

Title IX Coordinators and Investigators Understanding of Mandated Resources

by

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## **ABSTRACT**

Title IX has shaped the policies and procedures of universities and colleges across the nation when it comes to sexual violence-based cases. Title IX was included as an amendment to the 1972 Educational Amendments that reauthorized the 1965 Educational Amendments. Title IX might have originally been to support gender equality, but it has helped students get the resources that they need when they have been sexual assaulted or harassed. The purpose of this study is to examine how Title IX investigators decide what resources to give the complainants and examining the resources that are given. Additionally, this paper will also examine the history of Title IX and the future of Title IX according to current Title IX investigators.

The research was conducted using purposeful sampling and the snowball technique to find individuals who would be qualified to participate in the study. The participant interviews were conducted over the phone and transcribed by the researcher. The researcher examined the transcripts to identify any themes that became apparent.

The research was able to demonstrate that Title IX investigators approach each of their cases with an open mind and do not determine the resources that they will give the student before they meet with the student. There was a wide variety of resources that the investigator give their students and the policies that one institution had did not always align with the policies of another institution. Each institution gives resources to their students that they think are best for their students and want to ensure that their university is doing everything that it can to support each student.

## **CHAPTER I INTRODUCTION**

Sexual assault and harassment reports are increasing across the nation at an alarming rate (Wallace, 2015). The public is beginning to hear and take notice of universities that are failing to protect their students. Cases like Baylor University where Title IX investigators are failing to follow the guidelines that are set by the federal government, continue to make sexual assault and harassment at colleges a national conversation (Ericksen, 2018). The national outcry is forcing and challenging the Department of Education to have a meaningful conversation about what steps can be made to improve Title IX. Department of Education Secretary Betsy DeVos stated that her department would be conducting a thorough investigation into Title IX systemic issues following the Michigan State scandal that came to light in February 2018 (Wermund, 2018). Documentaries like “The Hunting Ground” are challenging the public to see just how many students are affected by sexual assault and harassment, during their time in college (Clark, 2015). Universities are having to respond to the public outcry for why these sexual assaults and harassments are happening, how they are trying to stop them, and how they are help the students that have been affected.

These public challenges are not new to higher education. In fact, Title IX of the Education Amendment of 1972 was enacted by Congress to prevent students from being discriminated or harassed because of their gender. However, while many fail to see its importance in these issues, it contains the guiding principles that colleges use to prevent and adjudicate incidents of harassment (U.S. Department of Education, 2015). According to the National Sexual Violence Resource Center (2015), one in five women and one in sixteen men are sexually assaulted while in college. The research also shows

that more than 90% of victims of sexual assault do not report their assault, for a variety of reasons (National Sexual Violence Resource Center, 2015). While Title IX, in 2001, was used to demonstrate how sexual assault and harassment are forms of gender-based discrimination, it is not the only federally mandated document that has affected university students (U.S. Department of Education, 2001). The Jeanne Clery Disclosure of Campus Policy and Crime Statistics Act, the Violence Against Women Act, and the Campus Sexual Violence Elimination Act have been instrumental in changing the policies and procedures when it comes to sexual assault and harassment cases (Carter, 2017).

However, Title IX has still been the biggest influence universities' policies regarding incidents of sexual violence, especially with the following additions: Revised Sexual Harassment Guidance of 2001, Dear Colleague Letter of 2011, Questions and Answers on Title IX and Sexual Violence of 2014, Title IX and Sex Discrimination of 2015, Dear Colleague Letter of 2017, and the Question and Answers on Campus Sexual Misconduct of 2017 (Mangan, 2017). All of these acts and modifications to existing laws have been extensive, but their purpose is to help students of sexual assault and harassment to get the support that they need and to minimize the number of sexual violence cases that happen on college campus. Universities need to be mindful of all of the guidelines and laws that are passed by their governing boards, the state legislatures, and the federal government.

### **Purpose of the Study**

The purpose of this study was to examine the resources that university officials gave students that reported being sexually assault or harassed. Universities are required to provide their students resources when there is a report of an incident that involves sexual assault and harassment. However, with universities following the same laws it should be assumed that the universities are giving the students the same resources. This

investigation focused only on sexual violence and sexual harassment at the four-year private and public universities, instead of examination the various degrees of discrimination based on gender at any institutional level. This study will examine how university officials make decisions based off the information that is given to them, and the implications that might come if different decisions are made at different institutions. Additionally, this research examined the changes that Title IX investigators believed could be made to Title IX to make it more beneficial for the students, their institutions, or their position.

### **Research Questions**

This study was guided by the following research questions:

1. How do the Title IX investigators determine what resources to give the students involved in Title IX cases, specifically in sexual assault and harassment cases?
2. What resources do Title IX investigators give to complainants in Title IX?
3. What changes to Title IX, do Title IX investigators believe would support students?

### **Significance of the Study**

Former Vice-President Joe Biden has been an advocate for ending sexual assault and harassment on university campuses. In fact, when the Violence Against Women Act (1994) was reauthorized he published an article stating:

I remain hopeful as ever that the decency of the American people will keep us moving forward in the fight against this rawest form of violence and a culture that hides it. They understand the true character of our country is measured when

violence against women is no longer accepted as society's secret and where we all understand that even one case is too many... (Biden, 2014)

Title IX investigators work hard to support their students and give them the resources that they need to feel supported by their university. The investigators are responsible for giving and deciding what resources to give their students. The information that was collected in the study allowed the researcher to understand how the investigator made those decisions. This researcher will allow the researcher to have a clear understanding of some of the resources that the investigators can give to their students. Additionally, the research will demonstrate what resources universities should consider giving their students in sexual assault and harassment cases. Finally, the way that universities and Title IX interact are constantly changing and the findings of this study will be vital to help determine what changes could be made to better support the university and Department of Education in serving their students.

### **Methodology**

The research was conducted with a postmodern paradigm lens, which allowed the researcher to describe the events that were taking place with a variety of lens' and perspectives (Creswell & Miller, 2000). This paradigm is able to describe how at different institutions the Title IX investigators responded in a variety of ways. The study was conducted with semi-structured interviews to collect data that would allow the researcher to get a purposeful sampling of Title IX investigators around the nation. Qualitative research was able to give the researcher a real world setting and prevent the researcher from affecting the outcomes of the study (Patton, 2002). Qualitative research allowed the participants to explain each of their answers in great detail and talk about

some of the aspects that cannot be recorded in quantitative studies. For example, in a qualitative study, researchers can record participants feelings and thought processes in the participants' own words. Quantitative research would allow the researcher to calculate and make conclusions on what can be measured. For the purposes of this study it did not matter the number of resources that were given by the Title IX investigators, rather the focus was on how the Title IX investigators came to their conclusion on what resources to give (Patton, 2002).

Purposeful sampling was used to reach out to investigators from a wide variety of institutions. The institutions ranged from small, private, Christian universities to large, public universities. However, for an institution to participate in the study the researcher set clear requirements. The size of the institution did not matter for the purposes of the study. The only requirements were set on the participants themselves, rather than their institutions. All of the participants had to be in a Title IX Coordinator or Investigator role. Additionally all participants were required to have worked at their institutions for at least one year. This allowed the researcher to be confident that the participants understood their university's policies and procedures.

### **Assumptions**

This study was conducted with the following assumptions. All participants were following the policies and procedures that were set for their position by their institution. The participants answered to the best of their ability and were as thorough as they thought was necessary. The participants had worked in their position or with Title IX for at least one year. The participants were willing and wanting to participate in the study. These assumptions were able to help the researcher build a basis for what the participants

and the researcher was able to gauge if the participants fit into the requirements for the study because of the first question that is asked of the participants, see Appendix A.

### **Limitations**

The study was conducted with the following limitations. First, there are a wide variety of institutional characteristics, there is very little generalizations that can be made about any institutional types. Second, the time constant limited participants were able to be contacted for the purposes of the research. If more time was given, the researcher might have been able to get more institutions to participate or followed up with more institutions that did not respond to the email to participants, see Appendices C. Third, the lack of resources for the study. The researcher was the only person that could conduct the interviews and it limited the time that was given for the interviews. Fourth, the researcher was only able to receive the resources that are given to the students, rather than being able to test the efficiency of the resources. The researcher was only able to test the resources that were given to them, rather than if these resources are affective at helping their students. Finally, the participants had a wide variety of experiences and the researcher was not able to set a base line for the experiences of the Title IX investigators.

### **Historical Landmarks**

The following policies are important to understand the research and the study:

*Title IX of the Educational Amendments of 1972 or Title IX:* “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or subjected to discrimination under any education program or activity receiving Federal finance assistance” (Title IX of the Education Amendments of 1972).

*Revised Sexual Harassment Guidance: Harassment of students by school employees, other students, or third parties* or *Revised Sexual Harassment Guidance of 2001*: This document served as a notice to schools and institutions about the Department of Education's commitment to supporting students when it came to sexual violence cases. This document was built off the foundations of the 1997 guidance, *Geber v. Lago Vista Independent School District*, and *Davis v. Monroe County Board of Education*. The revised guidance reaffirms that all institutions, under the authority of the Office of Civil Rights in the Department of Education, must follow and abide by the compliance standards set by the executive, legislative, and judicial branches (U.S. Department of Education, 2001).

*Dear Colleague Letter of 2011*: The guidance that was issued by the Office of Civil Rights in the Department of Education that set the guidelines and structure for how institutions should respond to Title IX cases. The document reaffirmed the 2001 guidance while adding the schools' obligation to respond to sexual violence, procedural requirement pertaining to sexual violence, steps to prevent sexual violence, and help and support the complainant (U.S. Department of Education, 2011).

*Dear Colleague Letter of 2017*: This guidance served as a notice to institutions about the withdrawing of the policies found in the *Dear Colleague Letter of 2011* and the *Questions and Answers on Title IX and Sexual Violence of 2014*. The document included the reasoning behind withdrawing support of the following guidelines and the implications new guideline for the future (U.S. Department of Education, 2017).

*Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act* or *Clery Act*: An act that requires institutions to report murder, sex offenses, robbery,

aggravated assault, burglary, motor vehicle theft, arson, arrest, liquor law violations, drug related violations, weapon possession, and hate crimes, to the public. The Clery Act is helpful to the Department of Education keep track of any sexual violence-based trends that might be taking place on an individual campus or at a national level (Fisher, Hartman, Cullen, & Turner, 2002).

*Violence Against Women Act* or *VAWA*: The law was instrumental in providing the following provisions: victim's protection orders will be recognized and enforced throughout the nation, provided funding for the training of 500,000 law enforcement officers, and clear definitions of sexual harassment, domestic and dating violence, and stalking (Hadley, 2018).

*Campus Sexual Violence Elimination Act* or *Campus SaVA Act*: Is the law that reauthorized the *VAWA* and expanded upon the Clery Act. The new regulation set three important pillars that all institutions must have when supporting and hearing sexual violence cases. These pillars are transparency, accountability, and education ("The Campus Sexual Violence Elimination Act of 2013", 2013). These pillars will be discussed more in Chapter II.

### **Definitions of Core Terms**

The following terms are important to understand the research and the study.

*Complainant*: The term complainant refers to the student who reports being sexually assaulted or sexually harassed (U.S. Department of Education, 2014).

*Respondent:* The term respondent is someone that is accused of having conducted inappropriate behavior, for this case sexual assault or harassment (U.S. Department of Education, 2014).

*Title IX Coordinator:* Is an individual that is designated, who is responsible for ensuring that their institution is complying with Title IX of the Education Amendments of 1972 (U.S. Department of Education, 2015).

*Education Amendments of 1965:* The intended purpose of the law was “to strengthen the educational resources of our colleges and universities and to provide financial assistance for students in postsecondary and higher education...” (Poulin, 2018)

*Education Amendments of 1972:* The Education Amendments of 1972 was a reauthorization of the Education Amendments of 1965. The Education Amendments of 1965 were reauthorized and additional amendments were added to the legislation. Title IX is one of the new amendments that was added to the reauthorization of the Education Amendments of 1965 (Title IX of the Education Amendments of 1972).

*Sexual Harassment:* The definition of sexual harassment and violence is “conduct of a sexual nature is sufficiently severe, persistent, or pervasive...” (U.S. Department of Education, 2001, p. vi)

*Title IX Resources:* For the purposes of this study, Title IX resources, are defined as items or departments that are given by the Title IX investigators to support the students.

## **Organization of Research**

Chapter II will focus on a review of the relevant literature related to Title IX and how these pieces of legislation have made an impact on the policies and procedures of Title IX university investigators. Chapter III will examine the methodology and research design of the study. Additionally, it will describe the data analysis and how coding was used to come to the themes that were discovered during the research. Chapter IV presents the finds of the case and how the predominate themes that the interviewers brought up. These themes include counseling, housing accommodations, class accommodations, support centers, medical support, and off campus support. Finally, Chapter V will discuss the implications of the research, the future of Title IX, and the recommendations for Title IX investigators.

### **Summary of Introduction**

The Department of Education and the Office of Civil Rights are responsible for protect the students and ensuring that the schools are in compliance with the re-authorization of the Educational Acts of 1965, specifically Title IX. Title IX protects students from all forms of gender-based discrimination, including sexual assault and sexual harassment (“History of Title IX”, 2014). Pervious laws, acts, and guidelines have provided structure for how universities and their official respond to Title IX cases. This case examines how the history of Title IX and the guidelines have affected the resources that are provided to Title IX complaints. The three research questions guide this qualitative research study and the questions that were asked during a semi-structured interview to the participants. The assumptions guide the research and were presented to ensure that the reader had a clear understanding to the pre-existing conditions for the study. The limitations are important to interpreting the date. The definitions were

discussed to ensure that the reader had some understanding of the important laws that affect Title IX investigators and complaints. The importance of the research will help guide institutions in the themes that are brought up when discussing the resources for Title IX complainant. The overall purpose of the study is to help the readers understand how the policies and procedures, when it comes to Title IX sexual violence cases, affect the resources that are provided to the complainant of the cases.

## **CHAPTER II LITERATURE REVIEW**

Chapter II will discuss the historical documents that have affected Title IX and the policies that have been created at universities across the nation. The chapter goes through the changes that were made by the federal government. Next, the scholar sources will be examined and some of the research that has been done on the future of Title IX. Scholars have found that proactive training, state legislature changes, and federal government changes that need to be made to make Title IX more supportive towards students.

### **History**

Although, the Civil Rights Act of 1964 was written to end the discrimination that was taking place in the United States, specifically by prohibiting discrimination based on sex, religion, race, color, or national origin, it did not prohibit individuals from being discriminated against in the public education system. Meaning that while women were allowed to attend the same schools as the men, it did not mean that they got the same opportunities. However, President Lyndon B. Johnson attempted to stop some of the sexist practices with Executive Order 11375, which stated that all institutions that had received and would receive federal funding would end discrimination in hiring and employment based on sex (Sandler, 2007).

Bernice Sandler, who at the time was a part-time professor, applied for a tenure track, faculty position at the University of Maryland. Sandler was not hired as the faculty member, despite the fact that she was the most qualified applicant for the position. Sandler challenged why she was not hired for the position and she was instructed that she was a strong woman. Sandler used the Executive Order 11375 to sue the university for

discriminating against her based on her sex. At the same time that Sandler was suing the University of Maryland, United States Representative Edith Green, of Oregon, was chairing a Subcommittee on Higher Education of the Education and Labor Committee. Sandler joined in 1970 and participated in the hearing related to women's issues of employment and opportunities in higher education (Sandler, 2007).

Representative Green and Representative Patsy Mink of Hawaii introduced Title IX during congressional hearings to get women the rights the representatives believe that women deserved. Senator Birch Bayh of Indiana added Title IX as an amendment to the Higher Education Act of 1965 (Sandler, 2007). While on the Senate floor Senator Bayh stated:

While the impact of this amendment would be far-reaching, it is not a panacea. It is, however, an important first step in the effort to provide for the women in America something that is rightfully theirs' ... an equal chance to attend the schools of their choices, to develop the skills they want, and to apply those skills with the knowledge that they will have a fair chance to secure the jobs of their choice with equal pay for equal work (Sandler, 2007, p. 6).

The amendment was passed, and President Nixon signed the bill into law on June 23, 1972 (Sandler, 2007)

The Education Amendments of 1972 have played an important role in the lives of students. When the Educational Amendments were reauthorized in 1972, Title IX only made up for a small part of the actual bill, however the impact of the law cannot be understated. Senator Birch Bayh of Indiana and Representative Patsy Mink of Hawaii are credited as the co-authors of the bill that passed on June 23, 1972. The 37 words that

make Title IX have changed the policies and procedures at institutions that receive federal funding. While Title IX might today be recognized for the role that it has in sexual violence based cases, the original purpose of the law was to allow female students access to the same resources that are provided to the male students (“History of Title IX”, 2014).

### **Federal Government**

The federal government is solely responsible for enforcing Title IX and ensuring that universities are aware of the consequences of non-compliance. State government have becoming more and more involved in Title IX and the procedures. However, ultimately the federal government has the highest authority over sexual violence policies and procedures. While the federal government has the authority and responsibility to ensure that they are protecting the students, each of the branches of the federal government have had different role in Title IX and sexual violence procedures. For example, the legislative branch created the law and they continue to ensure that additions deemed necessary are made. The judicial branch of government is responsible for interpreting the law and answering any questions that might arise because of the law. Finally, the executive brand oversees the Department of Education and the Office of Civil rights, which work with institutions to ensure that they are keeping the law within the guidelines that have been created. All three branches of government have had large roles in creating and implementing the law. The following are the guidelines that have been instrumental in affecting Title IX policies and procedures (Greenberger & Chaudhry, 2007).

### **Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act**

To understand how the Clery Act has had an impact on sexual violence and Title IX resources on campus, it is important to understand the history and the significance of the Clery Act. In 1986, Jeanne Clery was raped and murdered by another student at Lehigh University. The rape and murder was only one of the 38 other violent crimes on the Lehigh University campus within a three year time period. Jeanne's parents brought the university to court and argued that if the parents and Jeanne had known about the crime on campus, that Jeanne would not have attended the university. They won their case and Lehigh University had to pay two million dollars for failing to inform the public about the crimes that were taking place on campus. However, after the nation heard about the crime, a movement started that ended with the creation of The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act or the Clery Act of 1990 ("Our history", 2012).

There are four important aspects of the Clery Act, including annual surety reports, crime logs, timely warnings, and crime statistics. The annual report is to be published to faculty, staff, current students, future students, and the federal government by October 1 of each year. Within the report must be the crime statistics for the past three years, the policies at the institution regarding safety and security, program information regarding crime prevention, and the procedures regarding cases of sexual violence. The police and security departments for each school must have and maintain a crime log for the cases of all crimes within the last 60 days. The crimes do not necessarily just need to happen on campus for case to be considered part of the log, but rather if the institution is made aware of the crime then it must be put on the log. The public has the right to request the crime logs that are more than 60 days old. All institutions are required to alert their

faculty, staff, and students of any threat to campus in a timely manner. Finally, the crime statistics are the report of the crimes that have happened in the past eight years on or around the campus. Institutions are required to report all crimes regarding murder, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson, arrest, liquor law violations, drug-related violations, weapon possessions, and hate crimes (“Our history”, 2012).

In 2014, an amendment was added to the Clery Act that required that the crime statistics when it came to sex offenses include forcible, nonforcible, domestic violence, dating violence, and stalking. However, there have been reports that universities are failing to report these items because they question the reliability of the complainant or the complainant decides that they would not like to move forward with the case (“Our history”, 2012). Part of the resources when coming to a university is the reports that allow students to know what kind of crimes happen on campus and how they would be supported. The Clery Act has helped students and the public understand how the universities are responding and reporting to sexual based crimes but there are several additional laws that play an important role in sexual violence complainant resources (“Our history”, 2012).

### **Revised Sexual Harassment Guidance of 2001**

The Assistant Secretary for Civil Rights in the Department of Education issued the Revised Sexual Harassment Guidance of 2001 that replaced the 1997 document of the same name. The document’s goal was to reaffirm the Education Departments commitment to fight sexual violence cases and supporting the students. The new guidance was created to help the administrators at the institutions understand how several

court cases and the previous guidance set policies and procedures that universities were mandated to follow. The new guidance had several different aspects, but this literature review will focus on the changes that were made regarding policies, procedures, and resources given to the complainant (2001).

Under the guidelines, an institution was responsible for ensuring the safety and protection of their students, staff, and faculty. An institution is required to respond to sexual harassment claims when the student first notifies a responsible school employee. The institution is to act quickly to remove the student from the harmful situation and conduct an investigation immediately. An institution must take appropriate corrective action if an individual is found to have sexually assaulted or harassed a student. However, if the Department of Education finds that the institution did not take the appropriate corrective action or failed to respond to the sexual violence claims, then the institution might lose their federal funds. Additionally, all institutions must respond and take corrective action to protect their students even if the respondent is a fellow student or a third party. Finally, the guidance requires that all institution designate one individual to serve as the Title IX Coordinator for their institution. Their responsibility is to coordinate their office to ensure that the university is following all Title IX guiding principle and mandates (U.S. Department of Education, 2001).

### **Dear Colleague Letter of 2011**

The Dear Colleague Letter of 2011 was instrumental in making major changes to Title IX policies and procedures around the nation. However, the guidance was rescinded with the Dear Colleague Letter of 2017. There were some important policies that were

created in the Dear Colleague Letter of 2011 that universities may continue to use to this day (U.S. Department of Education 2001; U.S. Department of Education, 2017).

The letter states that the universities need to give the complainant adequate resources including, but not limited to, change in academic setting, change in living accommodations, no contact directive with the respondent, counseling, health services, mental services, and their right to file a complaint with local law enforcement (U.S. Department of Education, 2011, p. 15). The guidance instructs universities to limit the burden on the complainant when seeking resources that are available to them. The example that is used is that a complainant cannot be removed from class or housing while the respondent continues to stay in those units. It is up to the complainant to decide what steps they would like to take but the university cannot put the burden on the complainant when they ask for resources (U.S. Department of Education, 2011, p. 15). Finally, the Dear Colleague Letter of 2011 sets the following as potential remedies such as providing an escort, counseling services, medical services, academic services, or housing accommodations (U.S. Department of Education, 2011, p. 16). Universities are also required to review all of their disciplinary actions that they might have taken against the complainant to ensure that the complainant was not found responsible for something that was caused by the sexual assault or harassment. The guidance also require that the complainant and respondent must not be in the same class if they ask to be moved from their classroom setting. Additionally, when the individual is moved out of their course, they have to be given the opportunity to retake the course or withdraw without consequences (U.S. Department of Education, 2011, para. 16-17).

These potential remedies set the expectation that universities will support the complainant to the best of their ability and ensure that the complainant feels like they are being supported by their university. While, the Dear Colleague Letter of 2011 is no longer considered an expectation universities may still continue to follow the guidelines set by the Department of Education guidance. might not be considered an expectation for universities to follow, universities are still able to use them in guiding their own policies and procedures.

### **Questions and Answers on Title IX and Sexual Violence of 2014**

The Department of Education, in the Dear Colleague Letter of 2017, also withdrew support for the Questions and Answers on Title IX and Sexual Violence of 2014 (U.S. Department of Education, 2017). However, like the Dear Colleague Letter of 2011, some universities continue to follow the policies that were set.

There were only a couple of changes that in the Questions and Answers on Title IX and Sexual Violence of 2014, in terms of remedies and resources that were given to sexual violence complainants. The first, is the expansion on ensuring that the complainant and respondent do not share classes or extracurricular activities. The second, says that the complainant can only be moved residence halls if they request, while the respondent can be moved without request. The third, is a holistic approach to providing support to the student including medical, counseling, and academic support services. The final is giving the complainant more time to complete or re-take a class (U.S. Department of Education, 2014).

### **Dear Colleague Letter of 2017**

The Dear Colleague Letter of 2017 was written to inform universities, students, staff, faculty, and the public that the Department of Education and the Office of Civil Rights would no longer be enforcing or supporting the Dear Colleague Letter of 2011 or the Questions and Answers on Title IX and Sexual Violence of 2014. The letter argued that the guidances of 2011 and 2014 were “no way required by Title IX law or regulation” (U.S. Department of Education, 2017, para. 3). The Department of Education makes clear that they believe that the previous guidelines had hurt students, faculty, staff, and universities by creating a system that the Department of Education felt was unfair. The acting Assistant Secretary for Civil Rights, Candice Jackson, directed Title IX Coordinators to the Questions and Answers on Campus Misconduct for guidance on what policies and procedures the department expected from each school. It is important to note that the Dear Colleague Letter of 2017 did not remove support for the Revised Sexual Harassment Guidance of 2001. According to Jackson, the Department would revert back to the practices that were established in the Revised Sexual Harassment Guidance of 2001 (U.S. Department of Education, 2017).

### **Questions and Answers on Campus Sexual Misconduct of 2017**

The Department of Education in the Questions and Answers on Campus Sexual Misconduct of 2017 demonstrates what interim measure a school must provide. These include:

Counseling, extensions of time or other course-related adjustments, modification of work or class schedules, campus escort services, restriction on contact between the parties, changes in work or housing location, leaves or absence, increased

security and monitoring of certain areas of campus and other similar accommodations (U.S. Department of Education, 2017, p. 2).

Furthermore, a school cannot rely on fixed rules or operating assumptions that favor the complainant or the respondent. The resources should be individualized and appropriate based on the information that is collected by the Title IX Coordinator or investigators (U.S. Department of Education, 2017). This is the current and most up to date guidance that has been given by the Department of Education and the Office of Civil Rights.

### **Campus Sexual Violence Elimination Act**

The Campus Sexual Violence Elimination Act was at first a separate bill; however the main components of the bill were applied to the VAWA amendments to the Clery Act. The main purpose of the Campus SaVE Act was to expand the scope of reporting, response and prevention education around sexual violence cases. The act set three pillars that were important foundation for supporting the students in each sexual violence case (“The Campus Sexual Violence Elimination Act of 2013”, 2013).

The first pillar was transparency for the staff, faculty, current students, and future students as part of the Clery Act. The Campus SaVE Act required that the annual report now include domestic violence, dating violence, sexual assault, and stalking. Additionally, students who were claimants have the right to be assisted by campus authorities when it comes to reporting the crime to law enforcement, changes to academic or social environment to avoid the respondent, right to have a no contact directive with the respondent, clear and concise description of sexual violence procedures, and additional support from university departments (“The Campus Sexual Violence Elimination Act of 2013”, 2013).

The second pillar is accountability for the standards that were required for the institution in investigating sexual violence cases. This pillar requires that all proceedings be fair, prompt, impartial, and conducted by individuals that receive annual training on sexual violence procedures. SaVE allows each party to have an advisor and be present throughout the proceedings. Finally, this pillar states that the complainant and the respondent both be given the written outcome of the case at the same time (“The Campus Sexual Violence Elimination Act of 2013”, 2013).

The third pillar is regarding the education of the students, faculty, and staff. The Campus SaVE Act requires that universities host programs that cover primary prevention, awareness, bystander intervention, information on risk reduction, warning signs of abusive behavior, and ongoing prevention and awareness programs. The final pillar’s goal is to help stop sexual assault and harassment. The Campus SaVE act is the last major law that governs universities responsibilities when it comes to Title IX compliance and mandated resources (“The Campus Sexual Violence Elimination Act of 2013”, 2013).

### **University Policies and Procedures**

University and schools across the nation are expected to comply with Title IX to ensure that they are supporting their students regardless of gender identity. However, while universities are expected to follow the law, they can make their own policies to help them ensure that the law is being followed (U.S. Department of Education, 2017). Sources have considered the policies that some universities have to better follow the law and some universities have created policies that have truly helped their students.

The twentieth president of the University of California system, Janet Napolitano, spoke about how there are policies that need to be implemented, to stay in compliance

with the laws (Napolitano, 2014). Napolitano argues that there are four areas that the University of California system plans to change. The first is that mandatory training programs need to be implemented to help support students, staff, and faculty understand the prevention and response to sexual violence claims. The second is an adoption of a system wide standard that would ensure that all University of California schools have the same steps for investigation and resolutions for Title IX cases. The third is the implementation of a system wide tracking system to see what areas each university could benefit from to help their students. The final resolution is to establish a service for individuals that have been accused of sexual violence. For example, the individuals that are accused of sexual violence that would have access to an advocate that can help them through the process. This would enable all students involved to get the help and support that they need. President Napolitano hopes that the University of California system can be the first university system and the standard that the other university systems follow in the future (Napolitano, 2014).

Other policies are being created to give students the support that they need in Title IX cases. Nadia Dawisha and Karen Dawisha argue that universities should strongly consider putting a Title IX clause in each of the syllabi given to students, telling them how to get the resources and support that they need (Dawisha & Dawisha, 2014). The authors in their own classes use the following statement:

Title IX makes it clear that violence and harassment based on sex and gender is a Civil Rights offense subject to the same kinds of accountability and the same kind of support applied to offenses against other protected categories such as race, national origin, etc. If you or someone you know has been harassed or assaulted,

you can find the appropriate resources here... (Dawisha & Dawisha, 2014, para. 10).

The authors also contend that this statement will deprive the perpetrators of the culture of silence that is often experienced when it comes to sexual violence. The simple statement in the syllabi could help the complainants the support that they need, detour the potential attackers, and inform the university community about policies and procedures (Dawisha & Dawisha, 2014).

In the state of Virginia, the universities are considering sharing resources in to support each other with Title IX cases. The Virginia colleges and universities are considering the proposal to establish a group of resources and investigators that could be used at any public schools. The University of Virginia President Teresa Sullivan states that she believes that if the Virginia Higher Education Institutions shared the resources and investigator it would help all institutions stay in compliance with Title IX and their mandates. She believes that it would also help victims of sexual assault because they would have access to investigator who they do not see on a daily basis (Kapsidelis, 2015).

The University of Central Missouri made significant changes to their Title IX policies and procedures. Corey Bowman, the Title IX Coordinator, believes that universities need to be thinking critically about the decisions that they are making regarding the policies and procedures. Bowman sees that some universities are reacting to law just based off the policies that are expected. Bowman has a different approach when he examines the new policies and considers how he could use the new policies and make them better for his campus. He wants to make sure that he is understanding the purpose

behind each change, rather than just make a quick reaction to the change. An example of this thought process was when the Dear Colleague Letter of 2011 was disseminated, Bowman and his university made the changes that were required. However, his university went a step further and examined how the administrators could help the complainants in the case stay in their classes. Bowman postures that most of the time students that are victims of sexual assault or harassment often leave higher education. Bowman and his team sat down to have a real impact on this theory and made changes that would better support the students at the University of Central Missouri (Zamudio-Suarez, 2016).

Author Sarah Brown theorized that because of the Dear Colleague Letter of 2017 universities are having to create their own Title IX policies and procedures. Title IX was created to be a resource to all student regardless of the university that they were attending. However, with the new Dear Colleague Letter of 2017 rolling back the regulations passed in previous guidelines, universities are unsure of what their policies need to be. These changes have made the students more aware of the sexual assault and harassment issue that is taking place on campus and the students are demanding that their schools take appropriate steps to support the students. The Title IX Coordinator for the University of Denver believes that if the Office of Civil Rights and the Department of Education take a more passive approach to Title IX then it would allow the universities to create policies that would best serve their students with the resources that the university has. Butler further believes that with Secretary Betsy DeVos, the Department of Education is going to allow states to begin to make their own policies and procedures when it comes to Title IX (Brown, 2017). If states begin to make their own policies and procedures when it comes to Title IX, students from across the nation will begin to see

that there is inequality with the amount of resources that their institutions are able to provide.

### **Scholarly Understanding and Future of Title IX**

When it comes to changes or amendments to make Title IX more suitable for educational institutions and students, scholars are invested in sharing their research and insight. The scholars discuss what Title IX has accomplished and where Title IX has fallen short. There are three key areas that the government could focus on to better protect the student. These areas include: developing proactive trainings, changes in the state government with regards to Title IX, and overall changes that the federal government needs to make.

#### **Proactive Training**

Several sources believe that students, faculty, parents, and the general population need more training to understand the implications that this law has on students. Bancheck (2007) believes that schools need to revise school anti-harassment policies because schools often have outdated procedures that do not comply with Title IX and that there needs to be better training when it comes to Title IX (2007). When developing the training that would be used by the schools, specifically they should be more engaging with the students, teachers, and parents like programs like Bully Busters, or Second Step violence prevention program. These programs can connect with the students, teachers, and parents more allowing them to better understand the law fully (Bancheck, 2007). Researcher Christopher Parent agrees that more education is needed to help the students truly understand what sexual assault and sexual violence is (2003). Parent interviewed Jeff O'Brien, the Director of Northeastern University's Mentors in Violence Prevention

Program, who could demonstrate that they can make real change when they begin to teach students about the implications of sexual violence and harassment. O'Brien has shown that the program was successful and well-received by the students but only because university officials are supportive of the program. When university officials treat sexual harassment or sexual violence training as an obligation rather than showing an interest in helping the students, then the proactive training fails (Parent, 2003). Proactive training might be able to help the students and university officials that may become victims to sexual assault or sexual violence but there are some major limitations to just training the students.

Ensuring that the students understand and will comply with Title IX because of a presentation that they sat through is next to impossible. Rosalind Bentley (2001) states that while a presentation might be slightly helpful, there are a lot of factors that are already happening to the student that makes them predisposed to committing a sexual attack on another student (2001). Additionally, regulating the education of the students will be difficult because of the lack of equality in the higher education system. One student might get an education about what sexual violence is and be told not to commit the act, while another student might be told how to prevent individuals from committing a sexual act on them. There is no way to regulate the education without the state and federal changes (Davies & Bohon, 2007).

### **State Legislature Changes**

State legislatures have the power to add-on to laws that the federal government enacts and the sources conclude that the state legislatures have a moral obligation to clarify Title IX for their state officials (Bancheck, 2007; Davies & Bohon, 2007). States

governments, have added regulations to schools to further the enforcement of Title IX. In fact, North Carolina has created laws that has given the board of directors for each school district the ability to create policies that would enable schools to protect their students and staff (Bancheck, 2007). While in North Carolina they gave the authority to secondary schools, the government could give the same authority to the governing boards for the federally funded higher education institutions. State governments can give the schools more authority when it comes to restricting the behavior that is appropriate to make it clearer to the students and staff that sexual harassment and sexual violence is not a campus issue, but rather it is a societal issue based on power structures. Additionally, if the state government and their officials (the teachers and administrators) have more authority in the matter than it will allow the process and decision to happen significantly quicker (Davies & Bohen, 2007). Teachers and administrators have been trained on how to be a mandated reporter and giving them more training to help tackle and prevent Title IX cases would only be more beneficial. The Office of Civil Rights has a limited budget, but allowing the state governments to have more autonomy and only having the Office of Civil Rights step in when there is a major issue, would give the federal government more time and money to use elsewhere (Davies & Bohen, 2007). These changes to the state government would help the students, staff, faculty, and the universities because it would ensure that there are more individuals that are responsible for the actions of those involved.

### **Federal Government Changes**

The federal government is ultimately responsible for ensuring that the students are getting the support that they need. The Department of Education is expected to hold the

universities and schools in compliance with Title IX and it can be seen throughout the nation that some universities are not following the law. There are changes that the federal government could make to help and support the students.

The first major change is having Title IX coordinators that do not work for the university. Napolitano argues that the Title IX investigators are often too involved, or not involved enough, in campus life for them to be successful (2014). These investigators serve as more of an official than they do a university employee. The investigators should become federal government employees or the system should be changed because for the students that are involved it can be confusing whole the investigators report to. The investigators should be free of a university intervention but still have a connection to the university (Napolitano, 2014). Furthermore, the federal government should give more authority to the Office of Civil Rights and the Department of Education, to allow them to have an influence over the universities. Often when universities are found to not comply with the regulations set forth by Title IX there is very little that the Office of Civil Rights can do (Davies & Bohen, 2007). Universities are told that they could have their federal funding taken away, but it is not clear who has the authority to take the federal funding away. The federal government should clarify this and ensure that the Office of Civil Rights has the authority to take the action necessary to reprimand the universities and schools (Davies & Bohen, 2007).

### **National Collegiate Athletic Association**

The National Collegiate Athletic Association (NCAA) was founded in 1906, after it was starting to become apparent that football might be removed as a collegiate sport because of dangers that students faced. President Theodore Roosevelt created a

committee, of football representatives, that would make reforms to the sport, in the hopes of making it less dangerous to the students. This association would eventually become the National Collegiate Athletic Association (Treadway, 2013). When Title IX was passed NCAA filed a lawsuit against the United States Department of Health, Education, and Welfare. Their argument was that the law would hurt their male students and the universities in general. However once their lawsuit failed they started to support the law and help universities ensure that they were following Title IX (National Collegiate Athletic Association, 2017).

NCAA has been working to support their students, especially when it comes to sexual violence cases. They were already creating policies regarding cases of sexual assault or harassment before the 2001 guidance from the U.S. Department of Education. The NCAA continues to create policies that affect college and university policies regarding sexual violence (National Collegiate Athletic Association, 2017). For example, the NCAA Board of Governors passed a resolution that required that the president, the athletic director, and the Title IX Coordinator must attest that all coaches, athletic administrators and student athletes have been trained and educated on sexual violence. Additionally, the president, athletic director, and Title IX Coordinator must attest that their university's athletic department is complying with Title IX and their university's policies regarding sexual violence. This has forced the athletic departments to ensure that they were following their university's procedures or risk having their funding taken away. NCAA has been committed to helping universities educate their student-athletes about sexual violence and what it truly means (National Collegiate Athletic Association).

### **Summary of Literature Review**

Title IX started as a way to end gender-based discrimination but evolved into a complex set of guidelines and procedures that would protect students from sexual assault and harassment. These new policies set in the Clery Act, the Revised Sexual Harassment Guidance of 2001, the Dear Colleague Letter of 2011, the Questions and Answers on Title IX and Sexual Violence of 2014, the Dear Colleague Letter of 2017, the Questions and Answers on Campus Sexual Misconduct of 2017, and the Campus Sexual Violence Elimination Act, all were responsible with helping the Department of Education support their students, faculty, and staff (“Our history”, 2012; “The Campus Sexual Violence Elimination Act of 2013”, 2013; U.S. Department of Education, 2001; U.S. Department of Education 2001; U.S. Department of Education, 2014; U.S. Department of Education, 2017). These documents provided universities with expectations of what resources and support students needed when they reported being a victim of a sexual violence incident. Universities and schools across the nation created their own policies and procedures when it came to support for their students (Brown, 2017; Dawisha & Dawisha, 2014; Kapsidelis, 2015; Napolitano, 2014; Zamudio-Suarez, 2016). Scholars argued for proactive training (Bancheck, 2007; Bentley, 2001; Davis & Bohon, 2007; Parent, 2003; Bancheck, 2007), state legislature changes (Bancheck, 2007; Davies & Bohon, 2007), and federal government changes (Davies & Bohon, 2007; Napolitano, 2014). Chapter III will examine the methodology and the research design used within this research study.

## **CHAPTER III MYTHODOLOGY**

Chapter III describes the methodology that has been utilized for this qualitative study and the reasoning behind each aspect of the research design. Specifically, this chapter reviews the purpose and research questions, outlines the research design, context of the researcher, and provides a detailed summary of the methodology.

### **Restatement of Purpose**

The purpose of this study was to examine the resources university officials offer students that report being sexually assaulted or harassed. The goal of this study is two-fold. First, this research sought to illuminate the specific resources and the different departments that interact with students when it comes to sexual violence. Second, the research sought to identify any changes or revisions that Title IX Coordinators or investigators have regarding the way that Title IX was written or enacted.

The benefits of this study will be to inform Title IX Coordinators or individuals in similar positions, about the policies and procedures that are taking place across the nation. Acting Assistant Secretary for Civil Rights, in the United State Department of Education, Candice Jackson wrote in the September 22, 2017 “Dear Colleague Letter” informing educational institutions that the Department of Education was rescinding the policies and procedures that were enacted in the “Dear Colleague Letter on Sexual Violence” (2011) and the “Questions and Answers on Title IX and Sexual Violence” (2014). These two documents governed Title IX Coordinators across the nation.

### **Restatement of Research Question**

This qualitative research study was guided by the following research questions:

1. How do the Title IX investigators determine what resources to give the students involved in Title IX cases, specifically in sexual assault and harassment cases?
2. What resources do Title IX investigators give to complainants in Title IX?
3. What changes to Title IX, do Title IX investigators believe would support students?

### **Participants and Sampling**

The participants for this study had two requirements to participate in the study.

The first requirement is that the participants had to be either a Title IX Investigator. The second requirement is that the individual needs to have worked at their university for at least one year. The one-year requirement ensures that the participants had experience working within the guidelines and procedures set by their respective institutions. The participants are assumed to have worked with Title IX on a daily basis and are expected to be familiar with the changing of the governmental policies when they happen.

Individuals in other positions rely on these individuals to communicate how their respective institutions will proceed with the new guidance.

To identify the institutions included in the study, the researcher used the method of purposeful sampling. Purposive sampling is when the researcher picks the participants that are sampled for the study based off a set criterion (Maruyama & Ryan, 2014, p. 235). Purposive sampling was used to get a wide variety of institutions, in order to make trustworthy and transferable based off the institutions that were selected. However, there are risks to purposive sampling because assumptions are made that all institutions that fit within the same category would behave and respond the same way. For example, the

research was not able to say definitely that if an institution fit met a criteria for an institution that they would or should give a set group of resources. This means that an institution should not be expected to have the same resources that the participants gave, however it does mean that an institution should consider why they do not have the same resources as other institutions. (Maruyama & Ryan, 2014, p. 235-236).

This difficulty changed the way that the researcher was contacting institutions. The researcher continued to use purposive sampling; however the researcher also used the snowball technique to get in contact with individuals that would be willing to participate from a wide variety of institutions. The snowballing technique started when the researcher identified one individual that met the parameters of the criterion necessary to participate, who then referred the researcher to additional potential participants. The technique of snowballing allows the researcher to get access to a larger group of individuals that would be willing to participate (Maruyama & Ryan, 2014, p. 236). Snowballing was necessary for the researcher to get into contact with individuals that were willing to participate. However, for this case snowballing could potentially be problematic because institutions may have been more willing to participate because they are confident in their methods and practices. Additionally, the amount of training and the type of training that a participant had been given in their position was not accounted for in the research interviews. Finally, the study interviewed six participants from a wide variety of institutions.

### **Data Collection**

The study utilized semi-structured interviews as a way to collect the data. The interviews was conducted over the telephone, to allow the researcher to collect data from

across the nation. According to Maruyama and Ryan, telephones have been increasingly been used in social science research (2014, p. 402).

The semi-structured interview lasted approximately thirty minutes. The interview lasted around twenty minutes. However, the researcher was able to extend the time that was set aside time to allow the researcher to follow up with questions to clarify anything that had been mentioned during the interview. For example, if the participant stated they would recommend the student in the situation to a particular office, then the researcher was able to ask for more information about the office. This extended time allowed the participants to also be as thorough as they wished to be. The time started once the researcher reads the first question and ended when the researcher thanked the participant for being a part of the study.

The interview was recorded utilizing the software TapeACall Pro: Call Recorder. The software allowed the researcher to start the call and then merge the call with the participant. The application then recorded the conversation and once the call has ended, the recording was transferred to the application. The researcher then transcribed the recording within two weeks. The participants agreed to have the conversation recorded at the beginning of the interview to ensure that they were accepting of the recording being used for the study. The interview ended with the researcher thanked the participants for agreeing to participate in the study. The researcher did not send the transcripts to the participants after the interview.

The questions that were utilized in the study are found in Appendix A. The questions asked during the interview were built to answer the research questions. The first research question was answered when the researcher asked the participant to walk

them through a typical meeting with a complainant. Additionally, the researcher asked the participant to explain what the investigator would do if the complainant needed resources different than the ones that were given to them. Finally, the researcher asked the participants if a situation had generally the same facts if the participants would give the individuals the same resources.

The second research question was answered when the researcher asked the participant to walk the researcher through the typical meeting with a complainant. Furthermore, the researcher was able to see more of the resources that the participant had access to when the researcher asked for the resources that the participant had access to give to the complainant. Moreover, the researcher was able to see some of the resources that the participants gave to complainants during the two situational questions. During the situational questions the participants were given a made-up situation and asked what resources they would provide the students in the situation.

The third research question was answered when the researcher asked the participants to explain any issues that they have seen in their position because of the way that Title IX was written or enacted. The participants were able to think of any of the issues that they had seen in their position and how it has affected their students. Finally, the researcher asked for changes that the Title IX investigators would like to make to better support their students. The two questions were able to help the researcher understand the overall changes that the participants would like to make to Title IX, if they were given the opportunity.

The questions that were asked of the participant were able to help the researcher identify if their answers were becoming saturated. Saturated data is when the researcher

is able to see that the participants are giving similar answers and that there is very little new answers that are being discovered with each new interview (Saunders et al., 2017). For the purposes of this study, the participants gave generally the same resources and saturation of the data was noted after the sixth and final participant.

### **Type of Study**

According to Maruyama and Ryan (2014), research is conducted to recognize and even explain why events take place and what specifically caused the event. This study was conducted with a postmodern paradigm lens which is described as the ability to look at one event through multiple perspectives to understand why the event took place (Creswell & Miller, 2000). The differing perspectives are the individuals that work at different institutions and their answers to the same questions. The researcher was examining to see how the individuals from different institutions were able to provide support for their students and if these support systems could be seen across the wide variety of institutional types. Qualitative research is able to give a “real world setting [where] the researcher does not attempt to manipulate the phenomenon of interest” (Patton, 2002, p. 39).

For this study, the researcher was able to set very clear requirements for the higher education institutions and the Title IX investigators. Purposeful sampling gives the researcher the ability to choose the requirements for the study, which allows the researcher and the study to focus on one group of institutions (Murayama & Ryan, 2014). These parameters for the institutions are discussed in the study setting section, while the requirements for the participants is discussed in the participants and sampling section.

## **Data Analysis**

For the purposes of this research, the researcher utilized coding and content analysis to find the relevant information that was uncovered in the interviews. Maruyama and Ryan (2014) believe content analysis is able to help the researcher examine the data and objectively find the prevalent themes in the data set. These characteristics and themes will allow the researcher to draw conclusions based on the qualitative research questions. Content analysis is being used more often in qualitative research because it limits the bias of the researcher. For the purposes of content analysis, the researcher has to be careful to ensure that they do not over-code the data or code for variables that were not present in the study (Maruyama & Ryan, 2014). For example, the researcher should not code for information that was not asked or relate to the purpose of the study. This information could be discussed in the study, but it should not be included in the final findings of the paper. However, coding is extremely important to find the themes of the interviews and it requires that the researcher spend a lot of time reading and rereading the transcripts that were created to find the prevalent themes (Maruyama & Ryan, 2014). For the purposes of this study, saturation was found in the data because there was very little differences between the institutions regarding the resources that they were giving to their students. For example, each institution mentioned that the first resource they would give a complainant was the contact information for the counseling center. There were a few differences when it came to additional resources, but saturation was present in the participant interviews. This will be discussed in greater detail in Chapter IV.

### **Context of the Researcher**

To truly understand and trust the study, the researcher needs to disclose any bias that may affect the study. Nigel Norris argued that biases need to be stated to ensure that there are not any personal qualities of the researcher that could potentially affect the findings (1997). At the institution that I am currently working at, I am a Graduate Hall Coordinator for University Student Housing. I became interested in Title IX when I started working as a resident assistant at a previous institution. I sat through countless training on policies and procedures about what it meant to be a mandated Title IX reporter. However, when it came time for me to use my training and support a student, I was upset that I could not do more. I wanted to aid them in whatever they needed and when I met with the Title IX investigator I explained that I felt like we, as an institutions should be doing more. The investigator told me that I needed to do my own research into the laws that governs the universities and it started me on the path that I am today. I am a strong believer that Title IX and the Dear Colleague Letters have supported the students and this research is to examine what areas of Title IX have been effective and what areas might need some changes.

### **Summary of Methodology**

The methodology that was used in this research utilized purposeful sampling to establish the trustworthiness of the study. The research participants were selected using a purposeful sample data set and the snowball technique. The interviews were conducted over the telephone and recorded utilizing TapeACall Pro. The semi-structured interviews gave the participants the ability to answer thoughtfully and completely. For the purposes of this study data analysis and thematic coding was used to uncover the prevalent themes

across the interviews. Chapter IV will present the findings of the study and the overarching themes that were discovered during the participant interviews.

## **CHAPTER IV RESULTS**

Chapter IV describes the results that were found during the semi-structure qualitative interviews. The purpose of the study was to examine the resources that are given to students that report being a victim of sexual violence and what resources Title IX Coordinators and investigators give to the students. This purpose was able to identify how individuals across the nation, at different institutions, were able to provide support for students when given the same information. A wide variety of departments, processes, and resources were given to the researcher by the individuals that participated in the study. Finally, the findings of the research will be discussed and the changes that Title IX investigators wish to see in the future.

This research was guided by the following questions:

1. How do the Title IX investigators determine what resources to give the students involved in Title IX cases, specifically in sexual assault and harassment cases?
2. What resources do Title IX investigators give to complainants in Title IX?
3. What changes to Title IX, do Title IX investigators believe would support students?

### **Research Design**

Data collection began after approval from the researcher's institution's Human Research Protection Program. For the purposes of this study, the research and the finding were conducted with a postmodern paradigm lens. This allowed the researcher to examine the different perspectives of the research participants and examine why their answers were different from one another (Creswell & Miller, 2000). Additionally with

the qualitative research method approach, the participants were able to answer more thoroughly, without being affected by the researcher's bias (Patton, 2002).

### **Data Collection**

The study was conducted with semi-structure qualitative interviews. The interviews were conducted over the phone because it allowed the researcher to get a wider variety of research subjects to participate. Interviews conducted over the phone are becoming more utilized by social sciences for this purpose (Maruyama & Ryan, 2014).

The participants were selected for the study utilizing the snowballing technique and purposeful sampling. Originally, snowballing technique was not going to be used, however the researcher quickly realized that Title IX Coordinators and investigators were not responding to emails. The researcher is not able to find a reason for this, without speculating. However, the snowballing technique was utilized when the researcher found an individual that had access to participants in the study. The first individual had a connection to each of the participants and asked the participants if they would be willing to participate. The snowballing technique was able to get the researcher access to willing participants for the study (Maruyama & Ryan, 2014). The researcher used purposeful sampling when determining if an individual, which was found in the snowball technique, was able to participate in the study based of criteria for participants. The participants had to be working for their institutions for more than a year and coordinate or investigate Title IX cases at their institutions. All of the participants that were utilized in the study had to meet those qualifications.

The semi-structured interviews were scheduled to last thirty minutes. The interview took only about twenty minutes, but it gave the researcher and the participants extra time if they need clarification or wanted to expand on an idea. Additionally, the extra time allowed the participant to answer the questions as thoroughly as they thought was necessary. The researcher did not tell the participant if they completely answered the question, this was to avoid inconsistencies among the interviews.

The interview was conducted utilizing the software, TapeACall Pro: Call Recorder. The researcher called the participant and confirmed that the participant was willing to be recorded for the interview. The researcher stated that the recording would only be available until a full transcript was created, after which time the recording would be deleted. When the participant agreed to be interviewed, the researcher would add the software to the call and begin with the first question. The questions that were asked to the participant can be found in Appendices A. Finally, the interview were concluded when the researcher thanked the participant for being interviewed for the study and how the participant could contact the researcher if they wanted their interview to be removed from the study.

## **Institution and Participate Profile**

### **Institutional Profile**

The institutions that participated in the study were from a wide variety of institutional types. The participant's institutional characteristics are summarized below:

**Table 1: Institutional Background**

	Institution A	Institution B	Institution C	Institution D	Institution E	Institution F
Enrollment (Undergraduate Students)	~1,500	~7,000	~9,500	~3,000	~20,000	~30,000
In-State Resident (Percentage)	86%	86%	72%	64%	70%	92%
Carnegie Classification	Master's Medium	Master's Large	Doctoral	Master's Larger	Doctoral	Doctoral
Religious Affiliation	Yes	No	No	No	No	No
City Setting	Midsize	Fringe	Fringe	Small	Large	Midsize
All Full-Time Staff members	~300	~800	~2,000	~700	~6,000	~5,000
Public vs. Private	Private	Public	Public	Private	Public	Public

(Integrated Postsecondary Education Data System)

**Participant Profile**

There were six different participants in the study, who had a wide variety of backgrounds. Non-gendered names and pronouns will be utilized in this case to protect the identity of the individuals involved in the case. The first participant is named **Alex**, who works at Institution A. Alex is the Title IX Coordinator for Alex's smaller institution. Alex has multiple position responsibilities and being the Title IX Coordinator is only one part of Alex's position. Alex's campus does not have a full time Title IX Coordinator, meaning that Alex is responsible for all Title IX Coordinator expectations along with her other position requirements. However, Alex does spend a significant amount of time training students, faculty, staff, and athletes on Title IX and sexual assault prevention.

The second participant is named **Jesse**, who works at Institution B. Jesse is the Deputy Director for the Office of Civil Rights and Investigations. Jesse is also the Deputy

Title IX Coordinator and reports to the Title IX Coordinator for Jesse's institution. Jesse is responsible for overseeing the Title IX investigators and participates on the threat assessment team on their campus. Additionally, Jesse provides the training for their team and department and is responsible for conducting the climate survey for Jesse's campus.

The third participant is name **Bailey**, who works at Institution C. Bailey is the Director of Title IX compliance for Institution C. Bailey's focus in their position is to train on preventing Title IX cases from happening on their campus. Furthermore, Bailey trains faculty, staff, and students on what to look out for in Title IX cases. Finally, Bailey is responsible for training their campus on Title IX and the policies and procedures at Institution C.

The fourth participant is named **Morgan**, who works at Institution D. Morgan is the first full time Deputy Title IX Coordinator at Institution D. Morgan is responsible for the training and educating of the students, staff, and faculty on what a responsible reporter is and who the responsible reports are at Institution D. Morgan also provides trainings to students on healthy relationships and educating student on how Title IX supports them. Morgan is also responsible for the case management. Morgan meets with all individuals that report sexual assault and harassment and figure out what direction the complainant would like to go.

The fifth participant is named **Taylor**, who work at Institution E. Taylor is the Deputy Title IX Coordinator and reports to the Title IX Coordinator for Institution E. Taylor is responsible for investigating Title IX cases. Taylor gives several presentations on discrimination on campus, but Taylor does focus most of their presentation on gender-

based discrimination. Taylor also gives presentations on how Title IX affects students attending Institution E.

The sixth participant is named **Sam**, who work at Institution F. Sam is the Title IX Coordinator and oversees the Title IX investigators at Institution F. Sam is responsible for the training of university employees and faculty. Sam also creates the training on Title IX that is presented to students attending orientation. Ultimately Sam is responsible for ensuring that Institution F is complying with the laws, related to sexual assault and harassment.

## **Findings**

### **University and Title IX Investigator's Decision Making**

When the researcher first started the interviews, the interviewer assumed that the participants would have a set group of resources that they would give each complainant. However, the researcher discovered quickly that the assumption was incorrect. Five of the six participants used the phrase “case by case basis” when referring to the resources that they give to their students. Alex was the only individual that did not use the phrase, yet Alex stated that each case was different and each participant would need different resources. It was clear that no matter the institutional types, the institutions’ investigators approached each complainant as if they were going to need their own unique resources. Alex made the concept clear when they stated that “each case is an individual complainant and the complainants should be treated as individuals”. Sam, Alex, and Jesse stated that they typically sit down with the complainant and figure how the university can support the complainant during the difficult time. Morgan stated that at Institution D,

their department has created a folder system that has some of the resources that are very common in these cases like counseling services, law enforcement information, a crisis line, a copy of university policies, and Morgan's contact information. After the folder is given Morgan continues to talk to the complainant about the resources that they need from the university. Each of the universities approach each situation like they are a unique case, to ensure that their institution is giving the resources that the complainants need to feel supported in sexual assault and harassment cases.

### **Resources Given to Students**

The following subsections will go through the resources that were mentioned in the interviews with the Title IX investigators.

**Counseling:** All participants stated that they would either suggest or encourage the complainants to go to counseling services at their institution. All of the institutions have counseling services on their campus, however Alex, Jesse, and Bailey were the only participants that mentioned that their campuses' counseling services were free to student complainants. One participant argued:

Most of the students that come into our office are hoping that we can promise them confidentiality and I have to tell them that I cannot make that promise. I assure them that I can give them privacy, but often times they want to talk to someone that is able to give them one hundred percent confidentiality. The counseling center is able to make that promise and can give them the support that they need...

All investigators mentioned that they could not promise the complainants confidentiality, but their counseling services were one of the few departments on their campus that could make that promise to the students.

Participants also mentioned that the counseling center was able to give students access to resources that their offices were not able to. Specifically, one participant stated:

My office does the best that it can to give the students the resources that they need to be successful, however sometimes they need resources or something that we just do not have. However, the counseling center is able to give them some of the resources that we cannot or even resources that we have not thought of. A good example of this is an emotional support animal. We cannot give students emotional support animals, but the counseling center can give them the emotional animal...

Counseling services is clearly very important when supporting the complainants of sexual assault and harassment.

**Housing Accommodations:** When it comes to changes in housing accommodations all participants stated that they had the ability to give the complainant housing accommodations if need. However, these housing accommodations took two separate forms. Sam, Alex, Jesse, and Morgan stated that if the complainant asked for housing accommodations that they would work with their respective housing departments to help the complainant move to a different residence hall. One participant stated:

When a student comes into our office and they need to be moved from their room or hall, we have to rely on our partnerships with other departments. Luckily for

our campus, our office has a great relationship with the housing department. We call them if we need to move a complainant and they tell us the rooms that are available and we move them that day. We try to make the move as seamless as possible, while at the same time supporting what the student wants...

A different perspective came from Bailey and Taylor, who stated that if the complainant asked for housing accommodations, then their office would work with the housing department to move the respondent. Taylor stated:

If a complainant comes into our office and requests that the respondent needs to move because they feel unsafe, then we move respondent. However, we are only able to do this if the respondent is willing to go through the formal process and have us conduct a full investigation. Otherwise we have to move the complainant...

However, Bailey's perspective was different when they stated:

We move the respondent in all cases if the complainant is worried about their safety. We want to make sure that the complainant feels like they are in a safe environment and the easiest way to ensure that we are supporting them is moving the respondent...

Jesse agrees that the complainants view as their residence halls as their home and in order for the students to move forward the institutions need to ensure that their students feel safe in their homes. A close relationship between the Title IX investigations and their respective housing departments seem to be extremely important, since all of the participants mentioned utilizing housing accommodations to support the student.

**Class Accommodations:** All six participants mentioned being able to give the complainants class accommodations following the initial report or request. Similar to the housing accommodations, institutions have different approaches or prerequisites to certain outcomes. One participant stated:

When a student has to deal with the person that sexually assaulted them being in their class, I work my hardest to get the student [complainant] out of the class as quickly as possible. All students are here to get an education and I never want to be in a position where I do not support a student's education...

Another participant had a similar response with a slightly different outcome. The participant argued:

We only move students out of classes if they ask to be moved out of classes. We do not want to hurt their educational careers. We move the respondent out of the class when they are found to be responsible for the sexual assault or harassment. However, we will also move the respondent if the professor complains that they are a distraction to class...

One of the participants stated:

If a complainant says that they do not feel comfortable being in the same class as the respondent, then we move the respondent out of the class immediately. It is up to the respondent to work with their professors to make up the work that they miss in class. We do not tell the professors why we had to move the student out of class and we ensure that the respondent still is getting the support that they need from their professors, just not in the classroom setting...

Bailey stated that in most cases a no contact directive would be issued and if the respondent broke the directive, then the respondent would be moved out of the class immediately. Sam stated that they would issue a no contact directive and in Sam's experience almost all of the directives are followed. Sam stated that in her experience at their institution there has not been a situation where a student broke a no contact directive. However, if the complainant wants additional class accommodations then Sam would move the complainant out of the stressful situation and find reasonable accommodations.

**Support Centers:** Two participants mentioned utilizing support centers to give additional support to the complainants. Both participants mentioned that they have support centers for women and another center for individuals that identify as lesbian, gay, bisexual, queer, intersex, or asexual.

One participant described the center as:

It is a place for the student to feel safe. They are with individuals who are supporting them and giving them the space to recover from this horrible situation. Our center is staffed by counselors that are able to give the women a semi-confidential environment... This is typically the place that I send students when they want a confidential space...

The other participant stated that:

We typically tell all of our students about the women's center, regardless of their gender identity. It is a great location for all students to get the support that they need and I find that students that need the support are appreciative of the

resources that they get from the center. Additionally, we are very proud of the work that is done at the LGBTQIA center because they are able to help students that might already feel alone before the situation even happened. Our centers become a place for the student to connect with other student and the staff during this critical time...

Support centers are an important concept because they provide specialized support that the Title IX investigators might not have.

**Medical Support:** Three participants mentioned providing the complainant with information regarding medical centers. A participant stated:

In sexual assault cases, the victim does not always know what they are going to want to do in the future. The situation has put them in a place where they are only thinking about right now and sometimes it can hurt our students. In these cases I always recommend that they see a medical professional to get a rape kit. I tell them that just because they have a rape kit does not mean that they are going to have to use it, but at least it is there if they ever change their mind. I feel horrible when a victim decides that they don't want one and then later wants to press charges and there is nothing that can be done...

The three participants believe that in sexual assault cases it is best that the complainants see a medical professional to see if there is anything that the complainant should know medically. Additionally one participants believes that there are a lot of resources that they can give, but medical resources are harder to give without medical

training. However, the participant can eliminate this limitation by being prepared with medical resources for their students.

**Off Campus Support:** Three participants mentioned using the off-campus community to support their students. One participant stated that

Our counseling center is often times really busy and is not able to meet with the students as often as they really need for these cases. In these types of situations, I have had to work with outside partners and specifically outside counseling centers to get the students the counseling that they needed...

Another participant mentioned:

Our campus and our surrounding city have a great relationship. We have worked hard on that relationship and this is one of the reasons why. We have a community wide approach to situation and we try and get the students to the resources that they need even if it is off campus. There is a great center off campus that allows the student to have a safe space and we are always encouraging our students to use the resources that we give them that are off and on campus...

Finally the last participant had to find off campus support because of their institutional structure and they said:

We know we are a big school and we just know that we have to work with students where they are. We have a lot of students that are distance learner and we still support them. But that has meant that our office has had to work hard to find the students the support that they need where they are. We have worked hard to

find the resources in major cities, but even if the student is in a city that we have not yet found the resources in, then we help them find the resources. All students regardless of where they are living should feel like our office is supporting them and I want to make sure that they know it does not matter if they are on campus learner or a distance learner, we will support them...

### **Changes to Title IX**

The following subsections are concepts that arose during the interviews of the Title IX investigators and are about the changes that these investigators would like to see to Title IX or sexual violence cases.

**Clear Policies and Procedures:** Sam, Alex, Jesse, and Morgan would like to see more clear policies and procedures when it comes to Title IX. Alex stated, “It is difficult to figure out what rules and regulations need to be followed... NCAA, state legislature, or federal regulations”. Keeping track of all the changes that can be made on a daily basis can be very difficult, especially for a smaller school that does not have the same resources as a larger school. One participant stated:

You know it is very difficult at smaller schools. For example, my office is just composed of myself and my supervisor. This presents a big challenge when we are hearing multiple cases, while also having to worry about keeping track of the political changes that are taking place. We want to do the best we can and I think we do a great job, but I know that we could do better with more resources...

Additionally, Jesse and Sam have been focusing their offices attention to the state legislatures because there are laws being created that affect their office, while the federal

government has not made any additional changes since the Dear Colleague Letter of 2017. Sam, Alex, Jesse, and Morgan are all reasonable to ask for more clear and stable policies and procedures, in sexual violence cases.

**Better Educational Support for Students, Faculty, and Staff:** Three participants believe that there needs to be better educational support for all of the individuals that are involved at their respective institution. One participant argued that:

When people think of Title IX, they just think it is a law that helps all females and hurts only the men. I just cannot believe that people still feel this way, but it is kind of the political world that we are living in right now. I would love to change this, but I know that I could only make this change if I had a magical wand. But aside from having a wand, I think we as institutions could do a better job of showing them that their thought process is wrong. I want to show them all of the positive things that Title IX has done for each of them...

Alex believes that each institution presents different training to their students, faculty, and staff. These different training create an inequality and confusion that could be solved if the federal government created one clear training model for all institutions to use.

The other participant said:

The biggest thing that our students are struggling with is one is and is not a mandatory reporter. We have a lot of trainings on who is a mandatory reporter and not matter how many trainings we have, it still confuses people. It becomes worse when a student thinks that their professor is not a mandatory reporter and

tells them something that they do not want shared with other people. It puts our professors and staff in a sticky situation because they are not sure what they need to do.

Changing the way that individuals on college campuses are educated on Title IX would be helpful to the student success.

**Funding:** Funding is difficult because Title IX and its regulations do not provide any funds for the support of the Title IX investigations. One participant wishes that:

The federal government could provide more funding for the educational piece of Title IX. Students are getting in trouble for things that they do not understand is wrong. Sexual assault is not difficult for us as student affair professionals to understand, but consent is difficult for our students to truly understand. I think funding would help with the educational component and it would allow me to hire more investigators. I think every university would request more investigators...

Jesse believes that more funding would allow Jesse's school to create more educational focused programs that might help in the prevention of sexual violence on their campus.

While another participant believes:

Our office needs more funding. We are a very small school and we struggle to ensure that we are getting the students, faculty, and staff the impactful training that we want them to have. Currently the students are just hearing about sexual assault and sexual harassment during an orientation session and an online class that they are required to take. However, we all know that if we were able to meet with the students face to face in one of their classes we would have a bigger

impact. I suspect that if we went into each class, the number of Title IX cases would go down because students are realizing that this a big deal...

Funding is a very important aspect for all universities, but funding for Title IX is limited because of the nature of the law and the changes that are frequent.

### **Summary of Results**

The semi-structured interviews led to important findings for the research questions that this paper focuses on. All three research questions were covered in the interviews and the participants gave their insight to their own universities' policies and procedures. The researcher made an assumption which proved to be false and without merit. Institutions gave a wide variety of accommodations to the complainant ranging from on campus support to off campus networks. The investigators had differing opinions about how to make Title IX more supportive, but they all agree that Title IX has made a lot of progress when support their students. This research paper will conclude with Chapter V, which will cover the discussion and conclusion.

## **CHAPTER V DISCUSSION AND CONCLUSION**

Chapter V describes the discussion of findings, the implications of the research for higher education institutions, the recommendations for higher education institutions, and recommendations for future research on this topic. The purpose of the study was to identify how institutions and Title IX investigators make recommendations for the resources given to complainants of sexual assault and harassment cases. The individuals that were chosen to participate in the study were from a wide variety of backgrounds and institutional types. This allowed the researcher to have a wide variety of institutional types to identify any patterns that were taking place across the nation. The research were conducted with semi-structure interview with a postmodernist paradigm lens.

### **Discussion of Findings**

Deciding what resources the Title IX investigators should give each participant is difficult, because all of the participants believe that each case is different. All participants made it clear that they go into each case with an open mind and listen to see what resources the complainants might need. Each individual that enters their office has their own needs and those needs would look different for each person. Most of the time the investigators are recommending that the student goes to a counseling center or be given housing and class accommodations. As Title IX Coordinators it is part of their position to ensure that the students are being supported by their university (U.S. Department of Education, 2014).

The resources that are provided to individuals in Title IX cases is very important to understand the future of Title IX. During the interviews it became clear that there were a large number of resources that Title IX coordinators were giving to their students.

All participants suggested that they would tell the complainant about counseling services. The counseling services would help the complainant by providing them a safe place to discuss the events that happened to them in a confidential setting. Additionally, all of the participants were able to provide their students with housing accommodations; however, two universities were able to move the respondent as opposed to the complainant. While providing housing accommodations is important, it is also important that students regardless of their university get the resources that are needed. All university housing departments should be able to give their students that report being sexual assaulted or harassed the ability to move to a new space, if they do not feel comfortable in their space.

However, when two universities have different policies from other universities it creates an inequality across educational institutions. This was made clearer when it came to support centers and two of the university were able to give students access to a women's center and a LGBTQIA center. While the other universities might be able to provide their students with similar resources as these centers, the safe space that is created by the centers is very difficult to replicate. The study was able to demonstrate that while some institutions do not give their students access to these centers, some of the institutions did prioritize these support centers. If an institution does not have these support centers, they must find another way to help their students heal from these difficult situations. For example, if a university cannot afford to create either one of these

centers, then the university must make sure that their counselors are still able to give their students a supportive space.

When it came to medical support, three universities recommended that their student see a medical professional for additional support. The three individuals realized that they did not have the medical training to support their students but gave their students clear instructions on how to get the medical support they needed. If a university has its own medical center, then the staff at the medical center need to make clear that medical center staff are not mandatory reporters like other university staff because of the Health Insurance Portability and Accountability Act.

Finally, two of the universities have created an off-campus network to get their students the support that they cannot find on campus, in the city that the student is living in. This additional support might go above what is expected of the universities, but it helps the students find their safe space in the community that they live in.

### **Implication and Recommendations for Higher Education Institutions**

There are five implications and recommendations that were made because of the findings of this research study. The first is that universities do not have a set standard for the resources that they provide their students. This can be seen when some institutions are able to support their LGBTQIA students with a support center, while other universities have to rely on other offices to give those resources. This creates an inequality with the students across the nations.

The second implication is that universities depend heavily on counseling to support their students, for a variety of reasons. Some institutions utilized counseling

because their students ask for confidential spaces, while other universities use their counseling office to give their students access to more resources. Universities have to be aware of the counseling center and what other universities are doing for their best practices.

The third implication is that universities need more financial support from the federal and state government when it comes to the educational component of Title IX. Universities have to use separate funds to train their students and the students across the nation are getting very different educations. University officials recommend that universities be strategic with their students and try to meet with as many students as they can face to face. Based on the research findings, universities need more funding for Title IX investigators and Title IX educational programs.

The fourth implication is that universities have different policies and procedures, even though each of them is required to follow the same law. For example when some institutions would move the complainant if they asked for housing accommodations, some schools moved the respondent. It is difficult to understand how institutions that are following the same law could have very different approaches to the same situation. Based on the findings, the federal government needs to look into the fact that different universities have different policies under the same guidance.

The final implication is that Title IX is constantly changing and it is a positive. Title IX just started as a way for women to have the same educational opportunities as their male peers, but now Title IX has changed into a very complex system and governmental policies. The investigators make clear that the Title IX changes are a

positive aspect of the law because they allow the students to get more support from the government and their institution.

### **Recommendation for Future Research**

This research paper was able to demonstrate the resources that are given to students and how the investigators come to the decision about what resources to give to their students. However, there are several opportunities for further research on this topic. For example, instead of doing a wide variety of institutions a researcher could focus on institutions that are near the same student population size, Carnegie classification, and if the institution was public or private. This would allow the researcher to come to a conclusion on the standards that are set for that type of institution and a measurement tool for institutions with the same characteristics to gauge their own policies and procedures. Another consideration for future research is to attend the Association of Title IX Administrators conference to have access to larger sample. This would allow the researcher to make more definitive conclusions based on the wide variety of institutions that attend the Association of Title IX Administrators conferences. Additionally, research could be conducted on the resources that are given to Title IX complainants at the counseling centers. All of the participants in this study recommended sending the participants to the counseling center for additional support and resources. More research could be examined to identify what support counseling centers are able to give the students and what affect it has on them. Another opportunity for research is looking at the training that is given to these individuals and the resources that they are told to provide the students in the training. This could then be expanded to look at how their time in the position could affect the amount of resources that they know to give students.

Additionally, research could be conducted to examine the quality of the resources that the students are given and compare across campus about to see the best practices when it comes to the resources. Furthermore, research could be conducted into how institutions respond to the Title IX changes and if the institution have similar ways to change their policies when the federal government offers new guidance. Finally, research could be conducted on the financial aspect of Title IX and how institutions of different sizes are having to make decisions based off the limited funding provided.

### **Conclusion**

The purpose of this study was to examine how Title IX investigator decided what resources to give their students and the potential future for Title IX. Title IX has had a large impact on colleges and universities across the nation. It has an impact on the lives of students, because of how frequent sexual assault and harassment happens on university campuses (“Our history”, 2012). This paper through semi-structured interviews was able to demonstrate that there are a wide variety of resources that a student could be given depending on their university. Title IX governs all institutions and therefore universities should be treating their students in similar ways. However, students at one university might get access to an identity focused center that they need to heal from their situation, but at another institution the student might not have the same opportunity. Title IX was not created to make all universities equal, but it was created to ensure that each of the students that entered into the education system had the same equal educational opportunities as their peers. Title IX has failed to complete that promise, but through the work of higher education administrators, legislative bodies, and the federal government, Title IX is moving in the direction to make that dream a possibility.

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**APPENDIX A**  
**PARTICIPANT QUESTIONS**

1. Can you explain your position and your job responsibilities?
2. How did you become a part of the Title IX investigation process at your university?
3. Please walk me through the typical process for a complainant in a sexual assault or sexual harassment at your institution.
4. Please talk to me about the resources that your office has access to provide a complainant of a sexual assault or harassment case, in general.
5. What would you do if a student needs a resource that is different than the ones that you provide them?
6. If a complainant does not wish to pursue an investigation, what resources would you give them? How would this process look different than a complainant that does want to pursue an investigation?
7. For the next two situations, I am going to give you a general situation involving students that have been sexually assaulted or harassed. Neither one of these situations has happened in real life.
  - a. The first situation is the following, Sarah is a freshmen living in one of your halls. She has come to your office because she heard about your office from her Resident Assistant. She tells you that the previous night she was at a fraternity party and one of the new members sexually assaulted her. She tells you that could not remember everything that happened but she can remember that she told him no. She also complains that he lives in the same building as her, but on a different floor. She

wants to know what the process is and what she needs to do. How would you as the investigator respond?

- b. The second situation involves a student named Phillip. Phillip informs you that in one of his classes, another male student is sexually harassing him. Phillip is gay and met this person at a club, but told the man that he was not interested in him. However, the other gentleman seems to take that as a challenge and has been saying inappropriate things towards Phillip like, "I want to take you to my bed and NOT go to sleep" and "Why do you have to be such a tense? You know you want to sleep with me." Phillip needs to stay in this class because it is part of his requirement for his major. How would you as the investigator respond?
8. Talk to me about any issues that you have seen in your position because of the way that Title IX was written or enacted?
9. If you could make a change to Title IX that would affect colleges and universities what change would you make? And what affect do you think these changes will have on the lives of the students?

## APPENDIX B

### HUMAN SUBJECTS PROTECTION COMMITTEE APPROVAL



Oct 4, 2017 10:46 AM CDT

Jon McNaughtan  
Educational Psychology Leaders

Re: IRB2017-705 Title IX Coordinators Understanding of Mandated Resources

**Findings:** Thank you for addressing the reviewer's concerns. Best wishes on your project.

**Expiration Date:** *Sep 28, 2018*

Dear Dr. Jon McNaughtan, Ryan Talamantes:

A Texas Tech University IRB reviewer has approved the proposal referenced above within the expedited category of:

6. Collection of data from voice, video, digital, or image recordings made for research purposes.

The approval is effective from Oct 4, 2017 to Sep 28, 2018. The expiration date must appear on your consent document(s).

Expedited research requires continuing IRB review. You will receive an automated email approximately 30 days before Sep 28, 2018. At this time, should you wish to continue your protocol, a **Renewal Submission** will be necessary. Any change to your protocol requires a **Modification Submission** for review and approval before implementation.

Your study may be selected for a Post-Approval Review (PAR). A PAR investigator may contact you to observe your data collection procedures, including the consent process. You will be notified if your study has been chosen for a PAR.

Should a subject be harmed or a deviation occur from either the approved protocol or federal regulations (45 CFR 46), please complete an **Incident Submission** form.

When your research is complete and no identifiable data remains, please use a **Closure Submission** to terminate this protocol.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kelly C. Cukrowicz'. The signature is written in a cursive style.

Kelly C. Cukrowicz, Ph.D.  
Chair, Texas Tech University Institutional Review Board  
Associate Professor, Department of Psychological Sciences

**APPENDIX C**  
**EMAIL TO PARTICIPANTS**

**Date**

Dear (Name of Participant):

You have been identified as an individual that is a Title IX Coordinator or Investigator for your respected institution. A graduate student at Texas Tech University, who is getting his degree in Higher Education Administration, is conducting a research project and thesis to examine how Title IX Coordinators and Investigators decide what resources to give the complainants in sexual assault and sexual harassment cases. The research study consists of one, forty-five minutes to an hour, interview regarding your experience in your position, situational based questions (to determine what resources your institutions give students), and finally the opportunity for your input on how to better support students. The interview will take place over the phone at your convenience.

If you choose to participate, your identity, institution, and position will be kept confidential and will only be used with your expressed permission. By participating in the research project, you will be helping to identify themes that are taking place across the United States by Title IX Coordinator and Investigators.

As you know sexual assault and sexual harassment are serious issues that are taking place at colleges and universities across the United States. Students rely on the protections and resources that are afforded to them under Title IX of the Educational Amendments Act of 1972. Additionally, the Department of Education is reexamining the position of higher education administrator's role in Title IX compliance.

Thank you for your time and consideration in helping us better understand the resources that are given to complainants in Title IX cases.

If you have any question or wish to participate in the research study please email or call Ryan Talamantes

Sincerely,

Investigator Ryan Talamantes

[ryan.talamantes@ttu.edu](mailto:ryan.talamantes@ttu.edu)

Graduate Student, Higher Education Administration  
Texas Tech University

**APPENDIX D**  
**ADULT CONSENT FORM**

**Adult Consent Form**

**What is the research project about?**

This thesis and research project is titled “Title IX Coordinators Understanding of Mandated Resources”. The goal of this research project is to understand how Title IX Coordinators and Investigators decide the resources to give the complainant in sexual assault or sexual harassment cases.

**What would I do if I participate?**

For this research project, if you wish to participate, you will have an interview with an investigator over the phone about your experiences as a Title IX Coordinator or Investigator. The questions will start with your experiences in your position. The next portion of the interview is situational questions, where the researcher will give you a situation and you will be asked what resources you would give to the student in the case. The last section of the interview will ask you what issues you have seen with Title IX and improvements that you would make if you had the chance. The interview will be recorded so that a transcript can be created, the audio file will then be destroyed.

**How long will the interview take?**

The interview will take between forty-five minutes to one hour.

**Can I ask for my information and comments to be removed from the research study, at any point?**

Yes, at any point you can ask for your information to be removed from the research study, regardless of the reasoning. The investigators have reviewed all the questions and believe that you will be able to answer them comfortably. However, if you wish to skip a question, Investigator Ryan Talamantes will move to a different question. Participation is your choice and we thank you in advance for your willingness to participate.

**How will my identify be protected?**

Your name, position, institution, and any other identifiers will not be used in this research study, without your expressed permission. The only individual that will know the identities of the individuals that participate will be Investigator Ryan Talamantes. For the purposes of protecting the identities of the individuals involved there will be no paper copies of the research study that will be used. All of the information will be kept on a password protected computer that only Investigator Ryan Talamantes will have access to. At the beginning of the interview, Investigator will ask for a pseudonym for yourself. This pseudonym will be used to refer to your interview in the paper. Additionally, your school will be assigned a number to help refer to your university throughout the paper. All of the pseudonyms will be collected and stored on one Excel document that will be encrypted and password protected to ensure that Investigator Ryan Talamantes will be the only person that has access to that file.

**Are there any reasonably foreseeable risks or benefits from the study?**

The only foreseeable risk is that the participant will accidentally talk about an actual case that they may have been responsible for overseeing. However, the investigators will try to prevent this from happening by giving situational questions that the interviewees will be able to process without needing to use

names. Additionally, if a name is mentioned throughout the interview, the investigator will ask for clarification immediately to ensure that the interviewee is not sharing confidential information.

When it comes to the benefits of the study the investigators will share with the participants the findings of the study. This information may be beneficial to the participant because it may help shape practices that may better serve the students and their university.

**Additional questions?**

This research study is being conducted by Graduate student Ryan Talamantes ([ryan.talamantes@ttu.edu](mailto:ryan.talamantes@ttu.edu)) under the guidance of chair Dr. Jon McNaughtan ([jon.mcnaughtan@ttu.edu](mailto:jon.mcnaughtan@ttu.edu)). The research study is part of a Master's program for Higher Education Administration within the College of Education at Texas Tech University. If you have any additional questions please contact Ryan Talamantes at [ryan.talamantes@ttu.edu](mailto:ryan.talamantes@ttu.edu).

Finally, Texas Tech University has a board that protects the rights of participants in research studies. You may contact the board with any issues, concerns, or questions at 806-742-2064. You can also mail your questions to the Human Research Protection Program, Office of the Vice President for Research, Texas Tech University, Lubbock, Texas, 79409 or by email at [hrpp@ttu.edu](mailto:hrpp@ttu.edu).