end result is Legal Counsel though. They’re the only ones that I really don’t have the opportunity to go against, because they represent the institution...I do have to run suspensions and expulsions, for any violation of the Code, by Legal Counsel...Sometimes we’re in a disagreement about that, but in the end, they’re going to win.

Eric also described Legal Counsel as exerting too much power in CSA case decision-making, but added that the overall University Title IX Coordinator is able to push back against that. The University Title IX Coordinator reports in some capacity to Legal Counsel, and Eric, who is a Deputy Title IX Coordinator, said:

...I don’t think anybody loves that arrangement...I think people would prefer that [the University Title IX Coordinator is] independent of that unit, but I don’t think the President of the University will ever go for that. I think he likes the idea that in some way, shape or form, General Counsel has a finger on the pulse, and may or may not be calling some shots. But I will say [that the University Title IX Coordinator is] very much aware of the authority that she’s supposed to have as a Title IX Coordinator, and she exercises it.

For Nora, a challenge is helping Legal Counsel understand the purpose of the CSA adjudication process and helping them to not “just see it as this liability.” She provided an example of a case in which she decided not to move forward with investigating a cross-complaint brought by a respondent against a complainant because she viewed it as retaliatory rather than a genuine complaint. Nora said that Legal Counsel “came back and asked why did we not move forward on the complaint that [the respondent] had submitted,” which in her view, reflected a lack of understanding of the philosophy and purpose of CSA work.

In contrast to being questioned on decisions and being told what to do by Legal Counsel, other participants described strong partnerships with Legal Counsel that they viewed as conducive to carrying out their responsibilities as Title IX Coordinators. For example, Jennifer has been “able to build up some trust” with Legal Counsel, and she has a “very strong working relationship” with them. She further said:

And so we can have really good conversations about, ‘Here’s why this is important and what does this look like in our process?’ And I can talk through, ‘What does it look like on the ground here?’ So I think we’re able to have useful conversations around those things...

Barbara also has a “very strong relationship” with Legal Counsel and said that she has one person in that office with whom she works particularly closely with “on all things related to conduct...so that’s helpful in Title IX cases.”

Several participants portrayed their Legal Counsels as being helpful partners in major case decisions, rather than as sole decision-makers or decision-changers. For example, Albert said that Legal Counsel is a “very important partner,” and that he

“work[s] with” Legal Counsel to determine “what the sanction should be” for a CSA case. Adam also said that Legal Counsel is “for sure” an important partner “in making policy decisions [and] making major decisions related to cases that have some legal implications or repercussions,” and Adam is “closely aligned” with Legal Counsel. Also describing Legal Counsel as a helpful resource, Karen’s colleague in Legal Counsel is “the go-to person” who “takes the lead on Title IX stuff.” Karen said that this person is “instrumental in...if something comes up in a particular case that may have some potential legal implications that are outside the norm.” Karen also described Legal Counsel as “a good resource in terms of problem-solving.” Rhonda portrayed Legal Counsel as a key resource: “You want [Legal Counsel] to be on board, or maybe a case is particularly tricky and maybe we get some guidance from them...There may be a legal piece that we’re missing, for example...” Jade said that she also “certainly consult[s]” with Legal Counsel but that she maintains the final authority on CSA matters: “...General Counsel can advise us, but ultimately it’s still my decision.”

In addition to being a resource on cases, many participants described Legal Counsel as being helpful in the creating, revising and/or approving CSA policies. For instance, Rhonda said that Legal Counsel is “always there to take the lead in terms of our policies and procedures,” and Amy said, “We also engage our University Counsel when we’re making any changes to our policy to ensure that we’re well within the bounds of the policy and legal requirements.” Lisa portrayed a partnership relationship with Legal Counsel on policy issues as well and said, “Essentially, I, in consultation with General Counsel, have the final say on what we’re proposing [for CSA policies].”

In addition to helping with cases and policy review, Karen said that Legal Counsel has also been involved in discussions about the CSA adjudication process in general and helps to answer questions such as, “Is the process we have in place sustainable? Is it working for us?” Legal Counsel also offers guidance to Karen and her colleagues when there are changes to relevant laws and government guidance that they need to be aware of for CSA cases. Jennifer similarly said that when there is a relevant legal case involving another university, Legal Counsel “will step in and said, ‘We should all take a look at this case.’”

Offering a somewhat different perspective on the level of partnership with Legal Counsel, Alana said that she consults with General Counsel on cases if needed, for example if she is “threatened with a lawsuit,” but said that “in terms of the actual [CSA] investigation and adjudication, the General Counsel has no role whatsoever.” Alana does “not really” consult with Legal Counsel on individual cases, which she acknowledged “may be different [than] other schools.” She attributed this difference to being an attorney and said that because of her legal background, she is “pretty self-sufficient when it comes to cases.”

In general, the relationship with Legal Counsel seemed to be an important one due to the legal nature and implications of CSA work. Most participants described overall positive feelings about their relationships with this key partner, although a few did express challenges related to Legal Counsel having excessive influence over the outcomes of CSA cases. While Legal Counsel was portrayed as a key constituent and resource for CSA matters, participants often described faculty as partners who have a

stake in CSA in a variety of different ways. Some specifically discussed whether they perceived faculty as being helpful or not to addressing CSA matters appropriately.

### **Working with Faculty**

When answering a variety of different questions during interviews, participants brought up their interactions and relationships with faculty members at their universities. First, several ways in which participants discussed the role of faculty in the issue of CSA will be reviewed. This includes participant descriptions of faculty collaborations, seeking feedback from faculty, and training faculty. Second, participant successes and challenges when working with faculty are examined. This includes participant perceptions of whether faculty were properly reporting CSA disclosures from students.<sup>4</sup> Some participants reported that their faculty members understood the issues, trusted the process, and were helpful in their communications, while others perceived the opposite.

**Faculty role in CSA.** Title IX Coordinator participants brought up a variety of ways in which faculty members are directly or indirectly involved in CSA matters on campus. In terms of direct involvement, five participants (Michael, Lisa, Amy, Nora, and Claire) reported that faculty serve on hearing boards or other decision-making panels for CSA. Lisa said that she is looking to get more faculty members involved because the CSA hearing process is so time consuming. Additionally, Rebecca mentioned that faculty serve on a sexual misconduct working group at her institution.

Apart from being in a direct decision-making role, other participants talked about faculty being key internal partners who have some stake in how CSA is handled at the

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<sup>4</sup> At the time of the interviews, most participants said that their universities considered faculty members to be 'Responsible Employees' under Title IX, thus when a student tells a faculty member about a potential sexual assault, the faculty member is required to notify the institution's Title IX Coordinator.

university. Claire spoke about importance of getting feedback from faculty, as well as from students and staff. She said, "...I also really need to have students, faculty, other staff members at the table helping me think through and inform my thinking." Claire acknowledged that while she seeks to have frequent "face time" with faculty, it is "very challenging" within her role to be able to do that consistently and with all faculty. Lisa also spoke about the importance of gathering input from faculty and said, "There's a lot of gift in the feedback that we get from people who have been involved in our process...they all have a different perspective than we do as administrators." She added that "acknowledging that feedback that we get and appreciating it directly to those individuals is also really important."

In addition to seeking feedback from faculty, some participants said that they sought to establish positive partnerships with faculty and spend time training them effectively on how to handle CSA matters that students bring to them. According to Rebecca, "a lot of times faculty feel like they're at odds with administration regarding students and students' needs," and she "really felt strongly that [she]...didn't want to be in that oppositional position with faculty." Therefore, Rebecca takes a careful approach to working with faculty and framed her CSA training with faculty by saying that it is important to take care of everyone in the community, including faculty. Barbara positions herself as someone who faculty can seek out and said, "...faculty already come to me with every other type of situation...so it was helpful to streamline and help people understand...that they can work with one person and they'll know what they need to do next."



With regard to training, Amy said that she spends time “training our faculty members who get those [CSA] reports on how to gently explain and stop a student, so they know what’s going to happen when they report, but also receive that information in a very receptive way.” Amy does “a lot of role playing with our faculty...on how to have that conversation so that students” both “have the agency around what is happening next” and “receive the support and the response that they want.” Jennifer also said that she makes sure that her office is “getting our message out broadly” to faculty and “getting faculty and staff engaged to help us spread the word about the Responsible Employee role.”

Many participants at least briefly referenced providing academic accommodations to students who have experienced sexual assault, and Karen described working directly with faculty to provide reasonable accommodations to students. Karen sees her role as “guiding the faculty member in terms of how to think about it [the situation with the student], but not telling them that they have to excuse something or not.” She added, “So, with the faculty, I don’t have control over that. I have some influence in terms of letting them know there’s something going on...but I don’t have control over their decision.” The only participant to mention a direct connection between CSA and the teaching responsibilities of faculty was Lisa. Lisa has been approached by faculty who are incorporating CSA topics into their courses about gender, and she has “found that really heartwarming that we have that many folks that care and are trying to get the message out there that this is important to our community.” Overall, about half of participants seemed to view faculty as having a key role in CSA, whether it was in

relation to providing academic support, receiving and reporting student disclosures, or directly being involved in CSA cases.

**Successes and challenges with faculty.** In addition to discussing the general role of faculty in CSA, many participants seemed to characterize their interactions with faculty around CSA as either successful or challenging. The successes tended to center around faculty regularly reporting student CSA disclosures to the Title IX Coordinator and appropriately seeking guidance. The challenges faced by participants included a lack of trust from faculty, a resistance to reporting CSA disclosures as required, and other difficulties.

The participants who described successful interactions with faculty described faculty who were eager to report and trusted the Title IX Coordinator and the overall institutional process. For example, Rhonda said, “We are getting reports from faculty and staff about things that are happening, and if they think it has anything to do with Title IX...even if they’re not responsible employees, they are sending the information on.” Leslie also said that faculty are helpful in following their reporting requirements. She said, “The faculty are tripping over themselves to get to me. [They say], ‘She just told me she was assaulted. I’m telling you right away.’” Leslie perceives faculty as being on board with the expectations and said, “I feel our campus community does get it.”

Karen similarly said that faculty tend to view her as the Title IX expert and defer to her for questions about students disclosing CSA:

I feel like...when I present to faculty or speak with faculty that, for the most part, people have been very respectful of that role, and sort of view me as, ‘Okay, you’re the expert in this area and not me. Just tell me what I have to do,’ and

[they] have been very open to that, for the most part...there are always individual outliers, but I think as a culture that people recognize...the power that's given to Title IX these days.

Claire said that while "some faculty have a lot of anxiety around addressing these issues and being a Responsible Employee," she is able to reassure them that they "don't have to be an expert in Title IX," but do need to know how to handle disclosures. Claire has been able to attend department meetings in order to properly train faculty, which she said is "a grind," but said "it's the only way I think it works."

Other participants were not confident that faculty understood the university regulations on CSA and perceived faculty as resistant to reporting student disclosures according to policy. Leslie described faculty resistance to reporting CSA disclosures to her as Title IX Coordinator and said:

I'd say faculty are the hardest to convince, only because they feel they have a right to privacy in the classroom. [Faculty say], 'If Jane tells me she missed the midterm because she was raped on Saturday, I don't want to tell you that. She told me to keep it between us.' I'm like, 'Yes, you do.' That's a delicate balance with the faculty.

Leslie explained that she tries to reassure faculty that students still maintain control over what happens with their report. She also reminds faculty that it is not in the student's or the community's best interests to keep the information private because there might be "predators on campus," and students could be having other issues due to the assault, including mental health issues, that a faculty member is not equipped to handle on their own. The belief among faculty that they are exempt from reporting obligations was also

mentioned by Rebecca, who thought this might stem from a misinterpretation of academic freedom. She also said that faculty have a “very strong voice” on campus, which makes resolving this issue especially challenging.

Jade also expressed difficulties with getting faculty on board and said, “To be transparent, the faculty/staff piece is difficult,” some of which stems from a previous university staff member failing to properly train faculty and track who had been trained. Jade is working on developing a faculty training plan but said that there is “lots of work to be done with faculty, especially those who have been here a really long time.” During one meeting with faculty, Jade was “yelled at the entire two hours” by faculty who were unhappy with what her office had done previously. Jade has focused on “relationship building and re-building with the faculty side” in order to remedy the “distrust of the process.” She also pointed out that faculty come from various disciplines and areas of the university, and there is “a lot of silo-ing and territory,” which can create barriers to properly training all faculty on CSA issues.

Beyond the issues with training and rapport with faculty, Jade also said that faculty in general are “quick to excuse behavior” and have a hard time understanding that a university mission based on care and assuming good intentions “looks and feels very differently through a student Title IX lens.” Jade said:

So I think that that, for me, has been one of the greater challenges. You know, where faculty either don’t recognize what behavior is, and/or what flies with one student over the other. Or, their involvement, is maybe not what I would consider appropriate.

The idea that faculty sometimes struggle to have a balanced, neutral point of view was echoed by Lisa as well. At her institution, faculty serve in a decision-making capacity on a hearing panel, and some faculty have difficulty being impartial. Lisa tells faculty, “Unless you’re in a confidential employee support capacity... neutrality is vitally important, and you don’t get to pick sides.” Lisa said that this concept “can be really hard, especially for some of our faculty.”

Eric said that his work with faculty has been oppositional and described faculty as being “activist-oriented” and lacking trust in the conduct process, including the adjudication of CSA. He said that faculty “very much have a feeling of, ‘We have to watch the conduct office, we have to be mindful of big brother here, and people want to take rights away from students.’” Eric also explained a common misperception among faculty and staff that students with marginalized identities are more likely to be found responsible for CSA and other policy violations. He said that despite data that shows otherwise, he receives “pushback from faculty” that stems from this “uninformed narrative” about a biased conduct process. In spite of these challenging interactions, Eric said that on his campus “people have really strong, respectful conversations,” and some faculty have responded well when presented with the data that undermines the existing narrative.

About half of participants talked about their work with faculty in a way that positioned faculty as important partners in CSA matters, while other participants hardly discussed faculty at all. These differences could be a consequence of overall institutional culture and the role of faculty in decision-making processes. Generally, those who did

comment on faculty relationships and interactions either perceived them as conducive to addressing CSA successfully or somewhat detrimental to that process.

### **Collaborations with Students**

Beyond the partnerships with colleagues around campus that have already been reviewed, including with faculty and Legal Counsel, among others, some participants also described their collaborations with students as stakeholders in CSA. While all Title IX Coordinators explained their work with students who are directly involved in CSA reports or cases (which was previously reviewed in Chapter 4), some also spoke about their work with students more generally around CSA issues and how this affects their approach to this work.

Before discussing how participants work with students on CSA broadly, it is worthwhile to note that many participants expressed their view of students as critical partners in this work. For example, Rebecca said that students are “definitely another force and...they’re a partner with us to help us to be better, to improve our practices, to recognize where we have maybe missed something or could improve.” Michael also said that student input informs the institutional decision-making and the university “take[s] it seriously,” and at Adam’s institution, “feedback from students is extremely important.”

In light of this understanding of students as important constituents, participants described several different ways in which they interact with students on CSA issues. Most discussed their interactions with students on CSA matters on a broad level, including gathering student input and feedback on education efforts, prevention programs, and policy changes. A few participants mentioned student involvement on their CSA task forces or working groups, and several others said that they collaborated

with students who are part of certain student organizations that specifically address CSA. On Albert's campus, there are several student groups that "work on this issue," and he "[tries] to work with them as much as possible." Jennifer also works with multiple different student organizations "very closely" on CSA education and prevention. Student input is generally valued within her institution's culture, which leads Jennifer to be "very driven by engaging students" in questions about CSA, including how students would respond to various "social norming campaigns" and "prevention and awareness activities." Within an office on Barbara's campus, students hold advocacy positions that allow them to also work on CSA education and prevention, and those students "have a voice" and are seen as a "key stakeholder."

In addition to collaborating with student groups and gathering their feedback on policies, Lisa also works on building relationships with the student body preemptively and said:

I spend a lot of time just going out and trying to involve myself in their communities so that they see me in a different way before they would potentially be reported to my office...so that they could see that I care about them as students, and then, yes, I also have a job to do.

Lisa also thinks that it is important to "listen to your community" and "stay up with trends in your student culture and find ways to be included in that" in order to build rapport with students. Portraying a more direct role for students, Claire was one of several participants who referenced student involvement in CSA case adjudication and decision-making. At her institution, students do serve as representatives on hearing

panels, which she said is in part based on students saying, “Under no circumstances can students not be part of this process; they are my peers.”

Lastly, about half of participants said that their institution has implemented some type of campus climate survey on CSA and related issues. Participants felt that this survey was another form of broad student input and involvement in the issue of CSA. Michael said that the climate survey from his institution was “really helpful” and “helps us inform our service.” He added, “What does it look like when someone’s walking into your office? Or what does it look like when you’re saying, ‘Here’s a pamphlet, call this number?’ So those things are really helpful in terms of our response.” Claire also said that her institution’s climate survey led to some useful information because “some really significant issues [were] identified there,” including the experience of marginalized students at the university. The climate survey at Jennifer’s institution gave them important information about how students learn about the reporting processes for CSA and the role of the Title IX Coordinator and others.

### **Summary**

In sum, participants described a range of relationships with many different campus partners that were necessary to foster, work on or manage in order to carry out their roles with CSA. Frequently discussed partners included Legal Counsel, faculty, Student Conduct, gender and equity offices, police, and a variety of other campus constituents, including those that directly adjudicate complaints or support students. Title IX Coordinators felt compelled to establish collaborative working relationships with and obtain buy in from certain stakeholders in order to do this work well. These internal partnerships took different forms and were of varying types, and some were positive



while others were negative or complicated. Some relationships helped participants to address CSA issues, while other relationships actively hampered their work. Next, in the final findings chapter, the critical legal landscape of CSA is discussed in terms of its influence on Title IX Coordinators and universities. As a culmination of all other major themes, the outcomes of CSA matters and the impact on Title IX Coordinators are also reviewed in the next chapter.

## CHAPTER 6: EXTERNAL ENVIRONMENT AND OUTCOMES

### The Legal Landscape and External Context

The legal landscape surrounding campus sexual assault (CSA) and the additional external context and culture were both described by participants as being the catalyst to many of the complexities that are inherent in CSA work. The legal landscape includes the relevant laws, especially Title IX and government guidance on the interpretation of Title IX, in addition to court cases and litigation centered on CSA matters. The external culture and context includes elements of the wider culture outside of universities that have an impact on CSA work, the media, and other non-government external stakeholders. These themes are both continuously evolving with changes to laws, legal precedent and cultural issues. Therefore, the impact of the legal and external cultural context on how Title IX Coordinators navigate their CSA work is periodically shifting, which further adds to the difficult nature of this work.

### The Legal Landscape

Many participants described facets of the CSA legal landscape as the factors that not only often led them to this work in the first place (and at times led to the creation of their positions), but also contributed to the complex nature of CSA work. The 2011 Title IX guidance (the *Dear Colleague Letter*) issued by the Office for Civil Rights (OCR), though rescinded in September 2017, is still generally viewed by participants as the catalyst for the major shifts in the landscape of CSA. Many Title IX Coordinators described the significant role of laws and litigation brought against universities in setting the stage for the rigorous set of expectations placed on universities today. The OCR was

one component of the legal landscape that was mentioned by nearly all participants in different ways, depending upon their experience with and perceptions of the OCR.

**The Office for Civil Rights.** All participants at least briefly mentioned the role of the OCR in their work with CSA, and many elaborated on their opinions of the OCR as an external influence, which varied across Title IX Coordinators. The guidance documents issued by the OCR were frequently discussed, with several mentioning the specific 2011 guidance as a major turning point for CSA work. Others who referenced the guidance discussed its strong impact on their policies and procedures, while some characterized it as confusing. Most agreed that the 2017 OCR guidance changes (including the rescinding of previously issued guidance and the issuing of interim guidance for CSA) did not significantly impact institutional practices. Many characterized the OCR as having a major influence on policies and practices. However, a few participants strongly expressed that although the OCR is important to consider when dealing with CSA, it is not the driving factor behind how they execute their jobs. Finally, a few participants did acknowledge the positive impact that the OCR has had on moving the issue of CSA into the forefront.

First, participant discussions of the 2011 *Dear Colleague Letter* from the OCR and its impact will be reviewed. Five participants specifically identified the 2011 *Dear Colleague Letter* as the primary factor leading them to serve as a Title IX Coordinator. Perhaps stated most emphatically, when asked what led her to this role, Leslie responded, “What happened was the *Dear Colleague Letter*, and then the institution decided it needed to do this.” Adam similarly said that “the reason [he] got so heavily involved in Title IX [was] because, honestly, like a lot of universities back in 2011, when the *Dear*

*Colleague Letter* [was issued],” he was told, “You’re going to do it [be the Title IX Coordinator].” Karen also said that serving as a Title IX Coordinator at a previous institution “really started with the *Dear Colleague Letter* in 2011.”

Beyond the pivotal 2011 document, participants more broadly discussed the role that the OCR plays through its guidance, enforcement of Title IX, and investigations. Most agreed that the OCR has a strong influence on institutional policies and practices. Regarding external influences on CSA work, Karen said:

...of course, it’s Title IX regulations and what we’re told by the federal government that we are required to do, and also what [OCR] guidance is proposed...So that’s something that guides our work. Especially when they say, ‘You must do this.’ Then we have to do that. I mean this is law...

OCR guidance was also described by Jennifer as “the basis of the work itself.” The direct impact of OCR guidance on institutional practices was further established by participants who discussed the enforcement of Title IX by the OCR as something that is taken seriously and leads to modifications to university practices. Leslie described an example in which merely a student’s threat of an OCR complaint changed a case outcome in an attempt by the university to avoid an OCR complaint and legal action. Another participant said, “...like many schools, we’ve had OCR complaints against us, and in some instances OCR has asked us or told us to make changes to some of our procedures, our policies, so we’ve done that.” Several others mentioned that their institutions are currently or were recently under active investigation or monitoring from the OCR, and

some voiced frustrations with the length of that process, including one participant stating that it has been years since the investigation began, and it is still not concluded.

In addition to the criticism about the OCR's enforcement and investigation process, a few participants characterized the OCR guidance as unclear and confusing. Further, multiple Title IX Coordinators felt that the OCR did not truly understand their work, hindering the OCR's ability to be effective. Barbara said that while "being knowledgeable and keeping current on any change" to OCR guidance is important, the guidance is "not always clear," and therefore interpretation of the guidance is difficult. Title IX can also intersect with other laws, such as the Violence Against Women Act (VAWA) and the Clery Act. In reference to the overlapping laws about CSA that are created and modified by various lawmakers, Jade said, "...sometimes the left doesn't know what the right's doing." Nora acknowledged the uncertainty about how the current administration will impact Title IX guidance and whether that will make CSA work more difficult: "The Department of Education with the current administration, not knowing and feeling as if the pendulum is going to swing far too far in the other direction, versus trying to find that balance that takes into account all voices." She also characterized the process of making decisions about policy and then needing to change them in response to new OCR guidance as "frustrating." In a similar vein, Amy said, "There's a lot of unknowns...as to where the policy is going and what's going to change." Lisa pointed out that the OCR guidance comes from "an entity that doesn't live this work day-to-day." Adam also expressed the view that the OCR lacks understanding and is not helpful:

Every time I have [talked with the OCR], I get the real sense that they just don't get what goes on on the college campus...I'd love to say, 'Here's the scenario.'

Give them actually specific case studies. ‘Help guide us through that.’

Unfortunately...the tone honestly that they’ve taken when they come in, it has not been one where it makes you feel comfortable to say, ‘Can I get some feedback?’

It’s really an adversarial sort of situation...

When asked about the interim OCR guidance issued in 2017, which also included rescinding of previous guidance (including the 2011 *Dear Colleague Letter*), most indicated that the impact was minimal. The interim guidance was described by Michael as “essentially nothingness” and Jennifer said that there was “frankly, a lot of hue and cry over not a whole lot of change.” Rebecca said, “Honestly, I don’t think many of us cared too much because we knew that we were doing the right thing for students,” and Adam said, “I don’t think it had much of an impact on us because we’re still trying to do what we think is right.” Alana’s institutional practices did not change “at all” as a result of the OCR changes, but she added that it did alleviate some of the “pressure” related to the 60-day case resolution timeframe, which she noted is “very, very difficult to stay within if you’ve got a very complex case.” Rhonda said that they are “not compelled to adopt the interim guidance” from the OCR, and Eric said, “... like many universities, we have decided that our policies, our procedures that are in place aren’t going to change [in response to the interim guidance.]” Several participants said that they are waiting until additional OCR guidance is put forth to make policy changes, which according to Rhonda, will “definitely affect the way that we handle these cases.”

In addition to many participants minimizing the impact of the 2017 changes by the OCR, several went a step further by clearly stating that the OCR is not and should not be the driving force in CSA work. Eric’s institution is “influenced to a degree by what’s

happening in the OCR,” but he said that because the current Republican administration “allow[s] universities to do their work more independently...at present, the OCR is not a significant influence on our work.” Adam said that resolution agreements from the OCR with other institutions can be helpful to learn from but should be “[taken] with a grain of salt, knowing that those aren’t binding for others.” Jade said that she is “not going to compromise the integrity of a process or not do our work to the level that it needs to because of somebody else’s arbitrary timeline,” which was a reference to the OCR’s preferred 60-day time period for institutions to resolve CSA cases.

Perhaps the most confident about her position in relation to the OCR, Claire said that she does not “do this work in response to any perceived potential source of liability.” She added:

I think some folks...end up doing the work and the policy implementation, processes, in response to a fear of, let’s say, an OCR complaint and/or a respondent lawsuit. For me, that is wrong-footed under Title IX from the start. I am very up-to-date and aware of all of those, and understanding the legal landscape is very important. But if I am doing my work in response to a perceived threat of liability, it’s not going to be equitable.

Claire did not identify any one source of her confidence in this area, but it seemed to be a result of her legal background, her extensive experience with CSA, and also the understanding from institutional leadership about the issues.

In contrast to the largely negative perceptions of the role of the OCR in CSA work, several participants brought up the positive impact that OCR has had, particularly

following the 2011 *Dear Colleague Letter*, which was the catalyst for universities to pay much more attention to CSA. According to Rebecca:

...the early [OCR] guidance really helped form how universities respond today to these kinds of cases. And if it hadn't been for that, I don't think that we would be in the same place. I don't think there would be Title IX Coordinators at every university. I mean there wouldn't be, you know, for sure. And it just wouldn't be taken as seriously, and I think it really moved us forward.

More specifically, Rhonda said that her institution “didn’t follow the tenants of Title IX until the 2011 *Dear Colleague Letter* came out...So, prior to the *Dear Colleague Letter*, it just seemed like if it was a crime, we would defer to the police investigation.” Nora offered a balanced perspective of the OCR by saying that while there is “always room for improvement,” there are “a lot of good things [that] came out of the 2011 *Dear Colleague Letter*,” and she does not think that the entire document should have been rescinded.

**Court cases and litigation.** In addition to the OCR, court cases and actual or possible litigation were other prominent legal topics raised by participants. While some described court outcomes as very important to their CSA work, others portrayed them as only somewhat significant. This variation may be partially due to different levels of experience with litigation and perhaps differing participant or institutional values. Of those who did indicate that litigation has an impact on their CSA work, one participant methodically described the process of going through a federal court case and the feedback the university received from the judge. This participant said that the feedback heavily influenced the institution’s CSA processes, and specific aspects of the policy were modified as a result. For example, the university’s adjudication process previously



did not allow students to physically appear before the hearing panel, and now students are permitted to do so. Also as a result of a federal court process, this participant's institution was directed by the judge to modify their procedures such that investigators provided the decision-makers in the case with all information gathered, including material deemed to be completely irrelevant by the investigators.

Additionally, Eric said that they are "very significantly influenced by what's happening in the courts" and are "paying really close attention" to the decisions from the relevant court circuits. With respect to fear of litigation, Adam said, "That's just the world we live in. The ground is pretty shaky, and I think the fear is there among General Counsels, Boards of Trustees, whomever, about being sued, and it's a real fear, and we do get sued." Nora also referenced the inevitability of being sued for CSA work:

So if I could say anything from a Title IX Coordinator point – my philosophy is not if it's going to happen, it's when...meaning when the lawsuit comes, because we're a litigious society, no matter what you probably do, someone's not going to be happy and they are going to want to sue you.

Karen said that she has not dealt with a lawsuit at her current institution, which "could change things dramatically" in terms of how she operates and the pressures she might receive. Several others said that they intentionally take note of court case outcomes, and Albert mentioned several recent court decisions ruling in favor of respondents, which have led his institution to "tweak" their policies to ensure they are being "fair and balanced."

In contrast to those views, Jennifer said that from her standpoint, recent litigation "doesn't influence the work" and then added:

It's something that we discussed... We have general knowledge and awareness, and we're keeping our eye on what might be happening nationally, but there's been nothing that University Counsel feels needs to influence us in term of making any changes at this time.

Claire said that she does not allow her work to be driven by a fear of being sued, because that would make it unfair. Jade also said, "This is highly litigated work and...those are certainly things that I'm aware of, but they cannot drive or dictate...I refuse to make decisions from a place of fear because that's never good for anyone." Rebecca also emphasized focusing on having a fair, equitable approach rather than being concerned with avoiding litigation. She said, "...I think that for the most part, when you feel good about the decisions that you've made in terms of putting in policies and practices, then that's the best protections against litigation ever." These views implying that litigation is not a central force behind CSA work may be influenced by factors such as the participant's experience or confidence in handling legal matters, or perhaps the importance placed on legal issues by participants or institutions. However, there did not seem to be an obvious factor that participants with particular self-assuredness in this area all had in common.

**State laws.** In addition to the OCR's enforcement of federal law and court cases, three participants also referenced state laws that had some bearing on their practices with CSA. Only one participant described a state law as adding more complexity to the work than Title IX. Leslie said that a particular state law "really is driving me beyond Title IX at this point" and went on to describe the particular practices that are required to be put in place because of the state law, including specific appeal procedures and involvement of

hearing panels. This law led her institution to modify their policies, insert additional steps into their CSA adjudication process, and conduct extra training sessions. Two additional participants mentioned state laws as impacting CSA work in less comprehensive but still significant ways. One of these participants discussed needing to modify consent policies, and the other described certain collaborations and procedural modifications that occurred directly because of a state law.

Overall, the legal landscape seemed to add multiple layers of complexity to Title IX Coordinators' already challenging work with sexual assault. Although some participants stood firmly in their views that legal factors should not completely dictate how universities implement their CSA processes and interact with students, most ultimately acknowledged the undeniable role that the legal system and government play in CSA. Beyond the legal landscape, participants raised topics involving other aspects of the external context that they perceived as important to their work.

### **External Culture and Context**

In addition to legal factors, Title IX Coordinators also discussed elements of the external culture and other context as having a major influence on their work with CSA. Those external factors include the public misperceptions of the university role in handling CSA, media involvement in CSA, cultural movements including the recent 'Me Too' movement, and the involvement of other non-governmental external entities in CSA. These factors can all impact the views of students, faculty and other internal stakeholders, as well as student reporting. Collectively, the external culture and context influences how Title IX Coordinators handle cases and work with students, and how they implement culturally-relevant education and training.

**Misunderstandings about the university role in CSA.** Most participants described some challenges in their work related to general misunderstandings about CSA and the role of universities in handling sexual assault. Rhonda discussed the difficulty when CSA is “not viewed as a civil rights issue,” which she characterized as part of the external culture. According to her, prior to the 2011 *Dear Colleague Letter*, CSA was generally dealt with in the student conduct area, rather than in an equal opportunity or equity office. Rhonda said that there continues to be a “culture of viewing these cases as a discipline [issue]” and as criminal matters, rather than acknowledging the civil rights component. In her experience, this is the general sentiment among Title IX Coordinators. Rhonda said:

So that is the culture that we’re in, that these are not equal opportunity, equity and diversity, civil rights, compliance issues – these are criminal and judicial issues.

So that is the difficulty in how to navigate that as a Title IX Coordinator, period, in any institution...I hear it a lot from colleagues. I think that is the culture [in] which Title IX Coordinators are operating.

Claire most thoroughly described misunderstandings among the general public about the role of universities in CSA: “Obviously...there are some folks who are like, ‘Why are universities involved with these issues at all?’ To me, that is the flag that tells us that we’re talking about a culturally entrenched, historically entrenched issue that is very unique.” She also referenced common biases in the culture by saying:

...given how the unique, and I would say uniquely problematic position that gender-based violence, and in particular acquaintance sexual assault, has in our culture, where it’s uniquely singled out as a crime or misconduct that has a social

stigma or victim-blaming elements. We have that pervasive and systemic rape culture going really from top to bottom. That means that people really come to this issue...families, students, faculty, leadership, Board of Trustees – they come to the issues with opinion and perspective about why we're doing it.

Also with respect to wider cultural issues with sexual assault, Claire said:

To me, the folks and the natural conversation who say schools shouldn't be addressing this have not been called to the carpet or properly questioned to say, 'Listen, we've been using the preponderance of the evidence standard for years to address student conduct, including student conduct that is criminal in nature and could result in expulsion. Physical assault, domestic violence, nobody has blinked an eye until it was sexual assault.' There again, flags. That's a rape culture issue...It tells me that they're not understanding, or not clear, on the fact that Title IX is a civil rights, discrimination law...

Several participants also raised the issue that public misunderstandings about the laws and criminal justice system fuel additional misperceptions about the university role in CSA. Claire pointed out that there is a two percent conviction rate for sexual assault in the criminal justice system and said, "Number one, when people point to the criminal justice system as the only, 'That's the place that should deal with these issues,' this tells me they do not know that there's a two percent conviction rate in this country." Leslie mentioned her "frustration" that universities are held to a high standard of responding to CSA "when the court of law and civil system can't get it right." Jennifer similarly said that "part of the challenge" is "just responding to some of the national discussion" and the misunderstandings about the university role in CSA. She said that after the

September 2017 updates from the OCR, “there was sort of panic of, ‘Oh my god. Do you still have a job?’” Jennifer was trying to help people understand that while the changes to the OCR guidance were not all that substantial, others perceived that “the Title IX world was coming to an end.” Unfortunately, the media seems to be a major contributor to the public misperceptions of the issue, which was also frequently discussed.

**Role of the media.** Most participants addressed how their university is or could be represented in the media in relation to CSA and the importance of this portrayal in how they carry out their work at their institutions. Some have been directly impacted by the role of the media, including Amy. Her institution had a “very high profile” event in the media, and for the students in their first year when it occurred, “their entire kind of matriculation at the university has been with this light from [the event].” The media attention they received as a result is still “very much in the public conversation.” Adam discussed an issue at his institution that was heavily covered by the media, and he said:

[That situation] inform[s] how we do what we do because there is a spotlight on us...If something were to go wrong, we’d be in the news. I’m sure that’s always part of our thinking, but again, with the ethos of wanting to do what’s right.

Others were more reluctant to talk about their university’s CSA issues in the media. For example, Barbara alluded to her institution’s “recent issues in the media,” and somewhat vaguely said, “Newspapers ask questions about your policies. All those external things ask about that, and we respond in media. We respond appropriately and provide information that we have when asked.”

Claire has had interactions with the media that reflect substantial misunderstandings about CSA work, which have impacted her responses: “I’ll take a

media interview and the reporter right away will [ask], ‘How is someone found guilty of rape at [the university]?’ ...The language needs to be unpacked, understanding the difference between the criminal justice system and Title IX.” Claire said that when she is faced with misinformation and false assumptions, it “can be quite satisfying to dismantle some of that misinformation and provide correct information.”

Other participants discussed the impact that the media coverage of other campuses has on how they handle CSA matters. For instance, Eric described a “case that went pretty sour” for another campus at the same institution and said, “...it has gained significant media attention, even nationally...so we have to be mindful and cautious of the work that we’re doing while [the other campus] is under such an intense microscope right now.” Karen said that following several particular scandals involving CSA at another institution, she was asked by the Athletics Department to conduct multiple trainings about their responsibilities and what happens when CSA reports are received. Michael said that his work is also informed by media coverage of other institutions: “[Y]ou watch things like [university name] fall apart...and you say, ‘Do we have the right checks and balances in place...Could something like that ever happen here? What should we do to strengthen how we’re handling things?’”

In a slightly different vein, a few participants said that CSA issues are so highly covered by the media that it can serve as an incentive for the institution to act appropriately. Michael said, “I don’t think there’s anybody here who is willing to damage the brand or destroy their career based on not handling a sexual assault related issue correctly.” Also acknowledging the university’s overall concern about representation in the media, Eric said, “Knowing that there’s real issues that need to be

addressed that the university will be very, very cautious about addressing because they're concerned about the other potential risks or liabilities associated with these matters becoming public, and I understand that." Lisa similarly said:

...we're a huge institution with a great reputation... Everyone is watching what we're doing to do it well and to screw it up. I do pay a lot of attention to, what is this going to look like on the front page of the [local newspaper]?

The media coverage of CSA has perhaps been reinvigorated in light of the recent 'Me Too' movement, which has brought national attention to the issues of sexual harassment and sexual assault.

**The 'Me Too' movement.** The recent 'Me Too' cultural movement was mentioned as impacting the work of Title IX Coordinators in a variety of different ways that were not consistent across participants. Albert said that the 'Me Too' movement "has triggered some attention to this issue" of CSA, but he also said that CSA is "still not talked about as much as it should be." He added:

It's changed in the last year or so because of 'Me Too'...but even with that, there's a small group of activists [on campus] who have been directly affected by [CSA]...Then there's a somewhat larger group of allies, but for the vast majority of people on campus, it's just not on their radar, and of course it should be.

Similar to this desire for the 'Me Too' movement to increase conversation on campus about CSA, Alana felt that the 'Me Too' movement could be helpful in raising awareness among senior leadership. Alana said:

I think that...the 'Me Too' movement is going to make all of this more relevant, and I think that it's going to provide a little bit of a vehicle to have those upper



level administrators getting involved and trickling down into the departments as to what's acceptable and what's not acceptable.

Also related to increasing awareness of the issue, Karen and Jennifer said that the national discussion on sexual misconduct influences requests for CSA training and education on campus. Karen said that cultural factors such as the 'Me Too' movement "come into play [and] may result in an increased demand for services or for programming." She said that although cultural movements may not change policies, they "may shape a presenting need, and so it could impact our volume of activity in a given semester."

Offering a different perspective, Leslie said that the 'Me Too' movement has led to the perception that universities are biased against respondents. She has had male respondents come into her office and say, "I'm screwed, I'm done. I know how this works. She's a female. The 'Me Too' movement. I'm done." Leslie then needs to correct those assumptions of institutional bias with the respondents. While participant views were mixed on how cultural movements such as 'Me Too' impact overall perceptions of CSA, it seems that these cultural shifts have added additional layers to this work, which Title IX Coordinators are then required to contend with and respond to. Similar to the differing perspectives on the 'Me Too' movement, participants also discussed other external factors with some level of variation.

**Other external cultural factors.** Several other elements of the external culture were discussed as influencing CSA work. A few participants mentioned the impact of problematic views and misinformation that are embedded within the larger culture and are present among students' families and friends. As Eric said:

It's also difficult to interact in our broader American culture around these issues, where you've got family and friends who will say just some of the most horrific things about these topics. And you know that they're saying it because they're just uninformed.

These commonly held views about CSA can also directly impact the students that Title IX Coordinators work with. Claire has seen students impacted by CSA receive unsupportive responses from family and friends, and she said, "Watching students lose friends and question their entire worldview, their own sense of trust, that to me is one of those challenging parts of the job."

Others said that they needed to sometimes correct the problematic or victim-blaming views of parents and other constituents. For example, Nora said that perhaps especially prevalent in the South is the "boys will be boys" mentality, which is something that she frequently needs to address. During a presentation from Nora, a parent said that:

he thought it was a very good presentation and he appreciated all that [the university was] doing, [and then] he said, 'But is there something we can do to talk about how women dress?...Because you know, the good Christian man can be very controlled, but if there is a young woman walking in front of him and the dress is a little short, you know human nature kicks in.'

Nora responded to the parent by saying:

Well, I appreciate you sharing that with me...I understand everyone has human nature...but the fact that someone's wearing a short dress does not give anyone permission to say it's okay to go and assault someone. Is that what you're saying?

Nora described another parent interaction during which two parents approached her and said that “what we’re training and teaching the students [about CSA] goes against their religious beliefs.” Nora said, “So there’s things like that we run into and knowing that, we have to realize we’re still a part of a conservative, Christian [culture]...So it just always reminds me that we still have a lot of work to do.”

Other external cultural factors that were mentioned far more sparingly included: the lack of sex education offered to high school students and the impact that has on students’ knowledge about CSA when they arrive to college; agencies such as the Rape, Abuse and Incest National Network (RAINN) that provide training for colleges and resources for students affected by CSA; agencies such as Foundation for Individual Rights in Education (FIRE) that are concerned with protecting respondent rights; and attorneys in the community that specialize in student CSA matters. The variation in some of the external entities that participants need to contend with may depend, in part, upon the particular location, student population, and culture of the institution.

### **Summary**

Importantly, both the legal landscape and elements of the external culture and context were described as leading to many of the complexities of CSA work, including the unrealistic and conflicting expectations put on institutions. Both of these areas are also continually shifting, and therefore their influence on CSA work is frequently changing. Further, these two areas have a mutually influential relationship. The shifting laws and government guidance on CSA impact public perception and cultural movements, and at the same time, those external cultural factors can influence the laws and how they are interpreted. Although many of the legal and external cultural themes

were common across participants, Title IX Coordinators also expressed some differing views about the ways in which the factors influenced their jobs. Some of these differences could be due to participants' own lenses and experiences. For example, participants with legal backgrounds, such as Claire, may be more confident in their ability to navigate the legal complexities of the work. The volatile legal and external context of CSA appears to be one of the chief sources of difficulty and negative outcomes experienced by Title IX Coordinators, which are detailed in the following section.

### **Case Outcomes and Title IX Coordinator Impact**

In light of the complex setup and nature of CSA work, and the Title IX Coordinator role specifically, in all of the previously discussed categories, participants described a range of consequences. These include difficult case outcomes and feedback received, which sometimes lead to the feeling that there is “no winning” in this work, both for Title IX Coordinators and students. Also, while a few participants feel supported overall in their CSA work, most are experiencing burnout or feel at risk for burning out because of the substantial emotional impact of the work on their wellbeing. When discussing the most challenging parts of their jobs, Title IX Coordinators most consistently referenced the difficulty that students face when going through the CSA adjudication process, which leads to negative outcomes for all involved and, most of the time, a negative emotional impact on students and on Title IX Coordinators.

### **Case Outcomes and Feedback**

Several participants spoke about the harm to students following the CSA investigation or adjudication process, which is a difficult outcome for participants to repeatedly witness. For instance, Barbara said:

What I think is challenging in these cases is it still involves people...we support students as best as we're able, but a lot of times I think everybody still walks away...there's harm at some level, and you can't change what already happened. So, I think that's probably what's most difficult.

Claire also echoed the sentiment that the difficulty of the CSA adjudication process for students makes the work exceptionally challenging: "The process is excruciatingly hard for everyone involved, that's just a fact. So even when you get the outcome you want, the process, it's grueling."

A number of participants said that because the adjudication process is so taxing for students, Title IX Coordinators frequently receive negative feedback and rarely, if ever, receive any positive feedback. Nora said that following a CSA case, "everyone's angry with you," and "no matter what you do, probably someone's not going to be happy and they're going to want to sue you." Several others also discussed the frequent negative feedback and identified a lawsuit as a likely outcome of the CSA adjudication process. Jennifer said, "I think the hardest thing in the work sometimes is...that we are not here to make anybody happy. So we can't expect that at the end of the day somebody's going to congratulate us on our excellent job." She added, "It's more likely that we'll get served a lawsuit than we will be congratulated. So that's just the nature of the work." Reflecting a similar outlook, Jade said, "And nobody's ever happy with us...and the bonus prize is you can expect a lawsuit, right?"

Amy battles with the student perception that the university "[doesn't] do anything" in response to sexual assault reports, which she believes is not unique to her campus. Amy said:

I think every campus has the idea that the administration is...taking care of it, doesn't want it to come out...taking care of themselves. When in truth and honest, that is not what we're doing...we move forward with many different complaints.

Leslie has also heard from students that the university "is ignoring sexual assault on our campus." At Albert's institution, the student newspaper published some articles that "just drove [him] nuts" because they misrepresented how the university handles CSA. Specifically, they said that the institution does not take the matter seriously and "is out to protect its own reputation," when in Albert's view, the university has been very transparent about the issues on campus and what needs to be done going forward. Additionally, several participants mentioned that student misunderstandings about the concept of due process can lead to unrealistic expectations about how the university will act. For instance, a student might expect that upon reporting a sexual assault, the institution will immediately remove the other student from campus.

Barbara said that part of her role is helping her staff "recognize that what they're doing is tough" and "affirming that they're doing their job," because "they're not going to get that from a student." Barbara said that because of the thankless reality of CSA work, "not everybody is going to be able to do this work." Rhonda also echoed this sentiment:

Title IX Coordinators...get all of the blame and none of the glory. People never come to us and say, 'Oh that was so great how you handled that case.'...[N]o one pats us on the back, but [we are blamed if] they think things don't go the way they're supposed to go...

Participants more specifically expressed this idea that no one is happy with them and that they tend to receive only negative feedback by saying that there is “no winning” for anyone in CSA matters.

**“No winning.”** Participants consistently reported that one of the most challenging aspects of this complex work is that there are “no winners” at the end of the process for the students involved. They also indicated that there is “no winning” for the universities and the Title IX Coordinators who are doing the work because they often receive inevitable criticism from both sides of a case.

Describing the ‘no winning’ concept for the students, Alana said that CSA work is “definitely a no-win” because even when respondents are found not responsible, complainants are “already traumatized by whatever happened,” and respondents “still had to go through the process” and “their name has still been affiliated with a sexual assault.” She said that these situations are “awful all around” and that “the stakes are high all around.” Leslie referenced this same concept: “Even if the respondent is not in violation, the complainant who believes she was traumatized doesn’t all of a sudden become not traumatized... And if the respondent is found not in violation, he still has a record... of being charged.” Leslie described this idea of the inevitable damage to both parties as “agony” and said, “Just everything involved in being a respondent and a complainant is just awful. There is zero winner. Zero.”

Adam depicted the ‘no winning’ as stemming from the emotional impact for students on both sides of CSA cases:

This is life-altering, whether you were assaulted or you were accused of assaulting, this is life-altering. And I’m not equating those two, but it is. And so

regardless of the outcome, it's an arduous process. We're talking about intimate, emotional, traumatic details with strangers, and someone's making a decision that may or may not align with what you believed happened.

Adam said that this means that “no one is whole at the end” of the CSA adjudication process, which is “incredibly difficult” for everyone. Barbara also said, “And so you know that these cases are complex, and a lot of times there's no...no one really perceives themselves as a winner...There are emotions involved. There are human beings. And so it's tough.” Alana summarized the ‘no winning’ for students by saying:

...not only are you dealing with someone who legitimately feels they were violated...You're also dealing with someone who may have their educational aspirations severely impacted...So the stakes and the emotions and the long-term impact on both parties is immense in every case.

With respect to there being ‘no winning’ for universities, Albert explained that both ‘not responsible’ and ‘responsible’ findings are perceived negatively by different groups. With regard to complainants’ views, he said, “...we could have half a dozen findings of responsibility, but that next case where we find a student not responsible, and it's like the others didn't happen, and we're terrible and we don't take it seriously.” On the other side, Albert said that other university community members and alumni think that the institution is “too quick to pursue complaints.” Albert summarized the inevitable criticism by saying:

So there's that perception that we are not doing enough to prevent harassment...and the criticism that comes with that, while at the same time also



being criticized and being sued by respondents who we do find responsible. So there is that tension or challenge that we get from both sides.

Jennifer's office receives criticism for a lack of transparency about case outcomes, while others think that they "overstep and overreach." Describing this same idea, Leslie said:

It all depends on which side of the fence you fall. If the person was found in violation and you're the complainant, you're going to think, '[The university] does everything. They're the best school ever.' But if they're not found in violation, '[The university] does nothing. You let him stay. You made me go through this for nothing.' Like that. It's hard.

Also referring to this concept of unavoidable criticism, Rebecca said that "there's always going to be someone who was not satisfied with how the matter was resolved." She also argued that there is nothing an institution can do to repair the damage for a student who is assaulted. Rebecca explained that even when a respondent is found responsible and the process is timely, she can still receive criticism from complainants:

What is it that is enough for a person who has experienced this type of violence to feel okay going forward?...It's very, very difficult to do enough for them...I think that means that there's always going to be some people who are not satisfied with the work that we do.

Michael agreed that the idea of 'no winning' is the most challenging aspect of CSA work and said:

The hardest part [of this job] is dealing with the actual cases because no matter what the outcome is, there are no winners in any of it, there's just none. Even the

panel members are affected. There's nothing. No one walks away and says, 'Justice was served.' That's not how this works.

However, Michael also identified positive outcomes of the criticism. He said that even though students say that what the institution is doing to address CSA is "never enough," hearing student feedback can also help the institution "figure out what more we can do or what we're missing." Michael also said that although there is 'no winning' in CSA matters, some of the difficulty is mitigated by having colleagues that acknowledge the magnitude and difficulty of the work. Michael's colleagues tend to be "grateful" that he and others are doing CSA work, "because they realize that it's not something – no one's a winner in any of this, [and] this is all horrible stuff, so they're pretty good about it." As described in Chapter 5, several others also reflected the helpfulness of having understanding and support from their institutions.

**Positive student perceptions.** In spite of the negative outcomes that are often associated with particular student cases, a few participants said that students generally perceived them in a positive light. Those who reported positive student perceptions of the university's handling of CSA issues indicated that students trust the process and feel comfortable reporting. Rebecca said that there is "a lot of respect on this campus for the Title IX Coordinator and the work that they do," and she has "really good relationships and really good communication" with students. Rebecca added that several years ago, it was "pretty common" for students to "feel that we weren't responsive enough," but currently, "students are really pretty satisfied with the university's response." Barbara said that the "dialogue is good" between the university and students about CSA, and they have active student participation in their awareness and education efforts. She added that

although students “feel affirmed that [the office is] a place that they can come to, that they perceive as safe and respected,” it is, however, still difficult for some students to approach her office for help because the office also holds students accountable.

Others reported student perceptions of university handling of CSA that were mostly positive but also mixed. Jennifer said that generally her office has a “positive reputation” on campus and is receiving more reports from students, but students “on the periphery of investigations” are also unhappy that more information is not shared with them. Lisa also said that she “see[s] the positives” in student perceptions of the university’s handling of CSA, but she also “see[s] a lot of room for improvement” through increasing transparency. According to Amy, students generally hold a “very positive perspective of the work” of her office because they know that “significant sanctions” are issued for “severe conduct.” However, there are other student groups who say, “We don’t know what they’re doing,” despite that Amy’s office publishes information about results of CSA cases.

CSA case outcomes are often negative, and the feedback directed at Title IX Coordinators can be positive but is often at least critical in nature, and these results and reactions from students and others impact Title IX Coordinators in several ways.

### **Impact on Title IX Coordinators**

While a handful of participants expressed a strong sense of feeling supported at their institutions that helped to sustain them in doing CSA work, most did not seem to have this overwhelming sense of support. And even those who did perceive that they were valued, trusted and supported tended to agree that the complexity of this work and

the emotional, 'no winning' circumstances still make Title IX Coordinators likely to experience significant challenge and burnout.

**Feel supported.** Only a few participants expressed feeling a strong, pervasive sense of institutional support in CSA work. In terms of the importance of that level of support, Barbara said that “[university] culture and support for people in these [Title IX Coordinator] roles does matter.” When Barbara hears about other Title IX Coordinators leaving their jobs, she “wonder[s] if it's because they were doing their job and they were asked not to, or they weren't doing their jobs right.” Barbara said that she “feel[s] supported” and thinks that the investigators and other colleagues also feel supported by her institution. Expanding on this idea of feeling backed by the institution, Barbara said:

I believe that when the tough decisions have to be made, I'm going to be supported in that...they're going to say that you made the decision that was right. And so I think that definitely matters...[For] my colleagues [at other institutions] that I know that do Title IX work, not everybody sits in that same place as me.

Feeling supported to handle CSA matters by the institutional culture has contributed to Barbara perceiving that the university trusts her to handle these complex matters. She said, “I feel like we're trusted to do our job. I feel that the investigations are respected.” Barbara also has an “amazing working relationship” with her supervisor, and she feels “very supported” by her supervisor, who is someone she can “talk through” CSA situations with.

Jade also said that she is trusted and supported to do her work, which she appreciates. She said, “I have a lot of autonomy to...just do the work and do it well because I'm trusted with the work that I do, and our office is trusted, and so that's

helpful.” Jade has “never...felt any kind of pressure for a particular outcome” at her institution, which she “appreciate[s].” Jade also said that she “feel[s] very supported” and works within an “extremely collaborative environment with the immediate stakeholders.” This helps her to not only receive support but also to accept “critical pushback” when she needs it from those trusted colleagues.

Alana similarly indicated that her position is valued and understood at the institution, which enables her to do her work. She said:

When you have that support and awareness, and your Title IX Coordinator just isn't checking a box because the federal government says you have one, I truly believe the university will be in the best situation to be able to move forward and to work on having the kind of culture that is desired.

Alana said that she believes that she has the support of her university, which has led her to be able to do CSA work successfully. Alana and her staff have “tremendous support from [the] university” to handle complex cases and receive “great support to do what we needed to do to comply with the law and what the best practices are,” which Alana described as “fantastic.” In addition to having the institutional-level support, Alana also has the support of her direct colleagues and is able to go into their offices on difficult days and ask for their help to “get through this day.” As discussed at length in Chapter 5, Claire also reported a strong sense of support from the leadership at her institution and a web of helpful collaborations with colleagues that lead her to feel empowered and supported to do CSA work in her position.

**Burnout and lack of self-care.** Despite the finding that some participants feel supported in their work overall, many participants expressed some type of concern about

burning out or not having enough self-care to sustain oneself in this challenging work. Even one of the few participants who expressed a clear sense of receiving institutional support also raised concerns about the consuming nature of CSA work. Describing the overwhelming quality of these cases, Alana “live[s] fully with these investigations” and takes seriously the task of making decisions about CSA allegations, knowing that there is “always going to be an unhappy party.” She said, “So the magnitude of that decision is the hardest part of my job, in my opinion.” Alana spoke about the need to care for herself and the staff who do investigations and said, “So I think doing this job not only needs support for your investigators professionally, but you also need to do a lot of self-care.”

Rhonda referenced self-care as well by saying:

A lot of times Title IX Coordinators don't have self-care. There's a great deal of turnover for Title IX Coordinators. I started the [conference name] Title IX Coordinators group, and I was talking to a colleague last week, and they said that whole entire group turned over except for one person. Every single person...so we need to take a look at that as a profession.

Eric also conveyed that this work requires significant emotional energy, which can lead to difficulties sustaining oneself in this role. Eric said, “What I am suggesting is that to do this work well, you have to put in significant and great effort every single time with every single student, with every single matter...” He added that “every single time” he interviews someone for a role dealing with CSA, he asks them, “When this work gets really particularly challenging, when it leaves you at the end of the day wondering if you want to come back the next day or not, what motivates you?” Eric said that because of

the trying nature of CSA work, “in order to do this work and do it well,” everyone must have an answer to that question about self-preservation.

Perhaps making the strongest point about the risk for burnout, Rebecca told a story about a previous colleague who left her position because she was “afraid that [she] was going to get burned out.” At first, Rebecca thought that her colleague was referring to burning out in a typical way that someone could during their career, but then said:

[A]fter I reflected on it a little longer and then spoke to her again before she left, I realized what she was actually saying is that the work, this work will burn you out. And that’s because if this is what your job is, and it’s a big job, and there are hundreds of complaints about people being discriminated and harassed on the basis of sex every year – that’s all you’re dealing with every day, you know? You get up every day and you have another terrible situation in front of you that people are hurt and there are no good answers...Sometimes you feel like, ‘I really did something that provided what that person needed,’ but that’s not the bulk of the work. So, I would say that’s the most challenging thing...every day is another terrible story. How do you take care of yourself, and how to you go on in that career for a long period of time?

**Emotional impact from the work with students.** Expanding on this risk of burnout for Title IX Coordinators, many participants spoke in more depth about the emotional impact that CSA work has on them. While some described the emotional impact as originating from the work itself with students and cases, others said that the negative emotional effects stemmed from institutional challenges. First, participant descriptions of the impact of the work itself on their wellbeing are summarized.

Claire said that cases involving complex and difficult decisions, including those related to weighing students' requests not to investigate against concerns for safety, have caused "some of the most wrought, anxiety, sleepless nights" that she has had. Additionally, Claire said that she finds it "devastating and heartbreaking" to witness students receiving "painful response[s]" from people in their lives, which she described as "one of those challenging parts of the job." Claire further explained the inevitability of experiencing that as a Title IX Coordinator by saying:

You can try to talk about it or have [colleagues working in] advocacy talk about it as sort of a 'prepare yourself, hoping this will not happen but don't want to be there caught off guard,' and then to watch it happen, not in every case but nine out of ten.

Rebecca also brought up the emotional difficulty of working with students who are impacted by sexual assault or the investigatory process. Rebecca said that all students involved, including witnesses, "can be really torn up about what happens" during an investigation. She added:

So I think those dialogues [with students] are always hard. I think they're always going to be hard. I don't think there's going to be a time where we're going to come out of, you know, on the other side and be like, 'Well, now we've all figured this out.' Because as long as there is sexual violence, as long as there is discrimination and harassment in this world, it's not going to be a perfect world. Rebecca also said that often this job requires working with students at "one of the worst moments in someone's life," which can be time-consuming and emotionally draining. She said that "support[ing] people as they go through these situations takes a lot of care,



and a lot of compassion, and a lot of patience.” Leslie also said that the most difficult part of her role is “not getting a little bit emotionally involved” because of the “bad stuff [that Title IX Coordinators] hear all the time.”

Eric similarly said, “Of course it’s challenging to every day hear about another person whose life has been dramatically altered by some action of sexual misconduct. That’s hard to listen to.” He also emphasized the impact of this work on his personal life: “It’s hard to go home at night, having experienced all that all day, and be totally fresh for [my family] . . .” Michael said that some people who do this work can “push a button and it all washes away every night,” while others “carry around a lot,” and he is worried about the “effect of all of this” on Title IX Coordinators and investigators who do CSA work. Barbara is also concerned about the emotional impact on her and her staff: “These are hard things and that’s hard on people, too. We’re human beings that care, and we have to go home at night, too, to be able to decompress.” She added that the most challenging aspect of CSA cases is that they “still involve people” and there are “emotions connected to the work.” As a result, Barbara “spend[s] a lot of time with investigators, just helping them process [their cases] or helping them find other places to process it,” such as through an Employee Assistance Program.

The difficulty of dealing with the impact of CSA work on supervisees was also discussed by Jade, who said that the most challenging part of her job is helping the investigators with “managing emotions.” Jade said:

I mean, this is hard, hard work . . . the work is isolating, and our physical [office] space is isolating. And so that can be difficult. And keeping people

encouraged...when these cases are hard. And it's hard when I can say, 'Yep, it sucks. You know, I can't fix that for you.' It's the nature of the work, right?

Alana also underscored the emotional toll of CSA work as an inevitable part of the job for those who are doing it well. She said:

...last night, 5:00 a.m. I'm waking up in a complete sweat because of the magnitude of the decision I have to make in one of my cases. But I feel like I wouldn't be doing my job as well if I didn't acknowledge the emotional impact of this, of these cases, on everyone, including the investigators.

Many participants clearly conveyed that part of the challenge in CSA work is the emotional toll stemming from the work itself, but some also said that this emotional difficulty can come from or be exacerbated by obstacles at their institutions.

**Emotional impact from university difficulties.** The institutional-level difficulties contributing to negative emotional impact on participants include a lack of understanding about the Title IX Coordinator role and a general lack of support. According to participants, these factors can lead to outcomes such as feeling isolated and Title IX Coordinators leaving their positions. Multiple participants identified certain institutional-level frustrations that can trigger burnout and turnover. For example, Adam said that there were university political roadblocks to establishing the appropriate Title IX Coordinator positions. He called that situation "just so frustrating, because the need wasn't getting addressed because we couldn't figure out that [political] stuff." Adam also said that part of the Title IX Coordinator role is making decisions that "you know can be questioned" by others at the institution who may "have issues" with what is decided. Adam added:

I think that's difficult, and as a Title IX Coordinator...I've talked to [other] Title IX Coordinators in the [conference name] about this – often times, we feel on our own. Presidents aren't really in the loop as much, even our Vice President, so we're really the ones who are looked to make those kinds of decisions. We're really working to do the best we can.

Rhonda raised this issue of a lack of understanding of the role as well, and she believes that it contributes to the high turnover of Title IX Coordinators. She said that there is “some friction...or lack of understanding of...the role of Title IX Coordinators on campus,” and that open animosity toward Title IX Coordinators can lead to turnover: “You tend to see a lot of turnover because you're required to be, as a Title IX Coordinator, influential and work with all these different departments that may have hostility because you're involved in cases that they don't like.” Rhonda also said that the position is not always valued at the university, which also leads to significant difficulty for sustaining oneself in this role. She said that “at times, the Title IX Coordinator is seen not [as] a big part of the institution,” but rather is viewed as an external “enemy.” According to Rhonda, this mentality leads to “some hostility toward the Title IX Coordinator and just the understanding of the role. So the difficulty in how to navigate that as a Title IX Coordinator, period, [is present] in any institution.” Rhonda said that these institutional difficulties are compounded by the content and nature of CSA cases themselves: “It's not a glamorous position, actually. It's a position that is very complex, very demanding not only by the premise of the work but it's also a lot in terms of...the types of cases that we're dealing with.”

While Rhonda offered the most extreme view of this, others also said that institutional-level difficulties, including significant misunderstandings about the role, lead to frustration and other negative outcomes for Title IX Coordinators. Jade said that in addition to managing the emotions involved in the cases themselves, “managing egos” of other staff, the politics of the institution, and “many different, competing agendas” is another major challenge that she deals with on a daily basis. Eric said that his university has a tendency to shy away from addressing “the real issues” within the culture because of concerns about “risks or liabilities associated with [CSA] matters becoming public,” which leads to frustrations. Referencing the isolating nature of the work, Lisa said, “There aren’t a lot of folks on your own campus that you can talk to and that truly understand the intricacies of the work.” Alana said that without the appropriate support and validation from the institution, the Title IX Coordinator role “would be a really hard and lonely job.”

In light of the various challenges with CSA cases and the high risk for burnout and other negative outcomes in CSA work, a few participants alluded to the need to adopt a certain mentality or set of skills to sustain oneself in this job. For example, Jade said, “I don’t feel like I’ve become callous, but I certainly feel like I have developed personal and professional skills that allow me to not carry this as much as I did when I first started.” When Jade first began her role, the cases would “keep [her] up at night” and she “would never take any time off,” which was “imprisoning,” and she no longer has that mentality. Karen said that to deal with some of the challenges at the institutional level, she has found it helpful to recognize and accept the limitations of her role: “. . . as a Coordinator, I think it’s really knowing what’s your role and what isn’t your role, and sort of what you

have...control over versus what you have influence over.” Lisa also spoke about the importance of acceptance of one’s limitations in CSA work because “this work is messy.” She said, “We do the best with what we have, but it’s never going to be perfect, and you have to kind of be okay with that.”

### **Summary**

It was strongly expressed across most participants that the ‘no winning’ nature of CSA work is emotionally difficult and can lead to negative consequences for Title IX Coordinators, including leaving their positions. While a few participants did believe that they generally had the support and backing of their institutions to do this work well, most Title IX Coordinators (including those who had institutional support) described this overwhelmingly complex and emotional work as not sustainable for a number of reasons. Leading to these largely negative outcomes are the previously discussed themes in Chapters 4, 5 and 6 and their relationships among one another. The grounded theory and model that connects these main themes together, all revolving around the central phenomenon (‘navigating the complexities of CSA work’), is presented in Chapter 7.

## CHAPTER 7: DISCUSSION AND CONCLUSIONS

### Introduction

This chapter presents the study conclusions, the grounded theory and corresponding model, as well as the theory's relationship to the existing literature and the theoretical frameworks. Also included is a discussion of the implications and suggested directions for future research.

As a means of better understanding the ways in which universities deal with the complex problem of campus sexual assault (CSA), this grounded theory study examined the ways in which Title IX Coordinators handle their various responsibilities with CSA. In general, a university Title IX Coordinator is responsible for ensuring the institution's compliance with Title IX, a law that prohibits gender-based discrimination in education settings and has significant ramifications for how universities deal with CSA. The Title IX Coordinators interviewed were typically at least partially responsible for overseeing the student-on-student CSA complaint process, the campus training and education on sexual misconduct, the response to relevant issues of campus climate, and the implementation and revision of sexual misconduct policies and procedures.

One of the major findings of this study was that Title IX Coordinators are faced with the challenging task of keeping up with a continuously changing and volatile external and legal environment for sexual assault. Many Coordinators also deal with internal difficulties that are more specific to their institutions, including the structure of their positions and wide range of major responsibilities with which they are tasked. Title IX Coordinators often need to work with and manage a variety of internal partners, some of whom are helpful and others of whom are challenging, within their unique institutional

cultural contexts. They are also tasked with handling very complex and sensitive CSA matters with high stakes for all students involved, often leading students to be dissatisfied with case outcomes. This creates negative perceptions of Title IX Coordinators and their institutions more generally. The ‘no winning’ nature of CSA work makes Title IX Coordinator positions difficult to sustain in some circumstances and can lead to negative consequences including burnout and turnover. Points of variability within the data did exist across many different areas, but these common themes also clearly emerged.

These findings support what the existing, albeit limited, literature says about the difficulty that universities face when attempting to comprehensively prevent and address CSA while orchestrating a fair, equitable response to complaints. Title IX Coordinators have the taxing job of overseeing sexual assault cases and issues, and this job is made even more difficult by a range of internal and external complexities. This is taking place within a contentious arena, one that the United States is struggling with as a culture, and Title IX Coordinators need to be supportive of and fair to everyone involved, all the while being questioned by a variety of internal and external stakeholders who often lack a full understanding of the issues. This array of factors puts Title IX Coordinators in a precarious position on their campuses. The difficulty inherent in the Title IX Coordinator role hinders institutions’ abilities to deal with the CSA problem well. Universities are facing a deep distrust from the public on how they handle these issues, both from the accuser and the accused perspectives. The nearly impossible nature of the Title IX Coordinator position may explain some of this distrust, as these administrators, even when properly trained and experienced, are not given the necessary power, authority and resources to do this complex work.

### **Overview of the Theory**

Nearly all participants described, as a hallmark of their Title IX Coordinator roles, the complex situations and decision-making processes required in their CSA work that they continuously need to figure out and navigate through. Because the complex nature of CSA work was the common thread connecting each of the main themes from the interviews, the core theme or central phenomenon that emerged in this study was ‘navigating the complexities of CSA work.’ This permeated throughout Title IX Coordinators’ descriptions of their roles and refers to the range of challenging, multi-faceted situations related to CSA that Title IX Coordinators need to handle, resolve, deal with, or make decisions about. This central phenomenon tied the axial codes together and was the underlying theme when considering how Title IX Coordinators approached their wide range of responsibilities related to CSA.

This theme threaded through all participant interviews to some extent, and the external and internal influences themselves were largely consistent across participants. However, participant descriptions of how and to what extent the internal and external forces impacted the work, and their self-efficacy to navigate through them, were more diverse. This variation was captured in previous chapters in the discussion of each major theme and in some cases, could be due to factors on the participant level (i.e. experience and background with CSA work) and/or the institution level (i.e. the Title IX Coordinator role structure and institutional culture and support). While possible reasons for variation across participants were mentioned in the previous chapters, there did not appear to be a characteristic or set of characteristics that accounted for most of the varying views.



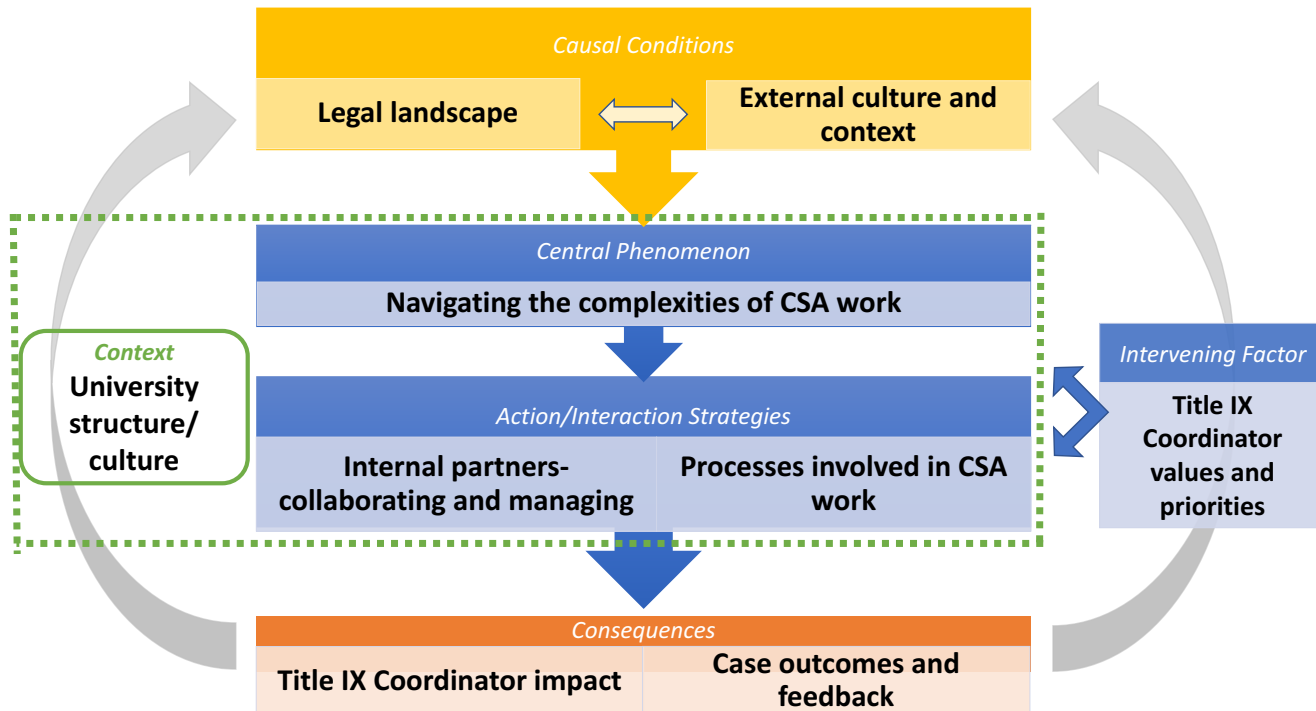
In order to uncover the emerging theory, during the axial coding process (see Table 3), I examined the central phenomenon (‘navigating the complexities in CSA work’) with regard to the conditions that led to it, the context in which it is situated, the action and interactional strategies through which it is managed and executed, and the consequences of the strategies (Strauss & Corbin, 1990). As explained in Chapter 3, during the axial coding phase, Strauss and Corbin’s (1990) paradigm model (see Figure 2) was utilized as a guide. Based on the major themes and axial codes, as well as memos about the data, the themes mapped well onto the components of Strauss and Corbin’s (1990) paradigm model (causal conditions, context, intervening conditions or factors, action/interaction strategies, and consequences), which became the basis for the theory in this study.

The grounded theory shown in Figure 3 seeks to explain how Title IX Coordinators navigate their various complex job responsibilities related to CSA. The axial codes *Legal Landscape* and *Other External Context* surrounding CSA were identified as the causal conditions because they led the work to be so complicated and multi-layered in the first place. *University Structure and Culture* formed the context component since the university environment provides a set of conditions in which the Title IX Coordinator takes actions to manage the various components of CSA work. The theory posits that in order to carry out their CSA work, Title IX Coordinators engage in a range of *CSA Work Processes* (i.e. student intake, case adjudication, campus education), and the Coordinators *Collaborate with and Manage Internal Partners*. These serve as the action/interaction strategies because they are aimed at managing or responding to the central phenomenon in its context. The model recognizes *Title IX Coordinators Values*

*and Priorities* as intervening factors because they inform how participants conceptualize and navigate their extensive CSA-related responsibilities. Finally, the theory accounts for the *Case Outcomes and Feedback* and the *Title IX Coordinator Impact*, which are the consequences that result from the actions and interactions. The arrows on either side of the model represent the cyclical, shifting nature of this process, and they demonstrate that many of the model components influence one another.

**Figure 3**

*Model of the Grounded Theory on Title IX Coordinator Navigating of Campus Sexual Assault*



The data reflected that the CSA work of Title IX Coordinators is extraordinarily complex and involves juggling many different components that are frequently shifting and affecting one another. The process that was consistently described by participants was the process of identifying and working through the various aspects of the work that

make it so complex; this includes the interacting forces within and outside of the institution that come into play with respect to CSA cases and in other aspects of the job. The catalyst for much of this multi-layered work are the legal and external environmental factors, which continue to influence how universities handle CSA through lawsuits against universities and the media and public discourse on this topic. Most Title IX Coordinators have the difficult and overwhelming job of overseeing the intake and adjudication of CSA complaints, the response to larger campus climate issues, the training and education of the campus community, and other aspects of CSA work such as policy revisions. They also need to contend with internal factors, including working with stakeholders on campus who are involved in this issue, and Title IX Coordinators bring their own internal values and priorities into the role as well. All of this occurs within the context of the university's culture, including the leadership, organizational structure, mission and values, and other aspects of the institution's identity. While some participants had a widely supportive culture and university leadership that understood this complex work, many did not have that experience or only felt they had partial support. This institutional backing and understanding, or lack thereof, was crucial to determining how well Title IX Coordinators were set up to be able to navigate their difficult jobs. The complexity of this interplay between factors at multiple levels eventually leads to a range of outcomes for universities, students, and Title IX Coordinators, many of which are negative. Title IX Coordinators can face outcomes such as burnout and turnover, and they receive feedback from students and other stakeholders that is often disparaging.

In summary, Figure 3 represents the various interacting components of CSA work, the management of which is a taxing responsibility placed on the shoulders of Title

IX Coordinators. Their work requires them to interact with various internal and external entities, and depending upon the helpfulness and supportiveness of those institutions and systems, they can be empowered or disempowered to address CSA effectively. This process of navigating the complexities of CSA work (the central phenomenon) often yields a range of negative consequences for Title IX Coordinators and institutions. This theory supports the notion that if Title IX Coordinators are not sufficiently supported or set up to do their jobs well, both within their institutions and by external entities (especially the federal government), they will be unlikely to sustain themselves in these positions. This will lead to frequent turnover of these critical roles at universities, which in turn will undoubtedly trigger further unsettled conditions on campuses.

### **Discussion of the Theory Related to the Research Questions**

The purpose of this study was to develop a theory about the ways in which Title IX Coordinators carry out their various roles and responsibilities with CSA, while accounting for aspects of institutional culture that were relevant to that process. This study was driven by the following research questions: (a) how do Title IX Coordinators handle and carry out their responsibilities related to CSA; what shapes the ways in which Title IX Coordinators handle their responsibilities related to CSA, and (b) how does university culture influence Title IX Coordinators' work related to CSA? The emerging theory will now be discussed in relation to the research questions.

Title IX Coordinator participants overwhelmingly described the nature of their CSA work as complicated, multi-layered and constantly shifting in light of both internal and external factors. The complexities of their work often involved working with or managing stakeholders and carrying out a range of processes, such as the adjudication of

CSA cases and support for students. Related to the second research question, difficulties were also evident in the ways that Title IX Coordinators did their work within their institutional contexts and cultures. Some of the complexity was related to the President and leadership, the mission, history and other characteristics of the institution, and the Title IX Coordinator position structure and decision-making authority. Adding to the multi-faceted nature of this work is both the external culture (including the public perception, media coverage of CSA, and recent cultural movements), and the legal landscape, particularly with the drastic changes in the Office for Civil Rights (OCR) guidance and the growing trend of increasing numbers of lawsuits filed by students against universities. Title IX Coordinators' own values and beliefs that they bring to the work also inevitably influences how they go about handling this challenging role. Not surprisingly, all of this complexity often yields a range of outcomes and feedback, both for Title IX Coordinators specifically and for their universities more generally, that is largely negative. Therefore, this work can undoubtedly have an emotional impact on Title IX Coordinators.

The research questions led to identification of the main theme apparent in the data, which was obvious across several different areas: how Title IX Coordinators navigate their complex work with CSA. Several subthemes within the 'navigating complexity' concept are next described in light of the literature.

### **Relationship of Theory to the Existing Literature**

This study adds to the existing literature mainly by contributing a new and current perspective: that is, the perspective of Title IX Coordinators as the administrators who are directly responsible for overseeing CSA work at their institutions. Given the changes to

the Title IX guidance in the past eight years since the OCR's 2011 *Dear Colleague Letter*, and the fluctuations within the legal landscape and external environment, having a current understanding of how these shifts have impacted institutions and administrators doing CSA work is especially important. Further, much of the available literature on this topic pertains to students and their perspectives, attitudes and behaviors in relation to CSA, so this study adds a different lens by examining the administrator perspective.

The limited existing literature that does address how institutions handle CSA tends to look at it from a basic compliance standpoint. The current literature also suggests that universities may be struggling with meeting the basic standards of compliance under Title IX (Richards, 2016). However, the results of this study do not reflect that. This study suggests that from a Title IX Coordinator standpoint, whether or not institutions are basically in compliance is not the primary issue. Rather, the central concern among Title IX Coordinators involves the complex nuances of CSA work that the laws and government guidance generally neglect to address. Another main concern is having the appropriate reporting structure, authority and resources, and actually having effective and sustainable approaches to the CSA problem. This implies that the research in this area is behind and needs to catch up with the recent changes to this field of work, and the depth of the research must be enhanced to go beyond a compliance checklist. This study begins to do that by gathering rich qualitative data from the key administrators who are responsible for CSA work, but there is additional research that needs to be done to further understand this complex arena. The particular connections between this study and the existing literature are discussed in light of several key areas of complexity that Title IX Coordinators are faced with.

### **Shifting External Landscape and Culture**

First, the rapidly shifting external landscape of sexual assault, including the legal circumstances and broader cultural conversation on CSA, adds a major layer of complexity to the work of Title IX Coordinators. While the perceived influence that both the OCR and legal cases had on participants varied somewhat, many agreed that they played an important role in their work. The participant emphasis on the importance of legal issues suggests a need for more research on the role of the government and the legal system in how universities handle CSA matters. However, the literature has largely failed to examine the relationship between government, the legal system and universities with regard to sexual assault. In their review of promising practices in CSA adjudication, Wilgus and Lowery (2018) acknowledge that handling CSA matters is influenced by “the complex web of due process requirements, federal laws, and administrative guidance that shape and constrain institutional responses” (p. 93). This indicates a need for research that seeks to better understand this relationship, which could lead to ideas for improving the connection between universities and the external entities that drive much of their work on CSA. In addition, participants discussed the larger cultural context and how cultural phenomena such as the recent ‘Me Too’ movement influence the perceptions, attitudes and expectations of students, families, and other constituents. This indicates a need for researchers to study the role of such cultural elements in the university handling of CSA.

### **Scope and Setup of the Role and Range of Responsibilities**

Second, although the setup of the Title IX Coordinator participants’ positions varied based on their individual institutions, participants clearly articulated that the nature

of their positions, reporting structures, decision-making authority and access to key university actors were important factors affecting how they were able to address CSA on their campuses. Participants also generally reported having a wide range of responsibilities that included managing several complex processes. While extensive literature on the topic of sexual assault education and prevention programming exists, especially with respect to student outcomes such as attitude changes, the literature scarcely if at all has looked at the bigger picture of sexual misconduct education, prevention and response at institutions. Though experts tend to agree that a comprehensive, multi-pronged approach to combating CSA is ideal (ACHA, 2016; Dills et al., 2016; Moylan & Javorika, 2018; Murnen, 2015; NSVRC, 2015), few studies have examined whether institutions are taking this type of approach and how they are implementing it, and whether they have the capacity to do so. The manner in which participants discussed the training and education for their campuses suggests that simply getting to all students, faculty and staff was a challenge, let alone having the capacity or resources to plan a comprehensive, long-term, evidence-based training strategy. Some of the trainings mentioned by participants, especially the bystander programs, likely address at least some elements of institutional culture. Apart from that, there is little evidence from the data to suggest that other strategies are being employed to tackle elements of institutional culture that could be contributing to instances of CSA or how institutions respond to the problem.

The results of this study, which reflect some variability with respect to how positively Title IX Coordinators viewed the setup and structure of their roles, further emphasize the need to examine both institutional and individual variables that impact this



critical role on campuses. Participants varied in terms of their education type and level of experience with CSA, which could impact factors such as their success in their roles, how they are received by others, and their confidence levels. Institutional factors also differed, such as the setup of the Title IX Coordinator positions and scope of the roles, the number of other Title IX Coordinators, the presence or absence of additional job responsibilities, reporting structures, access to key individuals including the President, and others. In order to understand how universities can best empower their Title IX Coordinators to be effective and sustain themselves in these inherently challenging positions, research that explores these positions and the people in them is needed.

The commonly expressed feeling among participants of isolation or a lack of understanding from others both within and outside of the university about their work points to a particular need for the literature to look at the organizational isolation of the Title IX Coordinator position. This position deals with a nexus of indivisible tensions (i.e. between the needs and rights of complainants and respondents, and among the conflicting guidance from the government and the legal system), which creates a spotlight on university handling of CSA and on Title IX Coordinators specifically, who are most directly responsible for the CSA issue at their institutions.

### **Institutional Cultural Factors and Internal Partners**

Third, institutional culture and structure, in addition to participant collaborations with a range of campus partners, were generally discussed by Title IX Coordinators as complexities that also needed to be managed. Overall institutional commitment to addressing CSA appropriately, the level of support from the top leadership, the interactions with internal constituents such as faculty and Legal Counsel, aspects of the

university's mission and other characteristics, and student culture all made a difference in how Title IX Coordinators conceptualized their roles and did their work. These factors are essentially absent from the literature and also warrant further exploration.

For example, some participants described difficulty getting faculty on board with their duties to report student CSA disclosures to the Title IX Coordinator. One recent study implementing a national survey to a large sample of counseling faculty members concluded that it was clear that faculty members were not even aware of their requirements under Title IX to report student disclosures of CSA (Welfare, Wagstaff, & Haynes, 2017). More research of this nature is needed to understand the scope of the many interactions and collaborations with campus partners, including faculty and others. Clark's (1984) discussion of administrators and faculty becoming increasingly separate could help to explain the difficulties that some participants faced when working with faculty. However, the unique nature of the Title IX Coordinator position and the contentious landscape surrounding CSA necessitates research specific to this area.

The CSA literature that is available on culture suggests that elements such as student alcohol use and fraternity membership, university characteristics and alcohol policies, and the presence of major athletics on campus are all cultural factors that could be affecting CSA and, in turn, how universities are choosing to respond to and combat the problem (Cantor et al., 2015; Mohler-Kuo et al., 2004; Stotzer & MacCartney, 2016; Sweeney, 2011). Relatively consistent with the literature, participant concerns about high-level alcohol use and party culture as contributors to CSA and about fraternity and athletic team membership as influencing sexually aggressive behavior were sometimes brought up as cultural concerns that Title IX Coordinators must address in their work.

The data also show that each institution has its own context for CSA, as well as unique institutional cultures, policies and responses. In some respects, this mirrors the literature on the student culture, which supports the conclusion that unique campus-level factors and elements of student culture are related to differences in the CSA climate across institutions.

### **Difficult Decisions and Emotional Impact**

Fourth, participants are faced with making very challenging decisions about CSA reports and cases that have high stakes for students and institutions. Title IX Coordinators interact with students on all sides of a case and the inevitable high emotions of all students, their parents, and also the emotions of witnesses, which can lead to an emotional impact on Title IX Coordinators, sometimes culminating in burnout. The complexity and difficulty of Title IX Coordinator decision-making is relatively absent from the literature, but it is somewhat reflected in the lawsuits that universities face from students who allege that their rights (i.e. due process or Title IX rights) were violated in CSA cases. The theme involving the ‘no winning’ nature of CSA matters for the students, the Title IX Coordinators, or the universities is also reflected in these lawsuits, which have been increasingly brought by both complainants and respondents. This continuous negative feedback, coupled with the emotional difficulty of the work, can make this position very difficult to sustain.

During the three-month period between the time of data collection and member checking, two participants had left their institutions. Perhaps not coincidentally, both of these participants expressed predominantly (though not completely) negative views of their institutions, the setup of their positions, and the university commitment to CSA. A

lack of support from leadership and the university as a whole, in addition to not having the appropriate authority to actually do the job and enforce policies, seem to contribute to this risk of burnout. This emotional impact and burnout of Title IX Coordinators, and specifically the challenges of having to deal with the sensitive topic of sexual assault as well as institutional- and cultural-level difficulties in handling the cases, needs to be researched. Literature on this topic will help universities be better equipped to advocate for resources and grant Title IX Coordinators the appropriate level of authority and access to be effective in their roles. In spite of the mounting list of challenges and negative outcomes associated with CSA work, many participants also expressed an enduring desire to continue putting significant effort and energy into this important work that is in the best interest of students. This resiliency and what makes some Title IX Coordinators able to sustain themselves more than others should also be examined. Claire, for example, could be considered an exemplary case to study, as a Title IX Coordinator who felt highly supported by her institution and the leadership, felt empowered and respected, and thus did not demonstrate signs of burning out.

In light of this review of the central findings on how Title IX Coordinators navigate complexity in their jobs in relation to the current literature, the results will next be considered through the lens of the two differing theoretical frameworks that were initially presented in Chapter 1.

### **Relationship of the Theory to the Theoretical Frameworks**

When viewing the results of this study from a solely organizational cultural lens, it appears that certain issues (i.e. the Title IX Coordinator not reporting closely enough to the President and not having the necessary authority to make key decisions) explain why

some participants were more frustrated than others by the roadblocks in their work. A framework that accounts for the external culture in addition to institutional culture, such as Kuh and Whitt's (1988) framework, is clearly necessary for the topic of CSA. Tierney's (2008) six elements of culture also partially fits the data, particularly with the emphasis on leadership, mission, environment and dissemination of information, but Tierney (2008) does not account as well for external environment factors. Additionally, a cultural framework that considers cultural change, such as Kezar and Eckel (2002), may also be needed for future research in this area, especially due to the rapid shifts in the external culture that then impact the internal university culture. When participants discussed how changes are made at their institutions in the CSA area, they brought up elements of institutional culture such as lines of and means of communication, governing structure, politics, relationship-building and power. Therefore, the results and emerging theory of this study can be viewed as being aligned with several different organizational culture theories.

However, looking at the data through the lens of critical theory would yield different interpretations of the results. Taking a critical perspective leads to an assumption that participants may not understand or acknowledge the ways in which their arenas of Title IX and CSA are heavily gendered and how they or their positions are marginalized structurally within academic institutions. When Title IX Coordinators are not in sufficiently elevated positions on campus and are not given the resources or designated power to do their work well, this indicates a larger issue of pervasive masculine discourse. People of all genders are victims of sexual assault, but because CSA is viewed as primarily a women's issue, some universities may not be prioritizing

CSA as much as they should be because they have cultures that at their core privilege masculinity.

Three participants provided examples of outward gender issues or discrimination that they viewed as directly impacting how sexual assault is handled on their campuses. This is a striking finding given that frequently gender bias is so deeply embedded within organizations that it is challenging for participants to clearly identify a phenomenon that is entrenched in institutional practices and often goes unquestioned (Acker, 1990). The participants who did recognize outward signs of masculine-privileged dialogue among key university actors believed that gender played a significant role in CSA not being addressed as well or as comprehensively as they would like it to be. In many cases, the gender issues may be subtle and thus less at the forefront for participants to identify or discuss in an interview.

Ultimately, the data fit both sets of theories because both can be used to explain the findings, and both seem to be at play. While many Title IX Coordinators experienced either organizational advantages or disadvantages to performing their complex jobs that undoubtedly impacted their ability to execute their responsibilities, there is also evidence to suggest that gender issues, whether obvious or subtle, contribute to the insufficient emphasis on CSA at many institutions.

### **Study Limitations and Strengths**

Consistent with qualitative research in general, this study has both limitations and strengths that should be acknowledged when considering the results and applicability of the emerging theory on university handling of CSA.

## **Limitations**

First, the sample for this study was relatively small, and the participants represented were all from NCAA Division I institutions. The intention was to study the experiences of a smaller number of participants in depth and gather the perspectives of Title IX Coordinators at relatively similar institutions, rather than to develop a theory that would apply to all Title IX Coordinators at all institutions of higher education. Although some sample diversity was achieved in terms of institution size, type and location, the sample is not representative of all colleges and universities. Thus, the experiences of Title IX Coordinators in this study cannot necessarily be attributed to all individuals in this role across every institution type.

Another limitation is that participants self-selected to participate in this study, and thus selection bias is a potential concern. Of the Title IX Coordinators who were invited to participate, slightly less than half elected to participate. Those who were willing to be interviewed for a study about their work with CSA in light of their institutional cultures could represent a particular set of Title IX Coordinators, and they may have experiences at their universities that differ from those who chose not to participate. Because CSA is a highly-scrutinized and litigious area for universities, it may be that some Title IX Coordinators did not participate due to concerns about sharing extremely sensitive institutional information, despite the assurances provided about the confidentiality of the study. The findings may have been impacted by only gathering the experiences of those in this unique position who were willing to be interviewed about their roles.

As with any grounded theory study, my role as the researcher is also a limitation of this study. I attempted to minimize the impact of my biases by writing memos about

the interviews and debriefing them in order to reflect on ways that my direct experience in this area could be influencing the interviews. However, on balance, I believe that my knowledge of and involvement in the adjudication of CSA cases at my own institution aided in the interview process. My extensive baseline knowledge of the laws and common institutional practices in this arena allowed me to better understand the answers and examples that participants provided. This also facilitated the rapport-building process with participants and allowed me to maintain my credibility with them. Being seen by participants as a colleague in the field hopefully gave them a sense of comfort that encouraged them to be open and honest with me, knowing that I likely understood many of the challenges they disclosed.

### **Strengths**

One important strength of this study is that it offers a detailed examination of the ways that Title IX Coordinators go about their difficult work with sexual assault and how they navigate the range of challenges associated with their responsibilities. Despite the sensitive nature of CSA work, participants generally spoke candidly about their experiences and offered specific examples, which greatly contributed to the richness of the data. This study utilized the words and quotes from participants to analyze the data, and thus the emerging theory provides insight into an important issue from the viewpoint of critical administrators across 16 different universities. Because data collection continued until saturation was achieved and member checking was utilized, it is expected that the emergent theory at least partially provides an accurate depiction of the challenges that Title IX Coordinators at NCAA Division I institutions face in CSA work and how they navigate those complexities.



This study begins to address the gap in the literature identified by Stotzer and MacCartney (2016), who argue that to better understand CSA as a problem, more attention must be devoted to cultural factors, campus climate, and institutional messages about CSA and how the university responds. By gathering an in depth understanding of some of the ways that university culture and dynamics influence how the university deals with CSA, this study adds to the very limited literature that looks at these institution-level factors. However, much more research remains to be done to understand the ways in which university and external culture influence sexual assault issues and how universities handle the myriad of associated problems.

The results also point to areas that need attention and potential strategies to improve the ways that universities handle CSA. This study offers suggestions for university leadership about how to best support Title IX Coordinators to enable them to succeed in their roles, not only for the sake of the Title IX Coordinators but for the benefit of students and universities overall. When Title IX Coordinators are well positioned to respond to reports of CSA equitably and fairly and have the resources and relationships with key individuals on campus to be able to orchestrate a variety of prevention and education efforts, all students will be best served and universities will be less subject to liability. This study also provides Title IX Coordinators, who are often in isolating positions at their institutions, with validation of their experiences and allows them to hear about how others have navigated similar challenges in their roles.

The emerging theory could also be useful for other contentious topics for universities. Future researchers may be able to test the model with additional areas of tension and the individuals responsible for overseeing those areas on campuses. Because

the theory accounts for a shifting external landscape in addition to institutional culture and context and the Title IX Coordinator's own values, it could be applied to other university personnel who face different complex challenges.

### **Implications for Policy**

Policy implications exist at both the institution level and the government level. Perhaps most important are the implications at the federal and state government levels, which inevitably have a major impact on university policies and practices. Participants described a surge in resources and attention given to CSA following the significant changes to federal government guidance in 2011. While this shift provided momentum for positive change to occur in the areas of survivor support and accountability for those found responsible, some participants felt that government changes were put forth with little understanding of the actual CSA work on college campuses. In the fall of 2018, following the conclusion of data collection, the federal government rescinded the April 2011 *Dear Colleague Letter* and other OCR guidance that put those changes in motion, and new proposed regulations were issued. The proposed regulations purport to: decrease university funds spent on CSA and related issues; allow universities to utilize a narrower definition of sexual harassment; eliminate the requirement for many faculty and staff to report instances of student CSA; and require universities to provide a live hearing with cross-examination by advisers for student CSA complaints, among many other institutional requirements detailed in a 144-page document (OCR, 2018).

Although participants could not be asked about these proposed regulations due to the timing of data collection, based on participant descriptions of the ways that the 19-page 2011 letter from the OCR radically changed how institutions handled CSA matters,

this is expected to have extensive ramifications for university policies and practices. Some government oversight and regulation of how institutions deal with this difficult issue may be necessary to ensure that universities are being fair to both complainants and respondents and are fulfilling their obligations to eliminate gender discrimination. However, university leaders and Title IX Coordinators should be more formally involved in the formation of regulations so that decisions are made with a full understanding of the complexity of these issues and institutional ability to respond. The political divisiveness in general and around CSA in particular also make relying on government-issued guidance very challenging, as the entire picture could change every four years with an election. This constant shifting requires significant time and resources for institutions to continuously adjust their policies and practices to be in compliance, while also attempting to care for and support students and hold them accountable in ways that are consistent with their missions.

This study supports that the federal government must seriously consider modifying the recently proposed regulations to allow for flexibility based on institution type and culture. Policymakers need to evaluate whether these regulations reach beyond the scope of ensuring university compliance with Title IX. Language in university policies can and should be used to prevent CSA through cultural change and setting community expectations (Iverson & Issadore, 2018), but when the government dictates so many intricacies of university policies, this becomes more difficult for institutions to do. If the government is going to continue to be so deeply involved in how universities are dealing with CSA, they need to be clear and consistent about expectations, and all parties would benefit from more dialogue between universities and government on these issues.

Rather than prescribing specific institutional practices for CSA, government guidance should acknowledge the enormous complexities of these issues and add required or recommended methods for institutions to grant Title IX Coordinators sufficient power, resources and support.

Although the proposed regulations were not finalized at the time that this dissertation was written, it is likely that university policies are about to shift, perhaps drastically, once again. This is expected to be a significant burden on universities and especially on Title IX Coordinators, as it was in 2011. Title IX Coordinators may not be able to control the government guidance and do need to follow the law in order for their institutions to avoid being penalized or to face costly litigation, but there are also serious implications for people in these challenging roles to be able to continue doing this work while sustaining themselves in the profession.

### **Implications for Title IX Coordinators**

Not surprisingly, Title IX Coordinators shared many common experiences but also described their roles and their institutions in varying ways. Some of this seemed to be due to university-level differences, such as level of perceived importance and amount of resources devoted to CSA, but individual differences in background, education and experience may also account for the variation. It could be surmised that Title IX Coordinators who are also attorneys and have experience with the legal aspects of CSA have more success in their roles, especially as CSA becomes an increasingly legalistic issue. However, participants with a legal background also experienced difficulty and faced the same complexities in their roles, and the challenges and resulting frustration seemed to be due to both the volatile external conditions and institutional-level barriers.

While Title IX Coordinators may be able to advocate for structural change to their positions and for additional resources, they also must cultivate relationships with key individuals on their campuses, as well as other Title IX Coordinators, to establish a network of support and collaboration.

In addition, access to the university leadership and President were quite important. The burden should not solely rest on Title IX Coordinators to ask for university leadership to support them, take the time to understand their work, and respond to issues they face in keeping up with the volume of work and obtaining buy-in from other university stakeholders. However, Title IX Coordinators would benefit from advocating for their need for a direct connection to key leaders. Depending upon the institution's structure and culture, access to the President could be necessary, but at some universities reporting to or having direct access to another top leader may give the Coordinator sufficient power and authority to be effective. The data showed that the nature of CSA work requires the Title IX Coordinator to work closely with a variety of campus partners, and the type and nature of those relationships vary quite a bit. Some critical relationships, such as those with faculty and Legal Counsel, can be especially rocky, and the Title IX Coordinator needs to know that the President or another top leader will assist in navigating those relational challenges that can significantly impede CSA work.

A direct relationship between the Title IX Coordinator and the President would also encourage the institution to address CSA on a more proactive level, because this important topic would be brought to the forefront when the top executives consider university priorities and planning. Currently, many universities are reacting in response

to government direction and legal outcomes, rather than devoting the time, attention and resources to considering the handling of CSA in a forward-thinking manner. Creating this direct connection with the President would also make for a smoother process if the university were to be disparaged or sued, which is an inevitable aspect of CSA work. Some participants expressed that currently they are attempting to communicate the nuances of CSA work to the leadership through multiple other layers of reporting, and this clearly does not work for an issue that is so complex and changes so rapidly. Giving the Title IX Coordinators a direct line to the President or other top official would allow the leadership to better understand the near impossible situations and decisions that Coordinators need to navigate, which also have high stakes for the institution.

Beyond the President, the Title IX Coordinator needs to have relationships with other colleagues on their campuses who have some understanding of this work, perhaps including any additional Title IX Coordinators at the institution, the investigators for CSA cases, Student Conduct staff, and individuals serving in support roles for students impacted by CSA. Establishing those connections, rooted in trust, could mitigate some of the isolation that Coordinators experience. The emotional burden that comes with CSA work, both because of the cases themselves and the criticism that is often issued by all parties, makes this work difficult to sustain. If Title IX Coordinators do not have a strong support network and are not set up with the appropriate authority, resources and relationships at their institutions, they are at higher risk of burning out. Burnout of the person in this crucial role would prevent CSA work from being done well, which could lead to even more problems and lawsuits. Ultimately, students will suffer if Title IX Coordinators are not being empowered to do the work well and are regularly turning

over. The outcomes identified in the grounded theory impact not only individuals but institutions as well, and thus the findings have implications for universities.

### **Implications for Universities**

The model of the grounded theory depicts the numerous pressures that are on Title IX Coordinators, which create the various complexities that they need to manage. Many of those forces are external to the institution and difficult to control, but there are also internal issues and structures over which universities do have the ability to influence and change. Being responsible for CSA education, prevention and response is an enormous charge, and it is clear from the data that Title IX Coordinators cannot do this work alone. The data indicated that the circumstances under which this work can best be done include formally granting the Title IX Coordinator the level of power, authority and resources they need, ensuring that the Coordinator reports to the President or the person who is second-in-command, and creating structures to provide individual and group support to the Coordinator.

Participants who generally felt enabled by their institutions to do CSA work well said that they felt directly supported and heard by leadership, had the respect and trust of faculty and staff, had access to sufficient staffing and resources to support students, investigate cases, and educate the campus, and were part of a larger community that understood the complicated nature of the issue.

Ultimately, to address the CSA problem effectively and fairly for all students, universities need a system that is built on trust and a culture that encourages active and open conversation about CSA and appropriately holds people accountable. It is not possible for any single Title IX Coordinator, or even a small team of Title IX

Coordinators, to accomplish that alone. They need the help of those at the top of the hierarchy to send messages to key partners (i.e. Legal Counsel) and throughout the university community that give credibility to the Title IX Coordinator and emphasize the importance of addressing CSA in the manner consistent with the university's policies. They also need the assistance of other critical people and departments to send frequent, consistent messages through training, as a few people cannot possibly train an entire university community in addition to carrying out the rest of the responsibilities that Title IX Coordinators must fulfill. The prevention aspect is made more challenging by the fact that there are not clear evidence-based practices that have been shown to reduce instances of sexual assaults within university populations. However, bystander programs do show promise in addressing attitudes and behaviors that are indirectly related to CSA. Thus, prevention and education needs to be customized to meet the needs of individual campuses as optimally as possible, and this takes significant resources, as does the thorough investigation and resolution of sexual assault complaints.

Universities should also be advocating on a policy level for greater alignment among the law, government guidance and institutional policies. Until the external entities are more aligned with universities, Title IX Coordinators will remain at the center of a vortex of complexity that at least partly explains why institutions continue to struggle with the CSA problem. If many Title IX Coordinators face significant institutional obstacles and leave their positions, productivity will suffer and institutions will end up spending more to constantly rehire, retrain and orient new staff to their unique campus contexts. In a role that is dependent on having a deep understanding of institutional culture, relationship development, and building rapport with students, faculty and staff, it



will take a significant period of time for each new Title IX Coordinator to get up to speed. If the important work of Title IX Coordinators suffers, students may become less trustful of the process, which could decrease reporting rates and increase criticism from both the accusers and the accused.

### **Recommendations for Emerging Best Practices**

These circumstances offer suggestions for the identification of emerging best practices that universities should consider. First, universities should adjust reporting lines if needed so that the Title IX Coordinator has a direct line to a top leader, usually the President. If the President is not often present on campus and has designated the primary authority on the day-to-day operations to another chief university official, it may be ideal for the Title IX Coordinator to report to, or otherwise have a direct line to, that person. Staffing for CSA matters should be maximized so that the responsibility for education, training and response is not all falling on one person, which is not sustainable. The Deputy Coordinator model seems to be a helpful starting point for spreading out the responsibility and creating multiple people in similar roles who can provide support and case consultation to one another. These recommendations are made with the recognition that institutional structures vary, and modifications of reporting lines and staffing should be considered based on university context.

Second, beyond having the appropriate reporting structure, the Title IX Coordinator must be publicly granted the power and authority they need address CSA comprehensively. This authority is especially critical when interacting with certain groups who typically operate rather independently, such as athletics and faculty. While Title IX Coordinators hold many critical responsibilities, at times they do not have the

social capital that is needed to execute those responsibilities effectively. University leaders should explicitly designate the necessary power and influence to the Title IX Coordinator on CSA matters in front of others so that the expectations are clear and come from the top. These structural adjustments that garner the attention and buy-in of key stakeholders are necessary for CSA work to be done well.

Third, given the particularly difficult demonstrated nature of this position, the university should bear the responsibility for providing direct, private support for the Title IX Coordinator that is akin to the clinical supervision model found in fields such as psychology, counseling and social work. Individuals in those other professions deal with high emotions, encounter difficult decisions, and work directly with people who have experienced trauma, all of which Title IX Coordinators also face. In professions such as psychology and social work, national associations are established that provide best practice recommendations for various elements of the work, including recommendations for practitioners to receive clinical supervision.

The American Psychological Association (APA, 2014) offers detailed guidelines for clinical supervision that state that supervision is “a distinct professional practice employing a collaborative relationship that has both facilitative and evaluative components, that extends over time” (p. 2). Similar guidelines issued by the National Association of Social Workers (NASW, 2013) say that clinical supervision for social workers is a “collaborative process” between the supervisor and supervisee. Supervision is focused on “the development of competence, demeanor, and ethical practice,” and the “relationship is built on trust, confidentiality, support, and empathic experiences...[and also] include[s] constructive feedback, safety, respect, and self-care” (NASW, 2013, p. 6-

7). Professions with established means to deal with emotional work are better equipped to address difficulties that arise naturally in the work, including the secondary trauma, lack of self-care, and burnout that were identified by the current study as issues facing Title IX Coordinators.

Fourth, in addition to the need for individual support, it was also evident from the data that Title IX Coordinators are in need of stronger, more established group support mechanisms. Title IX Coordinators are balancing many competing interests, making decisions in extraordinarily complex cases, and are burdened with the vast responsibility to oversee the institution's response to CSA. Participants expressed the isolating and challenging nature of their roles, which is made more difficult by the fact that very few people on their campuses can truly understand the complexities of their work.

Supervisors of Title IX Coordinators and other university leaders can encourage group support by facilitating the establishment of formal or informal networks between Title IX Coordinators at similar or local institutions. Although some professional associations exist that are intended to serve Title IX Coordinators, including the Association of Title IX Administrators (ATIXA), many of the resources and events put forth by that association are focused on broad trainings and the compliance and legal aspects of the work. While such organizations can offer helpful resources, they also tend to be costly and largely fail to address the emotional and more nuanced aspects of CSA work, including those that intersect with university culture and politics.

Finally, given that Title IX Coordinators continue to face numerous complexities in this work and that there does not appear to be evidence of instances of CSA decreasing, universities should strongly consider taking several concrete steps with

students to increase institutional commitment to addressing this problem. First, institutional handling of CSA would be improved by conducting climate surveys that assess student experiences with sexual harassment and sexual assault. This information is critical to designing prevention and intervention techniques that address issues that are unique to the campus. Second, based on the available research supporting the effectiveness of bystander programs, universities can mandate all students to complete a bystander program that addresses particular cultural issues found within the student culture. This type of program provides students with basic education and common language, teaches concrete bystander skills, and encourages students to challenge their assumptions. Importantly, the literature suggests that one-time programming on CSA is likely not sufficient to support long-term change, and therefore universities should find ways to continue educating students throughout their time at the institution. Although it may be challenging to find the resources to devote to new and ongoing programs, universities should also consider building the ongoing education into existing programs or spaces when possible.

### **Directions for Future Research**

This study invites several possibilities for future research in the area of university handling of CSA. The alarming outcomes identified for Title IX Coordinators, including the emotional impact and potential burnout, suggest that researchers need to specifically study the significant stress on and job performance of the individuals in these positions. Attention must be given to the apparent difficulty in sustaining this type of position and how to better support and retain Title IX Coordinators. More emphasis on the outcomes

for the administrators themselves will yield a better understanding of the conditions under which people are best set up to do this complex and critical work.

Because of the diversity of the Title IX Coordinator positions themselves, including their job responsibilities, department types, and position in relation to other administrators with CSA-related responsibilities, further research that gathers perspectives from other administrators would offer more in depth information that could be used to solve problems. For example, it may be useful to interview or survey: the people to whom Title IX Coordinators report; additional Title IX Coordinators at an institution; case investigators and decision-makers; employees in offices that support students affected by CSA; staff in Human Resources and/or equity offices; and relevant administrators in Athletics. These individuals could offer additional perspectives on how their institution handles CSA and how they go about fulfilling CSA obligations and making decisions. This would provide a more complete assessment of how institutions are handling this complex issue, and it would also yield additional possible avenues for solutions and the development of potential best practices.

In addition to variations in the way that universities have structured Title IX Coordinator positions, the people in these roles also varied in terms of background, experience, personality, and other factors. Additional research is needed to identify what individual characteristics make people best able to do well and sustain themselves in a Title IX Coordinator position. Participants who are attorneys and have done sexual assault work for many years likely experience both their positions and their institutions differently than someone with a Student Affairs background with little experience in this area. It also seems that the mindset and outlook of participants could be impacting how

Title IX Coordinators are able to conceptualize their difficult CSA work and manage their responses to it. This leads to questions about individual temperament, attitude, and beliefs that could also be influencing how Title IX Coordinators are able to do this challenging work and not burn out.

Lastly, considering the instability and rapid shifting nature of the external forces that greatly influence how institutions deal with CSA and public perceptions, future research should address this complex relationship. How institutions make decisions about CSA in a way that is consistent with their institutional values, is approved by university leadership, and is in compliance with the range of shifting legal requirements is a process that institutions inevitably grapple with. This type of research could help institutions to develop strategies to navigate the conflicting set of expectations and pressures that they face on CSA issues.

### **Conclusion**

This study illuminates the experiences of Title IX Coordinators, the key university agents who are charged with orchestrating the institution's handling of CSA, and strongly demonstrates that they are faced with navigating numerous difficult challenges in multiple aspects of their jobs. However, these positions also appear to be set up differently across universities, and Title IX Coordinators have a range of experiences at their respective institutions. The findings may explain why some Title IX Coordinators experience frustration and burnout and why turnover is occurring in these positions, all of which inhibit universities from handling CSA as optimally as possible. The findings also shed light on the broader issues that lead to these significant challenges for Title IX Coordinators that negatively impact their capacity to deal with sexual assault. The

changing external context (including the legal landscape and the cultural conversation on this topic), combined with the university-level factors (such as lack of understanding from leadership and inadequate resources to handle cases and the education, and challenges with internal stakeholders), means that those institutions are unlikely to be able to articulate and project a consistent message about CSA and an approach for addressing it that is widely understood at the university.

Fortunately, all of these have the potential to be changed over time, including the laws and guidance governing CSA, the ways in which universities are structured, and, perhaps to some extent, institutional culture can also be altered gradually. Other aspects, such as the legal system and external cultural factors, are harder to amend, and yet all of these layers are inextricably connected. Title IX Coordinators have some agency to move forward in their work regardless of institutional context, and they can strategically build relationships and advocate for their needs on campus, but much of that still depends on some level of institutional support and understanding. The analysis indicates that Title IX Coordinators are at the forefront of this broken multi-layer system involving the government, individual institutions, and the administrators who are charged with managing CSA. This needs to change in order for universities to be able to better respond to this important problem of CSA that is plaguing campuses nationwide and to improve the safety of all students while also respecting the rights of all students. If Title IX Coordinators are not well positioned to do this difficult work and, at worst, are burning out and leaving their positions, this work that hinges on credibility and relationship-building cannot be done well.

While all of the complexities and barriers inherent in this work cannot be immediately solved, an intermediate goal toward the ultimate aim of improving the entire system to enhance university handling of CSA is to make the Title IX Coordinator job more feasible and sustainable. Fixing the broken connections between the government and external policies, universities, and administrators is of vital importance to universities and to society at large.

The insufficient institutional support for Title IX Coordinators also suggests that some universities continue to fail to prioritize CSA issues. In some cases, this could be because prioritizing CSA requires acknowledging it as a problem. Universities may be concerned that this could lead their campus to be identified as having a ‘sexual assault problem,’ especially given the general public concern about this area and the negative publicity that can come from such a reputation. However, universities with higher reporting rates for CSA are often those with proper reporting mechanisms in place and cultures that encourage disclosures (Cantalupo & Jordan, 2014), and institutions with extremely low rates of CSA should raise skepticism about why students are not reporting to the university. Again, an attainable partial solution for institutions to demonstrate their commitment to handling CSA in a comprehensive manner that focuses on the wellbeing of all students is for university leaders to genuinely listen to their Title IX Coordinators. Specifically, the numerous complexities that Title IX Coordinators face from the interactions of internal and external factors need to be understood, and Title IX Coordinators need to not be alone in formulating the solutions.



## APPENDICIES

### Appendix A: Electronic Recruitment Letter to Title IX Coordinators

Dear (Title IX Coordinator Name),

My name is Corey Kelly, and I am an Assistant Dean of Students and Title IX investigator at Boston College. I am contacting you because I am conducting research as part of my doctoral dissertation under the direction of Dr. Heather Rowan-Kenyon in the Higher Education program at Boston College.

I invite you to participate in a qualitative research study examining how Title IX Coordinators handle and make decisions about matters of student sexual misconduct. The study is also examining the role of university culture in that decision-making process.

Your participation will involve a one-hour phone or video conference interview with me. You will be asked to answer questions related to your role as a Title IX Coordinator, decision-making on matters of student sexual assault, and university culture. Your name and the name of your university will be kept confidential throughout the course of the study. I have attached the Consent Form for this study for you to review. At the conclusion of the study, I will send participants an executive summary of my findings.

If you are willing to participate in this study, please contact me by replying to this email or calling me (617-552-2287) to make arrangements for your interview at a time that is convenient for you.

Thank you very much in advance for your time and consideration. If you have any questions or concerns, please contact me ([corey.kelly@bc.edu](mailto:corey.kelly@bc.edu) or 617-552-2287) or Dr. Heather Rowan-Kenyon ([heather.rowan-kenyon@bc.edu](mailto:heather.rowan-kenyon@bc.edu)).

Thank you,

Corey

Corey R. Kelly  
Assistant Dean of Students  
Boston College

## **Appendix B: Interview Protocol**

### **Informed Consent Statement**

You are invited to participate in a research study. You were selected to be in the study because of your role as a Title IX Coordinator for students. The purpose of the study is to understand how Title IX Coordinators handle issues of student sexual assault within the context of their university cultures. When considering university culture, this study is particularly focused on how you as a university administrator experience the culture in your work, rather than necessarily the student culture. If you choose to participate, you will be asked to participate in an interview by phone or by video conference. This interview will take approximately one hour. Interviews will be audio recorded in order to collect data. The study will provide participants with the opportunity to reflect on their experiences and practices with student sexual assault.

The records of this study will be kept private. In any sort of report we may publish, we will not include any information that will make it possible to identify you. All electronic information will be coded and secured using a password-protected file. We will assign to each participant a unique pseudonym that will be used in place of actual identifier. Taking part in this research project is voluntary. You don't have to participate and you can stop at any time.

### ***Introductory Questions:***

1. Can you describe your current position and the nature of your work?
  - a. Probe: What are your day to day responsibilities related to student sexual assault?

- b. Probe: Do you have additional roles or responsibilities in addition to serving as a Title IX Coordinator?
2. What led you to do Title IX work, and have you done this work at other institutions?

***Questions on Handling/Decision-Making for Matters of Campus Sexual Assault:***

1. Who are the key stakeholders on your campus involved in making decisions about matters of sexual assault involving students? (This includes decisions related to student reports/cases, resources, education/training, policy revisions, etc.)
  - a. Probe: How would you describe your relationships with those stakeholders?
2. What are the overarching principles or philosophy that guide your work with regard to student sexual assault?
3. Thinking about your role in cases of student sexual assault as a Title IX Coordinator, how do you go about handling matters related to specific student cases, including:
  - a. Whether to move forward with a complaint
  - b. Putting interim measures and accommodations in place
  - c. Responsibility for violations and sanctions
4. Can you describe a time when you've had to make a particularly challenging decision with a student sexual assault case and how you navigated that?
5. Compared to your description of handling specific student cases, how does your response change if you are addressing a Title IX issue within a team, Greek organization, or other sub-community?

6. Thinking more broadly about the campus community, how to you go about planning and implementing sexual assault education and training for students, faculty and staff?
7. Can you describe how changes to sexual assault policies and procedures are made at your institution and your role in that process?
8. Thinking about the ways that you handle matters of sexual assault in all the ways that you've just described, what internal and external forces come into play? (Internal meaning within your institution and external meaning outside factors such as OCR, Title IX and litigation).
  - a. Probe: Did the rescinding of the 2011 OCR guidance and the issuance of the 2017 interim guidance change any of your practices? How?

***Questions on University Culture and Handling Matters of Campus Sexual Assault***

For the purposes of this study, the focus is specifically on how you experience the culture of the university in your role as an administrator. Aspects of the culture that you might experience as an administrator could include general ways of doing things and common practices at your institution, lines of communication, organizational structure, and institutional values, mission, and priorities, among others.

1. Thinking about the culture on campus, how do you think your institution's culture impacts how sexual assault is handled and how you do your work?
  - a. Probe: How does the placement of your position within the university organizational structure impact your work in this area?

- b. Probe: Are there any messages sent by the president or other university leaders about sexual assault that inform how you handle matters of sexual assault?
    - c. Probe: Is there anything about your university's mission and/or history that informs your work with student sexual assault?
    - d. Probe: Are there any differences between the culture of your current institution and previous places you have been at?
  2. Are there any gender dynamics on campus that you have noticed or experienced as an administrator that have an impact on how you deal with matters of sexual assault?
  3. What are the most challenging aspects of your job as a Title IX Coordinator?
    - a. Probe: Are there any aspects of your institution's culture that might contribute to these challenges?
  4. What is the general dialogue on campus, among students, faculty and staff, about issues of sexual assault and how the institution handles it?
    - a. Probe: How do students, faculty, and staff perceive how sexual assault is handled by the institution?
  5. As the Title IX Coordinator, what are the most common questions or concerns about sexual assault that you receive from students? How do you respond to those?

Is there anything else that I haven't asked about that you think is relevant to this topic?

## Appendix C: Informed Consent Form



**Boston College Consent Form**  
**Boston College Lynch School of Education**  
**Informed Consent to be in study *The Role of University Culture in Title IX Coordinator***  
***Decision-Making on Matters of Campus Sexual Assault***  
**Researcher: Corey Kelly**  
**Study Sponsor: none**  
**Type of consent: Adult Consent Form**

### Invitation to be Part of a Research Study

You are invited to participate in a research study. You were selected to be in the study because of your role as a university Title IX Coordinator. Taking part in this research project is voluntary.

### Important Information about the Research Study

Things you should know:

- The purpose of the study is to understand how Title IX Coordinators make decisions about issues of student sexual assault within the context of their university cultures. If you choose to participate, you will be asked to participate in an interview by phone or video conference. This interview will take approximately one hour.
- The study will provide participants with the opportunity to reflect on their experiences and practices with student sexual assault.
- Taking part in this research project is voluntary. You don't have to participate and you can stop at any time.

Please take time to read this entire form and ask questions before deciding whether to take part in this research project.

### What is the study about and why are we doing it?

The purpose of the study is to understand how Title IX Coordinators make decisions about matters of student sexual assault at their respective universities. The purpose is also to understand how those decisions are made within the context of particular university cultures. The total number of people in this study is expected to be up to 30.

### What will happen if you take part in this study?

If you agree to take part in this study, you will be asked to participate in one interview by phone or video conference with the Principal Investigator, lasting

approximately one hour. Interviews will be audio recorded in order to collect data.

#### **How could you benefit from this study?**

You might benefit from being in this study because you will have the opportunity to reflect on your or your institution's practices related to student sexual assault. The information gathered in this study may be helpful for improving university procedures in this area in general.

#### **What risks might result from being in this study?**

There are some risks you might experience from being in this study. You may experience discomfort when discussing the topics of student sexual assault and university culture. If you experience discomfort you may stop participation at any time. Another potential risk is a breach of confidentiality. This risk will be minimized by storing the data securely, without any identifying information (names, university names, etc.) There may be risks unknown at this time.

#### **How will we protect your information?**

The records of this study will be kept private. In any sort of report we may publish, we will not include any information that will make it possible to identify you. Research records will be kept in a locked file.

All electronic information will be coded and secured using a password-protected file. We will assign to each participant a unique pseudonym that will be used in place of actual identifier. We will separately maintain a record that links each participant's pseudonym to his or her actual name, but this separate record will not include research data.

Only the researchers will have access to the audio recordings that are made. The audio recordings will be kept in password-protected electronic files. Those files will be erased after the conclusion of the study by deleting them from all of their stored locations.

Mainly just the researchers will have access to information; however, please note that a few other key people may also have access. These might include government agencies. Also, the Institutional Review Board at Boston College and internal Boston College auditors may review the research records. Otherwise, the researchers will not release to others any information that identifies you unless you give your permission.

#### **What will happen to the information we collect about you after the study is over?**

We will not keep your research data to use for other purposes. Your name and other information that can directly identify you will be kept secure and stored separately from the research data collected as part of the project.

We will not share your research data with other investigators.

#### **How will we compensate you for being part of the study?**

You will not receive compensation for your participation in this study.

#### **What are the costs to you to be part of the study?**

There is no cost to you to be in this research study.

#### **Your Participation in this Study is Voluntary**

It is totally up to you to decide to be in this research study. Participating in this study is voluntary. Even if you decide to be part of the study now, you may change your mind and stop at any time. You do not have to answer any questions you do not want to answer. If you decide to withdraw before this study is completed, the data collected will be deleted. Your participation may be terminated by the investigators without your consent if it is determined that you do not meet the criteria for participation because you are not a Title IX Coordinator that handles matters of student sexual assault.

If you choose not to be in this study, it will not affect your current or future relations with the University.

#### **Getting Dismissed from the Study**

The researcher may dismiss you from the study at any time for the following reasons: (1) it is in your best interests (e.g. side effects or distress have resulted), or (2) you have failed to comply with the study rules.

#### **Contact Information for the Study Team and Questions about the Research**

If you have questions about this research, you may contact Corey Kelly ([corey.kelly@bc.edu](mailto:corey.kelly@bc.edu), 617-552-2287) or faculty advisor Heather Rowan-Kenyon ([heather.rowan-kenyon@bc.edu](mailto:heather.rowan-kenyon@bc.edu), 617-552-4797).

#### **Contact Information for Questions about Your Rights as a Research Participant**

If you have questions about your rights as a research participant, or wish to obtain information, ask questions, or discuss any concerns about this study with someone other than the researcher(s), please contact the following:

Boston College  
Office for Research Protections  
Phone: (617) 552-4778  
Email: [irb@bc.edu](mailto:irb@bc.edu)

#### **Your Consent**

Before agreeing to be part of the research, please be sure that you understand what the study is about. You can print a copy of the document for your records. If



you have any questions about the study later, you can contact the study team using the information provided above.

You will be asked to provide verbal agreement to be a participant in this study. Make sure that you understand what the study is about before agreeing. We have provided you with an electronic copy of this document for your records. If you have any questions about the study after you sign this document, you can contact the study team using the contact information provided above.

You will also be asked to provide verbal agreement to be audio recorded for the purposes of data collection.

**Appendix D: Electronic Member Checking Letter to Title IX Coordinators**

Dear (Title IX Coordinator Name),

I hope that your semester is going well. Thank you so much for participating in my dissertation over the summer on how Title IX Coordinators carry out their various responsibilities related to campus sexual assault, and how they do their work in the context of their institutional cultures. As part of my qualitative data analysis process, I am reaching out to all participants to ask for feedback on my findings.

Attached is a draft of a figure explaining my findings, along with a brief explanation of the findings. If you have the time to look at this, I would appreciate any thoughts that you have, including whether these themes resonate with you or not, and whether there is anything I might be missing. I am looking for feedback until Friday, October 19th.

Thank you again for your invaluable time and participation. I am very grateful for your help with this process, and I will be in touch in the spring to share a final executive summary of my findings and implications.

Best wishes,

Corey

Corey R. Kelly  
Assistant Dean of Students  
Boston College

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