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# Inconsistency is the Consistency: The Title IX Reporting Process for Sexual and Gender-Based Misconduct Within Maryland Public Universities

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## Abstract

Title IX is a primary federal legal approach to address campus sexual and gender-based misconduct, yet few students utilize Title IX reporting as a formal campus support, and those that do frequently report negative experiences. In this study, we interviewed 11 student survivors at four Maryland public universities who engaged with the Title IX reporting and response process. Our aims were to (a) examine how Title IX functions in a state public education system with a robust Title IX policy; (b) describe commonalities and differences in experiences; and (c) use theories of institutional betrayal and support to understand aspects of the process most helpful or harmful for survivors, especially minoritized survivors. Results reflected several common themes, but also an inconsistent Title IX process both within and across institutions beholden to the same Title IX policy, representing potential policy deviations. Further, institutional betrayal was reflected in the experiences of minoritized survivors who described Title IX staff microaggressions and invalidations and survivors who unknowingly disclosed to mandatory reporters. Overall, experiences contributed to a perception of the Title IX office and reporting process as unhelpful and untrustworthy. Results identify the need to reduce inconsistencies in Title IX reporting and response processes to ameliorate process harms.

## Keywords

Title IX, sexual violence, colleges, thematic analysis, trauma

Sexual and gender-based misconduct, including rape and sexual assault, sex/gender-based harassment, stalking, and intimate partner violence, are common occurrences among women and gender-diverse (e.g., transgender and non-binary) college students (Cantor et al., 2020; Fedina et al., 2018). One of the primary federal laws that require universities to address sexual and gender-based misconduct is Title IX, which bars sex discrimination within educational institutions that receive federal funds (Silbaugh, 2015). Title IX was first applied to sexual harassment in the 1980s (*Alexander v. Yale University*, 1980) and has been reified through Supreme Court rulings (e.g., *Davis v. Monroe County Board of Education*, 1999; *Franklin v. Gwinnett County Public Schools*, 1992; *Gebser v. Lago Vista Independent School District*, 1998). In the years since, the Department of Education's Office for Civil Rights (OCR) has regularly established Title IX guidance and rulemaking on sexual and gender-based misconduct, which requires schools to take immediate and effective action to protect students reporting sexual and gender-based misconduct (U.S. Department of Education, 2001, 2011, 2020). Despite the

establishment of formalized institutional mechanisms of reporting and help-seeking for college students who experience sexual and gender-based misconduct, there is still much that is unknown about how Title IX functions within public education systems from the perspective of student survivors. In the present study, we provide an in-depth qualitative analysis of student-survivor experiences with their school's Title IX reporting and response process within four Maryland state public universities, describing these survivors' experiences, exploring the role of identity in Title IX processes, and using the concepts of institutional betrayal and institutional support as guiding theoretical frameworks to situate and understand survivors' experiences.

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### *Title IX and Institutional Responses to Sexual and Gender-Based Misconduct*

Title IX was originally passed in 1972 to bar sex discrimination within educational institutions which receive federal funding (Silbaugh, 2015). In 1997, the Department of Education's OCR first established guidance on sexual harassment (including sexual and gender-based misconduct) and directed schools on how to respond to reported sexual harassment under Title IX (U.S. Department of Education, 1997). OCR guidance was revised in 2001, and the 2011 OCR *Dear Colleague Letter* reminded schools of their responsibility for protecting reporting students and outlined additional guidelines (e.g., establishing an aspirational timeframe for resolution and ensuring all institutional members are aware of their rights; U.S. Department of Education, 2001, 2011). In 2017, the 2011 *Dear Colleague Letter* guidance was rescinded, and in 2020, new OCR regulations substantially changed the scope of institutional response to and adjudication of sexual harassment under Title IX (e.g., Title IX only applied to incidents on campus or at campus-sponsored events; all hearings required adversarial cross-examination; U.S. Department of Education, 2020).

In recent years, state lawmakers have passed legislation to develop policies to address sexual and gender-based misconduct at state-funded institutions of higher education (IHEs). As an illustrative example, through the passage of Maryland House Bill 571 (HB571) in 2015, Maryland requires specific institutional obligations for responding to sexual misconduct (e.g., IHEs are mandated to offer prompt notice and assistance to reporting parties, including their rights to file criminal charges, seek medical attention, and obtain mental health treatment). Additionally, this law mandates IHEs to biennially conduct and report on campus sexual assault climate surveys and to compile and report statistics on sexual misconduct reported to their Title IX offices, which are disseminated by the Maryland Higher Education Commission (Maryland HB571, 2015; Richards, 2019). For instance, from 2018 to 2020, 2,913 incidents were reported to the Title IX office, including 492 (16.9%) sexual assault I (non-consensual sexual intercourse), 342 (11.7%) sexual assault II (non-consensual sexual contact which does not include intercourse), and 2,079 (71.4%) other sexual misconduct incidents, including 40% sexual harassment, 15.7% dating violence, 15.5% stalking, 6.9% domestic violence, and 3.5% sexual exploitation (Maryland Higher Education Commission, 2021). Across all Maryland IHEs, two-thirds of reports were referred to the Title IX office through employees who were mandated to report to Title IX (59.9%), most incidents occurred on-campus (49.7%), respondents/accused were primarily students (56.4%), and few reports resulted in formal complaints (15.6%) and completed investigations (9%), but rather resulted in accommodation referrals for survivors/reporting parties, including on-campus or off-campus counseling or

healthcare (79.3% and 48%, respectively) or a no-contact order (18.7%). Of formal complaints, only 36.3% resulted in a finding of responsibility, and serious disciplinary sanctions (e.g., suspension or expulsion) only occurred in 14.3% of formal complaints. The 2,913 reported Title IX incidents between 2018 and 2020 account for only 0.42% of the 696,320 students (345,484 in 2019 and 350,836 in 2020) enrolled in Maryland IHEs in 2019 and 2020, respectively (Maryland Higher Education Commission, 2020, 2021). Analyzing these data, Richards (2019) demonstrated that few reports to Title IX offices result in formal complaints and investigations and that few investigations result in a finding of "responsibility" or sanctions for those found responsible (e.g., suspensions and/or expulsions). Thus, very few Maryland students report to their institution's Title IX office.

Reporting patterns at Maryland IHEs are consistent with those at other universities which show that few survivors report to formal campus supports, such as Title IX offices (Cantor et al., 2020; Holland & Cipriano, 2021; Holland & Cortina, 2017; Orchowski & Gidycz, 2015; Sabina & Ho, 2014). In these and other studies of college student survivors, common barriers to reporting include lack of knowledge of the Title IX office, experiences of or concerns about being blamed for the sexual misconduct, minimization of sexual misconduct experiences, concerns about perpetrators not being held accountable or retaliating, negative emotions, and perceptions of the reporting process as confusing, unhelpful, and/or inadequate (Fleming et al., 2021; Germain, 2016; Holland & Cipriano, 2021; Holland & Cortina, 2017; Khan et al., 2018; Nesbitt & Carson, 2021). Additionally, students often indicate low levels of trust in their institution's and the Title IX office's ability to adequately and fairly adjudicate sexual and gender-based misconduct, particularly minoritized students and students with prior victimization experiences (Cantor et al., 2020; Holland, 2020; Holland & Cipriano, 2021; Mushonga et al., 2021). Some recent qualitative research has examined survivors' experiences with the reporting process. One study analyzed the narratives of seven undergraduate survivors who reported to the Title IX office at their institution, finding that survivors faced minimization of sexual assault throughout the reporting process, lack of transparency and consistency in reporting procedures, and mistreatment from Title IX office staff (Holland & Cipriano, 2021). Another study of 32 graduate students across nine institutions found that Title IX investigation process outcomes (e.g., determinations that the harassment was not "severe" enough to constitute a policy violation) rarely reflected the severe negative consequences that survivors experienced (Cipriano et al., 2021). A study of 21 survivors at one institution found that survivors experienced negative outcomes as a result of participating in Title IX reporting processes (e.g., secondary victimization, and academic and financial consequences; Lorenz et al., 2022).

In sum, existing research suggests that few college student survivors utilize their institutions' Title IX office reporting process and that those who do describe negative experiences. However, additional research is needed to more fully understand the ways that survivors enter and move through Title IX reporting processes and how reporting processes may differ both within and across institutions. In the current study, we build on this existing work through an examination of survivors' experiences of institutional responses to sexual misconduct within a state public education system with a robust Title IX policy for all state-funded IHEs. Title IX processes within a state public education system with its own comprehensive Title IX policy should generally be consistent, reliable, and effective both within and across IHEs within the larger education system. Thus, examining survivors' experiences reporting sexual assault to Title IX offices within this system will both substantiate and extend prior research on this issue.

### *Theoretical Framework: Institutional Betrayal and Support*

The theory of institutional betrayal (Smith & Freyd, 2013, 2014) can help to contextualize and understand the importance of the Title IX reporting and response process for survivors of sexual and gender-based misconduct. Institutional betrayal encompasses harmful acts perpetrated by institutions upon whom individuals within the institution depend upon for protection and support against harm, including failure to prevent abuse, covering up and normalizing abuse, difficult and inadequate reporting and response procedures, and punishing victims and whistleblowers (Smith & Freyd, 2013, 2014). Institutional betrayal can be both a deterrent to engaging with the Title IX process, as well as an outcome of interacting with the process. Further, it is germane to understand how survivors' intersecting identities may affect their interactions with formalized mechanisms of reporting and help-seeking (Holland & Cipriano, 2021). In studies of college student survivors, experiencing institutional betrayal is associated with increased posttraumatic stress disorder, dissociation, anxiety, and sexual dysfunction symptoms (Hannan et al., 2021; Smith et al., 2016; Smith & Freyd, 2013). Sexual minority and racial minority college students who experience sexual assault also report greater institutional betrayal compared to their heterosexual or White counterparts (Sall & Littleton, 2022; Smith et al., 2016). A recent study compared quantitative ratings of institutional betrayal among college student survivors of sexual assault and found higher ratings of institutional betrayal among survivors who disclosed to Title IX and/or campus police, compared to survivors who disclosed to confidential sources, such as counselors, or mandated reporters, such as faculty members (Sall & Littleton, 2022). The antidote to institutional betrayal is institutional support—that is, supportive, positive responses from individuals within institutions

when survivors report sexual and gender-based misconduct, such as believing their accounts, apologizing for their experiences, providing necessary accommodations, and allowing them a say in how their report is handled (Rosenthal et al., 2016). Institutional support is one form of institutional courage, which is when an institution engages in moral action and seeks truth despite possible short-term costs or risks (Freyd, 2018). In the current study, we use the theories of institutional betrayal and support to contextualize aspects of the Title IX process that are most helpful or harmful for survivors, especially minoritized survivors (i.e., sexual and gender minority students, racial/ethnic minority students, and those with disabilities). Prior research has offered valuable insights into the ways in which institutional responses to sexual assault harm survivors who may report sexual and gender-based misconduct, but gaps in our knowledge remain. For instance, prior research has primarily been conducted at a single university and has assessed institutional betrayal among survivors who may or may not have engaged in any formal reporting process. In the current study, we aimed to address these gaps.

### *Current Study*

Using in-depth qualitative interviews from students in four state public IHEs in Maryland, we offer detailed and novel insights into Title IX reporting and response processes as experienced by survivors across different campuses, guided by relevant policy and theoretical frameworks. Our specific aims were to (a) examine how Title IX functions within a state public education system with a robust Title IX policy (i.e., consistency and efficiency of the process within and across state public IHEs); (b) describe commonalities and differences in experiences; and (c) use theories of institutional betrayal and institutional support to understand aspects of the process most helpful or harmful for survivors, especially minoritized survivors (i.e., sexual and gender minority students, racial/ethnic minority students, and students with disabilities).

## **Method**

### *Participants and Recruitment*

Recruitment and data collection occurred from December 2019 to May 2020, as part of the first author's doctoral dissertation, and was approved by the University of Maryland, Baltimore County Institutional Review Board. Data collection occurred prior to the announcement in May 2020 of federal policy changes and the requirement that universities implement specific changes by August 2020 (U.S. Department of Education, 2020). Five diverse Maryland public higher education institutions across the state were chosen as sites of data collection to allow for an adequate sample within a limited dissertation timeframe. IHEs were

chosen for the following reasons: they were all public (and thus beholden to the same state educational system Title IX policy); ranged in size from small to large and in location from rural to suburban; were accessible to the first author for interviewing purposes; and students and/or faculty and staff indicated a willingness to assist in recruitment. Participation was open to all current students aged 18 years or older who had an incident of sexual or gender-based misconduct referred to the Title IX office at their institution, and particular attention was paid to recruiting students with marginalized identities, including sexual and gender minority students, racial/ethnic minority students, and students with disabilities. The first author distributed information and outreach materials via email, phone, social media, and in-person via flyers to Title IX offices, sexual and gender-based misconduct education and advocacy programs, university counseling centers, women's and diversity centers and offices, Greek life organizations, psychology and women's/gender studies departments, and student groups focused on assault/abuse survivors as well as identity-specific groups focused on minoritized communities (e.g., the lesbian, gay, bisexual, and transgender student union).

A total of 34 students at all five sampled IHEs reached out to the first author expressing interest in participating, and 23 participants were excluded either for not meeting inclusion criteria or not responding to a follow-up email or phone contact, resulting in a total sample of 11 enrolled students from four of the five sampled institutions. After interviews, demographic information was collected (see Table 1 for participant demographics). The four participating institutions are denoted in Table 1 as "school 1" (mid-sized public #1), "school 2" (large public), "school 3" (small public), and "school 4" (mid-sized public #2). Participants ranged in age from 19 to 23 years ( $M = 20.5$ ,  $SD = 1.3$ ). Seven participants (63.6%) were White, three (27.3%) were Black, and one participant (9%) was Multiracial. Eight participants (72.8%) identified as women and three (27.3%) identified as non-binary. Seven participants (63.6%) identified as either queer, bisexual, or pansexual, while four (36.4%) identified as straight/heterosexual. Five participants endorsed having a disability (45.4%), while six participants (54.5%) did not.

### Procedure and Interview Protocol

All participants provided informed consent prior to the interview, which included obtaining consent to audio record their interview, offering a copy of their signed informed consent document, reminding participants that they could take a break or withdraw from the study at any time, and identifying at least one crisis management or self-care strategy that participants could use during and/or after the interview. Participants were paid \$50 in cash. The first author conducted all interviews, the first seven of which occurred in-person at a secure location on

the campus of the participant, and the latter four of which occurred remotely via a private and password-protected video conference (due to the spread of COVID-19 and guidance from the sponsoring IHE that all non-essential activities should occur remotely). All participants completed interviews in one meeting, and interviews were on average 53.5 min ( $Md = 54$  min, 6 s;  $SD = 16.8$ ). Aligned with best practices in qualitative interviewing, interviews were semi-structured and non-directive (Yin, 2011). The interview protocol included a set of open-ended questions but probing varied based on the information provided by participants. Probes encouraged participants to share their stories within a narrative structure (e.g., "tell me more" or "and then what happened?"). Influenced by theories of institutional betrayal and support, interviews asked about students' Title IX processes, interactions with responsible employees, and perceptions of how their university addresses Title IX reports and cares for survivors of sexual and gender-based misconduct (see the Appendix for interview protocol).

Each interview was transcribed verbatim by one of three trained undergraduate research assistants under the supervision of the first author. Research assistants were asked to identify any information that could possibly be used to identify participants, such as the names of the Title IX staff they interacted with or their specific institution, which the first author redacted from the transcripts and replaced with non-identifying notations (e.g., [TITLE IX COORDINATOR] and [UNIVERSITY]). As part of member checking (i.e., participant validation to examine the credibility of results), which was introduced in the informed consent, the first author reached out to all participants to offer the option to view their de-identified transcript along with preliminary results. Participants were invited to share feedback, questions, and concerns, but no participant provided any feedback besides thanking the first author.

### Analytic Approach

We used thematic analysis to analyze these data, which is a broad and flexible method of identifying and interpreting patterns within data (Braun & Clarke, 2006). Thematic analysis allows for analysis of both semantic themes (i.e., the actual words used by participants) and latent themes (i.e., interpretations of participant data that goes beyond what was explicitly discussed), is not tied to any particular theory, and provides a coherent and organized story about the data related to the specific research questions. The first author led analysis efforts as the study was part of her dissertation, which necessitated independent analytic work, but multiple steps were taken to establish the reliability and validity of the findings. In line with Braun and Clarke's (2006) recommendations, the authors both independently coded six of 11 interviews (approximately half the data), which involved

**Table 1.** Participant Demographics, Listed by Pseudonym.

Pseudonym	Gender	Race	Sexual orientation	Disability	School number
Amy	Woman	White	Queer	None identified	1
Alex	Non-binary	White	Queer	Yes	1
Clarissa	Woman	White	Heterosexual	Yes	2
Jasmine	Woman	Black	Heterosexual	None	3
Gabrielle	Woman	Multiracial	Heterosexual	None identified	3
Kristina	Non-binary	White	Bisexual	None identified	1
Johanna	Woman	White	Bisexual	None identified	1
Eshe	Woman	Black	Pansexual	None identified	4
Cal	Non-binary	White	Pansexual, quiosexual	Yes	4
Natalie	Woman	White	Bisexual	Yes	4
Imani	Woman	Black	Heterosexual	Yes	3

Note. Age range = 19–23 years. School number: 1 = mid-sized public university #1; 2 = large public university; 3 = small public university; 4 = mid-sized public university #2.

organizing data through bracketing chunks and assigning word(s) to represent the category, and codes were derived from the data (i.e., inductive coding), rather than pre-determined (Braun & Clarke, 2006; Yin, 2011). After initial coding, the authors met to obtain agreement on coding decisions. The first author coded the final five interviews alone, and all coding was reviewed and discussed with the second author to obtain agreement and finalize the initial codebook. Next, the first author identified themes, including semantic themes explicitly described by survivors, and latent themes describing patterns, similarities, and differences across participants' experiences beyond what was explicitly stated by the participants to gain a more in-depth understanding of Title IX reporting processes and its impacts. The first author led thematic coding efforts but met with the second author to review and obtain agreement on all thematic coding decisions.

### Reflexivity Statement

At the time of data collection, the first author was a doctoral student at one of the IHEs where recruitment occurred and was involved in a university-sponsored initiative to implement changes to campus sexual and gender-based misconduct programs and policies. Study information was shared with members of the university-sponsored initiative, but it was emphasized that participation was both voluntary and confidential for all participants. The first author was not a staff member nor representative of any Title IX office, did not conduct research on behalf of nor at the request of any Title IX office, and no identifying data was shared with any Title IX office. The second author is a faculty member at a non-Maryland IHE who served on the first author's dissertation committee, has experience working with survivors of sexual and gender-based misconduct as an advocate and researcher, and has expertise in Title IX and campus sexual and gender-based misconduct.

## Results

### *Semantic Themes: Title IX Process from Start to Finish*

*Pre-Process Experiences.* Pre-process experiences were knowledge, attitudes, and beliefs held prior to interactions with the Title IX office and/or reporting process, including a lack of factual knowledge about Title IX and its applications to sexual misconduct, and negative perceptions of Title IX.

*Limited Factual Knowledge About Title IX and its Applications to Sexual Misconduct.* Most participants described limited factual knowledge about the Title IX reporting and response process prior to their reported incident, though they ranged in understanding and exposure. Amy stated, "I didn't even know what Title IX was ... I thought it was just sports." Kristina said, "the only thing I really knew about Title IX was maybe something mentioned in the thing we have to do ... when we enroll, you have to do the alcohol and consent thing." Eshe described the common misconception that Title IX only related to gender parity: "I knew that Title IX had to do with ... in my graduating class in high school ... they would just divide it, boys wear this color, girls wear this color, but now they made it a uniform everybody wears ... because of Title IX." Jasmine said, "I do recall teachers saying ... anything they hear they would have to report it to ... Title IX." Alex said, "my incident was a gender-based harassment type situation, and I did not know that fell under Title IX," while Cal said, "I was aware of the hate/bias reporting online, but I wasn't familiar with Title IX." Jasmine assumed victimization was typically reported to the police, saying "I didn't know anything about [TITLE IX], I thought you just tell the police."

Even those with Title IX training did not have a strong understanding of the Title IX reporting and response process. As a university employee who received Title IX training, Alex stated, "I learned basic resources if anyone

ever needed them ... I still think I didn't really know everything, at least about Title IX, until I went through the process myself." Clarissa received sorority Title IX training, but stated, "I don't think I really knew specifically what the resources were, I more just knew that they were there." Due to a lack of factual knowledge about the Title IX reporting and response process and its applications to sexual and gender-based misconduct, students were unlikely to be aware of their rights under Title IX, including how to seek help under Title IX after experiencing victimization.

*Students Held Negative Perceptions About the Title IX Office.* In addition to limited factual knowledge, students generally described a negative perception of the Title IX office and their university's response to sexual and gender-based misconduct prior to interacting with the office. For instance, Amy stated that students she knew who had been through the Title IX process "are not happy with how the institution handles things." Alex similarly said they "hear the bad way more than I do the good." Kristina stated, "a lot of people were upset with [TITLE IX INVESTIGATOR] for how [TITLE IX INVESTIGATOR] handled some previous cases." Johanna was upset by an activist campaign at her university that called for the removal of her Title IX Investigator and believed the university's main aim was to "protect [its] legacy of [its] employees and of [its] administration." Cal heard from others that Title IX is "usually not going to lean in favor of students." Eshe felt her university made "an effort" in addressing misconduct, but it was typically "the more appealing, aesthetically pleasing, more visual representation of resources and help, 'we're here for you.' They're not doing the checks and balances." Students' negative perceptions of the Title IX office and the reporting process, largely based on experiences of peers and friends, may have had a chilling effect on reporting, particularly in the absence of clear and accessible factual information about reporting.

*Process Entry.* Process entry experiences were those occurring in the initial stages of students' interactions with Title IX processes, which propelled student engagement with the Title IX office/reporting process, including reporting being encouraged or forced by informal supports or police.

*Reporting was Encouraged or Forced by Others.* Many participants were encouraged to report or move forward with the Title IX reporting process from informal support or were forced after unknowingly disclosing to mandatory reporters. University diversity center staff scheduled a meeting between Amy and the Title IX Coordinator at Amy's request and informed Alex, a non-binary student, of their right to report gender-based harassment under Title IX. After a run-in with their perpetrator, Cal stated, "I was just very distraught and went to the Dean's office ... I started crying and then the office assistant gave me the information for the [TITLE IX OFFICE]." Natalie was given

information on the Title IX office via student affairs after she emailed them with feedback on a university-wide domestic violence campaign. After reporting to the Title IX office, Clarissa felt ambivalent about pursuing an investigation, but was motivated after finding out a friend was allegedly assaulted by the same perpetrator: "[RESPONDENT] went through the alcohol training and the sexual misconduct training ... and he's still doing this ... so that's basically what pushed me to go through with everything." Residential staff, especially resident assistants (RAs), played a significant role in initiating reporting. Although most students did not know the residential staff were mandatory reporters to Title IX (i.e., required to report disclosures to the Title IX office), all but one student noted that RAs reported with their permission or helped them report. After intervening during her assault, Imani's RA said, "this is not okay, this is not something that could just fly." After Johanna disclosed to her RA, Johanna's RA prioritized her autonomy and "made it clear that I don't have to follow through with [the report], she just has to report it." Amy had a more negative experience with an RA, who reported without her permission and downplayed the seriousness of the incident: "He kept asking if ... I was physically in danger. I was like 'no, I don't think [RESPONDENT] is gonna come and do anything' ... but I said that I was really scared, and he was like 'why, you're not physically in danger.'" In addition to residential staff, some students were forced into Title IX reporting by police, due to either police referring incidents to the Title IX office without their permission or pressuring them to report to the Title IX office. A stranger called the local police to report Clarissa's assault, and the police referred her case to the Title IX office without her permission or knowledge. Eshe's perpetrator filed a retaliatory police report against her, and when officers came to her residence hall, Eshe felt pressured into reporting the abuse she experienced to the Title IX office to avoid disciplinary action for property damage that occurred during the incident.

*Process Engagement Experiences.* Process engagement experiences are those which occurred while students were engaged in the Title IX process, and represent a range of experiences that students perceived both positively and negatively.

*Having a Support Person.* During the reporting process, several participants had a support person present, either informal campus support (e.g., a staff member) or friends/family. Participants described informal campus support as particularly helpful with preparing for meetings, providing support, and debriefing. Amy described the crucial role the diversity center staff member played in her decision to report:

[DIVERSITY CENTER STAFF] ... came to most meetings ... I could not have done it without her. I didn't even know what Title IX was, so if I had never gone to the [DIVERSITY CENTER], I don't know that I would've done anything.

This theme suggests the importance of an advocate or support person during engagement with the Title IX reporting process.

*Providing and Following Through on Accommodations.* All participants discussed obtaining some accommodations or resources during the reporting process, most commonly a no-contact order, but also referrals to counseling, academic support, and housing changes, though experiences with accommodations varied. Alex described the usefulness of their no-contact order for protecting their education, saying “to know that [RESPONDENT] wasn’t allowed to talk to me anymore really helped me get through the rest of the semester and feel a lot more secure.” Two other participants described how no-contact orders prevented harassment, but did not prevent them from continuing to see their perpetrators on campus and at social events. Several participants were referred to counseling, although only one participant, Kristina, described the Title IX Coordinator providing a warm referral (i.e., having one service provider directly connect the client to another service provider): “The only reason I was able to get scheduled into the [COUNSELING CENTER]... was because [TITLE IX COORDINATOR] went with me and was like, ‘this is like a critical emergency.’” Alex, Clarissa, and Eshe received academic support including due date extensions, extra time on exams, leniency in attendance requirements, and the ability to switch classes. Alex, Kristina, and Johanna received housing changes, including being moved to another residence hall and/or having their perpetrator moved to another residence hall. This speaks to the centrality of accommodations in ameliorating some of the negative mental health and academic impacts of victimization.

*Positive and Supportive Title IX Staff Interactions.* Alex and Clarissa both stated that Title IX staff was quick to respond to them, while both Clarissa and Jasmine noted that Title IX staff answered all questions and clearly explained all steps of the process. Gabrielle described her Title IX Coordinator as “supportive,” and Natalie described her Title IX Investigator as “really nice ... sweet.” Alex described their Title IX Coordinator as “down to business, but ... empathic.” Imani stated, “[TITLE IX STAFF] made me feel like I wasn’t alone ... they always kept in contact with me, it wasn’t just a one-time thing and then leave, they kept in contact to make sure I was okay.” Kristina and Johanna described their Title IX Investigators as “nice” and “polite.” Amy stated that her Title IX Coordinator talked her perpetrator out of suing her. This speaks to the importance of kindness, empathy, and support from Title IX staff, though this was ultimately insufficient to mitigate the negative impacts of the Title IX process on students.

*Not Offering or Following Through on Accommodations.* Although most participants noted at least one accommodation obtained during reporting (e.g., no-contact order,

academic support, housing changes, and referrals to counseling), a few participants noted not receiving sufficient accommodations, particularly around academics and counseling. Amy and Natalie were both struggling academically, but neither was offered academic support. Jasmine discussed how she did not receive any follow-up from Title IX after her case concluded:

... [TITLE IX OFFICE] could reach out to me and ask me—like, a counselor maybe ask me “is everything all right,” how am I doing after the situation. I feel like they could do that more, “cause I don’t think I received anything like that.”

Cal felt that the only offered accommodation by the Title IX office—preventing their perpetrator (a faculty member in their department) from being their assigned advisor—was insufficient to address their needs. Cal said, “through the investigation, I wasn’t told about any resources ... or offered any kind of extra support.” Overall, students may be as harmed by an omission of resources and support (e.g., accommodations and follow-ups) as they are by the commission of other more overt harms (e.g., victim blaming and minimization). It was unclear from students’ descriptions what led to inconsistent accommodations, but this demonstrates the importance of student knowledge of their Title IX rights and having designated staff to support and connect students with accommodations.

*Cold and Impersonal Title IX Staff Interactions.* While participants generally understood the necessity of an impersonal effect given the role and job demands of Title IX staff, they described them as “cold,” “blasé,” “fake,” “neutral,” “stoic,” and “impersonal.” Johanna described feeling confused and hurt by the Title IX Coordinator’s impersonal approach:

[TITLE IX COORDINATOR] is one of the first people you’re supposed to talk to. And throughout this whole process, she guides you ... in that moment, it was very much a slap in the face. Like this is not someone who is here to help you, this is someone who is with the system, and no matter how much you scream and cry, you cannot do anything.

This theme speaks to the limitations of Title IX investigators as the primary point of communication for student survivors. As Johanna explains, she needed someone to support her during the process, which was not what she received from the Title IX Coordinator, but would be from someone who only serves the survivors’ best interests (e.g., a victim advocate).

*Investigations and Staff Follow-Up Taking Too Long.* There were a few cases, notably Cal’s and Eshe’s, in which the Title IX process was relatively brief (i.e., three to four months), but most cases lasted much longer or involved a lack of promised follow-up. Alex was ambivalent about



whether to pursue an investigation, and their Title IX Coordinator reportedly told them they “would reach out to me in a couple of weeks again to see what I was thinking and then she never did.” Jasmine similarly indicated that the Title IX office took nearly a month to reach out to her after her initial report, and she found out through friends that Title IX staff met with witnesses and the respondent prior to notifying Jasmine. Natalie similarly did not hear from the Title IX office until over a month after first contacting them. Clarissa, Kristina, and Johanna, all of whom pursued investigations, described significant delays and a nearly year-long process. Clarissa indicated that her perpetrator rescheduled his interview with the Title IX office multiple times saying he was out of town, when at the same time, Clarissa would see him around campus. After Kristina made their initial report to the Title IX office about a student who lived in her dorm, they described the couple of weeks between their initial report and the Title IX office following up as “pretty nerve-wracking, cause I’m still living on the floor with this person who doesn’t know what’s going to happen and waiting for [TITLE IX] to be like ‘we can talk about this.’” Johanna’s Title IX Investigator routinely did not follow up in the promised timeframe:

I was left in the dark for like a month, for weeks on end, plus more sometimes ... I would email him and what I would get back was, “as discussed in our previous meeting, we will contact, or we will be doing this part of the process next,” acting as if he didn’t give me a date ... if it’s taking you a while, that’s fine. But don’t give me a date, because all you are doing is causing mental health issues for me and giving me false hope.

As with the lack of follow-up to reports, the long and delayed adjudication process with minimal explanation caused additional concerns and distress for student survivors.

**Non-Transparent Investigations.** Amy, Alex, and Imani discussed uncertainty about what happened to their perpetrators after they reported. Amy’s perpetrator was a graduate student, and when she requested information on his student status, the Title IX office was unwilling to tell her this information. Alex’s perpetrator, who was their supervisor at a university job, was fired without Alex’s knowledge. Of her perpetrator and his whereabouts after their case concluded, Imani said, “I’m not sure. All I know is that he left after that semester, and transferred ... I don’t think Title IX told me.” Gabrielle expressed confusion about the outcome of her case and any disciplinary action taken against her perpetrator. After Gabrielle’s perpetrator did not show up for his Title IX meeting, “[TITLE IX COORDINATOR] called me and told me that he didn’t show up for the meeting. So, after that, I just don’t know what happened.” Johanna and Cal described a general feeling of being left out of their

investigations. Johanna said, “I was barely part of this investigative process,” while Cal said, “I felt that I was kind of in the dark about the whole process.” Lastly, Kristina and Johanna’s Title IX Investigator left in the middle of their cases, before their final hearings, which Kristina was notified of while Johanna was not. The amount of transparency and communication varied significantly across students, further contributing to inconsistencies in experiences and expectations.

**Interacting with Perpetrators During Hearings.** Students who participated in hearings described varied set-ups. Clarissa was in the same room and at the same table as her perpetrator and his lawyer. Kristina and Johanna were in a separate room in the same building as their perpetrators and their perpetrators’ lawyers and communicated via closed-circuit television. Eshe was in the same room as her perpetrator but with a divider so they did not physically see each other. No survivor brought a lawyer to their hearing. All participants described distressing elements of the hearings and the varied involvement of respondents’ lawyers and supports. Clarissa described feeling “really uncomfortable and really nervous.” Johanna explained the trauma of her perpetrator projected on a TV screen next to her:

There’s a TV that has the rapist’s face on it. There’s a camera on that person and their lawyer. So, if I look this way, I am met with the eyes of the rapist. And you can imagine, trying to tell a speech about what happened to you, when literally in the corner of your vision is just this whole traumatic experience right there.

Eshe noted that her perpetrator’s dad kept saying things under his breath, until the Student Conduct Director intervened. Kristina noted that they wanted to have their case considered alongside another student who was pursuing an investigation against the same respondent, but “the responding party’s lawyer fought against that very hard, and so we weren’t able to have our cases together.” This theme emphasizes inconsistencies in the process, specifically regarding hearing set-ups and the harm in interacting with perpetrators during hearings.

**Biased Identity-Related Issues Between Students and Staff.** Students with minoritized or marginalized identities, including transgender/non-binary students, women students, Black students, and students with disabilities, described biased identity-related issues between themselves and Title IX staff. This included perceived staff misunderstanding of their identities, invalidations and microaggressions, and concerns that bias impacted their cases. In their initial meeting, the Title IX Coordinator did not use Alex’s they/them pronouns; Alex explained,

There’s that power imbalance, so, if I’m a student and you’re the Title IX Coordinator and you misgender me, it’s like, well, how

am I supposed to correct you? ... it makes it harder for trans folks to feel comfortable reporting.

Cal described their investigation as having “hyper-focus on my pronouns ... like I was being interrogated ... in a similar way to how some students had bullied me.” Cal reported gender-based harassment from a professor, who was ultimately found not responsible because investigators believed Cal had not been explicit enough about using they/them pronouns. Cal described how they thought cissexism affected their Title IX case:

There was some bias in the investigation because I couldn't imagine that somebody who is cisgender would be told if they didn't share their pronouns then it would be impossible for the professor to ID them based on, or to notice, their gender expression ... I felt like the staff probably have an inadequate understanding of gender and trans, particularly trans non-binary people, and because of that they're not capable of addressing those situations.

After Johanna's perpetrator was found not responsible, Johanna requested to appeal her case with a new investigator, stating, “this isn't fair because [TITLE IX INVESTIGATOR] is a male investigator ... I do not ... have someone that could even relate to what I am saying.” Johanna described the Title IX Coordinator's response as, “[TITLE IX INVESTIGATOR] is a professional, there's no need for that, he is trained.” Johanna did not pursue a formal appeal of her case. Similarly, after their perpetrator was found not responsible, Kristina explained: “I don't know if he, as a male investigator, necessarily understands what it feels like as a female-identifying person to ... be pressured. And so, his perspective on unreasonable pressure is probably different from ... my experience.” In addition to perceived cissexism, Cal believed their disability was part of their perpetrator's targeted harassment of them and felt their disability was invalidated because of a lack of documentation. Additionally, Eshe described experiences of discomfort and invalidation from the majority White staff investigating her case:

There were way too many White people ... I would feel better if it was a Black woman investigating ... if it was a White woman crying and saying, ‘this guy is stalking me,’ then maybe more would have been done.

These instances of staff misunderstandings, microaggressions, invalidations, and the negative emotions which resulted, represent identity-based inconsistencies and greater institutional betrayal experienced by minoritized students.

**Process Outcomes.** Respondents were found responsible in the cases of Clarissa, Jasmine, Eshe, and Imani. Clarissa's perpetrator was expelled, while Eshe's perpetrator was

suspended for 1 year. Jasmine's perpetrator received a permanent no-contact order and disciplinary probation. Imani did not know the disciplinary action taken against her perpetrator. Eshe described feeling unsatisfied that her perpetrator was suspended and not expelled, and the message this sends about the acceptability of his behavior:

A year was way too little ... he pulled a knife on me in the attack ... I feel like if you're suspending him for a year, it's implying that you're ok with having this person back on your campus after they sat in a time out for a while to think about their actions.

Respondents were found not responsible in the cases of Kristina, Johanna, and Cal. Kristina stated, “it ... hurt to have them say no violation ... the most they said was ... ok, there might have been some unhealthy relationship behavior so maybe you should get counseling.” Kristina wanted to appeal, but “[TITLE IX COORDINATOR] didn't want to appeal and I didn't want to drag her into more.” Cal's outcome letter stated that because they “admitted to not explicitly notifying the department or the department chair of [their] pronouns,” there was no evidence that Cal's professor could have perpetrated gender-based harassment. When Cal appealed, they received a letter stating, “the professor's behavior was justified, and I just misunderstood what the professor's intentions were.” Lastly, when Johanna's perpetrator was found not responsible, she felt that the Title IX office's actions demonstrated her “rape wasn't good enough.”

Alex and Amy did not pursue an investigation. Alex considered an investigation, but their Title IX Coordinator did not follow up with them until after their perpetrator had already been fired and moved out of state. Amy regretted not pursuing an investigation, saying, “I look back and I wish that I had done the investigation because he's still on campus, he faced absolutely no consequences for anything he did, and I hate it.” In Gabrielle's case, the Title IX office dropped the investigation after the respondent did not show up for a meeting, and Gabrielle believed that because he faced no consequences, “I don't really think he learned that it's wrong to do something like that to a woman.” Lastly, Natalie was never offered the option of an investigation, despite her abusive ex-boyfriend stalking her on campus: “I just felt like there wasn't really any options ... I was annoyed because I just felt like I had to go there, tell somebody else what happened to me, just for her to be like ‘ok.’”

About a third of students identified respondents who were past perpetrators and Title IX respondents, and in all instances except one, these perpetrators were found not responsible. When Clarissa realized that her perpetrator had also sexually assaulted her friend and was previously found responsible for a Title IX policy violation, she was motivated to pursue an investigation against him, which eventually led to his expulsion. Kristina knew of another person victimized

by the same perpetrator and tried having their two cases considered simultaneously but was denied, and the respondent was found not responsible. Lastly, Cal heard that two acquaintances had been harassed by the same perpetrator and one was also pursuing a Title IX investigation, but in all instances, the faculty member was not found responsible nor were they disciplined. It is noteworthy that only Clarissa was satisfied with the outcome of her case, wherein her perpetrator was expelled. With the exception of Clarissa and Eshe's cases, no other case involved any serious disciplinary action, providing further evidence that serious disciplinary action is uncommon in the Title IX process. Moreover, survivors often experienced findings of non-responsibility as delegitimization of their experiences and reports.

**Process Consequences for Survivors.** Process consequences were emotional, psychological, and behavioral outcomes of the Title IX process, including negative mental health and academic impacts, as well as being galvanized toward activism to support fellow student-survivors and promote changes in the Title IX process.

**Negative Mental Health Impacts.** Amy called the Title IX process "really nerve-wracking and scary," and Alex said, "going there was super anxiety-filling." Clarissa noted, "I was pretty not well for most of it, 'cause I already have a lot of other mental illness issues and so this all kind of exacerbated that a lot." Johanna stated,

This school has put me through a torturous hell, I almost killed myself three times, I am putting thousands of dollars into outside therapy because ... [UNIVERSITY] counselors are incompetent when it comes to Title IX cases and ... sexual violence.

Eshe stated, "throughout the investigation I was the most depressed I'd ever been." Cal felt "hopeless" after their case concluded. Lastly, Kristina stated,

It was somewhat upsetting because I had ... to get way more detailed ... than I was comfortable with ... it was one of those things where I was like, if I'm not detailed, is it going to mean that my case is less valid?

For some, negative outcomes included retaliation from perpetrators. Amy's perpetrator filed a Title IX report against her and threatened to sue her until the Title IX Coordinator intervened. Cal noted that after they reported their professor, they "got cut off from the department ... I haven't received any notices about anything, any opportunities or activities." Eshe stated that if her perpetrator returns to campus after his suspension, she "will not be surprised if he starts to stalk me or ... if he starts to do things." Natalie declined to get a no-contact order against her perpetrator because she "didn't want to stir the pot." This demonstrates how the Title IX process itself can negatively impact mental health,

for reasons including disclosing one's victimization to staff who may lack mental health/clinical training, repeatedly sharing highly personal and invasive information, coping with an unwanted case outcome, and dealing with harassment and/or retaliation from perpetrators.

**Negative Academic Impacts.** Amy, Alex, Clarissa, Kristina, Eshe, and Natalie described negative academic outcomes due to their engagement with the Title IX process, including skipping classes out of fear of seeing their perpetrators, tardiness to class or with assignments because of distress, and difficulty focusing in class. Amy stated, "my academics were so affected, like that was one of the worst semesters I've had here ... I definitely spent a lot of time organizing meetings and stepping out of class to answer emails," and Alex stated, "I was so behind in all my classes." Alex, Clarissa, and Eshe were offered academic accommodations via the Title IX office asking their instructors for extensions and leniency, which they noted as being crucial to their academic success. Alex said, "I would have failed the entire semester [without academic accommodations]." Kristina self-advocated by telling their professors about their Title IX case, stating "once or twice I had to ask for extensions on assignments and had to mention, 'hey it's because I have this Title IX thing happening' ... which was kind of uncomfortable." However, Amy and Natalie did not receive any academic accommodations or support. As with the prior theme, this demonstrates how the Title IX process itself can negatively impact academic outcomes, and the need to offer academic support for all students within the Title IX process.

**Galvanized Toward Activism.** Some students discussed being galvanized by their Title IX experiences toward subsequent activism against sexual and gender-based misconduct, as well as greater community engagement. Amy and Clarissa both joined sexual assault advocacy student groups, while Eshe joined a social justice group that presented a list of demands to the university president and Title IX office. Alex and Amy both now help other survivors navigate the Title IX process. Alex stated they "always try to encourage people, if that's what they want, [TITLE IX] is a resource available to them." Lastly, Cal discussed finding refuge in their university's diversity center after their case, which they described as "my sort of safe haven." Students were encouraged toward activism and equipped with the knowledge to help others because of their own difficult experiences with victimization and the Title IX process.

### **Latent Themes: Overarching Commonalities and Differences in the Title IX Process**

**Inconsistencies in the Title IX Process.** Across the Title IX process, including process entry (e.g., disclosure and reporting), Title IX response to reports, the investigative process, and case outcomes, the Title IX reporting process lacked consistency both within the same IHE and across different IHEs

all beholden to the same state policy. The largest inconsistencies between survivors' experiences with the Title IX office were in process engagement experiences, including accommodations, investigation hearing set-ups, investigative timeframes, contact with Title IX staff, and Title IX staff response to retaliation from respondents. Looking at inconsistencies within IHEs, Alex (school 1) received academic support (e.g., extensions on assignments), but Amy, who was also at school 1, was not offered these accommodations despite struggling academically while engaged in the Title IX process. Similarly, at school 4, Natalie and Eshe were offered no-contact orders as interim measures, while Cal was not, despite the fact that Cal's perpetrator was a faculty member in their department. Additionally, at school 4, Eshe noted that Title IX staff did not intervene when she reported that her perpetrator violated their no-contact order, while Cal noted that Title IX staff prevented their perpetrator from being assigned as their academic advisor.

Inconsistencies were also noted across IHEs. Regarding hearing set-ups, Clarissa (school 2) was at the same table as her perpetrator, while Eshe (school 4) was in the same room as her perpetrator but with a physical divider, and Kristina and Johanna (school 1) were in separate rooms communicating through closed-circuit televisions. Regarding investigative timeframes, Eshe and Cal (school 4) stated that the formal adjudication process for their cases took approximately 3–4 months, while Kristina and Johanna (school 1) and Clarissa (school 2) described long, drawn-out processes lasting approximately a year. Access to investigators also appeared to vary across IHEs; Imani and Gabrielle (school 3) described Title IX staff as being communicative and available to them throughout the process, while Johanna (school 1) said she was "left in the dark for like a month, for weeks on end." Further, at school 1, Kristina and Johanna noted that their Investigator left in the middle of their cases with little to no notice, while no other participant at any other IHE described staffing issues of this nature. The inconsistencies in Title IX policy both within and across IHEs produced a reporting process that harmed these survivors and undermined their rights.

When considering all the cases, there were only two that were largely consistent and positive in terms of reporting experiences and outcomes—Clarissa (school 2) and Eshe (school 4). These cases had multiple similarities, including that both involved physical victimization (i.e., rape and physical assault) and police involvement (initiated by people other than the participant), which may have served to legitimize the seriousness of the incidents to the Title IX offices at their IHEs. The response process for both cases involved Title IX staff who encouraged Clarissa and Eshe to proceed with investigations despite Clarissa's and Eshe's ambivalence. Both participants were offered academic accommodations and described the process as generally transparent. Notably, these were also the only two cases where respondents/accused received serious disciplinary action (i.e.,

expulsion and suspension). The primary discrepancy between these cases was in bias identity-related issues; as the only White, heterosexual, cisgender woman in the sample, Clarissa did not note any perceived identity-based bias or discrimination from Title IX staff, while Eshe noted a belief that her perpetrator's violation of a no-contact order was not addressed by the predominately White Title IX staff in part because she is a Black woman.

*Potential Deviations from Policy and Protocol.* Students described multiple potential deviations from established Title IX policy and protocol. Alex and Amy were both offered "informal investigations" by their Title IX Coordinators, but neither had the option explained. Clarissa and Jasmine both initially reported to local police, and afterward, they were contacted by Title IX staff, suggesting that police referred their cases to the Title IX office without their knowledge or consent. Jasmine and Imani both pursued investigations against their perpetrators, but neither was notified of a hearing. Cal offered that Title IX Investigators could call their counselor as a witness, but the Title IX office precluded the witnesses Cal wanted to provide, stating, "witnesses were irrelevant because they've already taken into account how I feel." Johanna's Title IX Investigator did not record any of their interviews, after which she identified allegedly false statements in his report:

[The report stated] Johanna said "blah blah blah blah" and then it will say—"but later in a second interview, Johanna denied she said this," when in reality, I never said that ... every other sentence was full of false information, even the tiniest details, but every detail matters.

Lastly, despite getting a no-contact order against her perpetrator, he continued to stalk Eshe. She described repeatedly reporting his violations to the Title IX office and being dismissed:

He would follow me around, he knew my schedule, and he would sit outside my classes, bump into me, or smile at me, and wave at me. I told [TITLE IX INVESTIGATOR], and they didn't really do much, they just said that they'll remind him of the guidelines in place ... [TITLE IX INVESTIGATOR] asked if I could get a photo of him doing it. I'm like, "why would I pull out my phone and take a photo of my abuser and send it to you?"

Another common deviation concerned a lack of impartiality from Title IX staff, specifically discouraging or encouraging a student's decisions about whether to proceed with the investigative process. When Clarissa had initially decided she did not want to pursue an investigation against her perpetrator, Title IX staff reportedly told her, "we actually have some more information ... we strongly suggest that you proceed with an investigation," but did not tell her the

information. When Eshe felt ambivalent about whether to report, her Title IX Coordinator reportedly told her, "I want you to report. And if you don't report, that's okay, but I think you can do it, and I think this is important for you to do." Lastly, when Cal felt uncertain about reporting, "[the TITLE IX OFFICE reassured] me that they would listen to me and that there'd be a decent chance that something good would happen from it." However, Cal was eventually told that "there's not enough evidence" and the faculty member who harassed them was neither found responsible nor were they disciplined. In sum, many students described potential deviations from established Title IX policy, but given that most students were unaware of Title IX policy and their rights, they did not realize their experiences could represent a deviation.

## Discussion

In the current study, we examined how Title IX functions within a state public education system with a robust Title IX policy, identified commonalities and discrepancies in experiences, and used theories of institutional betrayal and support to better understand student experiences, particularly for students with minoritized identities. A major takeaway was that the Title IX reporting process was largely inconsistent across participants, though all sampled IHEs were beholden to the same federal and state-level sexual misconduct policies (e.g., U.S. Department of Education, 2020; University System of Maryland Board of Regents, 2020). For instance, after disclosing to university staff who unbeknownst to students were mandatory reporters (e.g., RAs, diversity center staff, and university police), some students were encouraged to move forward with Title IX reporting (e.g., Alex and Johanna), while others were coerced into reporting (e.g., Amy and Eshe). Further, while all students were offered at least one accommodation, accommodations varied greatly, and some students noted not receiving necessary accommodations, such as academic support (e.g., Amy and Natalie). Some of what participants described represented Title IX staff prioritizing due process and neutrality over care for survivors, consistent with prior research on Title IX Coordinators (Cruz, 2021). Student descriptions of the confusing, opaque, and harmful aspects of the Title IX process reinforce findings from prior research (e.g., Fleming et al., 2021; Germain, 2016; Holland & Cipriano, 2021; Holland & Cortina, 2017; Khan et al., 2018; Nesbitt & Carson, 2021; Sall & Littleton, 2022). These experiences contributed to a perception of the Title IX process as overwhelmingly negative, unhelpful, and untrustworthy, and for many students enacted a sense of institutional betrayal (i.e., a perception that their institutions would not protect or support them). Institutional betrayal was especially relevant for non-binary students, women students, Black students, and students with disabilities, who described ways in which they were disserved by the Title IX process and how

this may have negatively impacted the outcome of their cases. This echoes Holland and Cipriano (2021), who found that only cisgender women (not transgender women, non-binary individuals, or cisgender men) in their sample reported to the Title IX office, and it was only two White women whose perpetrators were found "responsible." Similarly, Sall and Littleton (2022) found higher rates of institutional betrayal endorsed among racial/ethnic minority women compared to White women.

Another important finding was that students described potential deviations from Title IX policy regulations established by state and federal law. For instance, two survivors stated that they were offered an "informal investigation," yet conducting "informal investigations" is not consistent with Maryland state law or policy, nor any federal guidance regarding the process of responding to sexual assault reports. OCR guidance stipulates that once a complaint is made, a formal investigation must follow specific requirements in determining whether the behavior violated university policy and any appropriate actions (e.g., notifying all parties, allowing the submission of evidence, weighing of evidence using a set standard; U.S. Department of Education, 2001, 2011; 2020). Within Maryland state policy, complaints may be dismissed for several reasons (e.g., the conduct does not constitute sexual harassment; the survivor withdraws the complaint), but the determination to pursue a formal investigation or dismiss a complainant should be made through the established investigatory process rather than an "unofficial" or "informal" investigation (University of Maryland Board of Regents, 2020). It is possible that these students were being offered an informal resolution process (e.g., mediation), which is an entirely separate means of resolving sexual misconduct complaints than an investigation process, but if that were the case, Title IX office staff did not adequately explain this option to students.

A potential policy deviation included police referring cases to the Title IX office without student knowledge or consent. Maryland state law (HB 571, 2015) and policy (University of Maryland Board of Regents, 2020) dictates that state IHEs should pursue formal agreements with local law enforcement and IHE policies should clearly state when IHEs will refer cases to local law enforcement; however, the reason for the referral of some cases to law enforcement (e.g., Clarissa and Eshe) was not clear and resulted in them feeling pressured to report to Title IX. Additional potential deviations in reporting and investigations included students who pursued investigations not being informed of any scheduled hearings, precluding a student from calling witnesses (specifically a counselor), violations of no-contact orders which went unaddressed, and lack of impartiality from Title IX Coordinators. This contradicts the requirements outlined in Maryland state policy, including that students should receive clear written notice of investigation and adjudication processes with "sufficient details," that any supporting evidence including from

counselors can be used with a party's written consent, that Title IX staff must be impartial, and that retaliation must be clearly and explicitly prohibited (University of Maryland Board of Regents, 2020). Possible deviations from established federal or state guidance represent a form of institutional betrayal, as students were unaware of policies and their rights.

### *Policy and Practice Implications*

Despite a small sample of Maryland students who went through the Title IX reporting and response process, the present study offers insights into policy improvement by looking at the commonalities and discrepancies of these 11 diverse students from four IHEs and the recommendations offered by the students themselves. Based on these data, one recommendation would be to mandate and evaluate ongoing education efforts for students regarding Title IX. Increased training is necessary to address the lack of knowledge students have about Title IX rights and resources, particularly given changing federal and state Title IX policies. Greater student knowledge of resources can be accomplished through mandatory Title IX and misconduct training for all students on an ongoing basis, coupled with frequent surveys assessing student knowledge of policy and resources. At the time of the study, Maryland state educational policy itself did not mandate student Title IX training, but all five sampled schools did require student completion of online training (either once upon matriculation or on an annual basis), and four of the five blocked class registration for non-compliant students. However, students in the current study still lacked information about Title IX policies and processes, which suggests a need to evaluate the efficacy of training programs and the provision of booster training sessions.

Another recommendation would be to provide students with access to sexual assault advocates. While Maryland state educational policy permits students to have a personal support person at any point during the Title IX reporting and adjudication process (University System of Maryland Board of Regents, 2020), students may not be aware of this. Not all participants in the current study had a support person through the process, but those who did found this very helpful for navigating and coping with their experiences during the Title IX reporting process. Having access to support persons, especially advocates knowledgeable about Title IX and working with survivors, could ameliorate some specific harms noted by participants (e.g., providing emotional support and advocating for their rights).

In addition, our findings point to a need for increased Title IX office staffing. Some students noted problems with slow follow-up from staff after their initial outreach or report and inconsistent (or nonexistent) communication from Title IX office investigators during the reporting process. Though cases will vary in timeliness depending on the nature of the investigation, evidence review, cooperation or

lack thereof of involved parties, and other factors, there is no reason for students to be in the dark about their cases. Allocating additional funds to hire more staff and providing consistent and accessible methods for communication and case updates could increase transparency and ameliorate the negative effects of the reporting process on students' mental health. Potential options could include a password-protected desktop platform with secure messaging and document upload capabilities, smartphone apps, and/or hiring a case manager with the dedicated task of communicating with involved parties. Moreover, students who held oppressed and marginalized identities (e.g., women, LGBTQ+ students, students of color, and students who embodied two or more of these identities) expressed concerns about and negative interactions with Title IX staff from different backgrounds, particularly Title IX staff with privileged backgrounds (e.g., men, White people, cisgender, and heterosexual people). As such, it could be beneficial for institutions to recruit and retain Title IX office staff from underrepresented backgrounds and ensure that all staff complete cultural competency training.

### *Limitations and Future Research Directions*

A key limitation of our study centers around recruitment difficulties and potential limitations to the transferability of findings. Though one of our study aims was to examine how Title IX functions within a state public education system with its own comprehensive Title IX policy, given that our study only included 11 participants from four universities within one state public education system, we cannot claim that our results are representative of all student survivors nor all IHEs. Furthermore, despite significant recruitment and engagement efforts, we were unable to recruit any participants from one of the five sampled IHEs. Though the goal of qualitative research is not generalizability, additional research with more students across multiple IHEs would strengthen understanding of the application and enforcement of Title IX processes and its effects on student survivors. This research could occur not only within other states with robust state-level Title IX policies (e.g., New York; Richards et al., 2021), but also within different educational contexts which may not enforce Title IX in the same way as do public IHEs (e.g., private and religious IHEs). It is also possible that our sample was biased toward individuals with negative Title IX experiences, though efforts were made to recruit broadly, and multiple interview questions assessed potentially positive experiences and perceptions (e.g., questions 5a, 7b, and 8b). Further, every participant, even those with the most overwhelmingly negative descriptions of their experiences (e.g., Cal and Johanna), had something positive to say about the Title IX process. An additional limitation was that all interviews were conducted by the first author, who was also the primary data analyst. While the use of one interviewer can be a strength in increasing reliability and

consistency across participants in qualitative research, it may also serve to increase bias, as researchers will inevitably bring their personal lived experiences to their work on sexual violence (Campbell, 2013). Future research would benefit from using multiple interviewers and methods of data collection, such as quantitative and open-ended surveys. This could yield additional useful information that students may have not been comfortable sharing within interviews, and/or might be more clearly communicated through quantitative measures (e.g., symptoms of posttraumatic stress disorder).

## Conclusion

Interviews with 11 student survivors at four Maryland public IHEs who engaged with the Title IX process described an inconsistent process both within and across IHEs, within a state unique for its robust and comprehensive state-level Title IX policy. Students also described a myriad of challenges and harms from the process, particularly minoritized survivors who noted experiencing microaggressions and invalidations from Title IX staff, and students who unknowingly disclosed to mandatory Title IX reporters. Findings illuminate many potential avenues for improved Title IX policy and practice within IHEs, including but not limited to ensuring all students are aware of Title IX policies and their rights (e.g., what incidents fall under Title IX's jurisdiction and who are mandatory reporters), offering and following through on accommodations to ameliorate mental health and academic harms, increased case transparency and communication, hiring Title IX staff from diverse and underrepresented backgrounds, and having independent oversight of process consistency and efficiency. Even within the context of evolving federal guidance, such steps toward a consistent, equitable, and supportive process could help to ensure the promise of Title IX—protecting equal access to education—is realized.

## Appendix

### Interview Protocol

1. I wanted to first ask about your experience at XX university, not including the incident we'll be discussing, and your knowledge of campus resources prior to the incident.
  - a. When did you enroll in XX university?
  - b. What was your experience with XX university prior to the incident?
  - c. What was your knowledge of campus resources for students who experience sexual misconduct/abuse?
  - d. What was your knowledge of Title IX prior to the incident?
2. In as much or as little detail as you would like, please tell me about the incident or incidents which were reported to Title IX.
3. Tell me about your experience with the Title IX process.
  - a. Tell me about reporting to Title IX or having an incident you experienced reported to the Title IX office.
  - b. Tell me about your interactions with the Title IX staff or others in the process.
  - c. How did you feel during the process?
4. How was the incident reported to Title IX?
  - a. You said XX reported the incident to Title IX. Did you report to anyone else?
  - b. If the incident was reported by another person:
    - i. Was this person a responsible employee? If so, did you know that before you disclosed?
    - ii. How did XX respond when you disclosed?
    - iii. Did you want XX to report the incident to Title IX – why or why not?
5. How do you feel about the overall Title IX process and outcome of your report?
  - a. What, if anything, went well?
  - b. What, if anything, did not go well?
6. Would you recommend Title IX to others who experience sexual misconduct/abuse?
  - a. Why or why not?
7. How do you feel XX university handles care for students who experience sexual misconduct/abuse?
  - a. What changes would you like to see in how XX university handles care for those who experience sexual misconduct/abuse?
  - b. What would you keep the same about how the university handles care for those who experience sexual misconduct and abuse?
8. How do you feel XX university handles reports of sexual misconduct/abuse?
  - a. What changes would you like to see in how XX university handles reports of sexual misconduct/abuse?
  - b. What would you keep the same about how the university handles reports of sexual misconduct/violence and abuse?
9. These next questions ask about your experiences based on aspects of your identity. Identity can include your race/ethnicity, citizenship, language, gender identity, sexual orientation, religion, age, disability, socioeconomic status, or other aspects, and can be visible or invisible.
  - a. Do you feel the Title IX staff responded to you differently based on your identity? If so, how?
  - b. Do you feel the Title IX staff expressed a biased or negative attitude toward you based on your identity? If so, how?
  - c. Do you feel the Title IX staff created an environment in which you felt discriminated against based on your identity? If so, how?

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