

**Settling for Less: How Organizations Shape Survivors' Legal Ideologies
Around College Sexual Assault**

by

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It is impossible to write a dissertation on trauma without a deep bench of supporters, advocates, and friends. This project is as much an emotional one as an intellectual one, as much as a work of activism as scholarship. It is also no secret that one of the hardest parts of feminist work is the hostility and the backlash from the people who find it threatening—and they usually are not random Internet trolls, but the people embedded in the very institutions that we were told will liberate us. This is, after all, the subject of this dissertation. Finishing this dissertation (and the degree that comes with it) has been a battle. As I hold the final product in my hands, I am shocked that I made it and eager to get this hard-earned knowledge into the world. Above all, I am grateful for the people who stood by my side up until this point. None of this would have been possible without the insights and care of a whole community. Here, I offer an incomplete list of the people and groups who nurtured this dissertation into fruition.

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ABSTRACT

It is well-established fact that sexual assault survivors who report the violence they endured to their universities are traumatized by the process, but there is little research on how these institutional betrayals are enacted or how they impact survivors' legal and gender ideologies more broadly. This dissertation draws on twelve months of ethnographic observation of one university's Title IX-affiliated offices and 76 interviews with survivors, perpetrators, and the administrators who oversaw their cases. I use these data to explore the organizational mechanisms of institutional betrayal and how survivors came to view betrayals as rational, inevitable, and, ultimately, their fault.

The second chapter of my dissertation explores why there are so few Title IX investigations, even when survivors originally intended to report. Identified in my fieldwork as one of the most common institutional betrayals, I describe the power universities hold by creating and administering their own Title IX procedures, which makes survivors dependent on the organization to navigate Title IX proceedings. Accordingly, university administrators can subtly and overtly discourage survivors from engaging in Title IX processes that pose risk to the institution. Survivors quickly lose control over the trajectory of their cases, but lack the institutional knowledge to understand how their case took a different form from their original intentions or resist administrators' efforts to neutralize their complaints.

The third chapter of my dissertation examines how these power disparities lead survivors to blame themselves for the betrayals in their cases. Instead of holding their university

accountable for denying their Title IX rights, survivors blame themselves for failing to overcome barriers to reporting, struggling to understand convoluted university policies and procedures, or for expecting too much of a process known to habitually fail survivors. As a result, survivors experience an institutional distortion of their legal rights that leads them to believe they have fewer options for recourse than the law guarantees them. This distortion creates new barriers in holding their university accountable for institutional betrayal or engaging in activist efforts.

The fourth chapter of my dissertation investigates how Title IX administrators justify their roles in institutional betrayal. Specifically, I identify gendered rationalization frames of sympathy and hysteria that allow university administrators to reinterpret their primary goal as the protection of young men's futures and consider inaction as the ideal outcome for a Title IX case. To defend this view from critique, they cast the Title IX process as irrelevant for survivors by claiming they were either mistaken in labeling an experience as violent or suffering from a trauma too severe for a Title IX process to repair. This chapter demonstrates that institutional betrayal in sexual assault cases is a gendered process, exposing (particularly women) survivors to more discrimination from the very office tasked with combatting gender inequality in education.

Taken together, this dissertation provides evidence that universities' management of sexual violence reinforces gender inequality. The ideological shifts survivors (and others involved in Title IX processes) experience during institutional betrayal likely extend beyond university campuses, contributing to the way sexual violence and the betrayal of survivors is normal and acceptable in broader society.

CHAPTER 1

Introduction

Sexual violence is a widespread problem on college campuses. Traditionally, a dissertation like this one would start with a list of statistics and facts that describe the problem of campus sexual assault—a list that has been replicated at the beginning of nearly every study published on the topic since the 1980s. Then, I would delve into a carefully curated collection of digestible excerpts from survivors' interviews that argue some broader point—likely one that the survivor participants would never have considered themselves. This is the conventional academic approach, and it is one I will take in each substantive chapter of this dissertation. In the introduction to this dissertation, however, I want to focus on what gets lost in the statistics and the parsed interview transcripts. I want to tell one survivor's story of seeking help from her university from beginning to end.

Sofia was a sophomore and a business major. A scholarship student. A soccer player. She was soft-spoken and described her friends as trusting, shy, and low-key like her. She had struggled to find her niche in college, but felt at home with her sisters who she called her best friends. In addition to all of those identities she chose, she had one she never wanted—sexual assault survivor.

Her freshman year, Sofia went to a party on campus. She blacked out and woke up at her family home. She had no recollection of what had happened or how she got there, but realized her underwear was missing. Her family convinced her to go to the hospital for a rape kit and to

report to the police. Since Sofia couldn't remember what happened, she assumed her case would go nowhere, but, in fact, there was a string of evidence that told a perfectly coherent story. Two young men had called her sister, claiming that Sofia was the last girl left at a fraternity party that had ended and they were afraid to leave her alone in case something happened. While they had posed as Good Samaritans, one of them had raped her earlier that night. There were multiple witnesses who saw them leave the party together. There was security footage of Sofia struggling to walk on her own as they entered her perpetrator's dorm room. There was yet another witness who had held Sofia up on the dorm toilet because she couldn't sit up on her own and needed to pee. Sofia's rape kit revealed evidence of trauma from sexual contact. And—most damningly—when Sofia's perpetrator was asked, he admitted he had sex with her, even after also admitting that she was too drunk to get home on her own when he asked her sister to pick her up. To the police, this was an easy case. The prosecutor was eager to take it to court. But Sofia's university acted as if it was impossible to help her.

The reverse should be true. One of the reasons sexual assault survivors report to their universities is because the system is supposed to be easier on them and safer for them than the criminal justice system, which has a long history of harming survivors. The Title IX system is faster and, most importantly, the burden of proof is lower—instead of needing to demonstrate a rape happened “beyond a reasonable doubt,” survivors only need to make the case that it was “more likely than not” that they experienced violence. In Sofia's case, she had a mountain of evidence so clear that even though she had no recollection of her assault, she could piece together what had happened to her. It was this evidence that led her university to file a Title IX complaint against her will and despite her protests. Ultimately, it was this evidence that Title IX investigators dismissed, instead focusing on a single irrelevant detail: her perpetrator claimed she

had removed her own earrings. This was the reason administrators cited in refusing to hold her perpetrator accountable for the rape he committed. Her university argued that if, in fact, Sofia *did* remove her own earrings, that should not be understood as preparation for sleeping off a night of drinking or a desire to stop wearing heavy, itchy, or uncomfortable jewelry, but *only* as an “unambiguous sign that she was consenting to taking off her own clothes or participating in some type of sexual activity.”

As the result of the university’s decision, Sofia’s perpetrator would remain on campus and live a normal life, but Sofia would no longer feel safe there. She felt a rush of adrenaline every time she saw a man who looked like her perpetrator and avoided any space she thought she may have once crossed paths with him. When her schoolwork suffered, campus administrators recommended she take a leave of absence—and she did. At the time I ended data collection for this dissertation, she had no clear plans to return. Her relationships with her friends and family suffered. She became suicidal and relied on drugs to self-medicate. She traces back a lot of these new hardships to the moment she read the university’s final report on her case. In her words:

I opened [the email] and all I could see was all the things that would just make me not believe in anything and make me believe it was my all my fault this happened... I just thought I was dying and falling apart.

This dissertation tells the stories of survivors like Sofia who came to their university for help, but instead experienced betrayal and the new traumas that accompany it. It is also the story of how, like Sofia, they came to believe that these betrayals were rational, inevitable, and, ultimately, *their* fault.

Background and Significance¹

Researchers are increasingly aware that the traumas of sexual violence do not end with the conclusion of a rape. The way survivors are treated by their community and the organizations they turn to for help is just as important in determining how traumatic a sexual assault will be (Ahrens, Cabral, and Abeling 2009; Campbell 2008; Sweet 2020). This is especially true when survivors experience a betrayal by a trusted institution, such as their university (Smith and Freyd 2014). “Institutional betrayal” is defined by organizational actions—or, importantly, *inactions*—that exacerbate trauma. The psychological impact of institutional betrayal is similar in severity to the original act of sexual violence (Smith and Freyd 2013), which has led scholars and activists to consider it akin to a “second rape” (e.g., Madigan and Gamble 1991).

Universities are well-established sites of institutional betrayal (Richards, Claxton, and Gillespie 2021; Smith and Freyd 2014); however, less is known about the organizational mechanisms of institutional betrayal and how they contribute to broader inequalities. Early study of these topics indicates that, in addition to compounding individual survivors’ trauma, universities’ failure to intervene on campus sexual violence has exacerbated gender inequality. Specifically, studies repeatedly find that survivors have lower GPAs and are less likely to graduate than other students, especially if they lack access to supportive resources or attempted to report their assaults to their university (Baker et al. 2016; Jordan, Combs, and Smith 2014; Mengo and Black 2015; Nesbitt and Carson 2021). One study, in fact, found that a history of violence is better at predicting a woman’s college GPA than any of the traditionally used measures in college admissions (e.g., SAT scores, high school grades) (Baker et al. 2016).

¹ I focus this section narrowly on the issue of institutional betrayal. Each substantive chapter of the dissertation includes additional background information on Title IX rights and the mechanisms by which universities deny survivors their legal rights.

This dissertation builds on this emerging literature by exploring how institutional betrayal shapes survivors' legal and gender ideologies, as well as identifying the organizational mechanisms used by universities to produce (and justify) these shifts. Specifically, I aim to understand how survivors' broader beliefs about sexual violence and women's right to legal recourse change over the course of seeking Title IX protections, such as survivor-supportive resources or a university investigation. In exploring these issues, this dissertation illuminates the way organizations contribute to the normalization of sexual violence (Hlavka 2014; Holland and Cortina 2017; Sweet 2020) and interfere on survivors' capacity to access the legal rights that should protect them (e.g., Ewick and Silbey 1991; Felstiner, Abel, and Sarat 1980; Munkres 2008; Quinn 2000; Sweet 2020). These processes also strengthen gender hierarchies (e.g., Manne 2020) that justify gender inequality more broadly.

Introducing Western University

Over the course of fifteen months, I embedded myself within a school I call Western University. While I will detail the specific methods I employed to collect data later in the dissertation, I want to begin by describing Western University as an institution and reflecting on how its unique traits impact the generalizability of my findings. Some of its most unusual characteristics will be discussed in broad terms in order to protect the confidentiality of the participants in the study.

Western University is a large public university in the western region of the United States. It is the “blue dot in a red state,” located in one of the few liberal cities in an otherwise deeply conservative and religious environment. The school is a Predominantly White Institution (PWI), comprised primarily of in-state students who grew up assuming they would attend Western—just as every other college-educated person in their family had. It is a commuter campus with

significant diversity in students' class backgrounds and a substantial number of students who commute to campus from their family homes. While many other studies of campus sexual violence focus on elite institutions, Western University represents the more "typical" college experience. Most students at Western cannot simply transfer to another school if they face barriers in their education. Their college decisions were made more out of how they could feasibly manage a tuition bill than choosing between competing, prestigious offers. In contrast to the Western University's student body, women, students of color, and queer students are significantly overrepresented among the (survivor) participants in this study. This reflects the realities of campus sexual violence: the multiply marginalized are the ones most deeply affected.

On the topic of campus sexual violence specifically, Western University position itself as a "leader" in the state; however, most of the universities in the region and across Western's athletic conference make the same claim. Like many other large universities, Western University has a more complicated history. They have hosted conferences on how to ensure Title IX compliance, but they have also made state and national headlines for mismanaged Title IX cases. They employ some of the most well-renowned anti-violence researchers, but rarely invite them to weigh in on campus policies or procedures. In recent years, Western University has dedicated more resources to survivor-supportive resources, but the amount pales in comparison to the athletics or Greek life budgets.

For many readers, I imagine this university sounds a lot like yours—particularly if you attend the kind of large public university that is depicted as the home of the quintessential college experience in American movies. In that environment, some themes—such as schools spending more money on the football coach's salary than the entirety of the sexual violence prevention program—are ubiquitous across these types of institutions of higher education. Still,

Western University is unique in a few ways. As previously mentioned, the school is socioeconomically diverse and students are less likely to experience the university as a “total institution.” For many survivors, their lives exist largely off campus and, accordingly, their perpetrators are members of the broader community, rather than fellow students. I anticipate this can make it easier for campus administrators to minimize or ignore the violence survivors endure. Additionally, the conservative environment in which Western University is situated means that students’ parents are more likely to raise concerns about “free speech” or “due process” than “campus safety” during tours for prospective students. Even though a majority of Title IX staff identified as liberal, the conservative political environment shapes the pressures and norms of the workplace, particularly in high-profile incidents when the conservative Board of Trustees² may become more involved. While prioritizing men over women during sexual assault cases crosses party lines (e.g., Manne 2020), it is certainly true that this ideology is less complicated and faces less resistance in conservative environments. Relatedly, the men administrators seek to protect are presumed to be white at Western University, which shapes how these ideas of “due process” or “empathy” are engaged. I discuss this in more depth in the conclusion of the dissertation.

Finally, it is worth noting that while many of the empirical realities I describe will be unique to Western University, other concepts will transcend even the discussion of campus sexual violence. As I will detail throughout the next three chapters, many of the themes I uncovered are eerily similar to previous scholarship on discrimination more broadly, particularly in the contexts of race discrimination and sexual harassment. Similarly, some of the processes of lost agency in a complex, unique, and powerful organization might remind you as much of a

² This dynamic may not be entirely unique to “liberal” schools in conservative states. The Board of Trustees at most universities—including my degree-granting institution—lean conservative.

frustrating phone call with your health insurance company as they will traumatic experiences with institutional betrayal. As a work of qualitative sociology, my goal in this dissertation has been to explore concepts that will prove useful in a variety of settings, even if some of the empirical realities of how individual schools address sexual violence may differ between campuses.

Summary of Articles

To begin an explanation of what this dissertation is, I want to recognize what it is not. Importantly, this dissertation is not the complete picture, nor is it the finished product for this project. Instead, I use the familiarity of the three-paper dissertation format to explore three of the most persistent and theoretically complex issues I encountered in my fieldwork in preparation for writing the full story in a book. Specifically, this dissertation is an exploration of how campus sexual violence is managed, but it notably includes very little information on the functioning of Title IX investigations or the men who are at the center of them.³ To take on the entirety of the Title IX system in a single dissertation is too great of an undertaking and so this dissertation details what happens *around* investigations as a way to guide my own (future) exploration of what happens *within* them.

Still, the components of this dissertation are likely reflective of the majority of survivors' experiences of campus sexual violence and institutional betrayal. During my time in the field, it became clear that Western University administrators protected perpetrators before knowing anything more than their pronouns and certainly without demanding their participation in the Title IX process. This absence of face-to-face interactions made gender especially salient—in

³ I will explore this component of Title IX processes in a forthcoming book, *On the Wrong Side: How Universities Betray Survivors to Protect Perpetrators of Sexual Assault*.

most cases, it was the perpetrator's only status characteristic that was easily observable from a veiled description of a violent event.⁴ When women accused men of violence, they did not often get the investigation they originally sought out (and were legally entitled). The ideologies of survivors and the administrators who oversaw their cases were as much shaped by the *absence* of investigations as they were by the outcomes of individual cases that managed to touch the entirety of the Title IX process. This dissertation is the study of how universities disappear Title IX complaints, convince survivors that it was the right course of action, and teach their staff how to justify their complicity in the betrayal.

Picking up on these crucial elements of the Title IX system, the second chapter of this dissertation, "The Illusion of Choice: Organizational Dependency and the Neutralization of University Sexual Assault Complaints" explores why there are so few sexual assault reports to study within the Title IX process. While previous work focuses on survivors' reasons for not reporting (e.g., distrust of an organization, concern the violence they endured is not serious enough, lack of knowledge about available options for recourse) (e.g., Campbell, Dworkin, and Cabral 2009; Holland and Cortina 2017; Sable et al. 2006), this chapter focuses on the structural processes by which Western University subtly and overtly discouraged survivors from coming forward. Specifically, this chapter identifies how Western University's use of unique and overly complex policy created an *organizational dependency*, which made survivors reliant on university actors to navigate the Title IX reporting process. As such, university actors could sort cases into the reporting option that would pose minimal risk to the institution, including circumventing the formal investigations survivors originally wanted. From the survivors'

⁴ I discuss this point in greater depth in Chapter 5.

perspective, they made a “choice” to pursue a specific option, but they rarely had the information needed for that decision to be freely made.

The third chapter of this dissertation, “Settling for Less: How Universities Distort Sexual Assault Survivors’ Views of Their Legal Rights,” investigates how interacting with Title IX resources or reporting options shapes survivors’ ideologies about their legal rights. In general, there is an expectation that interacting with a legalistic process will lead an individual to develop greater legal consciousness and better understand their legal rights (e.g., Ewick and Silbey 2005). However, this chapter details how survivors undergoing Title IX-related processes experience *institutional distortion* of their legal rights, leading them to (incorrectly) believe they had fewer rights than when they began. Specifically, survivors learned to blame themselves for the failings of the Title IX process, allowing Western University to avoid legal liability for denying survivors their rights.

The fourth chapter of this dissertation, “‘It Was Just Different Perceptions of What Was Consensual’: Himpathy and Hysteria in Rationalizations of Institutional Betrayal,” grapples with how individual administrators made sense of their roles in a Title IX process that regularly failed and harmed survivors. Specifically, this chapter describes how institutional betrayal (Smith and Freyd 2014) of sexual assault survivors is a gendered process, which relies on *gendered rationalization frames* that position male perpetrators as the students who have the most at stake in campus sexual violence reports. By drawing on gendered notions of himpathy (e.g., Manne 2020) and hysteria (e.g., Fricker 2007), administrators argued that Western University’s inaction is the moral outcome for a Title IX complaint, as it protects men’s educations from a process that (in their view) would never satisfy overly emotional women. This chapter is not told from survivors’ perspective, but it is still central in understanding how the change to survivors’ legal

ideologies occurs. By understanding the (reported) motivations of university administrators, the story of survivors' institutional gaslighting (Sweet 2020) becomes clear.

The fifth and final chapter of this dissertation draws attention to some of the underlying themes of the dissertation and discusses the sociological implications of this study, including how this research contributes to existing scholarship across disciplines. I also discuss future research directions and the limitations of my approach, including a call for more oversight and systemic analysis of discrimination complaints in educational and work settings.

Readers' Note

To the readers of this work, I recommend making intentional space for both intellectual and emotional responses. As Rebecca Campbell (2002) astutely observes in *Emotionally Involved*, it is impossible to deeply engage with rape research from an objective standpoint. We feel as we learn. A study like this one hits close to home for everyone in one way or another. Sometimes, those feelings offer us a deeper understanding of the material, but other times, those feelings can obscure the truth. When I teach courses on sexual violence, I conduct an exercise in which students listen to survivors' narratives of the violence they endured. To guide them, I recommend they write out each feeling they are experiencing in real time. Usually, they are scrawled in the margins of their notes or the questions they intend to ask during the discussion portion of the class. Often, they include a mix of clarifying emotions like sadness, anger, and hope, but also obstructive emotions, like numbness or defensiveness. In every class, students reported it was useful to understand what they were feeling and when. I have personally found it to be a similarly useful tool in reading others' research on rape.

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CHAPTER 2

The Illusion of Choice: Organizational Dependency and the Neutralization of University Sexual Assault Complaints

Abstract

To improve sexual misconduct proceedings for survivors, many universities have provided multiple options for how sexual misconduct complaints can be managed. These options are described as maximizing survivors' autonomy through feminist paradigms of choice. This study uses data from ethnographic observation of university administrators and interviews with fifteen survivors about their experiences of seeking campus recourse to examine the degree to which providing survivors options gave them control over the trajectory of their sexual misconduct complaints. Findings indicate that survivors found complicated and vague sexual misconduct policies overwhelming and confusing. As a result, they required survivors to be dependent on university actors in decision-making. Accordingly, the university had more control over survivors' complaints, allowing them to guide survivors to options that required minimal university action. Policy recommendations for maximizing survivors' autonomy in sexual misconduct adjudication are discussed, as well as theoretical implications for understanding how organizations maintain control of discrimination complaints more broadly through forcing a dependency on organizational actors in the navigation of organization-specific norms and structures.

Introduction

Despite countless policies, procedures, and entire professions dedicated to addressing discrimination, those discriminated against are unlikely to report the discrimination they endured or use the resources available to them to navigate its aftermath (e.g., Bumiller 1988; Hirsch and Kornrich 2008). Instead, discrimination—often perpetrated by the same individual—can continue for years while the organizational actors legally tasked with providing an equitable working or educational environment insist they never could have intervened and avoid legal liability for their failure to act.

Over the last decade, there has been a renewed effort to address this persistent problem in the context of campus sexual violence. It is well-documented that there is a high rate of sexual victimization on campus and a low rate of reports made to organizations tasked with adjudication (e.g., university police, Title IX Offices) (Cantor et al. 2015; Krebs et al. 2007). As a result, intervention on a perpetrator's behavior is rare, including accountability-focused measures (e.g., expulsion or suspension) and protective actions for survivors' safety and comfort (e.g., coordination of academic schedules to avoid contact, moving a perpetrator to a different dorm, interventions on continued stalking or harassment). Survivors unable to report may also struggle to access other formal services that facilitate healing after trauma (Campbell 2008; Campbell, Dworkin and Cabral 2009; Campbell et al. 1999). Many scholars have demonstrated that low reporting rates are not indicative of survivors' lack of interest in reporting, but rather structural and cultural barriers to the reporting process, such as a fear of refusal of services after not being believed (Allen, Ridgeway and Swan 2015; Amar 2008; Sable et al. 2006; Walsh et al. 2010; Zinzow and Thompson 2011) or a difficulty in labeling their experiences as "severe" enough to "count" as discrimination and merit intervention (Hlavka 2014;

and Cortina 2017). Notably, universities have recently implemented policies and procedures with the stated intention of encouraging reporting by removing known barriers, such as “Start by Believing” policies, offering survivors multiple reporting options, and the hiring of campus victim advocates who can provide support through the reporting process. Still, survivors who wish to report are struggling to do so.

The current study examines college sexual misconduct policies and procedures themselves as barriers to reporting. Specifically, this study focuses on the now legally-mandated practice of providing multiple reporting options to survivors with the stated goal of maximizing survivor autonomy in choosing how their cases will be handled. I argue that these practices have the opposite effect, instead creating complexity in policies and procedures that forces survivors to become dependent on organizational actors to make sense of them. In this state of “organizational dependency,” universities can—and do—subtly discourage survivors from formal investigations that pose a risk for the institution and instead steer survivors to options that require minimal university action. More broadly, the current study offers insight into how organizations exert control over individuals that seek to hold them accountable or access legal rights that are threatening or inconvenient to the organization.

Literature Review

Background on Title IX and Universities’ Role in Reporting Sexual Violence. Title IX is federal regulation originally passed as a part of the U.S. Education Amendments Act of 1972, which obligates all educational institutions that receive federal funds to provide a learning environment free from gender discrimination (Educational Amendments Act of 1972). Title IX was first successfully applied to sexual violence and harassment in the courts (e.g., *Alexander v. Yale*

University 1980) and an interpretation of Title IX explicitly inclusive of sexual violence was codified into federal guidance through multiple Dear Colleague Letters by the Department of Education’s Office for Civil Rights (U.S. Department of Education 1997; 2001; 2011; 2014; 2017). While the role of universities in the adjudication of sexual violence has become controversial in recent years, there is well-established legal precedent that universities must take action in response to reports of sexual violence with the goal of providing redress for survivors and preventing future harm. A failure to do so constitutes a form of organizational discrimination against survivors of gender-based violence since unsupported survivors face disadvantages in educational outcomes (e.g., low GPA, high risk of dropping out) (Baker et al. 2016; Jordan, Combs, and Smith 2014).

To meet these legal obligations, universities must ensure that students can report incidents of sexual violence after they occur to prompt university action (Department of Education 2001). Importantly, any options for redress must be accessible to survivors and described in detail in a campus “sexual misconduct policy.” University actors cannot discourage survivors from reporting or retaliate against them for coming forward. Undue structural burdens or barriers in the reporting process are also prohibited, as they, too, can discourage reporting, resulting in what experts call a “chilling effect.” If a university’s policies and procedures have a demonstrable chilling effect on complaints of sexual misconduct, the university can be held legally responsible for the production of a discriminatory environment.

As a way to combat a well-known barrier to reporting, many have advocated for allowing multiple reporting options to survivors (e.g., Koss, Wilgus, and Williamson 2014; Holland and Beder 2019). The availability of multiple options recognizes the heterogeneity in survivors’ experiences and personal ideologies. For example, a survivor who believes in prison abolition

may prefer rehabilitative or restorative practices to punitive options, whereas a survivor of intimate partner violence may be resistant to engage in restorative justice efforts that require cooperation with an abuser. Some survivors prefer not to relinquish their time and energy to accountability-focused initiatives at all, but would like to leave a statement to support the efforts of any other victims who may come forward in the future. Ultimately, these activist-driven initiatives for multiple options were rooted in feminist paradigms of choice and a belief that, when provided with adequate information, survivors will make the best decision for themselves (e.g., Holland and Bedera 2019; Holland, Cortina, and Freyd 2018; New York Radical Feminists 1974); although those decisions can be constrained by structural barriers (Bumiller 1987; Dunn and Powell-Williams 2017; Sable et al. 2006). In the college context, universities have primarily adopted two reporting options: informal resolution and formal investigation (American Law Institute 2018). At the time of data collection for this study, the use of these two adjudication models was optional for universities; now, it is mandated by federal regulation (Department of Education 2020).

Conflicting Organizational Incentives. While universities have incentives to comply with Title IX law and take a proactive approach to preventing and responding to sexual violence, they have competing—and often stronger—incentives to maintain the status quo. Sexual violence investigations are disruptive to the traditions and financial state of universities, particularly if they escalate into civil litigation or garner unflattering attention from donors or alumnae (Kennedy 1994; Martin 2016). Even when they avoid public scrutiny, they are time-consuming and resource-intensive (e.g., Triplett 2012). Some individual actors also personally disagree with

the sexual misconduct policies put in place in their organizations, criticizing and mocking them even when they are tasked with abiding by them or enforcing them (e.g. Munkres 2008).

For these reasons, universities commonly fail to end discrimination and instead engage in symbolic compliance with civil rights law (Edelman 1992; 2016; Edelman and Cabrera 2020). Symbolic compliance reflects a tendency for regulatory bodies (e.g., civil courts) to focus on organizational policies and procedures that communicate an attempt to address discrimination, rather than scrutinize the outcomes of those practices (Edelman 1992; 2016; Krieger, Best, and Edelman 2015). As organizations look to implement practices that present minimal legal risk, they mimic the actions of other organizations that have succeeded in defending their policies, allowing ineffective—or even harmful—policies to proliferate (DiMaggio and Powell 1983; Edelman, Uggen, and Erlanger 1999; Townsend and Campbell 2007).

Symbolic compliance is common in organizational approaches to combatting sexual violence and other types of gender discrimination (e.g., Edelman and Cabrera 2020; Bisom-Rapp 2018). As an example, trainings about what constitutes workplace sexual harassment are widely used as evidence of organizations' compliance with anti-discrimination laws, despite scholarly consensus that they do not prevent sexual harassment and may exacerbate gender inequality in the workplace (Bingham and Scherer 2001; Dobbin and Kalev 2019; Robb and Doverspike 2001). The most harmful sexual harassment trainings intensify sexist attitudes in men and women who attend them (Tinkler 2013), which, in turn, may create an environment in which sexual harassment is normalized (Quinn 2000; Tinkler 2012) and it becomes more difficult for victims to name their experiences and seek recourse (Hlavka 2014; Holland and Cortina 2017; Marshall 2006; Sweet 2020). As a result, sexual harassment may become not only more difficult to intervene upon, but also more likely to take place, as environments in which sexual

harassment is normalized are those in which it is most likely to occur (Drasgow et al. 1997; Williams, Fitzgerald and Drasgow 1999). In these ways, the symbolic use of sexual harassment trainings is not merely ineffective, but actively undermining the goals of the civil rights laws that mandated them. While interventions specific to campus sexual violence are relatively recent, there is already evidence emerging that university interventions have been similarly symbolic in nature (Gualtieri 2020) and have created industry-wide norms that are ineffective—and even harmful to survivors—in adjudicating sexual violence (Cruz 2020).

A university's failure to take meaningful action is particularly harmful in the case of sexual violence. Contrary to popular perception, the traumas of sexual violence do not necessarily end when a sexual assault is over, but instead may persist if survivors continue to face maltreatment in their interpersonal and organizational interactions, especially if survivors lose control over the aftermath of violence. Social psychologists have long recognized that the reactions survivors receive to disclosures of sexual assault can promote either healing or additional harm (Ahrens, Cabral and Abeling 2009; Campbell 2008; 2009; Campbell et al. 1999). University inaction to student reports of sexual violence has been studied explicitly and researchers found that it can produce “institutional betrayal,” which creates traumatic symptoms similar in nature and severity to the original act of sexual violence (Smith and Freyd 2013; 2017). These risks are particularly elevated for people of color and queer-identified survivors who are the most likely to experience inaction or maltreatment when seeking assistance (Gómez 2015; Smith, Cunningham and Freyd 2016). To put simply, the risk of symbolic compliance in sexual misconduct policies and procedures is not merely upholding the status quo, but akin to violence itself. In fighting to maintain control over their institutions, universities take control from survivors in how they manage trauma and replicate patterns that scholars have long known

have long-lasting and damaging effects. However, little is known about the organizational mechanisms through which institutional betrayal is produced.

(Impeding) the Understanding of Legal Rights. While symbolic methods of compliance are widely accepted in how organizations address sexual violence, it is also true that organizations cannot simply call any policy or procedure evidence of compliance. They must appear rational and to make some good faith effort to meet the mandates of the law. In the case of federal regulations governing appropriate reporting mechanisms for student survivors, I argue the mechanism that universities use to appear compliant is the campus sexual misconduct policy itself. To be specific, universities craft overly complex and legalistic policies that meet federal mandates, but have peculiarities for individual campuses. These policies change and evolve regularly, often without the consent or knowledge of the general population. Since the policies are so complex and change so often, students struggle to understand them (Albrecht, Nielsen and Wuorinen 2020) and there are few—if any—experts in an individual university’s sexual misconduct policy outside of organizational actors. I argue this creates an “organizational dependency,” in which survivors who seek to use the campus policy must rely on university representatives to make sense of their rights and the decisions before them. These university representatives are then well-positioned to protect the institution by limiting the information they make available to each survivor and—in a policy that allows for multiple different outcomes—sort survivors into the option for redress that poses a minimal threat to the institution. To put it simply, this allows a university to provide options for redress that meet the spirit of Title IX law while controlling when—or if—they will ever be used. Even when appearing to offer survivors’

agency through choice, a university can ultimately constrain the choices available through the structure of organizational dependency.

In doing so, universities take advantage of one of the simplest and most widespread barriers individuals have in accessing their rights: their ability to understand them. Scholars have long understood that the existence of a law does not ensure it will be utilized—that equally as important is “legal consciousness,” or an individual’s capacity to understand how their lived experiences interact with the legal arena (Ewick and Silbey 1991; Silbey 2005). Through such an interference, universities can change the way survivors think about essential processes of naming, blaming, and claiming (Felstiner, Abel, and Sarat 1980), even if a survivor originally had a strong intention of filling a report. Sexual violence survivors may be particularly vulnerable to organizational misrepresentations of their rights or their options due to the broader legal context through which survivors make sense of experiences of violence (Nielsen 2000), one that minimizes their experiences and offers few satisfactory or trustworthy options for recourse (Marshall 2005; Quinn 2000). Previous research has also indicated the perpetrators specifically target victims who they imagine are unlikely to have the capacity to report (Blackstone, Uggem, and McLaughlin 2009) and that the guidance survivors receive in the reporting process has a significant impact on the outcome (Campbell 2006; Campbell et al. 1999). In these ways, interfering in a survivor’s ability to make sense of a multifaceted sexual misconduct policy could prove an effective mechanism to control survivors’ decisions to limit organizational risk.

Current Study. The struggle over who maintains control in the aftermath of sexual violence is crucial to understanding organizational responses to sexual assault. The current study attempts to examine the degree to which survivors have control over the trajectory of their sexual

misconduct complaints. Specifically, this study interrogates the practices of one university that offers survivors multiple options for reporting the violence they have endured for the purpose of producing university intervention. Were survivors' decisions about which option to take freely made or constrained through university policies and procedures? Who ultimately had control over the path survivors' complaints took? How did they maintain control? How did this affect survivors' satisfaction with the outcomes of their cases? In answering these questions, this study seeks to explore how organizational norms and power dynamics impact individuals' ability to access their legal rights, particularly when doing so conflicts with other organizational objectives.

Data and Methods

The data from this study come from twelve months of ethnographic observation and 76 semi-structured interviews conducted between July 2018 and September 2019⁵ at a large public university in the western United States (Western University). The broader project includes semi-structured interviews with survivors, perpetrators, and relevant university staff who provided victim advocacy resources or facilitated the university's reporting process for sexual violence during the time of data collection. It also includes 47 hours of observation of non-confidential meetings, trainings, and events hosted by university staff on the adjudication of sexual violence, as well as hundreds of hours⁶ spent on campus completing other research-related tasks, and the

⁵ I conducted ethnographic observation between July 2018 and June 2019. I conducted interviews between September 2018 and September 2019. No new interview participants were recruited to the study after the academic year and ethnographic observation ended in June 2019, but two participants had ongoing sexual misconduct complaints that concluded in September. We completed their second interviews at that time.

⁶ During data collection, I spent an average of three days per week working from campus for four hours or longer. Excluding university breaks, weekends, and trips back to my home institution, I spent the vast majority of my working hours on campus nearly every day for a calendar year.

content analysis of 79 sexual misconduct policy-related documents distributed by the university. For the present study, analyses focus primarily on ethnographic and textual data, as well as twenty-two interviews with fifteen survivors of sexual harassment or assault who reported the abuses they endured for the purpose of adjudication.

Ethnographic Observation. I engaged in ethnographic observation of university actors in non-confidential meetings, trainings, and events hosted by university staff on the adjudication of sexual misconduct. Before formally entering the field, I met with Western University's Title IX Coordinator and the lead victim advocate to identify relevant convenings I might observe, including regular attendance at monthly meetings for staff who contribute to the creation and implementation of Title IX policies and procedures, as well as weekly meetings and observation with staff in the Title IX Office, Dean of Students Office, and Victim Advocacy Office, including informal interviews in which staff reflected on their student and staff interactions over the previous week. In large meetings, I predominantly observed the interactions between staff while taking field notes. Occasionally, I updated attendees on my research (e.g., number of interviews completed) if asked. In smaller meetings (i.e., three or fewer staff), I also asked clarifying questions about university policies and procedures. In general, I limited my own contributions to our interactions unless an administrator requested otherwise or my comments would build rapport.

At the end of each meeting, I asked staff in attendance if there were any other campus happenings I should attend. I also attended public events I saw advertised on campus or in the media, such as vigils for campus violence and press conferences on Western University's management of gender-based violence. All observed staff also completed a formal interview

about their beliefs about Title IX resources and reporting options on campus. Those interviews were not included in analysis for this project, but they did help in building rapport and, in doing so, affected the data used in analysis. To avoid tainting the data set, all of these interviews were conducted during the last two months in the field.

Interviews. Survivor interview participants were recruited for the study through flyers distributed by the university victim advocates when a survivor first visited the office. All survivors who make a report of sexual misconduct are referred to victim advocacy services if they provide adequate contact information. All victim advocacy clients were invited to participate in a study conducted by a researcher external to the university about their experiences with campus organizations that respond to sexual misconduct complaints. Upon meeting the researcher, participants who were currently in the midst of filing a complaint to the university for the purposes of adjudication were invited to complete two interviews—one at their current stage of the complaint process and one after its completion. In total, 93 victim advocacy clients were recruited to the study, 65 expressed interest in participating, and 44 completed at least one interview. Of the 44 participants, fifteen filed (or believed they had filed) complaints and seven were involved in complaints that were still ongoing. In total, the interview data for this project includes fifteen participants and twenty-two interviews. Participants were notified that they would receive \$40 per interview completed.

The demographics of the interview participants are reflective of students and staff who file complaints about sexual violence to their universities. All participants identified as women. Most were white (53%), three were Asian (20%), two were biracial (13%), and two were Latina (13%). Two-thirds identified as heterosexual and the remaining third identified as bisexual,

except for one participant who refused to identify her sexual orientation. Participants ranged between 18 and 57 years of age with a median age of 22. In comparison to the student populations of Western University, white students were underrepresented and women were overrepresented. Most participants were undergraduate students, but four graduate students and two staff members are also included in the sample.⁷ Interviews lasted between 42 and 193 minutes with a mean interview length of 94 minutes. Most variation in length reflects whether a participant had already completed her complaint at the time of the first interview.

During interviews, survivors answered questions about their experiences of sexual violence and its adjudication on campus, as well as its impact on their well-being and relationships. Survivors were also asked about what they believed they deserved from the university following an experience of sexual misconduct and whether they would pursue formal adjudication again if they experienced sexual misconduct in the future. To ease the burden of interviews on survivor participants and ensure high quality data, I relied on trauma-informed interview methodology (Bedera and Nordmeyer 2017), including meeting survivors and providing a sample interview guide in advance of each interview, taking breaks from interviews as needed, and avoiding potentially stigmatizing questions. Interview excerpts presented in this manuscript are edited for clarity and length.

Analysis. For this study, I analyzed the interview data with a focus on the choices survivors made about their sexual misconduct complaints, including how they decided to pursue a complaint and which type of complaint they selected. I separated the participants into categories based on the type of recourse they pursued and then engaged in open coding within those categories to

⁷ The university uses the sexual misconduct policy for students and staff. One of the staff members was also a graduate student, but filed a complaint about misconduct in her workplace.

determine the most important factors in the decisions made. I then selected one or two cases to explore in depth that were representative of the themes identified. Afterward, I turned to my ethnographic field notes to understand the structures in which the survivors made their choices. I separated out excerpts that referenced how campus administrators interacted with survivors trying to make a decision, as well as comments on implicit organizational norms on how to address different types of complaints. I compared these comments to written university policies and used both policy and practice to construct descriptions of the structural environments in which survivors made their choices about sexual misconduct adjudication.

I present the findings from this study from the perspective of survivors. During data collection, I did not review the formal campus policies until after leaving the field⁸ to avoid unintentionally filling in gaps or confusions that survivors experienced. In cases in which a survivor misunderstood a campus policy, I do not correct them in the findings of this paper. Instead, these common mistakes should be understood as systematically created by university processes and, as such, central to understanding how survivors lost control of their cases.

Findings

On its face, Western University's policy appeared to offer survivors a variety of options to address the sexual violence they had endured with the intention of maximizing survivors' autonomy in selecting how to proceed. In fact, administrators at Western University prided themselves on the options available to survivors, claiming that having so many options allowed survivors control over how best to resolve their complaints. In practice, however, survivors

⁸ Formal campus policies were collected in real time by research assistants who reviewed the campus website on a regular basis. I also collected physical materials given to me by university actors or that I encountered during field work; however, I did not read them until later unless guided to do so by a university actor or a survivor participant. This best reflected the experiences of survivors attempting to navigate the field.

overwhelmed or confused by their choices often deferred the decision-making process to university actors who habitually selected the process that would require the least university action and had little hope of holding perpetrators of sexual violence accountable for their actions. University control over survivors' decisions were most visible in two "choices" survivors had to make: (1) whether to escalate a report to a complaint, and (2) whether to pursue an informal resolution or a formal investigation. For an overview of the options available to survivors seeking recourse, see Figure 1.

Reports and complaints. At Western University, reports and complaints are different. (For an overview, see Figure 2.) Reports refer to notification of sexual violence to non-confidential university officials tasked with Title IX compliance. For example, a professor who overhears a student disclosing a sexual assault to a friend is required to notify the Title IX Coordinator through making a report. Students can also file reports themselves. In most cases, reports do not require action, although universities have the right to investigate any reports they choose. Complaints are substantively similar to reports, but they *do* require university action. Complaints and reports are differentiated for good reason—not all survivors named in reports, particularly by responsible employees, are interested in seeking recourse for the sexual misconduct they endured. However, few survivors understood the difference between reports and complaints. As a result, university staff controlled which reports required action based on who they chose to clue into the necessity of also filing a complaint.

The distinction between reports and complaints is subtle and difficult to understand on its own, but Western University also obscured the differences between the two processes in other ways. Most obviously, the words "report" and "complaint" were used interchangeably by

administrators in conversation and in university materials on the sexual violence adjudication process. For example, the online reporting form had a header of, “Submit a Title IX Complaint,” even though the rest of the form referred to filing a “Title IX Report.” The reporting form also did not make clear what would take place after its submission. It promised only that, “If you provide contact information, someone will follow up with you.” There was no indication that a report was not a complaint or that the university’s Title IX Office was not required to take action.

The impact of the confusion this caused for survivors could be devastating. As an example, Samantha, a white 18-year-old freshman, filed an online report following an attempted sexual assault in her dorm room. Unaware that she also needed to file a complaint for the university to take action, she spent more than two months eagerly awaiting information about how her investigation would unfold. The process of waiting was hard for her. As she explained:

SAMANTHA: I’m an emotional wreck... It was really bad the first week after [the attempted assault]. I was just so anxious. I was getting lunch and a guy, like, walked past me and bumped my shoulder as he walked past me and I started crying. Like, I was not good and then I’m just anxious always.

RESEARCHER: Did the investigation—or impending investigation—amp up that anxiety?

SAMANTHA: Yeah. ‘Cause, well, I haven’t heard anything from them since I reported it almost four weeks ago. And so I’m just, like, constantly checking my email, like, “When am I going to get a response? When am I going to hear back from them?”

Since Samantha expected the university to intervene on her behalf, she did not advocate for herself in situations where, in retrospect, she wished she would have. In particular, she regretted not making arrangements for her own comfort before a school trip that she and her assailant both

attended. She had expected the university to place her assailant on interim suspension during the investigation, negating her need to self-advocate. She described:

[My assailant] is in the same [honors program I am] and he was allowed to go on the Chicago trip with me this past weekend. So I was there and I had to be around him all weekend. It was awful... I thought about [saying something], but I really thought something would have happened [by now] 'cause it was, like, three weeks after it happened before we went to Chicago. I knew he was going, so I'm kind of wishing I went to the director [of the program] and been like, "Hey, either he can't go or I'm not going." I wish I could have done that. It sucked a lot... I was just so anxious the whole time... Like being in the airport, being on planes, when we would all go out to dinner together, and, like, staying in the hotel. I was just so anxious and stressed out.

After just over two months of waiting, Samantha gave up hope. From her perspective, the university had simply ignored her concerns about a sexual assailant on campus, which made her lose faith in the university's stated commitment to address sexual violence and protect women.

As she explained:

It sucks a lot [that I never heard back]. I think, you know, I was just straight up ignored. I never heard anything from them. I don't know if, like, maybe during the reporting process I did something wrong—as far as, like, the information to get back to me—but I don't think I did. I think it was pretty self-explanatory.... And it makes me worried that, like, if something were to happen to somebody I know who knows what's happening to me or, like, God forbid, something happens to me again, we're not going to want to report it because we think the exact same thing is going to happen. It stressed me out way worse than if I would have done nothing because I thought something good was going to come

out of it. Like, people don't want to go through that.... I don't think I would report it again if something did happen.

Not only did the university's opaque distinction between reports and complaints suppress Samantha's ability to hold her perpetrator accountable, but it also discouraged her and her friends from pursuing recourse through the university in the event of future sexual violence. This is particularly concerning because, despite her concerns, Samantha did not make a mistake. She simply did not know that Western University did not mandate a response to reports made.

Unlike many survivors relying on online reporting tools, Samantha also connected with a victim advocate shortly after filing her report. Victim advocates contact any survivor named in a report to offer resources and discuss their options, but many survivors are unaware that the email they received from the Victim Advocacy Office is connected to their reports. They anticipate that all correspondence will come from the Title IX Office, since that office is the one they contacted to make a report. Samantha shared this confusion. She did not know that her report initiated the email she received from the Victim Advocacy Office—she believed it came from a conversation she had with a school counselor.

When they met, Samantha explained to her victim advocate that she planned to go through the formal investigation process and had not yet heard from anyone in the Title IX Office. Her victim advocate did not explain that Samantha would also need to file a complaint. Instead, she chastised Samantha for the way she decided to file a report. She said:

[The victim advocates] didn't like that I decided to [file a report] because my sister talked me into it. They said that that should be, like, a personal decision.

Samantha's experience with her victim advocate was not uncommon. It was standard procedure for victim advocates to withhold information about the complaint process from survivors. The

lead victim advocate asserted that doing so was best practice. During an informal interview, she explained to me that doing so was “trauma-informed and survivor-centered,” as victim advocates should limit the amount of information offered to survivors to avoid “overwhelming them.”

Victim advocates were also prohibited—under threat of termination—by the university’s Office of General Counsel from encouraging complaints in any way, especially if a survivor expressed any uncertainty or apprehension about the process. Explaining the process of filing a complaint could be considered encouraging a complaint if the survivor did not explicitly request information on the subject. As a result, victim advocates rarely volunteered information about the distinction between reports and complaints and survivors often did not recognize the need to pursue both. Based on internal records provided by Western University, only 18.4% of reports were escalated into complaints during the 2018-2019 academic year (see Table 1).

Informal resolutions. If a survivor managed to escalate a report into a complaint, she then had a decision to make: would she pursue a formal investigation or an informal resolution? (For an overview of the distinctions between these types of recourse, see Figure 2.) Formal investigations refer to the process through which universities interrogate the validity of survivors’ narratives of sexual violence. University staff ask all involved parties—complainants, respondents, and witnesses—to produce statements and share physical evidence; many are also required to undergo questioning by a university investigator. Title IX staff then must make a determination of whether the complaint was justified. If so, then the university has a legal obligation to sanction the respondent. At Western University, the available sanctions for student respondents in sexual violence cases were suspension and expulsion. Western University’s policies around formal investigation were legalistic and specific. In total, the university’s

description of the formal investigation process in the sexual misconduct policy comprised eighteen pages of written materials. Some elements were also described in more detail in supplemental pamphlets and graphics. Every survivor in the study expressed these documents were overwhelming.

In contrast, informal resolution is vague. Western University's sexual misconduct policy dedicated only a single page to informal resolution. Most staff were not aware that any written materials on informal resolution existed and, accordingly, did not share these materials with survivors. In fact, most staff—including the victim advocates tasked with explaining informal resolution to survivors—could not clearly define what informal resolution was. In practice, Western University's informal resolution policy mirrored the current federal regulations (Department of Education 2020) in that there were only two defining characteristics: informal resolution could not produce punitive outcomes (e.g., suspension, expulsion) and participation in informal resolution must be voluntary for all individuals (i.e., complainants *and* respondents). However, the only staff that understood these parameters were investigators in the Title IX Office. Staff in other offices commonly described informal resolution as what they *hoped* it was or believed it *should* be, such as “a form of restorative justice” or a “not as time-consuming” or arduous way to seek accountability. As a result, informal resolution was regularly misconstrued to survivors who opted to participate in it. They were regularly told by staff to “shoot for the stars” in imagining what potential informal resolution outcomes could be. Survivors commonly requested interventions such as educational trainings and changes in accommodations (e.g., switching offices), but also prohibited interventions, including a respondent's demotion, dismissal, or banishment from campus. Survivors' requests were submitted even if they violated

the restrictions on what informal resolution could achieve. Ultimately, most requests would be denied.

The primary reason so many survivors' cases were funneled toward informal resolution is simple: it was the only way survivors were permitted to "delay" their decision about how to move forward. Without adequate, clear information to differentiate informal resolution and formal investigations, survivors were often unready to rule out either choice. When they were told that they could pursue both options to address the sexual violence they endured, they were eager to do so. However, university officials did not pursue both options equally. As the Title IX Coordinator explained during a meeting I observed, they had an unwritten policy of "resolving all issues at the lowest possible level." In practice, when a survivor chose to pursue all available options, the university pursued only informal resolution.

Brandi, a white 29-year-old university employee, had a very typical experience of a survivor seeking formal adjudication, but ending up with an unsatisfactory informal resolution instead. Brandi immediately reported sexual harassment she experienced at work, first meeting with the Title IX staff mere hours after the first instance of harassment took place. When faced with the decision of which recourse option to choose, Brandi sought the advice of a victim advocate about how to proceed. She received a straightforward recommendation: if she wasn't sure, she could select both. After four weeks of deliberation, selecting both seemed like the right choice to Brandi, if an unclear one. As she explained to me:

BRANDI: In the complaint, it says, you know, mark what you want to have happen in the investigation or informal resolution. When I talked to my advocate, she said that I could have—I could request both. And so I was like, well, yes, I guess I want both because if

they are approached and they deny what happened then I would want an investigation to go forward. But if they don't, I guess an informal resolution is fine with me.

RESEARCHER: Did you know what that meant? An informal resolution?

BRANDI: No, I did not. They would suggest, like, you could request a letter of apology. That was one suggestion that [Title IX] kept referring to. And actually, my advocate too. She said that I could request a letter of apology and I was like, "I don't want a letter of apology" ... I didn't want to read anything that [my harassers] had written... I don't know what [other] possibilities are, so what I just kind of came up with was I just want them to have specific sexual harassment training and, um, someone to talk to them and tell them that I was not okay with how that situation went down. I didn't really know what more I could ask for other than that really... I would have liked to have known some examples maybe of what [informal resolutions] had happened [in other cases]—like, what they were allowed to do and have the power to do. I felt a bit like I had limitations just because I didn't know what I was limited to.

However, Brandi soon found out that selecting both processes did not mean both would be applied evenly. After contributing her time and energy to share evidence required for a formal investigation, Brandi learned that her investigation had come to an abrupt halt after the university had applied an informal resolution without consulting her. She felt disappointed, but unable to request that the university pursue her investigation further. She explained:

I didn't recognize at what point I needed to say, "Oh, actually, I would like you to move forward with the investigation." I do kind of feel like [the informal resolution] eclipsed [the investigation]. I felt a little bit deflated when I got that email from [my investigator]

saying, “Oh, [the Title IX Coordinator] did these things. This is what you asked for. Do you have any questions?” And so that kind of signaled, “Oh, I guess this is over.”

Brandi quickly realized that the university saw the informal resolution as the preferred choice for managing her sexual misconduct complaint. I asked her if she agreed and she responded with:

BRANDI: No, not at all. I kind of was like, “Oh, I want you to—I want there to be an investigation because I want there to be solid proof of this thing that happened. And then as a result of the investigation, I want my alternative things to then move forward.”

RESEARCHER: Why did you want that solid proof?

BRANDI: I like honestly want it to be on their records so that if there is anything more that happened, there’s this incident that clearly states without a doubt that their behavior is not correct.

Ultimately, Brandi felt that the university’s unstated preference for informal resolution indicated a lack of commitment to addressing sexual misconduct—and to her as a survivor. She explained:

BRANDI: I feel like they were trying to work really quickly through the process. I feel like they were considerate of my feelings, but I felt like it was more important to them to be finished with the case—like, have it closed and everything.

RESEARCHER: How did that make you feel?

BRANDI: I don’t really—I don’t know. It made me feel, like, they’re kind of just for show. Like they had an opportunity to really help me and they didn’t. They just wanted it over quickly because it’s their job to move through cases.

In cases like Brandi’s, survivors lacked the information they needed to understand the informal resolution process, but felt actively encouraged to permit the university to pursue informal resolution anyway. They were unaware that doing so would allow the university to prioritize

informal resolution over the investigations they had originally sought out. In the end, they felt that they lost agency during the process and felt that the university had little interest in helping them address the sexual violence they experienced on their own terms.

Not all survivors were as compliant to the university's preferred path as Brandi. Others required subtle discouragement from seeking a formal investigation. In those cases, it was the university's vague policy to address retaliation that convinced them to pursue informal resolution. When requesting a formal investigation, administrators turned the conversation to retaliation, creating (an often unreasonable) fear in survivors about the hostility they could face. Survivors also encountered conversation about retaliation in nearly all interactions with the victim advocacy office. Following the murder of a woman on campus, the office had instituted a mandatory lethality risk assessment for all survivors using campus services. As a result, even victims of types of discrimination at low risk of escalation to physical violence (e.g., verbal sexual harassment) began to consider reporting as a potentially life-threatening action. While Western University had a retaliation policy, it provided little comfort to the survivors. It was simply a statement that retaliation is prohibited. It was symbolic. While Western University did have a procedure for investigating retaliation complaints, only a single survivor in the study was aware of it. Instead, survivors felt that they lacked adequate protection to endure the formal investigation process. With their newly stoked fears and a lack of meaningful institutional protection, they settled on informal resolution as a way to protect themselves. Commonly, their fears also led them to select interventions that would not require their identities to become known or for their perpetrator to be involved in any way.

As an example, Camilla, a biracial 25-year-old university employee and graduate student, felt that the university was generally encouraging of her desire for a formal investigation to

address sexual harassment she faced at work, but the concerns administrators raised about her harassers' willingness to retaliate violently scared her into informal resolution. As she described:

[The Title IX administrators] said that they would be open to an investigation... I was kind of surprised by that, but I was also, like, happy about that. But I told them I wanted to, like, talk to my parents about it because—one, I didn't think it would go to an investigation because of the time [that had passed] and then, two, also because I was initially kind of scared of my safety... I was kind of explaining, like, I am concerned about my safety and, you know, [one administrator] was obviously like, "There's [a] no retaliation policy." But like, in the end, that's just a piece of paper, like, that doesn't really mean much for a lot of people and especially for these people because I know them and I know that doesn't matter.

Camilla was particularly unlikely to face retaliation. She waited to file her complaint until after she had accepted a new job in a different state. At the time of the investigation, she would have been living thousands of miles away in a location unknown to her harassers. Still, the repeated conversations about the threat of retaliation made her too fearful to agree to an investigation, particularly since the university's retaliation policy appeared to be more symbolic than substantive.

Lexie, a white 27-year-old graduate student, also opted against a formal investigation out of fear of retaliation. She did not raise these concerns herself, but rather felt alerted to the danger by her victim advocate who had a large emotional reaction to Lexie's story of receiving inappropriate messages from a campus guest speaker.

LEXIE: So I gave [my advocate] like a brief overview of what happened with this person, then she helped me write [the complaint]. I think it was when we were done writing it and

then, I don't know, if we were talking about—maybe we were jumping ahead and talking about filing a report with, like, the university police or something. Then she was, like, kind of more seriously, "This is stalking and this is a huge issue and it's, like, one of the more dangerous situations to be in." And I forget all the statistics she said.

RESEARCHER: Did that make you feel pressured to file a police report?

LEXIE: No. I don't think it pressured me. I think—I think that it scared me. I think that was when I realized, like, the gravity of what was happening kind of sunk in and I was like, "Oh." And then she, like, stepped out. I think she was tearing up and I was like, "Uh..." I started tearing up too.

RESEARCHER: It sounds like she had a pretty emotional reaction.

LEXIE: She did. Yeah, I don't know if it was 'cause she was picking up my very nonchalant vibes about, you know, the whole thing—more calm, I guess maybe. Or maybe not. I don't really know.

Even though Lexie had originally felt calm about filing a complaint with the university, she started to feel afraid after meeting with her victim advocate. This reinforced her piqued interest in informal resolution since some informal resolutions could be pursued anonymously. Her victim advocate assured Lexie she could still get everything she wanted from informal resolution. The two worked together on completing the necessary form. As Lexie described:

First, [my advocate] asked me what I wanted to do and I was like, "I don't know. Ban him from campus. Ban him from any kind of student event—all that. So that was my first thought. And then she was really nice like, "Shoot for the stars! Do whatever you want! If you could do anything, just put it down in this part."

Lexie felt good about the informal resolution she filed—it would have a meaningful impact while also maintaining her anonymity and keeping her safe. However, her victim advocate had oversold the capabilities of informal resolution. Lexie learned about the limits of informal resolution over a month after pursuing the process. She described the phone call with a Title IX investigator:

[The investigator] was like, “Can’t ban this person from campus, can’t ban them from any student events, can’t ban them from speaking again.” But they can let the, um, I guess director or somebody know that, like, organizes the events or whatever. “We can let them know about this person, exactly what happened, but, you know, it’s under their discretion to invite that person back...” He was kind of like, “Unfortunately, I can’t do this. You aren’t doing an investigation... We need a formal investigation in order to be able to ban someone from campus. We can’t just automatically ban someone and not have any of the investigative work be done.”

At that point, Lexie was still too afraid of violent retaliation from her assailant to seek formal investigation. Instead, she gave up on pursuing any kind of recourse. The only thing she gained from her seeking recourse was a newfound fear. As she explained:

LEXIE: It’s painful ‘cause, you know, I felt like such a superhero, you know? Like coming out and being like, “This happened and this person’s a horrible person and we need to do something about it.” And if nothing else, just make my professor aware of it, you know, talk to my friends and family and they know about [it] so if anything were to happen, they could be like, “This guy. He’s been emailing her and texting her.” And I mean, nothing’s happened since, which has been really nice, but I just don’t know. And

that's the scary part is, like, you just don't know. Like he knows where I work, like he could be there.

RESEARCHER: Do you walk around with that fear right now? Like nothing has happened to him, [so] he could show up at work one day?

LEXIE: I mean, I didn't have that fear until I talked to [my victim advocate] and she was like, "This is very serious," and I was like, "Oh yeah, like, he could do that."

Like Lexie, most survivors who pursued informal resolution gained little from the process, but many were more fearful of their perpetrators than when they began and, correspondingly, were even less inclined to pursue formal investigation.

The process through which Western University guided survivors to informal resolution was effective. Of the participants in this study, all but one who was eligible for informal resolution saw their cases managed without a formal investigation. Accordingly, none of their assailants could face strong sanctions, such as suspension or dismissal. Many declined to participate in the reparative sanctions required of them. Even more commonly, the survivors' requested interventions were denied and their perpetrators were never made aware that a complaint had been filed against them at all.

At the time of data collection, informal resolution could only be used in cases that did not involve sexual penetration (Department of Education 2014). Out of the sample for this study, only one survivor who had the option of informal resolution did not pursue it and nearly all felt dissatisfied with the outcome of their cases or regretted their interactions with the university. No survivors who participated in informal resolutions requested a subsequent formal investigation. Under the most recent federal regulation on Title IX (Department of Education 2020), informal

resolution must be available at all universities and can be used to address all types of sexual violence.

Discussion

This study examines the options available for survivors of sexual misconduct who wish to seek recourse through their universities—and specifically, the degree to which survivors had agency over the choices they made. Even though Western University espoused a philosophy of maximizing survivors’ control of the adjudication process through offering many options to survivors seeking recourse, the survivors in this study faced constraints on their choices that discouraged them from the formal investigations they originally sought. Specifically, the complexity of the organization-specific policies made survivors dependent on organizational actors to understand them, permitting the institution to control the outcome of each case. Survivors who originally sought a formal investigation instead settled for ineffective reports and informal resolutions that, in many cases, offered no meaningful intervention on the violence that had occurred and left survivors feeling unwilling or unable to pursue formal investigations in the future. This type of discouragement is best understood as a chilling effect.

The constraints on survivors’ choices were the direct result of Western University’s policies and procedures. From a survivor’s perspective, Western University’s sexual misconduct policy had two complementary flaws: in some places (i.e., the formal investigation policy) it was long and complex and in others (i.e., the informal resolution policy) it was vague and incomplete. Both problems made it impossible for survivors to navigate the policies available on their own and, accordingly, choose between the available options with full autonomy. In the case of the long and complex formal investigation policy, survivors could not understand the legalistic

documents and felt overwhelmed by the daunting prospect of parsing nuanced issues themselves. In the case of the vague and incomplete informal resolution and retaliation policies, survivors simply did not have the information they needed to understand what the relevant process entailed. Conflicting information and imprecise language further muddled all university documents. Accordingly, survivors could not navigate the sexual misconduct policy and procedures on their own, instead becoming dependent on the university actors to understand the options presented to them. As a result, the university had a significant amount of control over the information survivors received and the decisions they made.

Since survivors could not understand the documents before them, the university easily relied on unwritten organizational procedures that met the university's objectives (e.g., maintaining the status quo, minimizing risk from legal complaints) without the knowledge or protest of survivors. For example, arguably illegal internal practices, such as addressing complaints "at the lowest possible level," further exacerbated university control over the trajectory of sexual misconduct cases without the detection of survivors. However, survivors' poor understanding of the policies governing Title IX made it difficult for them recognize that the closure of their investigations was inappropriate. They simply assumed they had made a mistake along the way, missing a crucial step to require that investigations moved forward. Because the university's procedures were so institutionally-specific, the inclusion of external experts (e.g., lawyers, community advocates) likely would not have given survivors much more control over their cases since they, too, would lack knowledge about key organizational norms and dynamics. Just like the survivors, external experts would be dependent on university actors to make sense of university policy. The result of these practices was clear: there were fewer

formal investigations into sexual misconduct than desired by survivors. Unsurprisingly, survivors did not feel that they had the control they were promised over their cases.

The findings from this study underscore both the importance and the perils of providing survivors options for recourse. For most of the participants in this study, the loss of control of their complaints was a source of harm, echoing previous research on institutional betrayal (Smith and Freyd 2013; 2017). It follows that survivors need autonomy over the course of their complaints to feel truly supported by their universities. However, offering multiple options for recourse is insufficient to meet survivors' needs, particularly if some options are merely symbolic (Edelman 1992; 2016; Edelman and Cabrera 2020), as both informal resolution and the anti-retaliation policy appeared to be in the case of the university studied. These findings are particularly alarming considering the Department of Education's (2020) recent embrace of informal resolution as the primary means of addressing sexual violence. In some cases, this new focus on informal resolution would be tantamount to permitting universities to eschew their legal responsibility to address violence on their campus, especially as formal investigation continues to fail survivors as a viable option for redress. Critics of campus sexual violence adjudication have long recognized that formal investigation is often inaccessible or traumatizing to survivors (Smith and Freyd 2013; 2017), and recent federal regulations (Department of Education 2020) are likely to only exacerbate those problems (Holland, Bedera, and Webermann 2020). Moving forward, survivors will only have true autonomy over how their cases are managed if *all* options available are viable, including formal investigation. In the context of this study, this will require universities to take a more proactive and effective approach to addressing retaliation. External regulatory bodies, including civil courts, should take structural barriers such as inadequate

retaliation policies into account when considering whether a university has created an unlawful chilling effect on sexual misconduct complaints.

This study also calls into question the efficacy of university processes for sharing information about sexual misconduct complaints with students. Victim advocates are typically considered the appropriate conduits for information about the options available to student survivors. In general, this is sensible—many victim advocates (including nearly all advocates in this study) come into their profession because they are survivors themselves; they can empathize with other survivors and enter the field with the best of intentions to improve services. However, unlike community victim advocates, campus victim advocates face substantial constraints by the university they service, particularly in regard to their competing goals of supporting survivors and protecting the university. The victim advocates in this study had limited ability to truly advocate for their clients, especially around formal investigations. According to university policy, encouraging complaints could be a termination-worthy offense, severely curbing victim advocates' capacity to provide sufficient information to clients who are unsure about whether they are ready to file a formal complaint. Arguably, these are the survivors who most need information about complaints, but they were also the most likely to be denied the information they sought out. Like the survivors, campus victim advocates need more autonomy to be able to effectively navigate the recourse options available. This is particularly important since there are few other viable candidates to guide survivors through their choices in a campus context. Since university policies can be so specific to the campus environment, external experts such as lawyers and community victim advocates typically lack the knowledge necessary to effectively counsel a survivor through the campus process. Powerful and independent campus victim advocates are key to the successful adjudication of college sexual misconduct. In the absence of

victim advocates' autonomy, even the most well-intentioned actors can still cause harm as the result of structural constraints.

There is still an even simpler solution to the problems identified by this study: campus sexual misconduct policies and procedures should not be so complicated or vague. By definition, university students have had access to a higher education, making them a population particularly capable of understanding complex written materials. If university students cannot understand sexual misconduct policies as they are currently written, they should be considered unreasonably complex or missing key information. Accordingly, external regulatory bodies should also consider overly complicated or vague sexual misconduct policies as the source of an unlawful chilling effect on sexual misconduct complaints. Additionally, the problems with Western University's sexual misconduct policy underscore the necessity of Congressional reform on campus sexual violence. In the absence of a clear legal mandate (Edelman 2016; Edelman and Cabrera 2020), universities across the country have relied heavily on federal guidance from the Department of Education in drafting materials for their own campuses. As Title IX regulation—especially around adjudication—has been politicized in presidential races over the past decade, the federal regulations have become increasingly lengthy, complicated, and contradictory. While adherence to federal guidance is *not* required for a school to be in compliance with the law, many organizations consider creating their own policies to be more legally risky, especially on such a hotly contested issue. As a result, many schools—including Western University—have adopted policies that are nearly identical to federal guidance and replicate its problems. Most obviously, federal guidelines around what should constitute formal adjudication are complicated and difficult for even legal experts to parse. Conversely, the federal government has provided almost no clarification on what informal resolution should be, including only a single, vague paragraph

in the most recent regulation (Department of Education 2020) that uses identical language to the paragraph in Western University's sexual misconduct policy. Federal legislation on campus sexual violence—or organizational harassment and discrimination more broadly—could rectify the problems in the executive branch and, accordingly, on the campuses that take their cues on sexual misconduct prevention and response from the government, rather than students.

General Applicability. While this study focuses on student survivors' experiences of seeking recourse following campus sexual assault and harassment, the findings have broader implications for understanding how organizations exert control over individual actors. Both overly complex and vague policies and procedures used by organizations to address discrimination make those who attempt to invoke their rights dependent on the organization that has wronged them—and often sees them as a legal liability. As a result, organizations can exert control over the course of a complaint, perhaps (subtly or overtly) discouraging the complaint altogether. It is likely that this process of organizational control is especially pervasive in structures to address discrimination since many organizations adapt others' policies and procedures to avoid legal liability without adequate concern toward the efficacy of adopted programs (Edelman 1992; 2016). I argue this type of symbolic compliance is not only ineffective, but perhaps harmful, as each newly incorporated policy or procedural symbol further complicates the process through which to address discrimination. Each additional complexity increases individuals' dependence on organizational actors to understand the process for redress. These complexities include the adoption of vague policies intended to stand in as symbols. While it might appear contradictory to argue that Western University's sexual misconduct policy is both too complicated and too vague, this is a feature of symbolic compliance. The problem is not that Western University's

policy would work well if students could only understand it, but that many policies (e.g., informal resolution) were never intended to have a clear function. Instead, they were adopted as a way to appease political, legal, and moral pressures while maintaining the status quo, evidenced by the fact that even staff could not point to their purpose. Layered on top of one another, these vague symbolic policies *become* long, complex, and difficult to understand, even if individually, each element lacks substance. Since legal systems often consider the volume of policies around discrimination as evidence of compliance on its own (e.g., Edelman 1992; 2016), it should be unsurprising that the result is long, arduous policies composed of many vague (if not entirely meaningless) components.

Limitations and Future Directions. There are limitations to the current study. Most obviously, the sample size of survivors seeking recourse is relatively small and the study was conducted at a single university campus. Future research would improve from the inclusion of more universities and more survivors' experiences, including those of male survivors. It is possible that male survivors may be treated differently, particularly if they are especially likely to express uncertainty around filing formal complaints (Allen, Ridgeway and Swan 2015). Participants in this study were also recruited through campus organizations, which certainly created a selection effect—the survivors in this study were the most connected to campus organizations, while other survivors likely faced barriers in accessing these processes at all. Research is also needed on the long-term impact on survivors who have faced organizational discouragement from filing sexual misconduct complaints. This is particularly pressing if a survivor is still encountering dangerous behaviors from their perpetrator. The mechanisms of organizational control over discrimination victims could also be studied in other self-regulated organizations. Comparative studies between

self-regulated organizations and organizations that are subjected to regular external oversight could be particularly instructive.

Conclusion. In sum, the current study examined the degree to which options for recourse provide survivors with control over the trajectory of their sexual misconduct complaints. Based on ethnographic observation of university administrators and twenty-two interviews with fifteen survivors seeking recourse through their university, I find that survivors had little control over the choices they made due to organizational barriers to seeking formal complaints. Instead, complicated and vague options exacerbated university control as survivors became dependent on university administrators for advice on their cases. It is imperative to simplify and clarify university sexual misconduct policies and ensure that all available options are truly viable to every survivor.

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CHAPTER 3

Settling for Less: How Universities Distort Sexual Assault Survivors' Views of Their Legal Rights

Abstract

There is a presumption that interactions with legal processes will increase legal consciousness, but less is known about the impact of these interactions when the denial of their rights is normative. The current study uses data from interviews with 29 survivors and ethnographic observation of university administrators to explore how seeking Title IX resources or reporting options alters sexual assault survivors' understanding of their legal rights. In most cases, survivors were denied their legal rights and taught to blame themselves for the university's inaction through a process of institutional distortion. This blame took three main frames: (1) failure to overcome barriers to successful reporting; (2) failure to effectively navigate university bureaucratic processes; and (3) failure to accept the university's limited (and inaccurate) interpretation of Title IX policies and procedures. As a result of this (mis)education, survivors relinquished their rights instead of demanding them. Many also adopted administrators' exaggerations about due process requirements and came to prioritize their assailants' preferences and privileges over their own legal rights.

Introduction

In recent years, academics have begun to explore how organizations impact the experience of sexual violence. It is increasingly clear that trauma does not end with the original violent incident(s), but rather is shaped by the structures and institutions tasked with supporting survivors (Campbell et al. 1999; Smith and Freyd 2014; Sweet 2020). The current study seeks to expand this line of inquiry to consider how organizations impact survivors' understanding of their legal rights. Survivors' relationship with the law is difficult. While campus sexual violence is widely recognized as a particularly heinous crime, it is rarely reported or investigated (Cantor et al. 2015; Krebs et al. 2007). When cases do move forward, perpetrators are seldom sanctioned (Richards, Gillespie, and Claxton 2021). Instead, survivors seeking help are more likely to be betrayed by the institutions tasked with supporting them (Smith and Freyd 2014; Sweet 2020). These widespread failures can make the process of developing legal consciousness (Ewick and Silbey 1991; Silbey 2005) more complex than in functional legalistic systems, especially when universities face conflicting incentives between supporting survivors and protecting their own financial and ideological interests (Edelman 1992; 2016; Edelman and Cabrera 2020).

It is crucial to understand how reporting sexual violence impacts survivors' understanding of their legal rights. The current study examines the legal education survivors receive while seeking Title IX resources or reporting options. Specifically, this study indicates that survivors experience what I call "institutional distortion" of their legal rights and documents how survivors are taught to blame themselves for their university's failures. More specifically, university insistence that their inadequate Title IX policies, procedures, and resources are compliant with the law leads survivors to believe that they had misunderstood the legal rights they had hoped to access. Instead of demanding their rights from their university, they relinquish them and leave university proceedings believing they have fewer rights than they are legally

entitled. Simultaneously, this study also explores how other trauma-related phenomena, such as self-blame, have structural—rather than merely individual—sources.

Literature Review

Background on Survivors' Title IX Rights

Title IX is federal regulation originally passed as a part of the U.S. Education Amendments Act of 1972, which obligates all educational institutions that receive federal funds to provide a learning environment free from sex discrimination (Educational Amendments Act of 1972). Title IX was first successfully applied to sexual violence and harassment in the courts (e.g., *Alexander v. Yale University* 1980) and an interpretation of Title IX explicitly inclusive of sexual violence was codified into federal guidance through multiple Dear Colleague Letters by the Department of Education's Office for Civil Rights (e.g., U.S. Department of Education 1997; 2014; 2020). While the role of universities in the adjudication of sexual violence has become politicized in recent years, there is well-established legal precedent that universities must take action in response to reports of sexual violence with the goal of providing redress for survivors (e.g., academic accommodations, access to mental health resources) and preventing future harm (e.g., ongoing harassment of the same survivor, serial perpetration targeting other victims). A failure to do so constitutes a form of organizational discrimination against survivors of gender-based violence since unsupported survivors face educational disadvantages (e.g., low GPA, high risk of dropping out) as the direct result of trauma and institutional betrayal (Baker et al. 2016; Jordan, Combs, and Smith 2014; Nesbitt and Carson 2021; Smith and Freyd 2013; 2014). While survivors' rights must be balanced with other legal obligations (e.g., due process, FERPA) in developing specific Title IX procedures, many legal scholars have argued that the tension

between Title IX and “due process” is fictitious—a(n effective) political tool for Men’s Rights Activists rather than reflective of legal obligation (Behre 2019; Brodsky 2021; Dowling 2021; Holland, Bedera, and Webermann 2020; Triplett 2012). There are no circumstances under which universities are legally permitted to deny survivors their Title IX rights.

Universities have substantial latitude in how they provide these legal rights to survivors (see Edelman 1992; 2016); however, they are still bound by some legal obligations and cultural norms. Most notably, the Department of Education (e.g., 2014; 2020) has repeatedly indicated that universities have an obligation to adjudicate sexual assault complaints and appropriately sanction (i.e., suspend, expel, or ban from campus) perpetrators found in violation of the university’s sexual misconduct policy. A failure to do so not only threatens the complainant’s safety, but, in the case of serial perpetrators, poses a violent threat to other students on campus, violating their legal rights as well. Many universities have faced sanction from the Office of Civil Rights (e.g., Anderson 2017) and paid out multimillion-dollar civil settlements to victims (e.g., Smith and Hartocollis 2018; Tanner 2021) for failing to appropriately sanction individuals known by university administrators to be dangerous—particularly if a (or multiple) victim(s) had requested university intervention prior to an escalation of violent acts.

Legal Consciousness and Sexual Violence

Legal scholars have long recognized that the existence of civil rights does not guarantee that an individual will access them. An individual must also possess “legal consciousness,” or an understanding of how their lived experiences interact with the law (Ewick and Silbey 1991; Silbey 2005), and learn to name, blame, and claim that a right has been violated (Felstiner, Abel, and Sarat 1980). Victims of gender-based crimes face unique barriers in these processes. Since

sexual violence is normalized and its impacts are minimized, it can be difficult for survivors to name their experiences (Hlavka 2014; Holland and Cortina 2017; Jaffe et al. 2017; Marshall 2003). Survivors are also taught to blame themselves—rather than a perpetrator or an enabling organization—for the violence they endured (Ullman 1996; Veletsianos et al. 2018). Even when survivors overcome these difficulties, they often encounter gatekeepers who themselves have limited legal consciousness and deny survivors’ legitimate claims (Marshall 2005). Additionally, some survivors reject their rights altogether, feeling a gendered pressure to laugh off a violent incident or frame it as a “personal problem” they should manage on their own, even if they know they have a right to file a complaint (Nielsen 2000; Quinn 2000). All of these barriers survivors face in accessing their legal rights are likely compounded in a campus environment where many victims are teenagers who have never before interfaced with any legal process without the assistance or oversight of a parent.

Studies have demonstrated that increasing survivors’ knowledge of their rights—particularly through the introduction of victim advocates—can have a significant impact on the outcome of their legal cases (Campbell 2006; Campbell et al. 1999). Accordingly, many activist organizations, such as Know Your IX, have promoted educating students about Title IX as a way to improve campus adjudication. These organizations taught survivors not only about how to report (e.g., labeling an incident as sexual assault, finding campus resources), but also how to recognize if a university had violated a survivor’s rights during the reporting process (e.g., refused to initiate a complaint, retaliated against a survivor for reporting). In response to mounting pressures following activist efforts (e.g., White House Task Force 2014), most universities have implemented Title IX trainings as part of first year student orientation and hired victim advocates to assist survivors in navigating the reporting process. To date, there is limited

research on whether universities' educational efforts have improved survivors' legal consciousness and capacity to access their legal rights.

Structural Barriers to Learning Survivor Rights

There are reasons to expect that universities might hinder survivors' capacity to understand and access their rights, rather than bolster them. While universities have incentives to comply with Title IX law, they have competing—and often stronger—incentives to violate survivors' rights, especially in regard to sexual assault reports. The act of holding a perpetrator accountable for violence they committed can pose financial threats to the institution, including civil litigation from the respondent or garnering unflattering attention from donors, alumnae, or prospective students (Kennedy 1994; Martin 2016). Universities are also gendered organizations (Acker 1990) that regularly prioritize men and men's organizations (e.g., fraternities, men's athletics teams) over women (DiCaro 2021; Mihalia 2017). In many cases, holding a (male) assailant accountable is in tension with universities' patriarchal values (e.g., allowing a star football player to compete). Accordingly, it is unsurprising that the individuals hired to manage sexual violence claims would reflect the organization's values and criticize or mock the very policies they are tasked with enforcing (Marshall 2005; Munkres 2008). As a result, universities avoid sanctioning perpetrators, preferring to minimize or ignore the violence that occurred (Richards, Gillespie, and Claxton 2021), even when doing so further harms survivors (Smith and Freyd 2013, 2014). It is no longer a question of *if* universities interfere with survivors' capacity to access their rights, but *how* they manage the act of institutional gaslighting (Sweet 2020).

Universities cannot overtly deny survivors their legal rights. Instead, they rely on symbols of compliance (Edelman 1992, 2016) with Title IX law that give the illusion of

supporting survivors when, in fact, the university has made few—if any—substantive changes (Edelman and Cabrera 2020). For example, universities have crafted long, complex sexual misconduct policies that suggest they take sexual violence seriously, but in practice, are too complicated for an undergraduate student to understand and create new barriers for survivors seeking to report (Albrecht, Nielsen, and Wuorinen 2020; Bedera forthcoming). Many have argued that university victim advocates serve a similar symbolic function as they serve in severely restricted roles that make it difficult to meet survivors’ needs (Bedera forthcoming; Brubaker 2018; Javorka and Campbell 2019). Since civil rights laws are not specific in how organizations provide individuals with their legal rights, universities can argue that these interventions meet the threshold for compliance with the law, even if they are ineffective (Edelman, Uggen, and Erlanger 1999).

I advance these arguments by identifying a new component of effective symbolic compliance: institutions distorting individuals’ understanding of their rights to teach them to settle for less than the law offers them. In the case of Title IX, there is a long and clear history of survivors winning their own rights through clarifying Title IX protections in civil litigation and social movements. For many survivors, escalating their complaints about university mismanagement of their cases could—and has—threatened universities’ capacity to maintain control over how they comply with Title IX (e.g., Anderson 2017). I argue that universities benefit from creating symbolic compliance structures focused on rights (mis)education (e.g., victim advocacy programs) because they allow the institution to exert control over how survivors develop legal consciousness. At best, they can provide inadequate legal education and, at worst, misrepresent survivors’ legal rights.

Harnessing Self-Blame

In the aftermath of an unjust Title IX decision, survivors should blame their universities for violating their rights, but, as I find in this study, they more often blame themselves for asking too much. Self-blame, broadly speaking, is a common component of the survivor experience (Ullman 1996; Ullman, Peter-Hagene, and Relyea 2014; Ullman et al. 2007) and victim-blaming attitudes proliferate across our culture (Iconis 2008). While there is little research on how self-blame impacts sexual assault adjudication, it is unsurprising that it would play a role. Self-blame can be a powerful tool in controlling survivors' behaviors. It could also disrupt a survivor's capacity to access their rights, since blaming the responsible party is a key component of rights mobilization (Felstiner, Abel, and Sarat 1980). To put it simply, teaching survivors to blame themselves for the outcomes of their cases could serve as a form of institutional gaslighting (Sweet 2020) and be an effective way for universities to distort survivors' legal consciousness. It also could come at considerable harm to the survivor, as self-blame is correlated with mental health difficulties, substance abuse, and revictimization (e.g., Kline et al. 2018; Miller, Markman, and Handley 2007). Notably, many of these harms are also known symptoms of institutional betrayal, which is common among survivors who endured unjust Title IX outcomes (Smith and Freyd 2013). In this way, manufactured self-blame may be a central mechanism through which institutional betrayal is created.

In the context of sexual assault adjudication, I argue that self-blame can take familiar forms (e.g., blaming a victim for sending "mixed signals" to a perpetrator), but also new ones specific to this context. For example, I will argue that survivors blame themselves for failing to navigate complex policies and bureaucracies created by their university, often mirroring the language of university administrators in doing so. Women survivors may also take on a gendered

self-blame, disparaging themselves for failing to empathize adequately with their perpetrator (Manne 2017, 2020) and prioritize men’s rights (e.g., “due process”) above their own legal rights, safety, and well-being.

Current Study

The current study examines whether survivors’ legal consciousness is bolstered or diminished through their interactions with university administrators, including Title IX staff and victim advocates. How do survivors’ legal ideologies—especially about their own rights—change through the reporting process? Who do survivors blame for unsatisfactory (and, often, unsafe) outcomes in Title IX cases? In answering these questions, this study seeks to explore whether organizations tasked with self-regulation of discrimination claims can be trusted as the providers of legal education—or if they are more likely to distort their representations of complainants’ rights in service of protecting themselves.

Data and Methods

The data from this study come from 76 semi-structured interviews and twelve months of ethnographic observation conducted between July 2018 and September 2019⁹ at a large public university in the western United States (Western University). Like many schools, Western University was investigated by the Department of Education for mismanaging Title IX cases and has settled several high-profile multiple-million-dollar lawsuits with victims. The university has been made aware of their legal obligations to sexual assault survivors repeatedly. The broader

⁹ I conducted ethnographic observation between July 2018 and June 2019. I conducted interviews between September 2018 and September 2019. No new interview participants were recruited to the study after the academic year and ethnographic observation ended in June 2019, but two participants had ongoing sexual misconduct complaints that concluded in September. We completed their second interviews at that time.

project includes semi-structured interviews with survivors, perpetrators, and relevant university staff who provided victim advocacy resources or facilitated the university's reporting process for sexual violence during the time of data collection. It also includes 47 hours of observation of non-confidential meetings, trainings, and events hosted by university staff on the adjudication of sexual violence, as well as hundreds of hours¹⁰ spent on campus completing other research-related tasks, and the content analysis of 79 sexual misconduct policy-related documents distributed by the university. For the present study, analyses focus primarily on 36 interviews with 29 survivors whose sexual assaults were eligible for university adjudication. To determine eligibility, I used the same criteria as Western University at the time of data collection, which required a case met one of two conditions: (1) the respondent(s) named in the case must be current students or employees of Western University; and/or (2) the sexual misconduct took place in the context of a school-sponsored activity (e.g., study abroad, campus job fair). Most cases excluded (n=19) from the study involved childhood or family sexual abuse, teen dating violence, or sexual violence connected to a non-university organization (e.g., high school, workplace, church). In the excluded cases, all but one survivor never considered reporting to the university because they did not believe the university could effectively intervene on the behavior of their perpetrator(s) due to jurisdictional concerns. While analysis for this study focuses primarily on this subset from the data, ethnographic observation and interviews with school administrators shaped the project. I also used these data to corroborate details in survivors'

¹⁰ During data collection, I spent an average of three days per week working from campus for four hours or longer. Excluding university breaks, weekends, and trips back to my home institution, I spent the majority of my working hours on campus nearly every day for a calendar year. The interactions that took place during this time significantly impacted my understanding of the field (e.g., student and faculty perceptions of Title IX), but I did not formally track them.

stories (e.g., Title IX investigators regularly teach survivors about “due process” instead of their own Title IX rights; the contents of information packets about Title IX investigations).

Interviews

Survivor interview participants were recruited for the study through flyers distributed by the university victim advocates when a survivor first visited the office. All victim advocacy clients were invited to participate in a study conducted by a researcher external to the university about their experiences with campus organizations that manage sexual misconduct-related proceedings. Upon meeting the researcher, participants who were considering or currently in the midst of filing a complaint to the university for the purposes of adjudication were invited to complete two interviews—one at their current stage of the complaint process and one after its completion. All other participants completed a single interview. In total, 93 victim advocacy clients were recruited to the study, 65 expressed interest in participating, and 44 completed at least one interview. All participants eligible to complete two interviews did so. Of the 44 participants, 29 were eligible for Title IX adjudication, 14 pursued Title IX complaints¹¹, and seven were involved in complaints that were still ongoing. In total, the interview data for this project includes 29 participants and 36 interviews. Participants were notified that they would receive \$40 per interview completed. For an overview of the characteristics of participants’ Title IX cases, see Table 2.

The demographics of the interview participants are reflective of students most likely to experience sexual violence. Two participants identified as men, one as genderqueer, and the rest identified as women. Just over half (55%) were white, four were Asian (14%), three were Latinx

¹¹ I use a victim’s perspective in how I define “pursued complaints.” University administrators may not agree with this characterization, but all of these participants believed they had initiated a complaint process in some form.

(10%), and six (21%) were biracial.¹² In comparison to Western University's demographics, students of color were significantly overrepresented. Just over half (62%) identified as heterosexual, seven (24%) as bisexual, one (3%) as lesbian, one (3%) as demisexual, and two (7%) did not disclose their sexual identities. Most participants were undergraduate students (79%), but five graduate students and two staff are also included in the sample.¹³ Interviews lasted between 42 and 193 minutes with a median interview length of 95 minutes. Most variation in interview length reflects how many university services a participant received.

During interviews, survivors answered questions about their experiences of sexual violence and seeking campus resources, as well as its impact on their well-being and relationships. Survivors were also asked a variety of questions about how accessing campus resources impacted their legal ideologies, including four central questions related to legal consciousness: (1) What do/did you hope to gain by accessing campus resources? (2) What do you think you deserve from the university? (3) Has your engagement with the university changed your mind about what you think you deserve? (4) What do you think is realistic to expect from the university? Survivors were also asked if they would seek campus resources in the future and to share any complaints or recommendations they had about how Western University managed Title IX cases. Throughout these conversations, participants crafted their own narratives of why their cases turned out the way they did and connected those stories to the way they thought about campus adjudication systems and their own legal rights.

To ease the burden of interviews on survivor participants and ensure high quality data, I relied on trauma-informed interview methodology (Bedera and Nordmeyer 2017), including

¹² Biracial participants held a combination of white, Latina, Asian, Black, and Indigenous identities. All Black (n=2) and Indigenous (n=1) participants were biracial.

¹³ The university uses the sexual misconduct policy for students and staff. One of the staff members was also a graduate student, but filed a complaint about misconduct in her workplace.

meeting survivors and providing a sample interview guide in advance of each interview, taking breaks from interviews as needed, and avoiding potentially stigmatizing questions. Interview excerpts presented in this manuscript are edited for clarity and length.

Analysis

I analyzed survivors' interviews to understand how their ideologies about their legal rights changed over the course of their interactions with Western University. I engaged in open coding to identify themes in survivors' narratives and found that self-blame was by far the most common reaction to receiving inadequate support. I separated the dataset into two categories: participants who engaged in self-blame (n=26) and participants who did not (n=3). Using Dedoose qualitative coding software, I sorted self-blaming comments into three emergent and exhaustive categories: (1) self-blame for refusing to participate in university processes; (2) self-blame for failing to navigate university processes successfully; and (3) self-blame for expecting too much from university processes. These themes are not mutually exclusive and many comments fell into multiple categories. The three survivors who refused self-blame had different reasons for doing so. All three survivors' stories (Allison, Daniel, and Kiara) are explored in the findings section of this paper as exceptional cases.

I present the findings from this study from the perspective of survivors. During data collection, I did not review the formal campus policies until after leaving the field¹⁴ to avoid unintentionally filling in gaps or confusions that survivors experienced. In cases in which a survivor misunderstood a campus policy, I do not correct them in the findings of this paper.

¹⁴ Formal campus policies were collected in real time by research assistants who reviewed the campus website on a regular basis. I also collected physical materials given to me by university actors or that I encountered during field work; however, I did not read them until later unless guided to do so by a university actor or a survivor participant.

Instead, these common mistakes should be understood as systematically created by university processes (Bedera forthcoming) and, as such, central to understanding how organizations alter survivors' understanding of their legal rights.

Findings

Survivors in this study reported sexual violence to their universities for two main reasons: (1) they want to intervene on a perpetrator's ongoing violence (whether it is still directed at them or potential future victims); and/or (2) the trauma they experienced is impacting their educations (e.g., seeing a perpetrator in class causes disruptive PTSD flashbacks; continued harassment makes campus unsafe). Similar to the survivors in other studies, they needed the university to intervene for an explicit purpose (Cipriano et al. forthcoming). However, few participants received the interventions they originally sought—and are legally entitled to receive. In general, survivors were dissatisfied with the outcomes of their cases, but they did not blame Western University for failing to help them access their legal rights. Instead, they adopted their university's rationalizations for inaction and blamed themselves for “misunderstanding” their legal rights in three main ways: (1) failure to overcome barriers to successful reporting; (2) failure to effectively navigate university bureaucratic processes; and (3) failure to accept the limitations of existing Title IX policies and procedures. Ultimately, this self-blame led survivors to feel lucky to receive even the smallest, most inconsequential interventions. Their interactions with university organizations left them (incorrectly) believing they had fewer rights than when they began.

“A Little Expert on Sexual Harassment”

To begin, it is useful to understand the potential for the Title IX system to increase a survivor's legal consciousness and willingness to access their rights. There was only a single survivor in this study whose Title IX process ended in her original desired outcome. She was also the only survivor whose knowledge of her rights unambiguously improved.

Allison, a white 25-year-old graduate student, received a rape threat from a Black man on the custodial staff. She immediately reached out to the chair of her department and the Title IX Office, but she initially worried that she was overreacting and that the process was too overwhelming to be worth the effort. After she connected with a victim advocate, she felt supported and began to understand her rights better. As she explained:

[My advocate] was really adamant in saying, like, "That's why we exist—so that students can get walked through this experience and these tricky legal things because there has to be legal representation of some sort and you may not know how that works." ... [I asked her] "What are my rights?" I wouldn't know what to do. So she was basically like, "We're here to help you understand what's going on."

Allison's victim advocate confirmed that the language used by her assailant did meet the threshold of a threat of violence and should be taken seriously. She also informed Allison that if the threat made her feel uncomfortable at school, it violated her Title IX rights. The two discussed multiple options for redress. In the end, Allison decided to move forward with an informal process. Specifically, she asked that her assailant be retrained on sexual harassment and relocated to work in another campus building. The Title IX Office granted both requests.

Afterward, Allison felt empowered. She understood now that she deserved a "safe and healthy working environment" and that Western University had an obligation to "solve a

problem or potential threat” that interfered with those rights. When asked how her interactions with the Title IX process changed her view of her rights, she said:

It’s changed my mind in a really positive way in terms of [how I] view sexual harassment in the workplace. It has definitely opened my eyes to the differences in sexual harassment and has outlined clear things in the workplace that are okay and that are not okay, so that’s been a really positive impact on me. Laughs. I feel like a little expert now on sexual harassment in the workplace!

Allison’s case was unique in two main ways. First, she had structural power over her assailant—graduate students are valued more highly than custodians in academic hierarchies. She also had race- and class-based privilege over him. Second, Allison’s requests of the Title IX Office were small. Rather than seeking major disruptions (e.g., termination of her assailant), she looked for minor adjustments that might have taken place anyway for a myriad of other reasons (e.g., annual trainings, routine changes in work assignments). These factors likely explain why the Title IX Office met her expectations. The process by which Allison could access her rights was uncomplicated and so the education she received on her rights was equally straightforward.

Learning to Self-Blame

More commonly, participants’ Title IX cases fell short of their original desired outcomes. When their cases fell apart, survivors looked to university administrators to explain what had gone wrong and overwhelmingly faced critiques of how they managed the reporting process or the violence they endured. Survivors came to adopt similar language for their own narratives of the Title IX process, blaming themselves instead of Western University and relinquishing their rights instead of demanding them.

Failing to Overcome Barriers. Just over half of participants who could have filed Title IX complaints opted against doing so, even if they originally had hoped to report. They struggled with the same barriers others have identified (e.g., time-intensive or resource-intensive processes, difficulties understanding the Title IX process) (e.g., Know Your IX 2021), but they did not fault Western University’s arduous Title IX process. Instead, they blamed themselves for being unwilling to do the work required.

Tasia, a white 20-year-old junior, was raped by a student who lived in the building she supervised as a Resident Advisor (RA). In the aftermath of the violence, she no longer felt safe in their shared home and she struggled to meet her work requirements. After learning how long a Title IX complaint would take, she decided to move out herself, even though it interfered with her academics and impacted her reputation at work. As she explained:

I’m not in a good mental state right now. I fear that making a report... and going through an investigation or something like that to get him kicked out... I don’t want to go through with this thing and have it drag on. I don’t feel good saying this, but I would rather move out and move on because investigations take a long time... I’m trying to graduate in the spring.

Since she refused to move forward with a complaint, she also blamed herself for the unfair outcome of taking on the burden of moving:

I think it’s kind of ridiculous I have to move instead of him, but how it was explained from victim advocates is that he can’t be kicked out until—unless it’s proven, you know? They can’t just kick him out. And again, like, I don’t want to go through it ‘cause that’s going to take a long time.

Tasia did not critique the university's policies or procedures for failing to meet her needs (i.e., a process that would end prior to her graduation without interfering in her education). She accepted them and the consequences of working outside of a system that wouldn't work for her.

Kelia, a Black and white 21-year-old senior, had also decided not to report because she was overwhelmed by how long a Title IX investigation would take. Years later, the injustice of her sexual assault still affected her, but she did not blame Western University for failing to have a process that would have met her needs. She rationalized:

It was just a complicated decision and one I thought I could deal with on my own. Clearly not. I thought at the time—I know I was a dumb 19-year-old—I just didn't realize how much it would affect me. So I didn't want to report it and I didn't want to go through the whole process 'cause when they give you the folder or whatever that's like the process of reporting to the university, it's like 12 steps. Not that it's bad. Now I know how it works and I know it's really not like that, but when you have it in front of you and you're contemplating whether or not to do it, it seems like it'll take forever and be a long time... I decided to deal with it on my own, which was not the best choice, but I did it anyway.

Kelia lost her job as an RA and her grades suffered in the aftermath of the violence she endured, but she blamed herself for that too, saying, "I gave up to be honest. I just kind of gave up in general... I should have gotten help sooner."

Sarah, an Asian and white 19-year-old sophomore, was also deterred by barriers within the Title IX investigation process. After her sexual assault, she found the process of collecting evidence daunting and expected that she had not gathered enough proof of what happened to merit a sanction for her assailant. She accepted—and endorsed—this barrier:

Sometimes I think that what happened to me was bad, but it wasn't as bad as it could have been. They should be focusing on cases that they can actually prove with hardcore evidence.

Similarly, Margo, a white 20-year-old sophomore, suggested Western University had acted appropriately in subtly discouraging her attempt to file a complaint over intimate partner violence. She said:

Everyone [I ask for help] falls short because I don't have hard evidence. It's frustrating that I need hard evidence, but that's about [how] I expect them to be. You can't just convict somebody with no evidence.

In fact, Margo had evidence, including witnesses to the violence and evidence of a pattern of similar violence directed at other women. However, she accepted the university's view that her evidence was "insufficient" to build a strong case. Participants regularly came to believe that they should take on all of the burdens of managing the violence they endured if they could not disprove their most suspicious critics. In Margo's case, she had a lot of them—her assailant's father was an esteemed professor at Western University.

Participants did not only blame themselves for the inaccessibility of the reporting process, but also for struggling to access other campus resources they were legally entitled to receive. Most commonly, they commented on the clear lack of funding for victim advocacy services. They wanted to reserve the limited resources available for survivors with more "serious" cases and blamed themselves for wanting more than was available to go around.

Feeling guilty for requesting university services defined Dalaney, a white 19-year-old sophomore's experience with victim advocacy. After her rape, she said, "I kind of don't want to take the resources from somebody who, like, needs it," before explaining how she only visited

victim advocacy a single time, adding, “I did feel weird going. It’s like a little office, but it’s open [with] cubicles, so I wasn’t sure if I belonged there.” Dalaney accepted help for arranging one extension on coursework and then hoped she would never return, worrying she had already asked for too much:

I felt like I wasn’t supposed to be there. I really liked the whole experience. I think the only that would have been nice is if there would have been a follow up email. Like business stuff like, “Hey, I hope you know you’re fine. Just a reminder that we’re here just in case you need anything or whatever.” I may feel kind of stupid for asking for that—I don’t need constant attention or anything—but I probably would have appreciated just a little “by the way” instead of just one [email] thread or whatever.... [My advocate] said there’s no normal timeline to get over this stuff, so she was like if you find that there’s just a day you can’t get out of bed or in a semester or all of a sudden can’t handle it, like, you can’t write your paper or whatever, we can always deal with that stuff... [But] hopefully I don’t have to use them again.

Dalaney made clear that her decision not to return to victim advocacy was not because she no longer needed resources, saying, “Things are not easy for me by any means. Like, I’m still a disaster all the time.” She simply wanted to reserve limited resources for other victims.

Ariel, a Latina and white 27-year-old senior, also expressed guilt for using—or wanting—victim advocacy services. After repeated experiences with gender-based violence, the only place Ariel felt truly safe on campus was the victim advocacy office. She wished that she could spend more time there, but recognized that the physical limitations of the one-room space meant taking time from other survivors who needed confidentiality—and couldn’t get it with any

other students in the room. Still, she blamed herself and other students for not finding creative solutions:

I kinda wish they had a lounge. Laughter. I know that's silly, but they've got a really tiny office and a little couch and a little coffee table and a bamboo wall divider... I just felt comfortable enough there and safe enough there that I would want to just go hang out between classes or want to go there if I needed to cry somewhere... I'm sure there are other already established places on campus I could do that if I could just find a place to go, but I already established that relationship with [my advocate]. It felt like I would want to go back more often than just like on an emergency or crisis or big deal basis, I guess. But maybe that's something that could happen with student effort. Maybe that could be a student-led group area.

Ariel had tried to carve out that safe space for herself across campus, but had a hard time getting access to resources that could have helped her do that like the counseling center or disability services. She was empathetic to them, assuming ‘they’re swamped with so many other things.’ This made any attention she did receive from the victim advocates feel like a gift, rather than an entitlement. In fact, Ariel felt like she “owed” the victim advocates and intended to get them “a Christmas gift” as an act of reciprocity for the services she received and to reenergize the victim advocates to continue their work. After all, it was clear that the victim advocates could not meet all survivors’ needs and Ariel wondered, “I feel like so many other girls or anything has gone through worse than me and do they still get this help?” She repeatedly said she felt like a “burden” for taking anything from the space and then blamed Western University’s shortcomings on her own unwillingness to keep asking for help.

There was only one participant who gave up on university services he needed and blamed the university for failing to provide them. Daniel, a white 29-year-old junior, looked to victim advocacy for housing and financial assistance after intimate partner violence in married student housing left him scrambling to find a safe place to live. Western University allowed Daniel to stay at the university hotel for free for two nights, but that wasn't enough time to arrange permanent housing accommodations—or refund the rent he still paid to house his abuser. While other (women) participants who received similar services expressed guilt for using limited resources, Daniel recognized the inadequacy of the university's response. When I asked him what he believed he deserved, he said:

The university should have assets set aside for extenuating circumstances like mine, right? So for instance, this student experienced domestic violence. They can't go home and they don't feel safe at home. We need to set them up at the guest house, right? We have ten rooms—I don't know, I'm making up numbers—we have ten rooms already available, you pick one, boom, we get you there. You stay there essentially until you get your life back together, right? So a year or whatever. You have a year to figure it out 'cause after a year you're just kind of abusing the resource. I just wish there was a blank check or something. 'Cause two nights, while useful, definitely the stress came back [right after]. Like where am I gonna go? No, I ended up going back to my abuser... It almost seemed like it was pulling teeth to get more time at the [guest house]. I get that it's expensive, but I'm paying to live [on campus], right? ... Like if you got raped in the dorms or something, you were paying rent, but you don't feel safe going back to the dorms... So there should be a safe haven on campus to stay.

The men in this study felt a stronger entitlement to university assistance based on their legal rights—if they needed it.¹⁵ In addition to long-term housing accommodations, Daniel also believed victims had a right to walk-in crisis assistance, timely responses to crisis-related emails, discrete information packets about victims’ rights, regular wellness check-ins, stipends to manage personal expenses (e.g., food, housing, counseling), and long-term use of victim advocacy services. In the spirit of Title IX, he believed he deserved these services because, “You don’t have a place to live, so whatever is going on in your life—your school life is going to suffer.” The disparity between how men recognized the dismissal of their legal rights and how everyone else blamed themselves indicate that self-blame may draw on gendered interactions and inequalities.

Failing to Navigate the Process. Survivors who did overcome the barriers to reporting or seeking resources typically did not receive the help they needed. After their rights were denied, they blamed themselves for failing to navigate or fit into Western University’s legalistic processes effectively.

Miranda, a Latinx 20-year-old sophomore, was sexually assaulted while unconscious by a man who lived in their dorm. Afterward, he gathered a mob of twenty other students to leave threatening messages in common spaces, break into their room, steal their possessions, and publicly burn their belongings. Miranda’s assailant then threatened to kill them in a mass shooting and had begun to stockpile weapons, which motivated them to seek help a few months after the sexual assault. Miranda reported his behavior to their RA, a professor, and the Dean of Students. No one initiated a formal Title IX complaint, even though Miranda repeatedly requested one. Miranda believed they were sparing them from a disappointing outcome:

¹⁵ Male participants were more likely to express that they did not need university intervention, particularly because their (women) assailants did not pose a continued violent threat to themselves or others.

I don't remember what happened. I don't have a rape kit [from] right after it. I wasn't ever pregnant. There's no, like, record of any sort, like an abortion [or] Plan B that I had to purchase 'cause I was on birth control... And also, I just think it's too long—like, I waited too long. I found out [about Title IX reporting] too late basically for it to really do anything.

In the end, Miranda was allowed to upgrade their parking pass. When asked what they believed they deserved from her university, Miranda said simply, “I think I got a lot of what I deserved.” Later adding, “Subsidizing my parking pass was obviously really generous.” When asked if they resented Western University for dismissing their complaint, they answered:

No... I think I resent myself for not coming forward [fast enough] to do anything. I'm mad at myself. I think I totally could have built a case literally against all of them.

Jen, a white 33-year-old graduate student, came to Title IX looking for help as violence escalated in the aftermath of her abusive relationship. Her assailant had already been named in two similar complaints by other women in the same performing arts program, but Jen's case still ended in insufficient evidence. After the final report was released, Jen had five days to decide whether or not to appeal the case, but she was in dress rehearsals for an upcoming performance and didn't have time to decide what to do. She asked for an extension, but it was denied. She reflected:

I wish that I could have had the support to make an informed decision about my own hearing. I wish that I could have had—I wish I would have asked for support to prepare for the hearing.

Deciding whether or not to file an appeal was complicated because of the other ways Jen came to blame herself for the outcome in her case. The Title IX Office had raised concerns about Jen's

“credibility” after another woman had sent an anonymous letter to the director of a local performance company to share that the lead of an upcoming show (Jen’s perpetrator) was known to be violent toward women. Quickly, the email got back to the Title IX Office and Jen was brought in for questioning. Suddenly, she was responsible for its contents:

It threw me into a panic attack. I didn’t even know what to do. Exhales. I didn’t know that [the director] knew about this or anything. And it just—it just scared me. I don’t know why. And I-I just denied knowing anything about it ‘cause I was frozen and in panic. Then I left that meeting and I went to counseling and I realized that I should have... Trails off. I called [the investigator] and said, “I’m sorry. I was having a fear reaction. I do know who sent that letter. She did tell me she sent that...” Anyway, so that was another, I think, ding to my credibility.

Jen had not known about the letter at the time it was sent, nor did the letter change the facts of her case, but still, Jen regretted how she managed that interaction. She knew it hurt her credibility and she blamed herself for that.

Marissa, a white 22-year-old senior, was raped by another serial assailant on campus. Unlike other participants, she did question the “insufficient evidence” finding in her case and appealed her complaint to the university’s hearing board. When her appeal came to the same unsatisfying outcome, she blamed herself for failing to fit the mold of the perfect victim. The day after her assault, Marissa had an avoidance coping response (Ullman et al. 2007) in which she said she enjoyed the violence she endured. She also asked her assailant about his most recent STI test and assured him that she used contraceptives. These facts were listed as reasons Western University did not find her complaint credible. Marissa reflected:

MARISSA: Something that [I'm] definitely still grappling with is a lot of self-doubt and self-hatred, especially regarding those text messages that I sent and the fact that I engaged with him. Especially this one. I said, "You kind of rocked my world." I still hate myself for that.

RESEARCHER: Why did you say that in the moment?

MARISSA: Because I thought I was going to have to deal with this person—that he would continue to be part of my social circle and I needed to breeze over a very, very, very uncomfortable sexual encounter that I never want to happen again. But it made me look so bad. I shot myself in the foot, investigatively speaking. It makes me so angry.

Avoidance coping is a common trauma response and Marissa had compiled a folder of research to educate the hearing board about how and why it manifests. She also had text exchanges with her friends from the same day about how she had truly felt. Western University ignored all of that evidence, but Marissa did not fault them for it. She thought it was unfair, but believed Title IX staff when they told her they were “unable” to do otherwise because of their “vacuum approach” to these cases.

Marissa stopped advocating for justice in her own case. Instead, she channeled her energies into activist work to ensure other survivors would know how devastating the process could be. When asked what she believed survivors deserved, she answered:

Transparency about what they're getting into—the fact that it could take longer than 60 days, the fact that it could take up a large portion of their life. [Information on] the various reporting options that they have, more kindness, and the investigator checking in with them so that they don't have to harass them about where the case is—there should

just be a weekly update that they get. To feel more supported by the community—by the school—to stay in school.

Marissa never advocated for changes in the outcomes of cases or the most difficult parts of filing a complaint—only ways to prepare survivors for the disappointments of the Title IX process.

Failing to Accept the Limits. Self-blame did not mean that survivors could not see structural flaws within Western University’s Title IX process. It did, however, shape how those structural critiques manifested. Instead of holding the university responsible for violations of their legal rights, survivors more often blamed themselves for expecting too much from the process. As a result, they often came to believe they had fewer rights than the law promised.

Many survivors brought up examples of highly publicized cases in which survivors were denied justice—and then chided themselves for being naïve enough to think they would be able to achieve any other outcome. For example, Tasia, a white 20-year-old junior, said:

Not to bring up politics, but watching the Brett Kavanaugh hearing and Dr. Ford coming forward after all of that and everything with that and he’s still like [a Supreme Court Justice]. I don’t know. Just even to be accused and then it’s still, like, okay... And you saw her testify and make herself vulnerable and the fact that people still wouldn’t even consider that or dismissing it because it was so many years ago. You know what I mean?

Similarly, Camilla, a Black and Latina 25-year-old graduate student, reconciled her disappointing outcome through reflecting on how long—and how many victims—it took for justice in the Larry Nassar case:

I did my part and I think that they will face consequences sooner or later. There are so many situations where you hear people like the gymnastics athletic trainer, you know, got away with awful things for years and years and years and finally, finally he’s serving

consequences with jail time. You know, you can only do bad things for so long before you have to face consequences. Again, it's like I did my part [by reporting] and there's nothing more I can do.

In comparison to these high-profile cases of injustice, survivors felt like they were lucky to get any support at all. For example, Camilla's case ended in a training for everyone in her workplace. Her assailant didn't pay attention during the training, but Camilla said, "It was better than nothing." Lexie, a white 27-year-old graduate student, saw her case end in a training that did not involve her assailant at all. Ultimately, she said, "I got something. I wasn't *not* heard." Ariel, a Latina and white 27-year-old senior, whose assailant received a one-day ban from her workplace, said "I feel like I got more than I deserved."

Since survivors' legal rights are so commonly violated throughout society, survivors felt it was unfair to blame the university specifically for widespread failures. As Miranda, a Latinx 20-year-old sophomore, explained:

I think [Western University] did everything that they really could have. I made a safety plan, we got in contact with the right people. Yeah, I don't know. I think it's not their fault—more of like the current political climate and the law's fault that these sorts of things are not taken seriously.

Alexis, a Latina and Native American 23-year-old junior, took the same stance:

I don't know if it's so much just the university, but society as a whole doesn't really understand sexual assault or sexual harassment or consent the way it should. And I also just blame a lot of society things too—like sex education and consent isn't taught in schools... So I don't know who is to blame and who is to not. I don't know. Sighs. It's a big question.

Since survivors felt it was unfair to hold Western University to a higher standard than the rest of society, they accepted that the burdens of seeking justice fell on their shoulders. Lexie—one of the survivors who felt lucky to be heard at all—explained:

I have to do more work. It doesn't make sense, it seems backwards—it should be the other way around... But we live in a man's world and there's no control in it. Not to make it very generalized, but... just look at the people who are in power. They're all men and not to over-generalize from my situation, [but] you just get into this whole thing of like, "I'm never gonna win in this society." I dunno if there are other societies where women actually get justice.

While survivors came to doubt their own inaccessible legal rights, they felt compelled to defend their assailants' rights. Like other universities, Western University administrators commonly granted accused students more protections than they were legally entitled (e.g., rights reserved for criminal proceedings; an unprecedented, expansive view of “due process” rights—see Behre 2019; Dowling 2021). Then, they rationalized dissatisfying outcomes to survivors by invoking “respondents' rights.” Survivors accepted these rationalizations and often came to actively advocate for what would be “fair” for their assailants.

Li, an Asian 21-year-old junior, encountered comments about her assailant's “due process” rights before she filed a report, which immediately led her to lower her expectations:

LI: I do believe in the American, like, fundamentals of law that it's better to let ten criminals go free than to put an innocent man into jail. I understand that that might be different for sexual assaults because there is often no evidence, but I'm not really sure how you could fix that yet.

RESEARCHER: In that case, what do you think that you would deserve?

LI: Honestly, in the case that I had no evidence, I wouldn't even report at all. Because I don't think there would be a point.

To Li, the prioritization of her assailant's due process rights meant that injustice in her case became just, particularly if she failed to produce enough evidence. Survivors commonly accepted whatever definition of due process they heard from administrators because, as Tasia put it, "I understand that due process is the law."

Jen, the performing arts graduate students whose case was dismissed over "credibility concerns," frequently commented that her investigator's emotionless demeanor felt intimidating during their interactions. In fact, her investigator's demeanor played a role in how her credibility came to be questioned—she was afraid to speak openly. Still, Jen complimented the investigator in her case for prioritizing her assailant's rights:

I felt like [my investigator] did her best to remain neutral and weigh the evidence. I felt like she did a good job of explaining to me that it just has to be a featherweight over plausible deniability to have sufficient evidence... I don't know. She never came out and said anything that would communicate a bias one way or the other and I understand that. If I were on the other side of this, I would completely want someone who is impartial and doing their best to weigh the evidence presented.

Similarly, Miranda, the survivor whose assailant had threatened to kill them in a mass shooting and was denied a Title IX investigation, came to accept the dismissal of their concerns as respectful of their assailants' rights:

You walk into the Dean of Students and that's not the Dean of Victims—it's the Dean of Students. Technically, assaulters have their own rights too. Like I could say, "Oh, well,

I'm gonna be terrified to go to the library and it's not fair because I'm worried my sexual assaulter is gonna be there." And they're gonna be like, "Well, it's the school library.

He's just as in the right to be there are you are." So they can't do anything about it.

Later adding, "I think [my assailants] are dumb and immature, but they're also entitled to some sort of—they're entitled to their education." Miranda held these views even when they might be life threatening:

MIRANDA: [The Dean] honestly, she said that she can't do anything unless he poses a super high risk for the campus community and not just me.

RESEARCHER: Not just you? So they're talking about like a school shooting?

MIRANDA: Yeah...

RESEARCHER: Wow. How did you feel when you heard that?

MIRANDA: I mean, that makes sense. Very practical. It makes sense. I don't expect someone to like walk around with me on campus.

As a result, survivors like Miranda came to criticize the very interventions they originally sought out—and were entitled to them by law. While Miranda originally came to school staff looking to start the process of removing their assailant from campus to ensure their safety, they left their meetings with administrators advocating for his right to stay.

The Cost of Refusing Self-Blame

There was one participant who stood out for her rejection of self-blame after a long and disappointing Title IX process. Kiara, a white 28-year-old junior, came to the Title IX Office to report that her roommate had sexually assaulted her. The case was unambiguous—there were witnesses to the sexual assault—but it dragged on for months until after her assailant had already

graduated. In the decision letter, Kiara's assailant was banned from admission to any Western University graduate program until after her graduation, but then he was encouraged to apply and rejoin the campus community. Unlike other participants, Kiara felt strongly that this outcome was unjust, but holding onto that belief came at great personal cost.

Kiara never felt like she learned much about her rights from the Title IX process, but she had done her own research as part of deciding whether or not to pursue criminal charges. When asked how she felt about the outcome of her Title IX case, she explained:

I mean, I want justice for this. I want the punishment to fit the crime. I mean, if you look at this just like a legal case, sexual battery is up to a year in jail or a \$5,000 fine. The law considers it very serious. I would think the university would consider it equally as serious. A year in jail? That's huge. I would hate to spend a year in jail—or a \$5,000 fine. That seems much harsher to me than, "Oh, you can graduate, but you [can't] come back [for] two years." That's like probation or something—without having to check in. I feel like I deserved to have more justice than that. If the law sees it as deserving more justice than that, why wouldn't the university?

At this point, however, Kiara had lost faith in Western University's capacity to offer that justice. After all, her assailant had already been allowed to graduate and she anticipated that decision was irreversible. Now, she was tasked with managing the betrayals of the system on her own and they were unbearable. When asked what she thought she deserved moving forward, she said:

I guess I feel like I should be allowed to drop all my classes after getting their finding. I don't feel like I was supported or backed by [Western University]. I don't feel like they took things seriously. They did not do a serious investigation. Even though there was

[sufficient evidence], there was no punishment, so I don't want to be associated with the university.

After our interview concluded, Kiara asked me if I could help her navigate the process of dropping out, even though she was on track to graduate at the end of the year. She said she couldn't bear to see Western University's insignia on her diploma.

Kiara's mental health suffered too. Shortly after receiving the final decision in her case, she attempted suicide and fell into a coma for five days. She had been in and out of the hospital ever since. Kiara still did not feel safe from her assailant who she knew had an arsenal of guns and had become increasingly hostile since she had reported his violence. She had also been sexually assaulted again and worried that no one would ever be willing to offer her safety. It just felt like an inevitable part of her life as a woman and she tied these feelings back to how Western University handled her case:

It's like every time I deal with sexual harassment or assault or anything like that, it's just— Sighs. I feel like it's just like I see it more now and I'm just frustrated that it's like our culture—that we think it's just okay. Long pause. They came back with the investigation and they gave him nothing. They found there was [sufficient evidence], which means they believe that it did happen. I don't know. It seems weird.

I asked Kiara what message she got from the university as the result of her Title IX process. She answered bluntly, “That there are no consequences. That it's just a fucked system and I'm going to see [that] over and over again.”

While damaging in its own way, self-blame allowed survivors to retain a sense of agency. If they encountered violence in the future, they believed they could manage their case better and

maybe justice would be possible. Kiara did not share that sentiment. She was left only with a feeling of hopelessness.

Discussion

While we might expect that anyone who has participated in a legal process would learn about their legal rights as part of participating in the system, most survivors in this study experienced a distortion of their legal knowledge that was advantageous to their university. Throughout their interactions with the Title IX process, survivors encountered a myriad of Western University's failures—the victim advocacy office lacked the resources to adequately provide for survivors, the investigation process took too long and was too arduous to balance with survivors' academic demands, and Western University hesitated to sanction assailants, even in the most egregious and clear-cut cases. Still, survivors did not come to blame Western University for failing to provide the safe and equitable learning environment they were entitled under Title IX law. Instead, they learned from their university to blame themselves. Simultaneously, many also came to doubt the Title IX rights they had previously understood and felt compelled to advocate for “rights” their assailants were never legally guaranteed. To put it simply, survivors in this study adopted their university's rationalizations for inaction—and that had significant impact on how they saw their legal rights.

Typically, scholars have considered the acquisition of self-blame to be an individual or interactional process; however, this study demonstrates that learning to self-blame can be structural. Similar to how social structures can reinforce gaslighting (Sweet 2020), Western University's institutionalized practices reinforce the broader cultural message that survivors are solely responsible for managing their traumas and, accordingly, are to blame for any failures in

performing that task. Western University created a variety of structures that taught survivors they should not rely on their school, including an under-resourced victim advocacy program and a difficult and dysfunctional reporting process. Survivors did not always need a university administrator to discourage them from using campus resources—the university’s structures would readjust their expectations immediately. Meanwhile, university administrators (e.g., victim advocates) could offer support that survivors would hesitate to accept. Survivors who could see the constraints on the Title IX system anticipated the supports offered would not meet their needs, but since they declined to access them, they could not be entirely certain. As a result, they blamed themselves for being unwilling to risk disappointment or betrayal. The process of manufacturing self-blame worked best when survivors’ pleasant interactions with university staff contradicted harsh Title IX structures. It was difficult for survivors to blame the university when the people within those structures appeared willing to help, even if restricted in what the types of help they could provide.

When survivors decided to accept university resources, they still blamed themselves—this time, for being foolish enough to believe they would work. Again, the dysfunctions of the Title IX system were easily visible from first glance. Survivors were warned from the onset of an investigation that they might not have enough evidence or that their assailant’s “rights” might trump their own. They saw these warnings as an act of kindness and blamed themselves for failing to heed them. As an outsider, it is easy to imagine administrators’ comments as an admission of bias (e.g., excessive empathy for perpetrators) or, at the very least, protective of the institution (e.g., refusal to sanction to avoid lawsuits); however, survivors were more inclined to notice small victories. They came to believe the individuals they interacted with fought the system to get them a parking pass or an extension on an assignment. They were grateful. When

university administrators said they were constrained, survivors wanted to believe them. After all, there are so many other examples of survivors facing injustice throughout society and having at least one trusted person on campus would soften the broader institutional betrayal. However, university administrators' insistence it was the law that constrained them was misleading—it was self-protective university policies and procedures that were truly to blame.

It is important to recognize that small victories are an essential component of institutional gaslighting (Sweet 2020). Gaslighting depends on small acts of kindness to overshadow its dangers. It also depends on broader structures of gender inequality to reinforce the message that a victim (and, often, a woman) should accept mistreatment in service of her gendered role in a broader institution—be it a relationship, a family, or an organization that requires her sacrifice and empathy to maintain order or other benefits of compliance (Manne 2017; 2020). Survivors may be especially likely to fall victim to these institutional tactics because they so closely mirror the behaviors of perpetrators of sexual and intimate partner violence (Ahern 2018; Knapp 2020; Sweet 2020). To put it simply, these processes work because survivors are not asked to settle for nothing, but instead to settle for less.

Teaching survivors to self-blame is convenient for universities, but devastating for victims. It is a form of institutional betrayal that produces severe psychological consequences (Smith & Freyd 2013; 2014), which many survivors find more traumatic than the original act of sexual violence (Nesbitt & Carson 2021). After their university fails to intervene, survivors are more deeply hurt than if they had never sought help and their rights have been violated a second time; however, self-blame likely means they are less willing to seek recourse for the first or second harm. In the immediate aftermath of such a betrayal, survivors could use civil litigation, media attention, or collective action through a social movement to demand their rights, but self-

blame interferes with the process of naming, blaming, and claiming (Felstiner, Abel, and Sarat 1980) required for any of these actions. To put it another way, survivors need to blame the responsible party for violating their rights, but they struggle to do so when they see themselves at fault. No survivor in this study considered a civil lawsuit or taking their case to the press. Only one (Marissa) engaged in any kind of activist efforts and her work was focused on better preparing survivors for the traumas of reporting, which she accepted as inevitable. This has implications for other survivors as well. Many survivors' (and, more broadly, women's) rights are won through civil litigation and social movements. If survivors face additional barriers to engaging in these efforts, social change is more difficult to achieve.

Readers may note that there was very little variation in survivors' experiences of institutional betrayal and self-blame. The structural processes described were rigid and survivors were treated similarly in almost all cases. The exception, however, was when a survivor had a clear power advantage over their perpetrator within the institution. In Daniel's case, his power was related to gender. In Allison's, hers was related to race, class, and positional hierarchy. Since most sexual violence is perpetrated against victims with similar or less power than their perpetrators, the lack of variation should not be surprising. It only serves to emphasize the importance of centering power in discussions of sexual violence.

Even though self-blame was nearly universal, it is worth noting that the impact of this institutional betrayal likely varies by a survivor's identity. Most obviously, survivors' recovery from self-blame is associated with access to formal resources like rape crisis services or counseling. However, many survivors (especially those marginalized by class) will struggle to access healthcare services, and queer survivors and survivors of color are likely to face microaggressions in these settings that will exacerbate trauma instead of alleviating it (Gómez

2015; Smidt et al. 2021). It is easy to imagine that not all survivors will have equal access to recovery from institutional betrayal.

In the long-term, the impacts of universities' distortion of survivors' legal knowledge may intensify. Many college students are adolescents who are learning the norms of adult society for the first time. This is likely part of why they are so willing to accept universities' rationalizations for mismanaging their cases—they have limited previous experience to draw upon and are vulnerable to authority figures' explanations of how the world should work. As a result, universities are well-positioned to normalize inadequate organizational responses to sexual violence (e.g., Hlavka 2014), including institutional betrayal. Self-blame can set survivors' long-term expectations for how violence is managed, including in future workplaces where they may experience sexual harassment or their homes where they may experience intimate partner violence. Universities' distortion of survivors' legal knowledge likely has a ripple effect across other social institutions survivors will come to inhabit.

General Applicability and Policy Implications

This study reveals multiple shortcomings in the contemporary American approach to managing sexual violence. Most obviously, it calls into question whether universities (and other organizations) can be trusted to self-regulate discrimination complaints. In the case of campus sexual assault, there is mounting evidence that universities are acting in self-preservation rather than in the interest of student survivors in their approaches to Title IX (Richards, Gillespie, and Claxton 2021). Some states (e.g., California AB-1467) have already begun to remove some Title IX resources outside of university control, recognizing in particular the importance of autonomous victim advocates. This type of legislation may make it more likely for campus

victim advocates to provide the legal education activists originally hoped they would, especially in cases where the university has violated federal law and betrayed a survivor. Additionally, it will be crucial for these types of programs to be well-funded to ensure survivors can trust that victim advocates will be able to provide the services they promise (e.g., confidentiality, safe housing, crisis services). Since universities have an interest in limiting the efficacy of these programs as a way of mitigating legal risk, federal and state government programs should fund campus victim advocacy directly.

More broadly, it is worth considering whether discrimination complaints should be managed within individual self-governing organizations at all. Campus sexual violence is hardly the only circumstance in which organizations refuse to act as a form of self-preservation (e.g., Edelman 1992; 2016) and it is likely not the only space in which victims are taught self-blame to rationalize organizational failures. While federal regulatory bodies exist, manufactured self-blame makes it exceptionally difficult for victims to believe they are worthy of even small interventions, much less attention from a national governing body. I anticipate that victims would be more likely to access such a resource if it were the primary way to seek recourse, rather than an escalation of a concern after a betrayal.

Limitations and Future Directions

There are limitations to the current study. Most obviously, the sample size of survivors seeking recourse is relatively small and the study was conducted at a single university campus. Future research would improve from the inclusion of more universities and more survivors' experiences, particularly those of male survivors who appear to experience self-blame pressures differently. Research is also needed on the long-term impact of manufactured self-blame. What

happens to sexual assault survivors' self-blame after graduation? How does self-blame impact survivors' willingness to access resources in the future? Or report future sexual assaults? How does self-blame intensify other inequalities? Despite its obvious harms, self-blame appears to offer some protection through creating a sense of agency. More research is needed on survivors who fully see the failures of legalistic processes and whether that knowledge is helpful, harmful, or a mix of both. Comparing survivors who seek out other legal remedies (e.g., civil lawsuits against their university, legislative change) to those who lose faith in the entire legal system may be particularly instructive. Manufactured self-blame may also have explanatory power in other contexts of institutional inaction, especially in regard to obstructing complaints about the organization or mitigating lawsuits. While gendered trauma is already associated with self-blame, trauma is likely not be required for organizations to manufacture individuals' self-blame as an act of organizational protection. These mechanisms may also apply to other issues of discrimination more broadly.

Conclusion

In sum, the current study explored how seeking Title IX resources or reporting options alters sexual assault survivors' understanding of their legal rights. In most cases, survivors were denied their legal rights and taught to blame themselves for the university's inaction. Through this (mis)education, survivors came to relinquish their rights instead of demanding them, impeding their capacity to access the resources they needed and likely impacting their willingness to seek recourse in the future as they came to believe they had fewer rights than they were legally entitled. This study underscores the perils of allowing organizations to self-govern

issues of discrimination, especially when doing so presents a conflict of interest with other institutional objectives.

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CHAPTER 4

“It Was Just Different Perceptions of What Was Consensual”: Himpathy and Hysteria in Rationalizations of Institutional Betrayal

Abstract

It is a well-established fact that sexual assault survivors who report the violence they endured are retraumatized by the reporting process, but there is limited research on how these institutional betrayals are enacted. The current study draws on ethnographic observation and interview data to explore how 24 administrators use gendered rationalization frames to justify betrayal in Title IX cases. Specifically, administrators invoke himpathy to define their primary role as protecting the futures of young men. To defend this view from critique, they condemn how survivors use Title IX by casting them as hysterical women who are either mistaken in labeling an experience as sexual assault or suffering from trauma too severe for a Title IX process to repair. Taken together, these frames portray institutional betrayal as moral, even as these ideologies reinforce gender inequality.

Introduction

It is a well-established fact that sexual assault survivors who report the violence they endured are retraumatized by the reporting process. This is true across social institutions, including the criminal justice system, the workplace, and schools (e.g., Bergman et al. 2002; Campbell 2008; Lind, Clark, and Freyd 2020). On college campuses, the tension between the realities of sexual

assault and universities' willingness to meaningfully intervene is especially striking. We know that 1 in 5 women will experience a sexual assault during college (Cantor et al. 2015; Krebs et al. 2007) and 1 in 10 men will commit an act of sexual violence as students (Swartout 2015); however, universities habitually deny that sexual assault is a problem on *their* campus (Mungia 2015). Survivors are subtly and overtly discouraged from reporting (Bedera forthcoming) to a Title IX process that places new burdens on already traumatized victims (Holland and Cipriano, forthcoming; Nesbitt and Carson 2021). If they do manage to endure a Title IX investigation to its end, the average university holds only a few perpetrators accountable per year and prefers lenient sanctions over meaningful interventions (Richards, Claxton, and Gillespie 2021), denying the severity of survivors' experience as a form of institutional gaslighting (Sweet 2020). As a result, instead of support, most survivors will experience institutional betrayal (Smith and Freyd 2013; 2014) as they watch their perpetrator's education be prioritized over their own.

Still, little is known about the mechanisms behind institutional betrayal. The current study explores how the people tasked with the act of betraying survivors make sense of their roles. Specifically, this study documents the rationalization frames university administrators use to justify unjust outcomes in Title IX investigations. I find that administrators draw on gendered rationalization frames. Specifically, they use himpathy to define their primary goal as protecting the futures of young men. To defend these frames from critique, they condemn how survivors use Title IX by casting victims as hysterical women who are either mistaken in labeling an experience as sexual assault or suffering from trauma too severe for a Title IX process to repair. Taken together, these frames cast institutional betrayal as moral, even as these ideologies undermine the spirit of Title IX and could be considered a form of gender discrimination themselves.

Literature Review

Title IX and Institutional Betrayal

Title IX is a federal regulation originally passed as a part of the U.S. Education Amendments Act of 1972, which obligates all educational institutions that receive federal funds to provide a learning environment free from sex discrimination (Educational Amendments Act of 1972). Title IX was first successfully applied to sexual violence and harassment in the courts (e.g., *Alexander v. Yale University* 1980) and an interpretation of Title IX explicitly inclusive of sexual violence was codified into federal guidance through multiple Dear Colleague Letters by the Department of Education (e.g., U.S. Department of Education 1997). Under Title IX, universities are required to prevent and respond to sexual violence as a way to ensure an equitable learning environment for women. The failure to do so constitutes a form of sex discrimination since survivors are more likely to experience difficulties in their education, including lower GPAs and a greater risk of dropping out (Baker et al. 2016; Jordan, Combs, and Smith 2014; Mengo and Black 2015). This is especially true if survivors experience actions or inactions by their university that exacerbate trauma, known as institutional betrayal (Smith and Freyd 2013; 2014). Title IX investigations are a particularly important site to study institutional betrayal, considering the phenomenon is associated with difficult reporting processes, mishandled student disciplinary cases, and the maintenance of an environment where sexual violence seems likely in the future (Smith and Freyd 2013).

Universities betray survivors during Title IX investigations for a myriad of reasons. Many schools openly acknowledge that they view betrayal as a fiscally savvy option, citing financial threats to the institution associated with holding a perpetrator accountable, such as civil

litigation or unflattering attention from donors, alumnae, or prospective students (Kennedy 1992; Martin 2016). Universities are also gendered organizations (Acker 1990) that regularly prioritize men and men’s organizations (e.g., fraternities, men’s athletics teams, male-dominated majors) over women (DiCaro 2021; Mihalia 2017). Accordingly, holding a (male) perpetrator accountable can threaten universities’ patriarchal traditions (e.g., allowing a star football player to compete). It would follow that universities likely hire Title IX staff who share these institutional values, even at the expense of the survivors whose rights they are legally required to protect—a practice well-established in other organizations tasked with self-regulation of harassment and discrimination complaints (Marshall 2005; Munkres 2008). Still, universities cannot openly promote institutional betrayal as the desired outcome of sexual violence investigations since it would flagrantly violate Title IX. Instead, Cruz (2020; 2021) finds that Title IX staff rely on claims of neutrality and “orchestrated complexity” (e.g., inaccurately insisting cases are “too complicated” to get right) to justify betrayal. Importantly, Cruz (2020) notes that these processes favor men accused. The current study adds to this emerging literature on betrayal rationalizations by exploring the role of gendered stereotypes in justification scripts.

Gendered Frames for Normalizing Violence

Outside of the university context, it is widely recognized that there are gendered biases in how we understand (or deny) the realities of sexual violence. Most notably, men’s violence against women is habitually normalized as “not that bad” (Hlavka 2014; Holland and Cortina 2017), while a (true) allegation of sexual assault is considered a threat to a man’s reputation that could “ruin his life” (e.g., Estes 2014; Svrluga 2016). In this framing, it is men—usually in the role of

perpetrator—who receive society’s sympathy at the expense of survivors’ well-being, a phenomenon Manne (2020) calls “himpathy.”

Himpathy is based in gendered notions that “boys will be boys,” which accept men’s violence as part of a masculine gender role (Connell and Messerschmidt 2005). Sexual violence, in particular, is excused as a clumsy attempt at performing compulsory heterosexuality (Rich 1980) or a tolerable consequence of seeking fun through male bonding (Quinn 2002; Wade 2017). While the study of himpathy is relatively new, there is empirical evidence emerging to corroborate decades of survivors’ claims that their perpetrators were treated with more sympathy than they received. In multiple studies, researchers find a clear bias in the way (especially white) perpetrators are depicted in the media (Pepin 2015; Siefkes-Andrew and Alexopoulos 2018; Terán and Emmers-Sommer 2018). In another, they find study participants would prefer to hire alleged perpetrators over their victim (Dodson et al. 2020). Importantly, the cultural tendency to sympathize with perpetrators impacts survivors as well—to justify himpathy, victims are often the ones blamed, doubted, or punished (Dodson et al. 2020; Siefkes-Andrew and Alexopoulos 2018; Sweeny 2020).

Victim blame and disbelief are also reliant on gender stereotypes. Central to these processes are rape myths which cast women as “deserving” of sexual assault for failing to perform their gender roles appropriately (e.g., Manne 2020; Payne, Lonsway, and Fitzgerald 1999). For example, women are blamed for violence after wearing revealing clothing, drinking, and enjoying consensual sex (e.g., Harding 2015; Iconis 2008; Payne, Lonsway, and Fitzgerald 1999), which reflects the belief that women who fail to remain chaste have earned punishment. Survivors’ claims of sexual assault are disbelieved based on gendered stereotypes that women are “hysterical,” or overly emotional and too irrational, to be trusted with defining an act as

violent (Gotell 2002; Fricker 2007; Sweet 2020). There is an expectation that there is an underlying motive to their reports, such as looking for attention or seeking revenge on an ex-boyfriend. As such, survivors are cast as the true aggressors, attempting to hurt the accused through reporting.

In the context of the “liberal” universities that have positioned themselves as leaders in combatting rape myths, these types of gendered stereotypes may sound antiquated. After all, much of the research critical of these messages is produced by professors and college students regularly attend school-sponsored trainings that have diminished student support for rape myths (Beshers and DiVita 2019; Shaefer Hinck and Thomas 1999). At the urging of activists, Title IX Offices across the United States have also adopted “trauma-informed” interview practices and Start by Believing campaigns intended to intervene on gender stereotypes. It is for these reasons that examining the role of gender in administrators’ rationalization frames is so crucial. There is a tension between universities’ stated gender egalitarian ideologies and their betrayals of survivors. The current study explores how gendered stereotypes can persist and adapt in an environment where they are more stigmatized than ever before.

Data and Methods

The data from this study come from 76 semi-structured interviews and twelve months of ethnographic observation conducted between July 2018 and September 2019¹⁶ at a large public university in the western United States (Western University). Like many schools, Western University was investigated by the Department of Education for mismanaging Title IX cases and

¹⁶ I conducted ethnographic observation between July 2018 and June 2019. I conducted interviews between September 2018 and September 2019. No new interview participants were recruited to the study after the academic year and ethnographic observation ended in June 2019, but two participants had ongoing sexual misconduct complaints that concluded in September. We completed their second interviews at that time.

has settled several high-profile multiple-million-dollar lawsuits with victims. The university has been made aware of their legal obligations to sexual assault survivors repeatedly. The broader project includes semi-structured interviews with survivors, perpetrators, and relevant university staff who provided victim advocacy resources or facilitated the university's reporting process for sexual violence during the time of data collection. It also includes 47 hours of observation of non-confidential meetings, trainings, and events hosted by university staff on the adjudication of sexual violence, as well as hundreds of hours spent on campus completing other research-related tasks, and the content analysis of sexual misconduct policy-related documents distributed by the university and email exchanges between administrators and students in Title IX cases.

For the present study, analyses focus primarily on 24 interviews with the administrators who oversaw Western University's Title IX process. They primarily came from three offices: the Title IX Office, the Victim Advocacy Office, and the Dean of Students Office. At Western University, the Title IX Office was tasked with making "neutral" determinations of credibility of Title IX complaints (for a critique of Title IX neutrality, see Cruz 2020). The Victim Advocacy Office provided support for survivors, including emotional support, referrals to other campus services, and, if asked, information about the Title IX process. The Dean of Students Office provided support for accused students, as well as determined sanctions in all student cases that ended in a responsible finding. While analysis for this study focuses primarily on this subset of the data, ethnographic observation and interviews with students shaped the project. Most importantly, they allowed me to verify or refute administrators' claims about specific cases.

Interviews

Administrator interview participants were identified through fieldwork and student interviews. They were invited to participate in the study via email. In most cases, I had known the administrators for about eleven months at the time of our formal interviews, especially if they regularly interacted with students. Typically, I saw administrators weekly and sat in on their extended meetings with each other monthly. At the end of each interview, I asked participants if there were any other administrators I should seek out. Usually, I had already contacted the people they recommended, but sometimes they identified high-level administrators who I had not yet encountered who worked “behind the scenes” (e.g., allocated budgets, held an oversight role). I contacted everyone recommended and nearly everyone agreed to an interview, including former employees. Interviews lasted between 64 minutes and 190 minutes with a median length of 109 minutes. Variation in interview length is distributed across offices.

Since this study is nearly a census of Western University’s Title IX-related staff, the demographics of participants are reflective of the offices studied. The participants primarily belonged to either the Title IX Office (29%), the Victim Advocacy Office (21%), or the Dean of Students Office (21%). The rest were either high-level administrators (17%) or volunteers for the hearing board (13%). The majority of participants (80%) identified as cisgender women and the rest identified as cisgender men (20%). Most were white (71%), three were Asian or Pacific Islander (13%), two were Black (8%), one was Latinx (4%), and one was biracial (4%). Most identified as heterosexual (83%), two were bisexual (8%), one was gay (4%), and one was lesbian (4%). Staff ranged in age from 22 to 60 with a median age of 38. Four staff refused to share their age, three of whom were women in senior-ranking positions. Nearly half of staff had held their positions for over three years (42%). Only two (8%) had their jobs for fewer than six months, five for between six months and a year (21%), five for between one and two years

(21%), and two for two to three years (8%). Most administrators identified as liberal (71%), four as independent (17%), one as conservative (4%), and two (8%) refused to share their political leanings. For an overview of the staff characteristics of each office, see Table 3. Since many offices only had a few employees of color or queer employees, I use general terms for their identities to avoid identification.

During interviews, administrators answered questions about their roles on campus, as well as their perceptions of Western University's Title IX process. They were also asked to reflect on specific cases that stood out to them through four questions: (1) Describe a case for me in which you think the university did exceptionally well by a victim of gender-based violence. (2) Describe a case for me in which you think the university did exceptionally well by a respondent to a claim of gender-based violence. (3) Is there one specific case that stands out to you as particularly challenging? (4) Are there any times where you feel like you failed a student in your role? To follow up on each question, I asked how the participant felt about the resolution of the case and if they changed their work in response to the case. Throughout this portion of the interview guide, administrators tended to speak in generalities about their personal philosophies of Title IX work and, specifically, their own role within it.

Analysis

I analyzed interview and observational data with a focus on how administrators rationalized their actions in Title IX cases. Specifically, I identified excerpts in which administrators explained why they thought their treatment of a student was appropriate¹⁷ and then sorted those excerpts

¹⁷ In these cases, I include not only findings that administrators' enthusiastically endorsed, but also cases that they believed were handled "the best they could be." Sometimes, administrators were ambivalent about the outcomes of these cases, but relied on frames of orchestrated complexity to insist no better outcome was possible (Cruz 2021).

based on the student's gender and the student's role in the Title IX process (i.e., complainant, respondent). Then, I engaged in open coding to identify common themes in the rationalizations. I identified two overarching themes: sympathy for men and a belief that women's use of Title IX was inappropriate or hysterical.¹⁸ These themes transcended students' role in the Title IX process (e.g., women accused did not receive the same kind of empathy men did). I completed a second round of open coding to identify the primary ways each theme was invoked, which I present as the majority of the findings. All themes were used by employees across offices. When selecting which excerpts to display, I prioritized full-time, student-facing staff.

Additionally, I took an interest in administrators who resisted these frames. Essentially all administrators used at least one of the frames identified at some point during their interviews, but five expressed more discomfort with them than others. Their roles were either temporary (e.g., hearing board volunteers) or their tenure at Western University would end abruptly. None were successful in combatting the gendered stereotypes they observed in their offices; however, their failures were instructive in understanding how these frames are upheld. I present one representative story of attempted resistance as well.¹⁹

Findings

While it is typical in campus sexual violence research to assume the best of intentions in the administrators who oversee Title IX, most employees at Western University did not seek their positions because they wanted to improve services for survivors or make the campus safer. In fact, they were largely ambivalent about sexual violence and most did not consider campus

¹⁸ Administrators did not speak about transgender or non-binary students.

¹⁹ Five administrators resisted gendered frames. Two were hearing board members with temporary roles who did not intend to seek an additional term after the end of their current appointment. Three were full-time staff. All three full-time staff left their positions during my year of field work.

sexual assault to be a legitimate social problem. Instead, they were more often motivated to work at Western University to receive stable employment benefits (e.g., “good healthcare,” “gym access”) or reduced tuition in a graduate program. Only four administrators (17%) had any prior experience working with sexual assault survivors and all but one of them worked in victim advocacy. Outside of the victim advocates, nearly all employees expressed surprise that a large proportion of their work was about sexual assault or harassment. Many openly disliked this component of their job. For example, multiple administrators regularly complained that their roles felt like “oversight of students’ dating lives” and wished that students would just “manage these problems on their own.”

The administrators’ lack of knowledge about sexual violence meant that they were dependent on Western University to provide an ideology about how they should view their work. Most began their positions open-minded, but feeling ill-equipped for their roles, which led them to turn to their colleagues (and superiors) for advice. As a result, the institutional logics held by high-ranking employees became widely accepted by new staff. Overwhelmingly, these informal exchanges were how administrators first encountered rationalization frames and, later, shared them with more junior colleagues. The main frames invoked were gendered in nature. Primarily, administrators were concerned with protecting men’s futures and insisted on taking an “empathetic” approach. To combat critiques of how this logic enabled abuse, administrators dismissed the notion that Title IX investigations mattered for survivors. Instead, they suggested that all reports fit into one of two categories: (1) women’s overly emotional misinterpretations of a sexual encounter that did not merit university intervention, or (2) violence so severe that no university action could reverse a survivor’s life-long trauma. As a result, administrators

rationalized that refusing to sanction perpetrators of sexual violence was the moral choice—they could do nothing to help a survivor, but they could protect a perpetrator’s education.

Himpathy and the Myth of “Ruined Lives”

With the exception of victim advocacy staff²⁰, administrators offered himpathy to perpetrators as a way to justify institutional betrayal. They cast male perpetrators of sexual assault as deserving of sympathy, mercy, and protection. To do so, they also minimized the violence that occurred and cast the Title IX process itself as cruel and immoral.

Administrators regularly described the act of being accused of rape as equally traumatizing to being a victim of rape. Speaking generally, Kevin, an investigator, explained:

[Respondents] are really emotional—just like complainants are.... A lot of times, in their mind, [they’re] accused of something they didn’t do from their perspective. So they’re afraid of what all those consequences are going to be. They’re afraid of getting kicked out of school, they’re afraid of going to jail. I mean, they’re afraid of a lot of things and when people are afraid of things, you know, that leads them to be very emotionally distressed. Even when we come to a decision and we were to say, “Yeah, you know, the evidence support that this person violated the policy,” or whatever, it’s not an easy thing to do to make that finding and then know the consequences of, “Oh, they were a month away from graduation and now they’re not going to be graduating.”

Similarly, Natalie, a caseworker, drew upon the language of trauma when she described an interaction with a perpetrator learning of the complaint against him:

²⁰ When asked about respondents, victim advocacy staff tended to say they lacked the expertise to speak on the matter. They typically insisted they trusted their colleagues’ judgment.

I remember a respondent coming in[to our office], and, like, broke down sobbing. And he was like, “I thought we were on the same page and it kept moving along and though she wasn’t vocally saying yes, yes, yes, but there wasn’t a no.” And he was sobbing like, “But if her perception—if the way she feels after is that I assaulted her, I’m a monster. I mean, that’s how I made her feel while in my mind it was consensual and the fact that I was so far off is horrifying to me.” I mean, he was also legitimately traumatized by this revelation and I almost felt bad for him. And this doesn’t lessen her trauma—and it doesn’t tell you one person is awful and one person is a victim—but for me, that was one of those times where it was like, “Wow. Both people are walking away a little damaged.”

Jason, senior staff in the Dean of Students Office, recognized this disparity in sympathy across staff, but justified continuing to center himpathy in sanctioning decisions:

I think they’re big decisions because I understand the impact that the sanctions have and I do try to understand—I guess, it’s easier to see—the immediate impact on the respondent. To be able to say, “Your education here stops and this notation on your transcript is going to move forward with you when you try to go to other places.”

In each of these examples, administrators made direct comparisons between survivors’ and perpetrators’ experiences and, ultimately, focused their sympathies on the perpetrator. This pattern held even in cases where the perpetrator’s violence was not in dispute and the administrators recognized university policy should obligate them to sanction him.

In general, administrators made little effort to understand the impact of violence on survivors’ lives, but they regularly offered detailed accounts of the struggles perpetrators faced.

For example, Kim, an investigator, described the perpetrator in one case with:

I think during the process he was super nervous about what that meant for him... He had just transferred here from [redacted] and he had just started this new life really—made these friends... Before the complaint was filed, the complainant had gone to the president of the fraternity he was pledging and the president told him, “Hey, you can’t pledge here anymore.” ... And so it was super emotional. He was about to lose all of his friends that he had known and he wasn’t going to be able to pledge a fraternity.

Similarly, Jamie, another investigator, described her decision to offer legal advice to assist a perpetrator in a case she was “neutrally” investigating with:

The [complainant] has engaged with the Victim Advocacy Office, so she’s going to have an advisor²¹ and then if the respondent literally can’t afford one, then they’re just there by themselves. I think that probably feels pretty intimidating when you walk into a hearing and everybody kind of has a buddy except for you. I think, from this one case, it seems like he’s been pretty—just figuring this out on his own... I have been pretty upset by treatment of certain respondents and felt like it was unfair. [I] wished in hindsight that I could have somehow had a different outcome in my investigation so they didn’t have their life ruined, you know?

Administrators openly encouraged conversations with perpetrators that would allow them to see “the whole person,” and, as a result, enable them to develop sympathy. They also admitted that these conversations shaped the way they made decisions in the investigation process.

To rationalize lenient treatment of perpetrators they sympathized with, administrators regularly minimized the violence that occurred. In doing so, they argued that the violence was not severe enough to merit university intervention, particularly if they imagined it would trouble

²¹ Campus victim advocates were not permitted to offer legal advice. Survivors who relied on a victim advocate provided by the school in lieu of hiring an attorney would receive emotional support, but no guidance on their case.

the perpetrator. For example, Natalie, a caseworker, explained her personal philosophy for making sense of students' perpetration and the "social stigma" of being accused:

It's the reality, you know, most of the time people are accused of that—it's more likely they probably did it... [But] there's so much gray area. And I don't mean like, "Maybe it didn't happen," [but] it's not just predatory jump out of the bushes. And there is power and violence, but there's also someone who's been socialized to not really understand respect and consent and a lot of times, it's not always going to beat you down and be aggressive and horrific.

Jason, Natalie's supervisor, used near-identical language in addressing the university's history of lenient sanctions for perpetrators:

I always had this perception of [sexual assault] only happens with a creeper in the bushes that jumps out. I think what I have found in reading and reviewing so many of these cases [is] that there may not be the kind of predatory aspect I initially thought there was. Bad behavior? Absolutely. Inappropriate, unexpected—absolutely. But perhaps not predatory.

Similarly, Kim, an investigator, reflected on a case in which she regretted sanctioning the perpetrator, leading her to try to retroactively change the decision to keep him on campus:

I did an investigation against a healthcare assistant. He'd been working at the university for almost 30 years, so he had almost hit his pension—he was six months away from it... And his behavior wasn't even that bad. He was alleged to have engaged in sexual harassment in the form of hugging—like, making women, especially younger women, feel obligated to hug him... He had done a couple of other weird things... like slapping medical supplies that look like silicone... He'd slap it and be like, "You like that?" Then

he took off his shirt or something... Ultimately, these two women felt really uncomfortable, even though to me, like, objectively it wasn't that bad... It turned out he was terminated six months before his retirement would have vested and I was so upset.

In each of these cases, the administrators describe actions that clearly violated Western University's sexual misconduct policy. Still, they express reluctance to sanction a perpetrator, which they justify by insisting the violence "wasn't even that bad."

Ultimately, administrators argued that, in nearly all cases, sanctioning a perpetrator through the Title IX process was immoral. They insisted that not only was sanctioning a perpetrator cruel, but it was also ineffective. For example, Adia, a victim advocate, said:

As a human, I think there should be some other resources for them, you know? Because if we continue crucifying them, you know? And not offering other ways that they can be able to get better and turn away from what they are doing, then we're not doing anything.

In the absence of an effective intervention to change behavior, Jamie, an investigator, argued that inaction was better than serious sanction like expulsion or losing a job:

Maybe the punishment doesn't meet the crime... I don't know, though. I don't know. I know that it seems that higher up the ladder in faculty cases, right? I've firsthand seen where they kinda get a slap on the wrist the first time. [But] I don't know that it's fair to terminate, you know?

Kevin, another investigator, agreed. Referencing cases in which a perpetrator faced serious sanction, he said:

A lot of times, I end up feeling bad for everyone, right? Because people get kicked out of school and then they're going to go work at Burger King and sexually harass people at Burger King. Laughter. You know, I'm not sure that super harsh consequences—it's just

a hard line to walk. 'Cause I'm not sure that super harsh consequences—they have a lifelong impact on somebody's life and their goals and what they've worked toward and it kind of takes those things away. I'm not a happy person to be a part of that.

As a result of this ideology, Kevin later identified cases with insufficient evidence findings as his favorite part of his job:

I like when I actually make a difference for someone, right? That, like, lets someone keep going to school and graduate.

In this way, administrators viewed their role primarily as focused on the protection of young men's futures. As a result, a "good" outcome in a Title IX case became one that required no university intervention.

Emotional and Mistaken "Victims"

Administrators were aware that their sympathy for—and protection of—perpetrators could lead them to face criticism about institutional betrayal. Accordingly, they also crafted rationalization frames that suggested the Title IX process was incapable of benefiting survivors. Primarily, they offered two justifications to support this ideology: (1) survivors were mistaken in labeling their experience as sexual violence that merited action; or (2) survivors' experiences were so severe that the traumas they endured could not be repaired.

One of the most common refrains among administrators was that they believed *all* parties in sexual violence cases, including survivors who claimed a sexual assault occurred and perpetrators who claimed it did not. For example, Angie, an investigator, said simply:

Both parties have different perceptions of what happened and they're telling you their truthful honest opinion of what they experienced... It [is] just different perceptions of what was consensual and what isn't.

However, administrators did not weigh these “truthful honest opinions” evenly. Specifically, they viewed survivors as over-sensitive and traumatized by benign sexual interactions that should not merit punishment. As Kevin, an investigator, explained:

Somebody's perception of an event could cause trauma, right? But their perception of the event is not necessarily what actually happened in the event. And so just because there was trauma doesn't necessarily mean that somebody actually did engage in nonconsensual sexual penetration, for example.

Staff would construct reasons that the survivor's account of what took place would *feel* true to them, but would be irrational for anyone else to take seriously. Reflecting on a specific case involving a survivor from a conservative state, Jamie, an investigator, mused:

I don't think people make up stories and file a complaint and there's nothing there. I don't think that happens... Whether or not it was discrimination or sexual misconduct or whatever—they feel like they experienced something... [The respondent] might talk in a different way that would offend a population in one part of the country and it could really rub people the wrong way there. Like, clearly he has offended people, but are they more sensitive to, you know, comments? Or are they a more reasonable person?

Similarly, Natalie, a caseworker, minimized survivors' traumas as merely “icky feelings”:

On one hand, I get [it]. Like, yeah, that's not okay, but there's a difference between saying, “That's not okay,” to empower someone to process what they're feeling. And if you feel icky about it, you can feel icky about it. You don't need to minimize it. But that

also doesn't mean you have to be mad at someone else... You can say they're not a monster, but how things went down last night were not how you wanted [them] to go.

Using this framing, administrators suggested survivors were overreacting and that their perceptions were less rational than their perpetrators'. Accordingly, even if a survivor was clearly traumatized by an interaction, it could still be *her* fault for misidentifying his actions as trauma-inducing. As a result, administrators viewed a survivor's use of the Title IX process as fundamentally unfair, inappropriate, and unreasonable.

Administrators also questioned survivors' motives for filing a Title IX complaint to question their legitimacy. Drawing on gendered stereotypes, they insisted that it would be immoral to sanction a perpetrator whose victim came forward for what they considered to be the wrong reasons. Speaking about one specific case, Kim, an investigator, shared her concerns about survivors using Title IX to seek revenge:

Initially, she was sort of turned away... [Then] she called again and she had gotten a voicemail from him and he threatened to kill her in the voicemail, so that obviously escalated it for everybody... Coincidentally, I was assigned [her case] and so I am doing my investigation and I am finding that she is not credible. Like, in a lot of different ways and [the case was] particularly social media heavy. So there was a lot of text messages and direct messages on Instagram and she was going after his reputation with all of these other people. She would find these people on Instagram, tell them how he cheated and all this stuff, and then some of them she'd alleged he was violent with her or detained her unlawfully, um, but not in every case... Her response wasn't how you'd expect someone to respond who experienced this type of violence...It felt like she was trying to punish this guy 'cause he cheated on her.

Even though Kim had access to a death threat from the perpetrator, she still questioned the survivor's "credibility" based on her own perceptions of motive. To her, credibility was less about evidence than how the survivor had failed to perform the role of a "perfect victim" (Christie 1986) by expressing anger. Similarly, another investigator, Jamie, rationalized lenient sanctions for a perpetrator who confessed by suggesting the survivor had failed to perform the role of the "perfect victim" by appearing too ambivalent:

I kinda wish I didn't have to investigate—I mean, I think I know what she wants and I think we could probably work out some kind of aided agreement... I think her boyfriend is making her file this complaint. I think he's meddling and I wish I could just, like, peel it back and say, "I don't think we need this complaint process."

Importantly, administrators' perceptions of survivors' motives did not often match their true feelings about their cases. I interviewed the survivor Jamie described as uninterested in reporting. Even before she had told her boyfriend about the sexual assault, she knew she wanted to report and hoped her perpetrator would be expelled. Still, Jamie cast her as a woman unable to make up her mind and misguided in seeking Title IX intervention.

In some cases, administrators could not minimize a survivor's experience or cast doubt upon her motives to justify inaction—the violence and its impact on a victim were obviously severe. Instead, administrators insisted that Title IX investigations could not reverse a survivor's trauma and that sanctioning a perpetrator would simply harm two students instead of one. Nya, Title IX staff, explained:

[The goal] is not to have a revolution really—at least, not from my perspective. Because even if my office issues a responsible finding and that person is dismissed, I can't undo what was done.

Kevin, an investigator, agreed. As part of rationalizing why he felt his job was primarily about protecting men's access to education, he said:

Knowing [there was a punishment] doesn't fix it for the other person—you know, for the complainant. Nothing I do is going to make it better. Nothing I do is going to make it so it didn't happen to them. There is nothing I can do to fix it.

Patricia, senior staff in the Dean of Students Office, drew on this frame to suggest that students' disappointment in a Title IX case is evidence of a *good* outcome:

The very nature of someone coming to you with a grievance is that they think they have been aggrieved and you can't ever undo it. And so no matter what, people are going to walk away not feeling completely satisfied and actually, if no one walks away completely satisfied, you [have] probably done a good job of resolving a conflict... [These cases] never go exceptionally well. I think some of them are okay, [but] for me, exceptionally well would have been that we could have prevented it from happening to begin with.

Similarly, Jamie, an investigator, used this frame to suggest survivors' frustrations with her work were simply a manifestation of life-long trauma from the violent act:

One party is not going to be happy. Always. Every single time. So yeah, I guess I'm failing—I'm not failing them, but they probably feel like the system failed them. [If] they're a complainant and they filed a complaint and it doesn't—it's not substantiated—they probably feel like something failed them and the easiest thing to point to is [Title IX].

Taken together, each of these examples depicts a Title IX process in which survivors cannot be helped and are never satisfied, leaving staff to argue protecting a perpetrator's education is the only possible positive outcome.

Victim advocates were the least likely to use any of these rationalization frames, but they, too, insisted that a Title IX investigation was no substitute for healing. They, however, took the opposite position from the rest of the staff. Instead of suggesting survivors were too damaged to recover, they believed their resilience would help them thrive in the future regardless of the outcome in their Title IX case. For example, Adia explained:

[I tell them], “It’s going to be okay. No matter what you’re going through, it’s going to be okay.” [It] is so huge to promise. You go through [the] reporting process and then in the end—you know the frustration I was talking about. Yeah, that breaks my heart... But I tell them when they walk into my office the first time to come to report, I’m able to confirm to them that, you know, they are not alone and it’s going to be okay.

While this message is more optimistic, it still reinforced the ideology that Title IX cases did not matter. They insisted that, regardless of the outcome of a Title IX case, they could help survivors more by providing resources.

Taken together, these rationalization frames allowed administrators justify university inaction and institutional betrayal as the moral outcome of nearly every case that came before them during the year of observation. They insisted that Title IX could offer nothing to survivors.

When (Gender) Roles are Reversed

The gender stereotypes invoked in administrators’ rationalizations assumed all cases would fit cleanly into a gender binary—women were the accusers and men were perpetrators of sexual violence. However, there were a few cases in which these roles were reversed. In these cases, administrators’ gendered rationalization frames transcended a student’s role in the process. Men

still received the lion's share of administrators' sympathy and could use it to exert power and control over women.

Typically, women were named in retaliatory Title IX complaints (see Nesbitt and Carson 2021) by men hoping to avoid accountability for their own acts of violence. For example, one perpetrator under investigation for intimate partner violence mentioned to an administrator that his victim had fought back, which he argued made her equally as violent as him. Rather than dismissing these complaints as unactionable, Western University staff empathized with the man making them and tried to meet his demands, even if doing so required acting outside the Title IX system or posed the same threats to the accused woman's education or career that administrators had so fiercely insisted were unfair when the person accused was a man.

In one case, a woman who worked for Western University's theater company left work one day to see her tires had been slashed. She had recently ended a romantic relationship with a male colleague and assumed he was responsible for the property damage. When Western University staff interviewed him, he admitted to slashing her tires, but also accused her of raping him. Immediately, her position was terminated. There was no investigation or discussion of "due process." There was no concern about how she would pay her bills or how the termination would affect her future employment prospects. It was only after an administrator went to take an additional statement from the man involved that they learned the "rape" did not actually meet the university's definition of sexual violence. He admitted he used the word "rape" to garner sympathy for slashing his ex-girlfriend's tires. The woman he accused was eventually reinstated, but only after the man who slashed her tires consented to her rehiring and the two signed a no contact directive to protect *him* from *her*. The woman's original concerns about property damage and stalking by her ex-boyfriend were ignored.

In a particularly high-profile incident, a white male student used racist and sexist slurs against a Black woman protesting an alt-right speaker on campus. She slapped him. Then, he repeatedly punched her until other students physically pulled him away. The man involved insisted the incident was a case of discrimination against his Western Chauvinist beliefs²², which Western University offered to investigate through Title IX. He declined to file a formal complaint, but asked that the woman involved was expelled. Without opening a formal investigation, Western University convinced the woman involved to agree to a “voluntary dismissal,” citing that her violence indicated she was “too immature” to be a college student. The paperwork was filed to ensure she could never return to Western University. In this case, administrators’ sympathies remained with the man involved, enough though he was not facing the possibility of punishment. For example, Nigel, a caseworker, explained:

We continue to this day to work with this student. We make sure he has the resources that he needs. We ended up working with him and finding out there were some other underlying things that involve family, that involve experiences in his economic process, that also influence academic standing and health. [He was] struggling in courses, which influenced his financial aid. He was also having things going on at home. So we were able to rally around him with supports to help him address those things.

In contrast, Nigel was not concerned about how the “voluntary dismissal” impacted the education of the woman involved:

²² Western Chauvinism is a white supremacist ideology rooted in misogyny. It is well-known as the belief system of groups like the Proud Boys. One of the tactics these groups use to advance their goals is exactly what happened in this incident: they use violent language to incite physical violence from protestors, then claim that the other party “throwing the first punch” justifies any physical violence their group perpetrates. As in this incident, the violence from the Proud Boys is usually more extreme and poses a greater physical risk.

There were some other things that were underlying that we found out when I would work with the responding student that needed to be addressed before they could reach their goals of why they came to the university—things going on in the family, things going on in peer relations, things going on in the past that they felt they had to resolve. So those were things I-I, uh, highly suggested for the student to work on so that when they do—if they do have the opportunity to come back to a university, those things will be resolved and ready to go, so they can focus on the college degree that she wanted.

The implications of these conflicting logics were clear. Men, regardless of their role in the Title IX process or motives for using it, deserved understanding, help, and second chances. Their version of events would be prioritized and their wishes would be taken into consideration in determining the final outcome of their cases. In contrast, women were met with skepticism—if they were given the opportunity to share their version of events at all. Their futures were not viewed as worthy of protection. The same external factors cited as reasons men needed extra support were listed as evidence that women did not deserve a college degree.

The Cost of Refusing to Rationalize Betrayal

There were a few administrators who stood out for their rejection of the rationalization frames used by their colleagues. In all cases, they had a history of working with trauma victims or identified as a survivor themselves. Most had not held their roles at Western University for longer than a year. For example, Nya took her position in the Title IX Office because she recognized the dysfunctions in how Western University managed sexual violence—especially for students of color—and hoped she could “be a change agent.” She was also a survivor herself. Quickly, however, Nya came to recognize that she did not have the support she needed to

improve services for survivors. She learned that most of her colleagues did not share her goals and, as a result, it was best for her to stay quiet if she wanted to keep her job. She could offer kindness to students in meetings, but she would never manage to make lasting structural or cultural change. Her futile attempts to do so would ultimately be met with hostility.

Nya's specific position in the Title IX Office was new and, during her interview, she was told she could make it "anything [she] wanted." In reality, however, she felt like, "My hands are tied. I can't do what I want to do." For example, Nya knew from a previous role at Western University that most students were intimidated by the physical space of the Title IX Office. She believed her work would be more effective if she could meet students in more convenient locations, which she assumed would be relatively noncontroversial. However, the idea was immediately shot down. As she described:

NYA: One of the things I wanted to do was build a larger presence with our advocates. I wanted to actively go out and talk to people... One thing I did when I worked for the state—we had satellite stations with community partners... We didn't set any appointments, but anyone who wanted to come in could just pop in, ask a question, find out more, report something, go through a process, whatever it was. And the feedback I got from when I did that [before] was, "You came to us. We didn't have to seek you out and that felt a lot more safe."

RESEARCHER: Why couldn't you do something like that here? That does sound like it would be really awesome.

NYA: What I was told was that that could be perceived as our office wanting to champion or empower more people to file [complaints]. It was kind of like me instigating a

situation rather than someone initiating and that's what neutrality is—someone else outside of our office has to initiate a process.

Notably, Nya did *not* recommend pushing victims to report or filing complaints on their behalf. She merely wanted to make Western University's current process more accessible by making herself mobile. Taking the critiques of Title IX Office seriously, Nya advocated for a lot of trauma-informed changes during her first few months on the job, but ultimately, her recommendations—big or small—were ignored. She began to feel like, "I'm not sure that my opinion counts. Because it sounds like [the university's way] is gonna happen no matter what."

It didn't take long for Nya to feel hostility from her colleagues because of her empathy for survivors' struggles—and for her own survivor identity. I asked Nya whether she felt like she could share how her own experiences as a survivor informed her perspective. She answered:

NYA: I've only told one person in the office [that I'm a survivor]. Well, two. And it was not because I wanted to... Someone in the office was talking about how the Me Too Movement was bogus and that people are just complaining and it was much worse back in the day and now it's not that bad. [That] no one's ever happy. In that moment, I felt super, you know, hurt that someone who works in this office would say that. And so I divulged that I'm a survivor and that I believe in the Me Too Movement... So I had to divulge there, and then because I participated in a performance review of this person, I also had to divulge that I talked about that situation.²³ Um, I know there was someone else who applied for a position here and they themselves were not a survivor, but someone very close to them was and they were not selected for the position because of

²³ Nya's performance review of her colleague would be considered biased because of her disclosure of her survivor identity during their argument. Despite her dismissal of survivors' experiences as overreactions, Nya's colleague still works at Western University in the same position.

that. Because folks felt like that would be a bias... [One person on the hiring committee] stated that he saw that as a weakness and didn't feel comfortable with hiring this person or offering them the position and then [the chair of the search] agreed.

RESEARCHER: Doesn't everybody know a survivor?

NYA: That's what I thought! Laughter. I feel like it's happened too often for us not to, right? Even if it's someone close to you, someone you're related to, yourself! So I don't feel comfortable telling—other than those two people who know—I don't feel comfortable telling anyone else just because I feel like then they will question when I'm helping someone who comes in and reports sexual misconduct—or my work will be questioned.

Nya's personal experiences as a survivor gave her sympathy for survivors and insight into realities of sexual violence her colleagues dismissed. For example, Nya's claim that the type of sexual violence does not indicate whether or not a survivor will experience trauma is true (e.g., Cipriano et al. forthcoming). However, Nya was not treated as an expert or an asset in the office, even though administrators with open sympathies for the accused were regularly praised for their "neutrality" and "open-mindedness."

Ultimately, Nya decided to quit. I caught her for a quick conversation the day she was clearing out her office. When I asked her why she decided to leave, she explained that continuing in the job would require her to "change who I am as a person," including ignoring the realities of campus sexual violence and becoming more sympathetic to perpetrators at the expense of survivors. Specifically, she mentioned that she was never allowed to use the word "perpetrator" in her role and always had to pretend that "we don't know what happened," even in cases where the survivor's trauma was undeniable or a perpetrator had a known history of abuse across campus. It took an emotional toll on her. She started to feel like more of the problem than the

solution. She quit just before reaching her one-year work anniversary. Nya was not alone. All but one full-time administrator who resisted the rationalization frames left their positions during my year of field work.

Discussion

It is widely recognized that the universities tasked with protecting survivors in the aftermath of sexual violence more commonly betray them (Richards, Claxton, and Gillespie 2021; Smith and Freyd 2014). This study explored how the administrators working most closely with students rationalized unjust outcomes in Title IX cases. Primarily, administrators drew upon gendered rationalization frames that granted himpathy to men while casting women as hysterical. More specifically, they insisted that survivors could not benefit from the Title IX process, either because they were mistaken in attributing their over-sensitive claims of trauma to their perpetrator or because they were already damaged beyond repair. These rationalizations paved the way for administrators to construct their true purpose in Title IX proceedings as the protection of men's educations. Since they viewed women as incapable of benefiting from Title IX investigations, the only student administrators perceived they could help was the man accused. These beliefs were rooted in students' gender identities, rather than their role in the process. When a woman was accused of violence by a man, she did not receive the same privileges, even though these cases were commonly meritless retaliatory complaints.

The findings from this study offer insight into the mechanisms of institutional betrayal (Smith and Freyd 2014) by exploring how the individuals tasked with the act of betraying rationalize their work. Specifically, I identify two central components to the process of teaching employees to betray: (1) favoring inexperienced candidates in hiring processes, and (2)

harnessing gender stereotypes about sexual violence in the creation of workplace norms. At Western University, staff were particularly inclined to favor frames of himpathy, which they cast as a compassionate way to manage student discipline. Since sympathy has a cultural connotation of kindness, administrators saw these frames as purely beneficial and moral, even though advantaging men at the expense of women is, at its core, a form of discrimination (Manne 2020). This finding fits into a long tradition of recognizing how feminists' gains have primarily offered benefits to women without diminishing the privileges of men as part of the "stalled revolution" (e.g., Hochschild 1989). Accordingly, it is perhaps unsurprising that as overt victim blaming becomes more taboo on college campuses, himpathy would replace it to justify maintaining universities' gendered traditions (e.g., Acker 1980; DiCaro 2021.) It is notable that these same frames of himpathy are not widely used by university administrators when they oversee other student disciplinary procedures for men, such as cheating, drug or alcohol use, or even the violent assault of other men. On campus, himpathy frames work exclusively to advantage men over women in the context of gender-based violence.

In reality, administrators' focus on men's futures and, particularly, the belief that men were the *only* parties whose lives could be impacted by the outcome of a Title IX complaint is inaccurate and dangerous. Following in the tradition of the criminal justice system, Western University staff treated survivors more as evidence than people who were seeking safety for themselves and their community. While it is true that a Title IX investigation—and, specifically, a perpetrator's removal from campus—cannot "undo" the trauma of rape, it can serve other protective functions for survivors, including intervening on ongoing violence (e.g., stalking, retaliation), creating a physically and emotionally safe learning environment, protecting other students from a perpetrator's potential future violence, and offering justice, which can promote

survivors' sense of value and belonging in their community. In these ways, the outcomes of Title IX investigations are crucial for survivors' recovery and academic success (e.g., Smith and Freyd 2013). Additionally, these findings hold regardless of the severity of a sexual assault, as, without intervention, all acts of sex discrimination can significantly impact a survivor's education (Cipriano et al. forthcoming). Administrators had the capacity to learn about the impact of Title IX on survivors firsthand, but as Cruz (2021) finds, they often sheltered themselves from the violence of campus sexual assault, which led to manufactured ignorance. As a result, there was no tension in administrators' use of himpathy—their full attention was on the perpetrator.

Policy Implications

There are a variety of structural changes that could intervene on administrators' gendered rationalization frames for institutional betrayal. Most obviously, staff would be less susceptible to these frames with proper training and experience with survivor-centered and trauma-informed practices. For example, a mandatory rape crisis counselor certification for all staff would intervene on some commonly held rape myths, including presumptions about what is “predatory” or that stranger rape is common. It would be useful for practitioners to develop a training specifically intended for university administrators that grapples with himpathy frames, particularly since a traditional rape crisis counselor certification is intended for staff whose work is limited to supporting survivors. Central to this shift in ideology should be recognizing that survivors and their loved ones are not “too biased” to work in Title IX Offices, but rather bring unique expertise of their own. Knowledge about the realities and experience of sexual violence is not a liability, but a crucial asset.

This approach, however, does not fully recognize the conflicts of interest that led Western University staff to sympathize with perpetrators to begin with. When Title IX staff are dually tasked with managing discrimination complaints and protecting the (patriarchal) institution, institutional betrayal will be common. Some states (e.g., California AB-1467) have begun to question the efficacy of permitting university control over sexual violence cases and others should follow suit. At the federal level, these cases would be better managed by an external agency that can provide redress for survivors, even when doing so comes at a cost to their university. Ideally, the abolition of an adversarial system would be beneficial in ensuring survivors are seen as people seeking safety and access to an education, rather than evidence in weighing whether to shift a perpetrator's future. Placing survivors and their needs at the center of campus sexual violence cases is crucial for intervening on institutional betrayal.

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CHAPTER 5

Conclusion

In this dissertation, I explored how institutional betrayal shapes survivors' legal and gender ideologies, particularly as they relate to women's access to legal recourse in the aftermath of campus sexual violence. Overwhelmingly, I find that survivors' legal rights were violated as they sought protection through the Title IX system, but that they blamed themselves for the failures they encountered instead of their university. I also detailed how the administrators who oversaw Title IX cases rationalized their role in institutional betrayal, specifically through drawing upon gendered frames of empathy and hysteria that reimagined the purpose of Title IX as protecting young men's futures. In each case, gender ideology superseded survivors' stated legal rights. The result is that a law—and the associated Title IX system—intended to shield women from inequality became the source of discrimination.

There are a number of threads that run through the entirety of the project, including each of the previous three chapters of this dissertation. To conclude, I would like to expand on a few of them more directly, particularly those that are too complex to address concisely in a chapter focused on a different topic.

Structure, Agency, and Title IX

Most discussion of the failures of Title IX comes down to a debate about who to blame.

Specifically, readers may wonder if individual administrators are at fault for institutional betrayal

or if they are well-intentioned actors, constrained by the systems they work within. It is certainly one of the most common questions I receive in response to my work, often asked by individuals who are hoping for a certain answer.²⁴ While Chapter 4 of this dissertation speaks directly to this question, I would like to provide some broader context about how institutional betrayal is enacted both by systems and the individuals who work within them. I also want to explore how these debates relate to broader themes of blameworthiness.

In Chapter 4, I briefly touched on how the hiring practices at Western University facilitated an organizational culture that was antagonistic to survivors and survivor-supportive attitudes. Similar to Cruz (2020), I observed that nearly all offices²⁵ adhered to an ideology of “neutrality,” which viewed anyone with personal experiences²⁶ with violence as “biased.” However, these claims fail to recognize that *everyone* has personal experiences with violence when living in a rape culture—the most common of which is denying the frequency and severity of sexual assault. By specifically labeling survivors and their supporters as the primary source of bias, Western University’s focus on neutrality selected for job candidates who lacked the necessary expertise to understand the complexities of violence and often believed damaging rape myths. For example, multiple administrators expressed surprise that so few of the cases they oversaw involved “stranger in the bushes” rape, which they continued to consider the most

²⁴ In submitting Chapter 2 for publication at a top-tier sociology journal, I received a peer review that insisted I *must* take the position that Title IX administrators are well-intentioned individuals because one of the reviewer’s close friends was a Title IX Coordinator and they believed their friend to be a good person. This is just one example of how the discourse around this issue is emotionally laden, even in spaces that claim to be purely scholarly.

²⁵ The Victim Advocacy Office staff were permitted to hold survivor-supportive ideologies; however, this led other administrators to refuse to work closely with them because they were “biased.” For example, even though victim advocates had expertise on how trauma might manifest in an investigation, Title IX administrators were reluctant to ask for their assistance interpreting survivors’ behavior. Instead, they relied on their own perceptions of how a survivor “should” behave if she is “truly” traumatized. These expectations did not often allow for variation in survivors’ trauma responses.

²⁶ While administrators used broad language like “personal experiences,” there was no effort made to determine whether any of the staff hired had committed an act of sexual violence. At least one former administrator had a history of committing acts of sexual violence prior to his hiring.

“severe” or “predatory” type of violence. In contrast, they viewed acquaintance rape or sexual harassment as “not that bad” or as an indicator that the victim had contributed to (and, accordingly, endorsed) their own rapes.

As a result of Western University’s hiring practices, most administrators held (culturally acceptable and encouraged) personal biases against survivors, which would intensify during the tenure of their positions. This was, in part, the result of the lack of diversity in ideology about violence. If someone made a statement like, “The Me Too Movement is bogus,” there was rarely anyone present with the knowledge required or desire to intervene on the alarming beliefs shared. They became normative instead. Even when individual survivor-supportive employees like Nya were present, they quickly learned they were alone and that their jobs could be threatened if they continued to speak up. Eventually, essentially all survivor-supportive employees would find the environment hostile and discriminatory, leading them to seek out other work. To put it simply, there *were* well-intentioned staff present, but they were severely outnumbered and struggled to remain in roles that were in conflict with their values and they lacked the structural power to promote culture change. For everyone else, the organizational practices deeply shaped their beliefs, which became more extreme over time. For administrators who had never thought deeply about sexual violence or gender discrimination before, the institution’s values became inseparable from their own. Eventually, those administrators would socialize future employees with the beliefs they developed within the organization and use them to develop anti-survivor policies and procedures. The individual and the organization became increasingly intertwined.

In the future, I will also explore the way organizational fragmentation makes the question of assigning blame so difficult. Within Title IX investigations, no individual held much

power or knowledge. In Chapter 2, for example, it is nearly impossible to pinpoint who is responsible for neutralizing survivors' complaints. In Brandi's case, there are plenty of people who contribute to her institutional betrayal. There is her victim advocate who misrepresents (and misunderstands) the limitations of informal resolution, but also a Title IX investigator who is dismissive of her needs when he denies her requests. The Title IX Coordinator closed Brandi's formal investigation without her knowledge or consent, but acted within the parameters of her role as defined by the Office of General Counsel. At each point, Brandi is the one cast as mistaken in how she navigated the process, and no one questions the work of their colleagues who oversaw Brandi's "choices." On paper, each individual's actions appear relatively minor or perhaps even appropriate, but as a group, they have all failed Brandi. Importantly, from Brandi's perspective, this makes it impossible to place blame anywhere but her own shoulders. When we, as scholars, are so wrapped up in the question of whether blame belongs with individual employees or the organization they work for, it is unsurprising that *both* groups end up blameless and survivors are the ones left to feel at fault. Notably, the *perpetrators* of violence are missing from this conversation entirely—just as they are missing from the Title IX process that would never have taken place without their original violation of a survivor's autonomy. By refusing to hold men accountable for the violence they commit, the institution creates an unsettling reality in which we are choosing which woman to blame for the wreckage he created—be that woman his victim or the administrators assigned to the case. I acknowledge this reality not to dismiss Western University's role in survivors' trauma, but to note that an eloquent solution to these questions of structure, agency, and blame is right before our eyes: if universities had the courage to perpetrators accountable, the blame would not slip onto the institution or its members.

Intersectionality and Survivorhood

Throughout this dissertation, I have focused largely on how gender defines survivors' experiences; however, gender is not the only identity that matters in understanding institutional betrayal. Since survivors are treated more as evidence than people, it can be difficult to pin down the way their intersecting marginalized identities contribute to their experience. The person whose identity matters most is their perpetrator and survivors' treatment during a (desired) Title IX investigation is inextricably linked to the privileges a perpetrator holds. However, the impact of institutional betrayal on survivors differs drastically based on their gender, race, class, and sexual identity.

As Grundy (2021) observes, campus sexual violence is inherently racialized. At Predominantly White Institutions (PWI) like Western University, a primary goal of student discipline is to protect white male students from the consequences of crimes they commit. This is true even of the offenses that are taken more seriously by student disciplinary proceedings, such as underage drinking, use of illegal drugs, and (nonsexual) assault. By adjudicating these crimes outside of the criminal justice system, PWIs can socialize the white men who attend them in how to live a life above the law. In fact, they may boast and bond over their previous transgressions, even in high stakes settings. For example, Brett Kavanaugh garnered empathy from other white men during his Supreme Court confirmation hearings as he defended his underage drinking and a history of sexual violence through insisting, "I like beer," suggesting *all* of the white male Senators present could relate. Accordingly, the role of Title IX staff at a PWI is to protect white men from the (stated, through rarely enforced) legal consequences of rape.

One of the ways Western University performed this racialized project in Title IX investigations was through making race invisible. As described in Chapter 2, survivors' reports

of sexual violence were usually neutralized before a perpetrator was formally accused. At that point, Western University staff often knew only of a perpetrator's pronouns. Survivors were aware that disclosing a perpetrator's name could lead them to lose control over their cases and put them at risk of violent retaliation for coming forward, so they often opted to avoid disclosing a perpetrator's identity as they described the violence they endured. Even during investigations, perpetrators were permitted extreme leniency in how they interacted with investigators, including deciding whether they wished to meet investigators face-to-face, allowing for a degree of racial ambiguity.²⁷ As a result, most perpetrators were presumed to be white (and, accordingly, wealthy) and—if they used he/him pronouns—were protected as white men, regardless of their race.²⁸ To legitimize this process, administrators often co-opted the history of false rape allegations against Black men (e.g., Srinivasan 2021; Wells-Barnett 1895) to insist the burdens of the Title IX process that chilled complaints were merited, but this does not necessarily indicate that additional protections were offered to Black men. After all, the Trump Administration and Men's Rights Activist groups offered the same "due process" argument to justify anti-survivor policies (Holland, Bedera and Webermann 2020), while simultaneously advancing an overtly white supremacist agenda that broadly labeled men of color as "rapists." Regardless, the result of invoking these racialized rhetorics in a colorblind environment was that *all* male perpetrators—including white men—could benefit from the suspicions toward survivors' credibility they legitimized. As a result, the act of obscuring perpetrators' races offered men additional privileges based on gender.

²⁷ These processes will be explored in greater depth in the forthcoming book on this dissertation, which more directly explores Title IX investigations.

²⁸ Even in cases involving non-white men who had prolonged interactions with administrators, they could be granted the benefits of the white patriarchy if their position on campus provided benefits for white men, such as serving as an entertainer by playing on a football team. All (male) student athletes were essentially exempt from Title IX, which I will detail further in the forthcoming book.

Since 99% of college sexual assaults are perpetrated by men (Rennison 2002), administrators' protection of men meant there was very little variation in survivors' experiences of reporting. As described in Chapter 4, their traumas were dismissed, whether that happened during the reporting process or after a long investigation—a pattern previously observed in other studies (Nesbitt and Carson 2021; Richards, Claxton, and Gillespie 2021). Since the social stigma of sexual victimization leads many survivors to keep their trauma histories secret—particularly from their parents (Smith and Cook 2008)—it was difficult for survivors to resist the structures that neutralized their complaints, even if their families might have had the resources to do so (e.g., affording legal assistance). As a result, survivors who typically would have agency based on their privileged identities (e.g., white wealthy women) had limited access to the privileges that made this agency possible. They could only turn to institutional actors who would exert control over their “decisions,” mitigating any action that would be risky to the institution and denying their agency—even as their typically reliable privileges obscured their ability to recognize their loss of agency and brought them to blame themselves for the university's actions. In many ways, survivors' experiences of dismissal were universal, particularly if they requested an intervention that could impact a perpetrator's standing on campus.²⁹ However, the process of dismissal could be more arduous for women of color. Specifically, when women of color made reports that included gender- and race-based violence, they were faced with the daunting requirement to undergo *two* investigations since Western University had no process by which to recognize their intersectional oppression. As previously observed by Crenshaw (1990), both processes would fail to understand the violence the survivor endured. Their experience of

²⁹ Even the “good” example cited in Chapter 3 (Allison's story) did not require significant action from her perpetrator—he was given an alternative work assignment and a training on sexual harassment, but these were standard changes that might have taken place as normal part of his job without any intervention.

violence had been fragmented into pieces that were easier to ignore or minimize since they did not account for intersectionality (e.g., using a sexualized slur against a Black woman is uniquely harmful due to how racism *and* sexism operate simultaneously).³⁰ Since Title IX and Title VII³¹ at Western University are managed by the same employees drawing from the same tactics of symbolic compliance as a way to uphold the university's white patriarchal values (Edelman 1992; 2016; Edelman and Cabrera 2020), it is unsurprising that neither investigation would offer a survivor meaningful redress. Both systems were designed to allow white men impunity for racist and sexist harassment and violence and function primarily to silence the students who make complaints.

While survivors' intersecting identities did not feature prominently into the outcomes of Title IX cases, they do account for variation in survivors' experiences of institutional betrayal. In this dissertation, I do not explore these themes explicitly; however, they will feature prominently in the forthcoming book. Echoing the findings of many other researchers, I find that survivors with multiple marginalized identities are more likely to experience multiple betrayals (Gómez and Freyd 2018; Smidt et al. 2021; Smith, Cunningham, and Freyd 2016). For example, survivors in an unsafe learning environment are regularly encouraged to withdraw from the university, particularly if their academics are noticeably impacted. Survivors of low socioeconomic status are unlikely to return, especially if withdrawal sacrificed a scholarship or if returning requires them to repay their student loans (Nesbitt and Carson 2021). Similarly,

³⁰ I will discuss this concept of "fragmented violence" in greater depth in my forthcoming book. It is easiest to see in the context of Title IX investigations, which are *always* broken into individual offenses, rather than allowing survivors to share the entirety of their experiences in context. For example, survivors' experiences of sexual assault and retaliation for reporting would be split into two separate investigations, as would reports from multiple victims about the same perpetrator. It is easier to dismiss survivors' experiences as "not that bad" if investigators are not permitted to consider the context in which they take place and a survivor's intersectional realities.

³¹ Title VII is the educational amendment that prohibits discrimination on the basis of race and ethnicity.

survivors with multiple marginalized identities face additional barriers in healing from institutional betrayal. Therapy, for example, can intervene on the patterns of self-blame identified in Chapter 3, but it is not easily accessible without access to high quality health insurance. Even then, survivors of color and queer survivors are likely to face microaggressions that exacerbate trauma rather than promote healing (Gómez 2015; Smidt et al. 2021). To put it simply, survivors' capacity to endure institutional betrayal (and complete their education) depends greatly on the other privileged identities they hold. In future work, it is crucial that researchers attend to the unique challenges faced by survivors with multiple marginalized identities. The “neutral” betrayals of universities have hugely disparate impacts. Longitudinal studies of betrayed survivors would be useful in exploring how institutional betrayal contributes to intersectional inequalities across the life course.

Limitations and Future Directions

As previously stated, this dissertation is only the beginning of a much bigger project that aims to provide an account of the Title IX process from start to finish. One of the primary goals of the study is to offer a description of how Title IX cases predictably end in betrayal for survivors. Largely, that will entail identifying the structural advantages offered to perpetrators that make it nearly impossible for survivors—even with clear, convincing evidence, even with a strong support system, even with the privileges that would advantage them in other settings—to endure the Title IX process or spur their university to protect them. I anticipate that this component of the project will fill in some of the gaps in this dissertation. For example, exploring the structures that comprise a Title IX investigation provides significant insight into where survivors first heard the blaming messages they internalized in Chapter 3.

It is useful to follow one Title IX process so closely for a year; however, there are many questions that cannot be answered from this approach. For example, there is anecdotal evidence that there are racial disparities in how Title IX is enacted by universities with white men being particularly likely to avoid serious sanction (for an overview, see Grundy 2021); however, there are so few investigations at a single institution that this dissertation cannot meaningfully contribute to the discourse on racial disparities, particularly in punishment. At Western University, most cases were “resolved” before a perpetrator’s race was known by administrators and, nationally, any kind of sanction in a Title IX case is exceedingly rare (Richards, Claxton, and Gillespie 2021). Similarly, there were no cases of same-gender violence in this dissertation, which also may be a source of variation, particularly at universities that prohibit same-gender relationships or other types of consensual premarital sex. I support the national calls for schools³² to publicly disclose Title IX data and strongly urge the collection of demographic data of all involved students. As campus police and Title IX Offices become increasingly intertwined, it is crucial to include university police departments as well, especially in areas where campus police have sole jurisdiction over university property.

This approach also makes it tempting to wonder if Western University is a “bad apple.” While my conversations with colleagues and survivors across the country make me confident that many of these issues are much bigger than Western University, the question of *why* is still unanswered. There were clues in the field that are worth further examination. As I will describe in the book, Western University administrators regularly defied the policies written in collaboration with campus activists to use more institutionally-protective protocols distributed by organizations like the Association for Title IX Administrators (ATIXA). Many of these national

³² Including universities and K-12 schools

resources are recognized by scholars and activists as created by inexperienced opportunists who were eager to capitalize off of the national attention on campus sexual violence in the 2010s. Still, the impact of their dominance in higher education is largely unexamined. Since there is so much turnover in Title IX-affiliated staff and new hires are so profoundly inexperienced, I suspect these national organizations are particularly influential. Many administrators at Western University indicated they were the only resource available to understand what their job was or how to do it effectively, especially if no one else shared their exact position.

Finally, conducting this study raised new questions for me that I am eager to explore. For example, nearly every participant suggested at some point that an educational intervention on a perpetrator's behavior would be preferable to the current Title IX system, which they viewed as punitive.³³ However, it was unclear exactly what types of interventions would actually *work*. In the future, I would like to conduct research on how perpetrators make sense of the violence they committed (if they view it as violence at all) in hopes of identifying some of the most reliable mechanisms for promoting change in behavior and ideology. I also began to think more broadly about the life courses of the students I studied, as it was immediately obvious that the impacts of campus sexual violence extended well-past graduation, particularly for survivors. I am curious about how college sexual assault contributes to other social problems, such as gender segregation in the workforce³⁴ and intersectional inequalities, particularly regarding who has the privilege to heal. Most obviously, this dissertation begs the question of how survivors' changes in legal and

³³ It should be noted that some components of Title IX sanctioning are punitive, but that sanctions like expulsions also play a protective role for survivors whose educations are threatened by their perpetrator's continued presence on campus. I would not advocate for entirely replacing serious sanctions with educational measures, particularly if a perpetrator presents a continued threat of violence. In this way, I view sanctions like expulsion as similar to deplatforming.

³⁴ Many survivors noted that they changed their majors in connection to their sexual assaults. In some cases, they hoped to escape male-dominated disciplines where they consistently felt degraded and triggered. In others, they found themselves drawn to disciplines that spoke more directly to their experiences, especially if they helped them understand the mechanisms of sexual violence or permitted them to heal.

gender ideologies impacts their lives in the future, including how they made sense of future sexual violence, how they treated other survivors, and how they shared their ideologies with others.

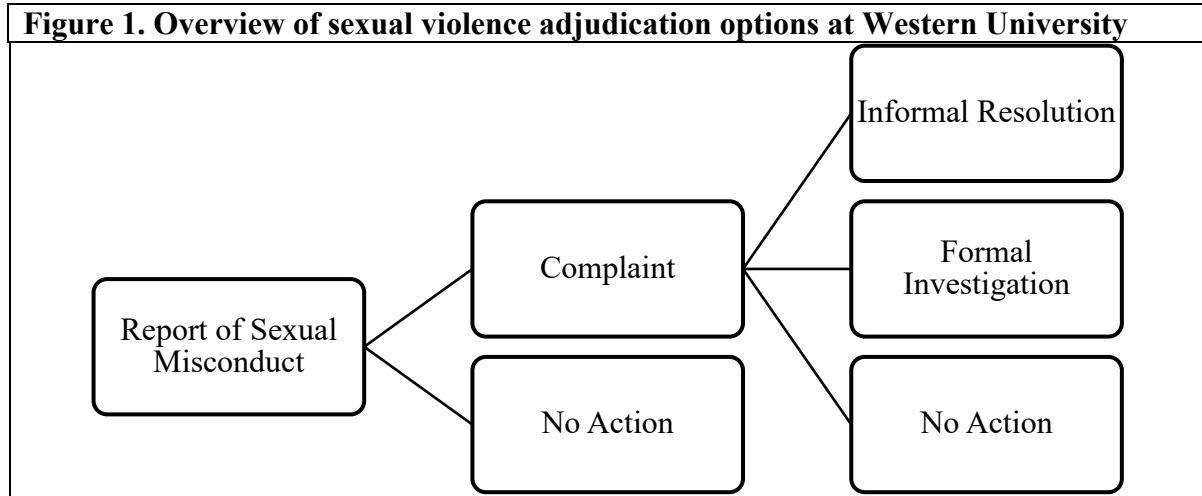
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APPENDIX

Figures and Tables



Key: All lines indicate a decision available to a survivor

Figure 2. Key distinctions in Western University’s sexual misconduct policy	
Reports	Complaints
<ul style="list-style-type: none"> - Can be filed by anyone (e.g., survivor, staff, faculty) - Creates a record of sexual misconduct concern - <u>Does not</u> require university action 	<ul style="list-style-type: none"> - Can be filed by a survivor or the Dean of Students - Creates a record of a sexual misconduct concern - <u>Does</u> require university action - Required to begin any accountability-based Title IX proceeding (i.e., informal resolution or formal investigation)
Informal Resolution	Formal Investigation
<ul style="list-style-type: none"> - Compliance by the accused is voluntary - Interventions can take place immediately - Anonymity permitted (in some cases) - Sanctions cannot be punitive (e.g., letters of apology, non-enforceable agreement to keep distance, educational interventions) 	<ul style="list-style-type: none"> - Compliance by the accused is mandatory - Full investigation required before interventions applied - Anonymity prohibited - All sanctions are punitive (e.g., suspension or expulsion)

Table 1. Western University internal records on reports and complaints made		
Type of Complaint	Reports Received	Complaints Initiated
Sexual Harassment	22	46 (20.7%)
Nonconsensual Sexual Contact (Sexual Assault)	103	18 (17.5%)
Nonconsensual Sexual Penetration (Rape)	34	8 (23.5%)
Intimate Partner Violence	51	4 (7.8%)
Stalking	42	7 (16.7%)
All Sexual Misconduct Complaints	452	83 (18.4%)

Table 2. Survivor Participants' Title IX Case Details

Participant	Type of Violence	Known Perpetrator Characteristics	Report Outcome
Brandi	Unwanted touching; gendered harassment	Male; athletics staff	Educational intervention
Allison	Threat of violence	Male; custodial staff	Educational intervention; change to perpetrator work schedule
Samantha	Sexual assault	Male; undergraduate	No response
Camilla	Unwanted sexual attention; racist harassment	Males; administrative staff (multiple)	Educational intervention
Lexie	Unwanted sexual attention; stalking	Male; campus visitor	Survivor withdrew complaint
Tasia	Sexual assault; sexual harassment	Male; undergraduate	Survivor withdrew complaint
Li	Sexual assault (2)	Male; undergraduate; international student	Suspension
Sofia	Sexual assault	Male; undergraduate	Insufficient evidence
Jen	Sexual assault; intimate partner violence; stalking; sexual harassment	Male; graduate student; multiple accusations	Insufficient evidence
Marissa	Sexual assault; sexual harassment	Male; undergraduate; multiple accusations	Insufficient evidence
Malia	Sexual assault	Male; undergraduate; multiple accusations	Perpetrator transferred; banned from readmission
Kiara	Sexual assault; threats of violence	Male; undergraduate; belonged to white supremacist groups; multiple accusations	Perpetrator graduated; banned from applying for graduate school for two years
Grace	Sexual assault	Male; incoming undergraduate	No response

Natalia	Family violence; sexual assault; stalking	Male; undergraduate	No response
Zhi Ruo	Threats of violence; gendered harassment	Female; professor	No response
Miranda	Sexual assault; gendered harassment; burglary; destruction of property; threats of violence	Mixed genders; undergraduates (multiple)	Report denied
Margo	Intimate partner violence; stalking	Male; undergraduate; professor's child	N/A
Daniel	Intimate partner violence	Female; no university affiliation; lived in campus housing	N/A
Alyssa	Sexual harassment; unwanted sexual attention	Male; undergraduate	N/A
Lizzie	Sexual assault	Male; undergraduate; student athlete	N/A
Jane	Sexual harassment; unwanted sexual attention	Male; science staff; Jane's supervisor	N/A
Sarah	Sexual assault	Male; undergraduate; conservative activist	N/A
Ariel	Unwanted sexual attention; sexual assault	Male; campus visitor	N/A
Rachel	Sexual assault	Male; graduate student	N/A
Alexis	Sexual assault	Male; undergraduate	N/A
Dalaney	Sexual assault	Male; undergraduate	N/A
Kelia	Sexual assault	Male; undergraduate	N/A
	Racist harassment	Male; undergraduate	

Carmen	Intimate partner violence	Male; undergraduate	N/A
Arjun	Sexual assault	Female; undergraduate; elite study abroad program	N/A

Demographics	Title IX	Victim Advocacy	Dean of Students	Higher Admin.	Hearing Board
Gender					
...Cisgender woman	6	5	3	4	1
...Cisgender man	1	0	2	0	2
Race					
...White	4	3	4	4	2
...Person of Color	3	2	1	0	1
Sexual Identity					
...Heterosexual	5	4	4	4	3
...LGB	2	1	1	0	0
Age					
...Range	27-40	27-45	34-46	53-60	22-48
...Median	38	35	39	59	41
Time in Position					
...Less than 6 months	2	1	0	0	1
...6 months – 1 year	0	1	0	0	1
...1-2 years	2	1	1	1	0
...2-3 years	2	0	0	0	0
...3+ years	1	2	4	4	1
...Resigned	2	2	0	0	0
Political Views					
...Liberal	7	4	1	3	2
...Independent	0	0	4	0	0
...Conservative	0	0	0	0	1
...No answer	0	1	0	1	0
<i>N</i>	7	5	5	4	3