IMPLEMENTATION OF THE VIOLENCE AGAINST

WOMEN ACT REAUTHORIZATION OF 2013:

DOCUMENT ANALYSIS OF ANNUAL SECURITY

REPORTS

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Abstract: Sexual violence is one of the most challenging campus health and safety concerns faced by institutions of higher education. Over the past nine years, federal mandates and guidance on how institutions prevent and respond to sexual violence has continuously evolved. The Violence Against Women Act Reauthorization of 2013 requires institutions to track and report incidents of sexual violence, offer support services, and provide prevention programs. Despite this federal mandate, outcomes are mixed. Some institutions face audits, are found in noncompliance, and receive fines while other institutions meet compliance requirements. One possible reason some institutions are at risk for noncompliance could be insufficient institutional policies on reporting and support services. The purpose of this research study was to explore the ways institutions of higher education responded to changing federal guidance by comparing the sexual violence policies and procedures reported in their 2012 and 2017 Annual Security Reports. This study followed an interpretivist theoretical perspective through the method of document analysis. For this study, the dataset consisted of ten annual security reports from five institutions. The five institutions selected were public, land-grant member institutions of the Big Ten athletic conference that enroll over 45,000 students. This study utilized a document analysis of institutions' ASRs required by the Clery Act as defined by Violence Against Women Act to collect data to answer the research questions. The findings suggest that institutions addressed a number of issues including a victim-centered approach, increased sexual violence awareness and prevention focus, an evolution of details on institution's accountability process, inconsistencies among institutions, and an emphasis on police processes.

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CHAPTER I

INTRODUCTION

Sexual violence is one of the most challenging campus health and safety concerns faced by institutions of higher education (Lebioda, 2015). Beginning in 2015, campus sexual assault appeared as a top higher education state policy issue defined by the American Association of State College and Universities (Harnisch, 2019, 2020; Harnisch & Lebioda, 2015, 2016; Harnisch & Opalich, 2017, 2018). Institutions of higher education (IHE) address sexual violence on college campuses through compliance with federal guidance from the Title IX of the Education Amendment Act of 1972 along with supplemental guidance provided between 2011, 2015, and 2020.

Over the past nine years, federal mandates and guidance evolved. In 2011, the Department of Education released the first *Dear Colleague Letter* (Ali, 2011). The document addressed the "troubling" statistics of sexual violence and "a call to action for the nation" (Ali, 2011, p. 2). A focus on compliance emerged and continued in 2013 when the Reauthorization of the Violence Against Women Act (VAWA) provided new federal mandates through legislation. In 2017, the Department of Education (DOE) withdrew all earlier guidance and engaged in a rulemaking process raising questions about the future of federal guidance. These changes can leave administrators unclear on the best approach to construct a sexual violence policy that aligns with federal mandates,

meets the needs of the institution, and provides equity for both the complainant and respondent. In May 2020, new regulations were released to amend the Title IX of Education Amendment Act of 1972 (Department of Education, 2020). It should be noted that this dissertation research was completed before the May 2020 regulations, therefore, these regulations were not part of the consideration during the research phase of this dissertation.

The national prevalence of sexual violence, particularly on college campuses supports the concerns addressed by federal guidance. *The National Intimate Partner and Sexual Violence Survey* reported one in five women and one in 71 men will experience rape at some point in their lives (Black et al., 2011). Of the women in this survey who reported experiencing rape, 51% indicated the rape was by an intimate partner, and 41% of rapes were committed by an acquaintance. Victims of rape report significant short and long-term effects, such as post-traumatic stress disorder (Black et al., 2011). The 2015 *Report on the AAU Campus Climate Survey on Sexual Assault and Sexual Misconduct* revealed that 23% of undergraduate women who responded to the survey indicated experiences of nonconsensual sexual contact by physical force, threats of physical force, or incapacitation since enrolling at their university (Cantor et al., 2015). College women aged 18-24 are three times more at risk to experience sexual violence than are other age groups of women, with 11.2% of all students reporting experiencing rape or sexual assault through physical force, violence, or incapacitation (RAINN, 2018a). Researchers study the impact of sexual violence on college student victims, including its effect on mental health, physical health, economic impact, and academic performance. An experience of sexual violence can increase substance abuse, suicide risk, and depressive

and anxious symptoms (Chang et al., 2015). This well-documented safety issue on college campuses supports the federal mandates to prevent and respond to sexual violence on campus.

President Bill Clinton signed the Violence Against Women Act (VAWA) into federal law in September 1994. Congress reauthorized VAWA three times. During the most recent reauthorization in 2013, Congress included the SaVE Act provisions in section 304 of VAWA. Specifically, this section affects IHE and includes issues of domestic violence, dating violence, sexual assault, and stalking. VAWA focuses on increased transparency on the issues of sexual violence occurring on college campuses and solidified requirements for IHE to address and prevent sexual violence on campus. VAWA outlines four distinct requirements (RAINN, 2018b). First, IHE must maintain statistics on forcible and non-forcible sex offenses, dating violence, domestic violence, and stalking, and report these statistics in their annual security report (ASR) as required by the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* (Clery Act), (Department of Education, 2016a). Second, colleges must guarantee rights for victims and provide accommodations for academics, living arrangements, transportation, and other safety measures as needed. Third, VAWA requires IHE to provide education and awareness programs to all students on an ongoing basis. Fourth, university administrators need to offer protective measures to victims and impartial disciplinary processes (Department of Education, 2016a; RAINN, 2018a).

President Obama signed the bill into law in 2013, but the requirement specifics were not defined until 2015 and final guidance was provided in 2016 (Department of Education, 2016b). Therefore, the last ASR before VAWA occurred in 2012, and the

2017 ASR incorporated the new requirements of VAWA. The implementation of VAWA applies to all institutions that receive federal financial aid. Failure to comply with regulations can result in fines or even possible loss of the institution's federal student aid (Yerman, 2017). Between 2010 and 2017, the U.S. DOE imposed 40 fines on colleges for violations of the Clery Act regulations (Bauman, 2018). These fines totaled over $5 million. DOE levied the largest fine against Pennsylvania State University at $2.4 million in 2016. In 2018, the University of Montana received a fine of $1.0 million (Bauman, 2018). Although these two are extreme examples, the average fine over the 7 years was $47,250. Clearly, institutions not complying with VAWA through the Clery Act can be monetarily affected.

Problem Statement

Federal law requires institutions to track and report incidents of sexual violence, offer support services, and provide prevention programs (Department of Education, 2016b; Lebioda, 2015). Despite this federal mandate, outcomes are mixed. Some institutions face audits, are found in noncompliance, and receive fines while other institutions meet compliance requirements (Hanson & Cartwright, 2017). One possible reason some institutions are at risk for noncompliance and potential fines could be insufficient institutional policies on reporting and support services.

Purpose Statement

The purpose of this research study was to explore the ways institutions of higher education responded to changing federal guidance by comparing the sexual violence policies and procedures reported in their 2012 and 2017 Annual Security Reports. For

this study, sexual violence included sexual harassment, rape, dating violence, domestic violence, and stalking, as defined by the Violence Against Women Act and Title IX.

Research Questions

This study addressed the following research questions:

1. What discernable patterns and trends, if any, emerge in institutional sexual violence policies and procedures defined within the 2012 and 2017 Annual Security Reports at large, land-grant institutions in the Big Ten Conference?

2. What changes in institutional sexual violence policies and procedures are reflected in the comparison of the 2012 and 2017 Annual Security Reports at large, land-grant institutions in the Big Ten Conference?

Overview of Methodology

Crotty (1998) outlines four elements of the research process, including epistemology, theoretical perspective, methodology, and methods. Constructionism was the epistemology used for this study, meaning researchers construct knowledge through the development of an understanding of how institutions address the topic of sexual violence within their documents. The "philosophical stance" or theoretical perspective is the lens that defines how the researcher sees the world (Crotty, 1998). This study used an interpretivist theoretical perspective allowing the researcher to serve as the instrument as meaning emerged through the research process. Through the method of document analysis, I utilized text to understand a sense of how institutions are responding to federal mandates.

For this study, I purposefully selected the annual security reports of five institutions to construct the dataset. The five institutions selected are public, land-grant

member institutions of the Big Ten athletic conference, each with over 45,000 students. The institutions were Michigan State University, Ohio State University, Pennsylvania State University, University of Illinois, and University of Minnesota. This study utilized a document analysis of institutions' ASRs required by the Clery Act and established by VAWA to collect data to answer the research questions. A document analysis is a "systematic procedure for reviewing or evaluating documents" (Bowen, 2009, p. 27). Through analysis, I examined the data and interpreted the data to elicit meaning, gain understanding, and develop empirical knowledge. Through the data analysis, I identified themes that provide insight into the research questions.

Significance of the Study

This study is significant for five reasons; sexual violence is an issue on college campuses, future policymaking as federal guidance continues to evolve, there is a potential monetary impact for campuses, institutional administrators desire this information for policy updates and compliance, and there is a need for research on sexual violence policy. Sexual violence is an issue on college campuses due to both the significant number of instances of violence and the life-changing impact the violence has on individuals. Also, federal guidance on sexual violence has continually evolved since 2011. Recent history informs IHE that the issue of sexual violence and federal oversight will continue for institutions in the foreseeable future. Policymakers may be able to use the findings of this study for future policy development at the state and federal levels. Furthermore, the federal oversight experienced by institutions and the potential for monetary damages influencing institutions continues to make this topic a top priority for

campuses. The significant financial impact of non-compliance is a motivator for administrators to make changes where needed to avoid potential monetary impact.

As federal guidance evolved and developed over the past nine years, it left university administrators seeking information from peer institutions to understand the best practices and how peer institutions interpret federal policy. This research provides insight on how IHE within the participant group address the topic of sexual violence in their ASR as well as identify change in policy and practice as outlined in their ASR after the implementation of VAWA guidance. Institutions must balance their approach to addressing sexual violence between showing care and support to members of their campus community and making sure they are compliant with federal oversight. Identifying divergent and convergent themes of sexual violence policies and practice will supply institution administrators with information to consider when developing or updating their ASR or sexual violence policies. The literature review addressed in Chapter II reveals there is a lack of research on policy in this area and many previous studies call for policy research. This study provides a start to research in the area of IHE's response to the federal compliance of the VAWA.

Limitations of the Study

There are limitations to this study. First, this qualitative study is not generalizable to the general population. I limited the number of participating IHE to provide a manageable research sample. Additionally, the participating IHE are all public land-grant institutions with a student population over 45,000 in the Big Ten athletic conference. Institutions that do not fit into this demographic may have different approaches to address

sexual violence on their campuses; consequently, this study did not explore these possible differences.

Addressing sexual violence on college campuses in an evolving topic. I explored a specific window of time for this research study. Therefore, themes discerned in this study could also evolve beyond the scope of this study. Public policy regarding sexual violence on college campuses continues to transform due to changes in the national political landscape. Therefore, the results cannot be applied outside of the context of this study.

The qualitative method involving my interpretation in analyzing the data could also be considered a limitation. I remained aware of my knowledge to ensure the mitigation of possible personal bias views. Chapter III outlines the trustworthiness of the data.

Expanding data collection methods could provide an additional perspective. Interviews with institution administrators responsible for compiling their institution's ASR could provide insight on the changes made or not made in 2017 ASRs not present in the 2012 ASRs. Interviews could also provide an understanding of the administrator's interpretation of the VAWA guidance.

Definitions of Key Terms

Understanding the terminology and abbreviations used in this dissertation is imperative. For this dissertation, the following definitions apply:

1. *Annual Security Report* (ASR): Annual report required by the Clery Act mandating that higher education institutions report Clery-reportable crimes and safety procedures.

2. *Department of Education* (DOE): Part of the federal executive branch that is responsible for carrying out government education programs and policies.

3. *Institutions of Higher Education* (IHE): Post-secondary institutions; private or public. For this study, only public institutions are included.

4. *Higher Education Act of 1965* (HEA): A law that established federal student aid for students and provided a federal role in the promotion of equal opportunities in higher education (Mumper et al., 2011).

5. *Office of Civil Rights* (OCR): The federal office responsible for enforcing federal civil rights laws that prohibit discrimination in educational programs receiving federal funds. An office within the Department of Education.

6. *Sexual Violence*: The terms *sexual violence*, *sexual assault*, *sexual harassment*, and *intimate partner violence* are often used interchangeably throughout research and publications. In this dissertation, the term *sexual violence* will be utilized to include sexual harassment, sexual assault, dating violence, domestic violence, and stalking. However, when referencing other research, the term used within that research will be employed to maintain the integrity and specifics of the research.

7. *The Clery Act* (Clery Act): The *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act,* also known as the *Campus Security Act of 1990*, requires colleges and universities to disclose information about crime on and around their campus. The act was expanded with the passing of the *Violence Against Women Act Reauthorization of 2013*.

8. *Title IX of the Education Amendments of 1972* (Title IX): A federal law that promotes equal opportunity for all individuals by providing "no person" shall face

discrimination on the basis of sex involved in an educational program receiving

federal funds.

9. *Violence Against Women Act* (VAWA): Federal legislation expanded overtime to

combat violence against women and provide protection to women who are victims of

abuse.

Organization of Study

This chapter presented an introduction to the study, including the background of

the problem, the problem statement, the research questions, the purpose statement, an

overview of the methodology, significance and limitations to the study, and definitions of

key terms. Chapter II provides a literature review addressing the federal governance of

sexual violence, including the history of applicable guidance and laws. The chapter will

also provide an overview of sexual violence in society. Also, it will review the literature

on sexual violence on college campuses, including the connection with federal oversight.

Chapter III explains the methodology used in the study, including the theoretical

framework, the research context, data collection, and data analysis. This chapter will also

assess the trustworthiness and research positionality statement. Chapter IV outlines the

findings of the study and Chapter V discusses the findings, the implications for higher

education institution professionals and policymakers, and recommendations for future

research.

CHAPTER II

LITERATURE REVIEW

The involvement of the federal government in higher education has evolved, as has federal guidance on the response to and prevention of sexual violence. This review of the literature outlines the history and increase of that of federal involvement, including the Higher Education Act of 1965. Specifically, this literature review will cover federal oversight with Title IX, Clery, and the Violence Against Women Act. The next section addresses the impact of sexual violence in society and on college campuses. Next, this literature review will examine federal enforcement of compliance by addressing research on the prevention of and response to sexual violence on college campuses and IHE failure to comply with federal regulations along with an overview of research on sexual violence policy. Finally, this literature review will review the principal-agent theory and its application to the relationship in policy compliance.

Federal Governance

Congress and the U.S. Department of Education have sought to address the problem of sexual violence on college campuses through legislation such as Title IX (Weizel, 2012). The federal government has always played a role in higher education; however, there has been an increase in the federal government's role in recent decades.

This section of the literature review will address federal government oversight in higher education. First, it will address the history of federal involvement and the recent increase in involvement. Second, it will explore the role of Title IV in higher education. Finally, it will focus on federal guidance concerning the topic of sexual violence on college campuses, including Title IX, the Clery Act, and the Violence Against Women Act.

Federal regulation within IHE derives from two sources (Mumper et al., 2011). First, federal regulation is necessary for the financial accountability of federal funds. Next, federal regulation derives from legislation, executive orders, and judicial decisions (Mumper et al., 2011). IHE rarely welcome federal regulations, and tensions exist. IHE traditionally possess institutional autonomy, yet decisions from Congress, federal agencies, and the stewardship of taxpayers' dollars put limits on that autonomy. IHE that refuse federal oversight will lose federal funding, including federal student financial aid programs.

Some federal mandates affect all types of organizations, such as the *Americans with Disabilities Act* and regulations issued by the Occupational Safety and Health Administration. However, there are federal regulations that only affect IHE, including the *Family Education Rights and Privacy Act* and *Title IX of the Educational Amendments of 1972.* IHE have argued that these specific regulations place a burden on them and contribute to the rising price of higher education. Unfunded federal mandates leave the costs to the students to cover through increased tuition fees (Mumper et al., 2011). In a report from the National Center for Public Policy and Higher Education and Public Agenda, college presidents entered a dialogue about costs, access, and quality within IHE (Immerwahr et al., 2008). One of the factors frequently mentioned as leading to the high

cost of higher education was regulation and compliance with federal mandates. One president was quoted saying, "We have about a gazillion people working on compliance. The government requires us to do it…. [B]ut if we didn't have them, we would be in violation of the law" (Immerwahr et al., 2008, p. 13).

History of Federal Involvement

The beginning of federal involvement in higher education predates the U.S. Constitution. In 1785, the *Land Ordinance* set aside land for schools and seminaries. The practice of giving land continued with the *Morrill Land Grant Acts* in 1862 and 1890 (Coomes, 1994). Additionally, the *Morrill Land Grant Acts* provided federal appropriations for general academic programs (Williams, 2007). In the 1930s and 1940s, the federal government developed federal aid programs, including the *National Youth Administration* and the *GI Bill of Rights*. In 1947, the Truman Commission examined higher education and called for an increased role for the federal government to make college available to everyone. During the 1950s and 1960s, Congress passed legislation that aided in funding initiatives within the university, including the *Housing Act*, the *National Science Foundation Act*, and the *National Defense Education Act*. The *Economic Opportunity Act* created the College Work-Study Program, benefiting students. The passing of the *Higher Education Act* in 1965 laid the groundwork for future federal involvement in issues related to equal education opportunities (Coomes, 1994). In the early 1970s, the *Education Amendments of 1972* "extended the government's regulatory control over higher education" (Geiger, 2011, p. 62). The *Education Amendments of 1972* established Title IX. Later in the 1970s, Congress enacted more legislation that impacted higher education, including- *Section 504 of the Rehabilitation Act*, which prohibited

discrimination based on disability and the *Family Education Rights and Privacy Act* (FERPA), which mandated record-keeping policies. In 1979, the federal government established the Department of Education. This action represented a significant shift in federal policy within higher education (Coomes, 1994). In the 1980s, the Reagan administration called for reduced levels of federal support for education (Coomes, 1994; Mumper et al., 2011). Although the federal government offered less federal financial support, they did increase federal mandates in the 1990s. The *Drug-Free Schools and Communities Act*, the *Student Right-to-Know Act,* and the *Campus Security Act* were all enacted in the 1990s (Coomes, 1994). Over the years, the federal government's role in higher education has evolved (Coomes, 1994). The DOE maintains federal responsibility for quality control of IHE (Mumper et al., 2011).

Increased Federal Involvement

The history of the evolution in higher education represents an increase in federal government involvement. Initially, federal support of higher education was a "vehicle of federal policy" (Gehring, 1994, p. 94). Early legislation fulfilled other national economic goals and did not have the purpose of enhancing or improving higher education. For example, the Morrill Act had the initial purpose of disposing of federal lands and assisting farmers. During both World Wars, Congress passed legislation that affected higher education, even if its purpose was to address issues surrounding the wars (Gehring, 1994). Today, federal laws are a condition of receiving federal funds or federal financial aid (Gehring, 1994). Gehring (1994) noted:

> Higher education, having once accepted federal aid with a promise that the government would not exercise any supervision, direction, or control, finds itself

in a position where the government is controlling not only programs and activities

that receive federal dollars but also everything the institution does. p. 102

Federal involvement has accelerated to the point that higher education has

evolved into a highly regulated enterprise (Schuh & Ogle, 1994). Some argue that the

federal government should not intrude on the operations of institutions of higher

education and that federal involvement has led to institutions to have expensive

responses, limited resources, and has placed an unnecessary burden on institutions

(Schuh & Ogle, 1994). The evolution of the increased involvement of the federal

government infringes on the autonomy traditionally given to institutions of higher

education. Gehring (1998) noted that it is "ironic" that the federal government has

increasingly encroached on the autonomy of higher education, as the 10th Amendment

does not address education and, therefore, leaves education to the responsibility of states

and not the federal government (p. 4). Despite these arguments, there is value in many of

the federal mandates regarding students enrolled at institutions. Federal mandates have

positively affected society by opening doors to minorities, women, and individuals with

disabilities (Gehring, 1998). Title IX started as a method to remedy persistent

discrimination against women, and many would argue that this was necessary (Samuels

& Galles, 2003). The history of the federal role in higher education provides insight into

where higher education is today by implementing federal mandates.

Numerous federal laws and guidance statements impact higher education today;

however, this literature review will focus only on key laws and guidance statements that

impact sexual violence as it applies to IHE. First, it is pertinent to address the Higher

Education Act of 1965 and specifically address Title IV, which provides financial aid for

students at IHE. Second, this section will discuss the evolution of Title IX, as it is foundational to future legislation involving sexual violence prevention and response. Next, it will review the Clery Act, which encompasses guidance laid out by the VAWA. Lastly, it will provide an in-depth look at the development of the VAWA and its reauthorizations.

The Higher Education Act of 1965

On January 12, 1965, President Lyndon B. Johnson declared, "Higher education is no longer a luxury, but a necessity" (Association of Centers for the Study of Congress [ACSC], 2019). He called for increased financial aid for students seeking higher education. Within the year, both the House of Representatives and the Senate passed bills supporting President Johnson's call to expand federal financial support. President Johnson signed the final bill, the *Higher Education Act* (HEA) of 1965, on November 8, 1965 (ACSC, 2019). Congress extended and amended the HEA numerous times and reauthorized it eight times (Hegji, 2018). Congress last reauthorized the HEA in 2008 through the Higher Education Opportunity Act. The HEA provides federal student aid programs to assist with the cost of postsecondary education and provides federal support to IHE for support services and programs. The DOE administers the programs authorized by the HEA (Hegji, 2018). Eight titles within the HEA address different areas of support within IHE, but the most notable is Title IV.

Title IV

Title IV of the HEA established three types of federal student aid programs for IHE (Mumper et al., 2011). First, it created a need-based student aid program, originally called the Educational Opportunity Grant, known today as Pell Grants. The second type

of aid addressed in the HEA is the ability for students to obtain loans from private banks for their education, known as the Stafford Student Loan Program. The federal government's involvement in this initiative provided these loans at a lower cost to students and their families. Third, HEA established various programs for institutions to provide students aid on a case-by-case basis. These programs include the Federal Work-Study Program, the Perkins Loan Program, and the Supplemental Educational Opportunity Grant Program (Mumper et al., 2011).

Title IV of the HEA consists of nine parts that authorize programs and provisions. Under the seventh part of Title IV, General Provisions Relating to Student Assistance Programs, the Act outlines numerous requirements related to information that IHE must disseminate to students. Specifically, this part of the Act outlines the requirements addressed in the Clery Act and the VAWA that will be reviewed later in this literature review.

Accountability

Accountability of higher education outcomes and compliance with federal regulations is achieved not just through the federal government but also stakeholders in society. Kelchen (2018) suggested that concerns about the value of higher education led to stakeholders pushing to hold IHE accountable. Since the 1992 reauthorization of HEA, the Act requires institutions to report a variety of data to the DOE. Requirements include survey data collected through the National Center for Education Statistics on topics including libraries, enrollment, human resources, and student financial aid released through the Integrated Postsecondary Education Data System (IPEDS) (Kelchen, 2018).

In addition to IPEDS data, IHE have around 40 other items to disclose to the DOE; this includes crime statistics through the Clery Act (Kelchen, 2018).

Title IX

The federal guidance known as Title IX has evolved to provide more rigorous and descriptive expectations. The Education Amendment of 1972 included the establishment of Title IX to regulate colleges and universities on gender discrimination (Weizel, 2012). The Preamble of Title IX provides a succinct description, "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any educational program or activity receiving federal financial assistance" (Title IX of the Education Amendments, 1972).

The Preamble of Title IX does not directly address claims of sexual violence on college campuses; however, Title IX later included sexual harassment as a form of sex discrimination (Henrick, 2013). The DOE Office of Civil Rights (OCR) oversees Title IX (Department of Education, 2016b). According to the DOE (2016b), the Assistant Secretary for Civil Rights advises the OCR to direct, coordinate, and recommend policy on discrimination, including sex discrimination.

The initial scope of Title IX involved collegiate athletics. In 1979, OCR developed an Intercollegiate Athletics Policy Interpretation and in 1990, developed a Title IX Athletics Investigator Manual (Durrant, 1992). Due to the attention athletics has received regarding equity in women's sports, Title IX is often thought of in this narrowed area of enforcement. It was not until 1997 that the OCR published *Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties,* which provided standard compliance guidance on policies of sexual harassment

(OCR, 2001). In 2001, the revised federal guidance expanded the definition of sexual harassment (OCR, 2001). The 2001 revised guidance defined sexual harassment as "unwelcome conduct of a sexual nature" (OCR, 2001, p. 2). The OCR provided more guidance when the Assistant Secretary for Civil Rights, Russlynn Ali, released the 2011 *Dear Colleague Letter* (Ali, 2011). This letter was the first OCR publication focusing primarily on student-on-student sexual assault in school settings (Henrick, 2013). This letter outlines the policy that once an IHE knows or should reasonably know about a possible instance of sexual violence, then the institution must take immediate action. Additionally, this document outlines the standard of proof of preponderance of the evidence, which advocates for both complainants and respondents have debated (Ali, 2011).

On January 22, 2014, President Barack Obama established the "White House Task Force to Protect Student from Sexual Assault" (Not Alone, 2014). This task force issued a task force report and a website with items defined as a blueprint for colleges to utilize in addressing sexual violence on campuses (Not Alone, 2014). This announcement kicked off greater strides by college administrators and government legislators. In April 2014, the OCR published *Questions and Answers on Title IX and Sexual Violence* to clarify requirements outlined in the 2011 *Dear Colleague Letter* (Lhamon, 2014) and subsequently in 2015 issued additional guidance on colleges' obligation to designate a Title IX Coordinator (Lhamon, 2015).

Much of the advancement of Title IX occurred during Barack Obama's administration. However, in September 2017, during the President Donald Trump administration, the OCR under the leadership of U.S. Secretary of Education Betsy

DeVos announced the withdrawal of the April 2011 *Dear Colleague Letter* and the April

2014 *Question and Answers on Title IX and Sexual Violence* (Department of Education,

2017). Additionally, the DOE released a new interim *Q&A on Campus Sexual*

Misconduct. Secretary DeVos stated, "This interim guidance will help schools as they

work to combat sexual misconduct and will treat all students fairly" (Department of

Education, 2017). In November 2018, the DOE released the proposed Title IX rules for

public comment (Department of Education, 2018a). The DOE received over 124,000

comments during the public-comment period that ended in January 2019 (Brown, 2019).

In May 2020, the DOE released the much-anticipated new Title IX regulations.

Secretary Betsy DeVos explained that the new regulations "requires schools to act

in meaningful ways to support survivors of sexual misconduct, without sacrificing

important safeguards to ensure a fair and transparent process" (Department of Education,

2020). The new regulations were outlined in over 2,000 pages. In summary, the

regulations address definitions, require supportive measures for both a complainant and

respondent, empower complaints to make decisions about how an institution responds to

incidents of sexual harassment, limit areas of responsibility of student behavior, and

outline several due process rights to be used in disciplinary processes. It should be noted

that these regulations apply to K-12 education and IHE, including students and

employees (Department of Education, 2020). Title IX has developed and evolved

significantly since 1972, yet other legislation provides even more guidance to institutions

of higher education on addressing sexual violence.

Other Federal and State Legislation

In addition to Title IX, other laws provide requirements for colleges to prevent and address sexual violence. At the 2016 Association of Student Conduct Administration Annual Conference's Legislative Update, Dr. J. W. Lowery shared several pending pieces of legislation proposed during the 114th Congress that had the possibility to impose more requirements for colleges regarding sexual violence (personal communication, February 4, 2016). These bills included the *Safe Campus Act*, the *Fair Campus Act*, the *HALT Campus Sexual Violence Act*, and the *Campus Safety and Accountability Act* all were introduced and amended the *Higher Education Act of 1965* (personal communication, February 4, 2016). In the 116th Congress, Senate bill 856 *Campus Accountability and Safety Act* proposed another Reauthorization of the Higher Education Act (NAICU, 2019).

In addition to federal legislation, states are also enacting laws on sexual violence on college campuses. California Governor Jerry Brown signed the nation's first affirmative consent standard for IHE, referred to as "yes means yes" (The Hunting Ground, 2019). In July 2015, the Virginia Senate passed bill 712 addressing how IHE report crimes, provide support to victims, and enter into partnerships with the criminal justice system (NASPA, 2019). New York established affirmative consent in 2015 through a statewide sexual assault policy. After a public criminal case involving a Michigan State University doctor in 2018, the Michigan legislature passed several measures to aid victim support for minors. As of April 2019, there are 53 pending pieces of state legislation related to sexual violence prevention and response involving IHE (NASPA, 2019).

The Clery Act

The Clery Act serves as another campus safety foundational federal regulation for higher education. In 1986, an intruder raped and murdered Jeanne Clery, age 19, in her college residence hall at Lehigh University. Her parents advocated for reform in reporting statistics on-campus crimes. An amendment to *The Higher Education Act of 1965*, *Title II of the Student Right-to-Know and Campus Security Act,* later renamed The *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* (Clery Act), was enacted in 1990 (McCallion, 2014). This regulation requires IHE to maintain a crime log on specific crimes occurring on or near campuses and to disclose this data in an Annual Security Report to current students and employees (McCallion, 2014). Congress has amended the Clery Act six times to increase the specifics of information tracked and disclosed. The most recent amendment, *The Clery Act,* adopted parts of the *Violence Against Women Act Reauthorization of 2013* (McCallion, 2014).

VAWA

The *Violence Against Women Act Reauthorization of 2013* created more than 70 new mandates by the Department of Education (Grimmett et al., 2015). The history of the VAWA started with Congress passing the bill in 1994. From there, VAWA has been reauthorized three times, in 2000, 2005, and 2013. Each reauthorization focused on continuing to strengthen the nation's response and prevention of violence against women. The authorization and subsequent reauthorizations will be discussed followed by the development, implementation, and impact of the 2013 reauthorization.

1994 Authorization

The passage of VAWA on September 13, 1994, represented the first comprehensive legislation designed to end domestic violence against women. VAWA is a part of Title IV of the Violence Crime Control and Law Enforcement Act of 1994 (Lynch, 1994). Through this legislation, a paradigm shift occurred in how IHE address the issue of violence against women (Legal Momentum, 2017). Joe Biden, at that time a U.S. Senator from Delaware, initiated the legislation in 1990. Senator Biden worked with the Task Force on Violence Against Women to draft the legislation. The original enactment of VAWA envisioned a nation with an engaged criminal justice system and coordinated community responses (The National Domestic Violence Hotline, 2018). The bill was designed for a community-coordinated response to bring together the criminal justice system and community support services to respond to and address domestic violence and sexual assault (The National Domestic Violence Hotline, 2018).

The VAWA established the Office on Violence Against Women (OVW); the office's purpose is to implement the VAWA legislation. The OVW falls under the United States Department of Justice. The OVW oversees financial and technical assistance (Legal Momentum, 2017). The OVA also awards grants to states, tribal and local governments, non-profit organizations focused on ending violence against women, and universities (Legal Momentum, 2017). As outlined in the bill, the VAWA provided $1.6 billion over 6 years toward the investigation and prosecution of violent crimes against women. The bill also required the VAWA to be reauthorized every 5 years (Modi et al., 2014).

2000 Reauthorization

The reauthorization in 2000 incorporated the Victims of Trafficking and Violence Protection Act, designed to protect trafficking victims, and the Battered Immigrant Women Protection Act to provide visas for undocumented women who are victims (Berney, 2015). For the first time, the reauthorization designated funding through grants for college campuses for on-campus security and victim services (Berney, 2015).

2005 Reauthorization

The 2005 reauthorization of the VAWA focused on the protection of children who were witnesses to domestic violence (Berney, 2015). Additionally, it increased the focus on services for underserved populations, including communities of color, immigrant women, and tribal communities. New programs included court training, child witness programs, and culturally specific programs (Legal Momentum, 2017). For the first time in federal legislation, this reauthorization addressed prevention strategies and the creation of federal funding to support rape crisis centers (The National Domestic Violence Hotline, 2018).

2012 Reauthorization Attempt

The VAWA was not reauthorized in 2012 because it did not have bipartisan support. The House and Senate passed separate versions of the reauthorization, but Congress did not reconcile the bills before the end of the 112th Congress. Republicans did not want to extend the same protections to same-sex couples or expand visas to immigrants who are victims of domestic violence; however, these were important inclusions for Democrats (Modi et al., 2014).

2013 Reauthorization

On February 12, 2013, the Senate passed the 2013 reauthorization VAWA bill with a 78 to 22 vote with the exclusion of resources for undocumented immigrants, despite this provision having been included in the 2012 bill. However, the reauthorization bill did include men and women in same-sex relationships as victims. This was the first time VAWA identified men as a protected category.

On March 7, 2013, President Barack Obama signed the *Campus SaVE Act* into law as part of the Violence Against Women Act Reauthorization of 2013. Section 304 of the VAWA Reauthorization of 2013 includes the *Campus SaVE* Act. The *Campus SaVE Act* stands for the *Campus Sexual Violence Elimination Act*. This act specifically addresses the protection of students and staff at institutions of higher education and amends the Clery Act to include domestic violence, dating violence, and stalking. The Reauthorization of 2013 bill initially did not include the *Campus SaVE Act*. Before the 2103 reauthorization of VAWA, the *Campus SaVE Act* previously was a separate bill introduced in November 2010 that failed to pass on two separate attempts (Marshall, 2014).

Development of the 2013 Reauthorization. Senators Robert Casey and Patty Murray introduced the *Campus SaVE Act* in the Senate in April 2011 (Sieben, 2011). The bill outlined requirements for IHE to include sexual violence in their annual crime reports, offer prevention programs, define consent, and provide written notice of rights to victims. Several groups contributed to developing the bill, including Security on Campus; the Rape, Abuse & Incest National Network (RAINN); and the National Resource Center on Domestic Violence, and Students Active for Ending Rape (Sieben,

2011). The timing of this initial introduction is significant. Only a week before the

passing of the Campus SaVE bill, the DOE published a *Dear Colleague Letter* addressing

guidance for IHE on addressing and preventing sexual violence. The bill sponsors and

developers were hopeful that the recent spotlight on the issue of sexual assault on college

campuses would provide momentum to this bill (Sieben, 2011). After Senators Casey

and Murray introduced the bill, nearly 20 advocacy groups supported federal law on

campus crime reporting, including sexual violence. A month later, Representative

Carolyn Maloney introduced the bill to the House (Violence Against Women

Reauthorization Action of 2013, 2013).

During the 113th Congress in 2013, Senate Bill 47, the Violence Against Women

Reauthorization Act of 2013 became law. Senator Patrick Leahy sponsored the bill. The

bill had 16 original co-sponsors and grew to 61 co-sponsors; it passed the Senate on

February 12, 2013 (Violence Against Women Reauthorization Act of 2013, 2013).

Senator Leahy included the *Campus SaVE Act* in the VAWA section 304, 2 years after

first being introduced in the Senate. Representative Gwen Moore initiated VAWA

Reauthorization in the House on January 22, 2013. The bill passed the House on

February 28, 2013. The bill was signed by President Obama on March 7, 2013 (Violence

Against Women Reauthorization Action of 2013, 2013).

The reauthorization was designed to accomplish two things. The first goal was

for IHE to inform potential and current students about the rate of crimes on campus. The

second goal was to assist in preventing colleges from creating a culture where sexual

violence or other crimes were encouraged (Payton-Jones, 2014). The final legislation met

these goals.

Implementation of the 2013 Reauthorization. After Congress passed the

reauthorization of 2013, the DOE was responsible for developing regulations to

implement the changes outlined in the VAWA. The implementation involved a

negotiated rule-making process, which included developing a committee, holding

conference calls, and hearings. All these steps contributed to compiling the final

regulations.

On April 16, 2013, and updated on April 30, 2013, a notice in the Federal

Register announced the DOE's intention to form a negotiated rule-making process

(Department of Education, 2008). Negotiated rulemaking is the process that the DOE

utilized to develop proposed regulations without public input. The negotiated rulemaking

process requires the DOE to work with representatives of parties affected by the

regulations in question. The negotiation occurs through a series of meetings that are

facilitated by a neutral third party (Department of Education, 2008).

On September 19, 2013, a notice was published in the Federal Register

announcing the DOE's intention to convene a VAWA Negotiated Rulemaking

Committee. This committee of nine members was composed of students, higher

education administrators from various knowledge areas, safety officers, and attorneys, all

of whom were from various types of institutions. Before the negotiations, the DOE held

three conference calls during December 2013. One call was with IHE administrators, the

next with campus public safety officials, and the last with advocacy groups. The purpose

of these calls was to listen to stakeholders' concerns.

Next, the committee held three sessions between January and April 2014. Each

session lasted a couple of days with an outlined agenda to discuss proposed regulations.

These public sessions also included materials used in the process. The goal of the committee was to develop final regulations for IHE based on the VAWA changes. During the first session, the committee negotiated definitions, counting crimes, disciplinary proceedings, jurisdiction, and some technical changes. Additionally, two subgroups were created, including a stalking subcommittee and a prevention/training subcommittee. Senator Casey wrote a letter to the U.S. Secretary of Education in December 2013 and addressed his recommendations to the rule-making committee, so the original intentions of the VAWA were accomplished during the implementation (Department of Education, 2018a). The second session included some of the previous topics, but the agenda added prevention programs and a sexual assault prevention policy statement. A new counting subcommittee was established during the second session. The last session agenda covered the same topics with the addition of updates from the subcommittees. The second and third sessions included a tracked changes document of proposed regulations (Department of Education, 2018a).

On June 20, 2014, the DOE published a Notice in the Federal Register announcing that the DOE would receive public comment on the proposed regulations until July 21, 2014 (Department of Education, 2018b). On October 17, 2014, the final rule implementing changes from the VAWA Reauthorization of 2013 was published. The final rule went into effect on July 1, 2015. However, institutions were instructed to make a good faith effort to comply with VAWA before July 2015 (Department of Education, 2014).

Impact of the 2013 Reauthorization. Overall, the implementation of the VAWA and the subsequent reauthorizations improved services for victims of sexual violence, as well as providing education and training for support service providers, law enforcement, and the criminal justice system (Legal Momentum, 2017). Data from the Bureau of Justice Statistics and surveys from victims show a positive impact from the VAWA. A key part of the VAWA included mandatory laws to arrest the accused, rather than decisions by the victim to decide whether the accused should be arrested. Research at the University of Kentucky showed a 51% increase in reporting intimate partner violence, along with a decrease in both nonfatal and fatal violence (Modi et al., 2014). Survey research at the University of Kentucky showed that 85% of women favored the implemented mandatory arrest policy, which removed the burden from victims of needing to request that an individual accused be arrested (Modi et al., 2014). However, with these positive impacts on victims came extra requirements on the IHE.

The implementation of VAWA applies to all institutions that receive federal financial aid. Failure to comply with regulations can result in fines or even possible loss of the institution's federal student aid (Yerman, 2017). Institutions faced increased responsibilities in the areas of prevention, reporting, and response. There is the possibility that meeting these new responsibilities without additional funding or staffing support will have a profound effect on IHE.

Sexual Violence in Society

To conceptualize the compliance of federal sexual violence requirements on college campuses, one must understand the issue of sexual violence in society. This section will address the scope of concern regarding sexual violence in society, its impact on victims—including college students, and the barriers to reporting.

Scope

The statistics involving sexual violence vary from one study to another based on the topic assessed and the population surveyed. The Rape, Abuse and Incest National Network (RAINN) outlines the scope of the issues as defined by the 2018 Department of Justice Bureau of Justice Statistics in the National Crime Victimization Survey (DOJ, 2019). Although the rate of sexual assault and rape fell from 63 percent since 1993, from 4.3 assaults per 1,000 people to 1.2 assaults per 1,000 people in 2016, it is still the case that "every 73 seconds another American is sexually assaulted" (Department of Justice, 2019). The National Intimate Partner and Sexual Violence Survey indicated that intimate partner violence remains a significant public health problem in the United States (National Center for Injury Prevention and Control, 2015). One in five women and one in fifty-nine men have been raped in their lifetime (National Center for Injury Prevention and Control, 2015).

Researchers have questioned the accuracy of the often quoted "one in four" statistic that one in four women experiences sexual violence (Perkins & Warner, 2017). Through improved methodology focusing on behavior-oriented questions, the estimate of sexual victimization in college ranges from 5% to 38% (Cantor et al., 2015; Fisher et al., 2000; Kilpatrick et al., 2007; Krebs et al., 2016; Krebs et al., 2007; National Center for

Injury Prevention and Control, 2015). A 2015 campus climate survey completed by the Association of American Universities reported that 23.1 percent of undergraduate females who responded to the survey indicated that they had experienced nonconsensual sexual contact involving physical force or incapacitation since entering college (Cantor et al., 2015). Additionally, 4.2% of the participants had experienced stalking. Of the female survivors in this study, only one in six received assistance from victim service agencies (Cantor et al., 2015). Sexual violence is prevalent in both society and on college campuses and has the potential to negatively affect victims.

Terminology

The term used to define individuals impacted by sexual violence varies. The two terms most identified are "victim" and "survivor." Both terms are applicable (RAINN, 2020). "No one word can define the realities of every person affected by sexual or intimate partner violence" (Covert, 2020). The term "victim" is often used when referencing someone who has recently experienced sexual violence. The term "survivor" is often used when referencing someone who has gone through the recovery process (RAINN, 2020). An opinion piece in *The Daily Northwestern* by K. Augustine (2019), suggested that "sexual assault survivor" is a shift in terminology from "sexual assault victim." This shift is described to be motivated by the fact the term "survivor" gives "a sense of newfound power and strength in recovery." However, Augustine (2019) also stated that using "survivor" as the default label will not accurately capture everyone's experience. Augustine shared that she identifies as a victim. She explained that she has technically survived; however, she is "irrevocably changed as a result of those negative experiences. To survive means to continue to function and prosper. And honestly, I am

not able to function and prosper in the same way I once could" (Augustine, 2019, p. 1).

Augustine pointed out that a concern with the word "survivor" is there is no reference to

the "existence of a perpetrator." She compares it to a cancer survivor. No person is at

fault when an individual is diagnosed with cancer. "The word survivor doesn't recognize

that a victim requires the existence of a perpetrator. The two roles are interdependent"

(2019, p. 1). The opposing view would point out that the word "victim" can imply that

they belong to the perpetrator; therefore, the perpetrator still has power and control over

them (2019). Augustine's views are similar to those of Campoamor who outlined her

views of the terms to describe her experiences. Campoamor (2018) explained that the

word "victim" and "victor" have the same root origin and mean "to conquer" in Latin.

However, the meaning of the term "victim" has been altered through the views of society

through actions of victim-blaming. Campoamor (2018) believes the word "survivor"

paints a misleading picture of healing, "promoting a super-human response that

encourages victims to 'get over' an unspeakable violation" (p. 1).

Impact

Studied extensively, the impact of sexual violence on individuals includes its

effect on mental and physical health, its economic impact, and its effect on academic

performance. Effects of sexual violence include increased substance abuse, suicide risk,

and depressive and anxious symptoms (Chang et al., 2015). Women who experience

intimate partner violence are more likely to experience poor physical and mental health

(Coker et al., 2013). Mental health impacts such as fear, anxiety, or PTSD can interfere

with an individual's employment performance or attendance and can, therefore, have a

financial impact on a victim (Loya, 2015). Academic achievement is another area

affected by sexual assault during college. Women sexually assaulted during their first semester of college subsequently tend to see a fall in their grade point average, compared to women who did not report being sexually assaulted (Jordan et al., 2014). Sexual violence is prevalent on college campuses, and the impact of such crimes is profound. Understanding the impact of sexual violence can provide insight into the barriers individuals face when it comes to utilizing services and reporting incidents.

Barriers for Reporting and Utilizing Services

IHE must be aware of barriers that may exist for victims of sexual assault when it comes to reporting and seeking assistive services. Victims of sexual violence experience significant barriers, struggles, and impacts that administrators need to understand to provide services to this population. Existing research identifies barriers to reporting and the use of services for sexual violence that lead to low rates of utilization; these barriers include issues of affordability, acceptability, and trust.

Affordability

The economic impact on victims of sexual violence is significant and is a barrier for victims in seeking assistance or reporting. Victims of sexual violence utilize mental health and medical services at very low levels (Logan et al., 2005). Logan et al. (2005) conducted focus groups to examine the perceived barriers to health, mental health, and criminal justice services provided to victims of sexual violence. Their results indicated that affordability was a substantial barrier to some victims. One participant in their study indicated there were few services available if an individual did not have insurance. This outcome is supported by the results of another study of perceived barriers to victims seeking services. According to Sable, Dais, Mauzy, and Gallagher's (2006) study, victims

in a domestic abuse relationship often relied financially on the perpetrator, preventing them from having the financial freedom to help themselves. The concern about the affordability of medical services was mentioned in both Logan et al.'s (2005) and Sullivan and Hagen's (2005) findings. Their studies examined mandatory reporting for health care professionals and highlighted the concern of medical costs. Participants reported not only having physical and emotional scars but also being burdened with bills for medical treatment. These financial burdens included paying for hospital bills, sexually transmitted disease testing and medication, abortions, damage to credit scores from unpaid bills, mental health treatment, medication, and in some cases, fees for forensic examinations. In addition to having the financial burden of medical and psychological services, the economic impact also affects employment. Loya (2015) studied the economic impact sexual violence had on victims. Through semi-structured interviews with 27 rape crisis services that provide services to adult female sexual assault survivors, Loya (2015) identified four major consequences of sexual assault on a victim's employment: increased time off work, decreased performance, job loss, and the inability to work.

Acceptability

Victims have identified acceptability as a reason for not reporting or utilizing victim services. Acceptability refers to the victim's concerns with what others will think of them if they were to disclose what had happened to them. Victims discussed feelings of shame and blamed themselves for the sexual violence that they experienced (Logan et al., 2005). Patterson, Greeson, and Campbell (2009) examined rape survivors' experiences with formal social systems through focus groups and interviews. Almost all

the victims identified multiple reasons that prohibited them from seeking help through formal social systems. Victims listed anticipating rejection as a reason they did not report being assaulted and indicated that they believed the system would neither help nor believe them (Patterson et al., 2009). Similarly, the findings of another study showed victims feared they would not be believed by law enforcement because they were using alcohol or drugs at the time of the assault (Cook Hoffron et al., 2015). Specifically related to college students, a survey of 215 college students on the importance of perceived barriers to reporting rape provided the insight that "shame, guilt, and embarrassment," and "fear of not being believed" were perceived barriers for both men and women (Sable et al., 2006, p. 159).

Trust

A few studies pointed to concerns from victims regarding trust and confidentiality. Victims expressed concern about seeking medical attention because the police would be called, and the victims believed it would be too risky to gain assistance from any formal social system (Patterson et al., 2009). Confidentiality was defined as a top perceived barrier for reporting (Sable et al., 2006). Participants in Logan and associates' (2005) study reported losing the ability to trust people. One participant talked about the difficulty of regaining trust after being raped. Another participant stated, "You either talk to a friend or just keep it to yourself" (Logan et al., 2005, p. 602). Having been harmed by someone who was once trusted, a victim has trouble trusting others again; this loss of trust limits victims' ability to trust agencies developed to provide victim services. The concern regarding trust and confidentiality is also present with respect to mandated reporting by health care professionals.

Several state and federal laws and policies require health care professionals, without the patient's permission, to contact police to report injuries received through domestic violence (Sullivan & Hagen, 2005). In this study, focus groups included survivors of domestic violence or sexual assault defined their perceptions of mandatory reporting by health care professionals. Of the 61 participants, 60 did not support mandatory reporting by health care professionals. Some participants who desperately needed medical treatment reported that their abuser prevented them from going to the hospital because of mandatory reporting. In 2009, the state of Texas provided a non-report option to victims of sexual assault (Cook Heffron et al., 2014). This new law allowed victims of sexual assault to receive a sexual assault forensic examination without reporting to the police. Interviews with sexual assault nurse examiners (SANE) described the positive impacts of the non-reporting options. Reported positive impacts included allowing the victims to make their own decisions regarding reporting in their own timeframes and increased trust with SANE.

Compliance on College Campuses

Historically, IHE addressed sexual violence through an informal capacity to avoid negatively impacting the institution's reputation (Sloan & Fisher, 2011). This informal method of addressing reports potentially led to victims leaving the institution, lacked accountability for the alleged perpetrator, and exposed the campus to future safety concerns (Sloan & Fisher, 2011). Many of the guidance areas provided by Title IX, VAWA, and Clery address components of university policy and procedures. This section will address the prevention, reporting, and institutional policies and procedures discussed in the literature. Several studies provide suggestions on how institutions should address

issues of sexual violence on college campuses. Institutions need to educate the campus community, including students, staff, and faculty. This education can aid in prevention as well as bringing awareness to the issues faced by all types of community members. Not reporting crimes of sexual violence often occurs; however, providing options to the campus community for when an individual is ready to report a crime is essential. Next, the policies and procedures utilized at institutions need to comply with federal guidelines. Despite all the federal guidance, IHE are still failing to comply with federal guidelines.

Prevention Programming

Federal guidance outlines prevention programming as a key requirement for IHE. Most of the federal guidance focuses on responding to allegations of sexual violence; however, guidance on prevention programming focuses on the prevention of sexual violence. The Center for Disease Control (CDC) outlined a framework for IHE to implement prevention efforts (Dills et al., 2016). This framework includes developing a comprehensive approach implemented within the organization to provide an infrastructure. Suggestions consider including a broad audience of recipients and, lastly, creating partnerships for sustainability and incorporating evaluation (Dills et al., 2016). The CDC recommends a systematic approach through a social-ecological model considering four levels: individual, relationship, community, and society (Dills et al., 2016). Prevention strategies generally are classified in primary, secondary, and tertiary levels (Iverson & Issador, 2018). At the tertiary level, IHE are managing the problem. This would include policies to address complaints and dealing with the problem after it has already occurred. Secondary level prevention includes educating students on how to mitigate risk; this could involve training all new students. Primary prevention of sexual

violence focuses on preventing perpetration rather than mitigating risk (Iverson &

Issador, 2018). For the purpose of this sub-section, primary prevention is the focus.

Research on college campuses examined sexual violence prevention efforts at

IHE. Payne and Fogerty (2007) reported that a prevention program at one urban

university for community members was designed to show that "sexual violence is a real

issue in student's lives" (Payne & Fogerty, 2007, p. 371). Student participants were

provided the opportunity to paint on t-shirts for the purpose of awareness, education, and

healing regarding sexual violence (2007). These authors conducted a content analysis of

the messages displayed on the t-shirts. Five themes emerged from their study: messages

to survivors, messages to potential offenders, love themes, awareness-based themes, and

prevention.

Prevention alone is not effective in changing behavior; however, research findings

suggest that students want more education about sexual violence (Ama et al., 2014). The

content of the information that needs to be covered seems to be consistent, but the avenue

of conveying the information to college students has broadened over the years. Victims

are more likely to tell their friends they were sexually assaulted before they tell campus

authorities (Fisher, et al., 2003). This information demonstrates the importance of

educating the entire campus population about sexual violence as well as how to respond

to a report of sexual violence. When addressing prevention efforts, one must look at the

frequency, topics covered, and the andragogy utilized for prevention.

Frequency

In 2005, the U.S. Department of Justice published a report entitled *Sexual Assault on Campus: What Colleges and Universities are Doing About It* (Karjane et al., 2005)*.* Through content analysis of 1,015 institutions, 1,001 surveys of campus administrators, and 8 on-site examinations, researchers examined how institutions responded to campus sexual assaults (Karjane et al., 2005). The DOJ report found that the frequency at which institutions were offering prevention education was less than ideal. Researchers discovered that only four out of 10 institutions offered sexual assault prevention training. Nine years after the report, Amar et al. (2014) published results of a descriptive study using a survey of 1,067 campus administrators and found 85 percent of institutions provided some type of training for students to respond to sexual assault. It is unclear what contributed to the increase in the frequency of institutions providing prevention education, but it can be surmised that increased federal mandates contributed to the increase.

Topics

The content of information to include in education on sexual violence with college students has remained consistent over the years. Suggested topics to incorporate in prevention education include information about rape myths and facts, common circumstances, risk reduction, trauma responses, the healing process, bystander intervention, campus policies, and support services (Amar et al., 2014, Anderson & Whiston, 2005, Karjane et al., 2005). In 2016, the National Collegiate Athletic Association (NCAA) provided expectations for member schools to complete (NCAA, 2019) and provided a toolkit that detailed the various topics required to be covered in

prevention programming with student-athletes. These topics included healthy relationships, consent, sexual violence prevalence, harassment, stalking, discrimination, compliance, bystander intervention, and hazing (NCAA, 2019). This wide array of topics could be overwhelming for anyone to learn in one sitting, which is why the avenue to share information is strategically considered.

Andragogy

Andragogy refers to the method or methods used to teach adult learners. The andragogy, or avenue in which information is disseminated, varies from online resources, in-person programs, and student orientations to public information materials (Karjane et al., 2005). Some research suggests effective prevention education is administered through multiple ways for the duration of a student's college experience (Jessup-Anger & Edwards, 2015). Various studies also define avenues of andragogy for sexual violence prevention.

The study by Amar et al. (2014) reported additional avenues used by both private and public institutions, including bystander intervention messaging, peer-led discussion, videos, visual arts, social media campaigns, and self-defense classes. Some participants reported requiring the training, some covered the information in first-year orientation classes, and others focused specifically on engaging men to prevent sexual violence (Amar et al., 2014). A unique approach studied by McMahon, Postmus, Warrener, and Koenick (2014) suggested utilizing peer education theater to educate students on sexual violence and bystander attitudes.

Borges, Banyard, and Moynihan (2008) evaluated the use of prevention education programs focused on educating students about consent. Participants either attended a

program with a presentation; a program with a presentation and an activity or were a control group. The results of this study showed that students gained the most knowledge by participating in a presentation with an activity. Similarly, Potter, Banyard, Stapleton, Demers, Edwards, and Moynihan (2015) studied the efficacy of different methods to deliver information on sexual violence to first-year students. Almost 1,800 students participated by completing a pre-test and post-test within one of five groups. The five groups included, (a) group one, the control group; (b) group two, who watched an online video; (c) group three, who were read the sexual misconduct policy in class; (d) group four, who were read the sexual misconduct policy and participated in a facilitated discussion; and (e) group five, who were read the sexual misconduct policy, participated in a facilitated discussion, and watched the online video. Participants in groups four and five who had information presented in at least two or more methods showed the most improved scores as measured by the learning outcomes. Of the participants who watched the online video, only 30 percent participated because it was optional (Potter et al., 2015). These two studies advocate that prevention should occur in multiple ways. The Anderson and Whiston (2005) study looked at the effectiveness of prevention based on the length of time of the training. The effectiveness of sexual assault education programs study measured the change in rape attitudes, knowledge, and empathy. The study found that longer interventions (longer than one hour) are more effective than brief interventions in altering attitudes toward rape.

In summary, the literature points to an increase in institutions providing prevention education on college campuses. There is an abundance of topics to cover in

prevention education, and the avenues in which the information is presented varies, but research shows multiple avenues in which longer sessions are more effective.

Reporting

To better assist students and meet federal guidelines, one must understand why victims report or choose not to report. Additionally, institutions are required to provide reporting options to victims. Only four to eight percent of victims report sexual violence experiences to campus authorities, and only two percent report them to the police (Amar et al., 2014). These significantly underreported incidents present institutions with several issues. First, victims that report assaults to campus authorities should receive campus and community referrals to helpful resources (2014). Next, reporting can identify perpetrators, lead to procedures being conducted, and potentially sanction the perpetrator to ensure community safety (2014). Amar et al. (2014) explored three areas that influenced victims who report, including campus adjudication processes, protocols and campus responses, and provision of student prevention education. Potential barriers included the lack of recognition that the experience was a crime, victims' fear of how they will be treated, and fear of the loss of confidentiality (2014). The 2005 National Institute of Justice identified which policies and practices might prevent and promote reporting. Participating campus administrators reported requiring a victim to participate in adjudication, policies on alcohol and drugs, and potential victim blaming as all being possible reasons why victims might not report. Advertised services for victims, prevention programming, anonymous reporting, and confidential reporting are examples of actions that encourage reporting (Karjane et al., 2005).

In 2005, research indicated 84 percent of institutions were offering confidential reporting; however, less than half provided services after business hours (Karjane et al., 2005). Confidential reporting can reduce the barriers previously mentioned (Amar et al., 2014). Suggested practices on reporting include allowing the victim to participate in the decision-making process about whether the report goes through an adjudication process or to local law enforcement (Karjane et al., 2005). Reporting the incident should not oblige the victim to continue in a process (Karjane et al., 2005). Institutions must balance the rights of the victim and those of the accused. Similarly, another research study addressed collaboration with campus officials, community agencies, and the police (Payne, 2008). Through a study done with focus groups, Payne (2008) provided a recommendation to appoint advocates to work with police departments to meet the needs of victims. Once a victim reports a crime of sexual violence, there should be procedures in place for institutions to address the incident.

Policies and Procedures

Perkins and Warner (2017) pointed out one evident theme in article reviews about IHE sexual violence policies is that stakeholders, including alleged perpetrators, advocates, and mandatory reporters are not frequently included in the policymaking process. The *California Campus Blueprint to Address Sexual Assault* is a comprehensive model to respond to sexual assaults on college campuses (Amar et al., 2014). This blueprint suggests focusing on protocols for responding and developing victim services (2014). Litchy, Campbell, and Schuiteman (2008) used a case study to document IHE response to sexual violence documented the steps institutions could take to develop a campus-wide response. A suggested practice included creating a multidisciplinary

university-wide task force to assist in conducting an environmental scan and needs assessment, as well as developing recommendations. Through the needs assessment, researchers suggest benchmarking current responses against the best practices defined in the *California Campus Blueprint to Address Sexual Assault.* The needs assessment would indicate any gaps or needs for improvement in university-wide responses. The authors suggested compiling the identified areas of improvement into a document of recommendations (Litchy et al., 2008).

The 2005 National Institute of Justice study indicated campuses practice or understand the need for a dedicated office or person to coordinate an institution's response to sexual assaults. Amar et al. (2014) found that the scope of research on campus protocols and responses to sexual assaults is limited. Most research focused on due process and not on the effects the process has on students (Amar et al., 2014). Hearing boards with faculty, staff, and students are the most common model for sanctioning offenders. Two areas to address include due process and the standard of evidence.

Institutional policy research in the area of sexual violence has been conducted. A policy discourse analysis of 22 institutional policies on sexual violence found that policies tend to overemphasize risk (Iverson, 2015). Using descriptive analysis in a study of sexual violence policies at 100 IHE, researchers focused on analyzing policy from a public health and criminal justice perspectives (Potter et al., 2000).

Helms and Biggs (2007) utilized a case study approach to outline a framework for policymaking and policy design. The authors analyzed a higher education federal regulation, the Campus Security Act of 1990 (Clery Act), as an example in their study.

Policy maps they described using path analysis provided a comparison of design, delivery, and outcomes. Helms and Biggs' (2007) study pointed out, "The more the general public knows about what these organizations do or don't do, the better the organizations are likely to behave" (p. 581). This reinforces the idea that colleges and universities publicly sharing information about their policies and response procedures can assist in holding them accountable.

Due Process

Public institutions must provide due process in adjudication processes, as defined in the 14th Amendment of the U.S. Constitution (Weizel, 2012). A students' education is a property and liberty interest at public institutions (Weizel, 2012). The U.S. Constitution requires due process, including notice and fair opportunity to be heard at a minimum (Weizel, 2012). Many court cases have continued to redefine minimum due process requirements. For example, in 1961, *Dixon v. Alabama State Board of Education* further defined students should be given notice of specific charges against them, the provision of evidence supporting the charges, an opportunity to defend themselves. Weizel defines this as an adversarial process (Weizel, 2012). Title IX provides that in an adjudication process, the respondent and complainant must have the same rights.

Standard of Evidence

During the Obama Administration, federal guidance was very clear that the standard of evidence that must be used in the sexual violence adjudication process needs to be the preponderance of the evidence, i.e. "more likely than not." However, this is a point under current debate. Even when the OCR defined the standard of evidence, there

were differing opinions and this may be the most controversial aspect of the 2011 *Dear Colleague Letter* (Triplett, 2012).

Hendrix's 2013 law review argued that the gravity of the charges of sexual assault does not comport with the preponderance of evidence standard and suggests the standard be reformed to "clear and convincing." Hendrix believed increasing the standard of evidence would provide a balance between the victim and the accused student (Hendrix, 2013). On the other side, Triplett's 2012 law review supported the preponderance of evidence standard. "A preponderance standard recognized that the campus adjudicatory system is distinct from the criminal-law context and acknowledges that the institution has competing obligations to the victim and to the accused" (Triplett, 2012).

Failure to Comply

With the evolving Department of Education guidance and legislation, there are continued investigations of complaints of colleges failing to meet Title IX requirements, and IHE have been fined for failure to comply with Clery. According to the *Chronicle of Higher Education* (2019), there have been 502 Title IX compliance investigations opened since April 2011, with 61% unresolved. Open Title IX investigations do not equate to wrongdoing; however, an investigation indicates that the Department of Education is inquiring into an institution's Title IX practices.

The VAWA includes a mandated model from programs in higher education. Meyer-Emerick (2002) conducted interviews and focus groups to determine various perspectives about the formulation of the VAWA. Participants included federal policymakers, practitioners who implement federal policy, citizens, survivors, and perpetrators. Outcomes from this research showed evidence that the perceptions of

policymakers and practitioners were not in line with understanding the intent of the VAWA and its implementation.

Institutional failure to comply with the Clery Act and VAWA can result in fines leveled against the institution. The DOE issues civil monetary penalties and oversees adjustments made for inflation (Stafford, 2019). In February 2019, the DOE raised the amount of the fine for non-compliance with the Clery Act to $57,317, an increase of $1,410 from 2018 (Stafford, 2019). From 1990 to 2002, Clery fines were $25,000, but now the law allows for annual increases (Carter, 2018). Since 2016, the DOE has fined three institutions significant amounts.

The first significant fine was levied on Pennsylvania State University following a compliance review prompted by the Jerry Sandusky, former football coach, child-sex crimes (Zamudio-Suarez, 2016). The fine was $2.4 million. The University of Montana received a fine of one million for noncompliance with the Clery Act, including failure to properly report at least seven forcible sexual offenses from 2012 to 2015 (Bauman, 2018). Michigan State University is the most recent recipient of a Clery fine. Following Larry Nassar's conviction for sexually assaulting hundreds of women while at the university, Michigan State was fined $4.5 million for non-compliance (Mangam, 2019). It is evident some institutions have been found non-compliant; one area to explore in the literature is the extend of the research on policies entangled in the noncompliance of these institutions.

Policy Research

The DOE has provided guidance to support practitioners and national associations. Limited research has been completed on the analysis of policy in this area, although a number of studies cite the need for research in the area of policy. National associations have produced documents to support practitioners in their work including The ASCA-Association from Student Conduct Administrators' (2014) *Student Conduct Administration & Title IX: Gold Standard Practices for Resolution of Allegations of Sexual Misconduct on College Campuses*; NASPA-Student Affairs Administrators for Higher Education's (2017) *CORE Blueprint: A Strategic Roadmap for Addressing Campus Sexual Violence;* and ACPA-College Educators International's (2015) *Beyond Compliance* (Jessup-Anger et al., 2018). This guidance from national associations aids in defining best practices, but it is not research.

Before the evolution of federal regulation of college campus response to sexual violence, the National Institute of Justice (NIJ), governed by the Department of Justice, released a report, *Sexual Assault on Campus: What Colleges and Universities are Doing About It* (2005). This report reviewed a study of federal compliance with federal law from the 1990s requiring schools to disclose security procedures, report crime data, and ensure victims' rights. This study found that institutions' compliance with federal laws was inconsistent. Recommendations from this study expressed the need for more guidance and recommended the development of model policies (Karjane et al., 2005).

Limited research has been conducted to analyze colleges' and universities' sexual violence policies, their implementation, or effectiveness. Perkins and Warner (2017) reviewed research conducted on IHE's sexual violence policies and practices and

outlined four themes. First, there is a lack of clarity and consistency in policy definitions. Second, there are unintended consequences of mandatory reporting. Third, polices have a lack of inclusive approach to understanding and responding to sexual violence. Fourth, there is a lack of research incorporating campus characteristics with the analysis of policies (Perkins & Warner, 2017).

The need for future research on institutions' policies and practices is outlined in various studies involving sexual violence prevention and response. A study assessing the prevalence of publicly accessible online polices and definitions indicated the need for future research to understand how and why policies were developed, how schools evaluate the appropriateness and effectiveness of their policies, and which policies are most effective in preventing sexual violence (Graham et al., 2017). An earlier study evaluated K-12 schools' policies on sexual harassment for consistency with federal guidance among other areas provided insight on the future study of policy (Litchy et al., 2008). It recommended that future research focus on the quality of policy content and the effectiveness of implementation (Litchy et al., 2008). Perkins and Warner (2017) support this argument and added, "the use of evaluative research methods to analyze college sexual violence and sexual harassment policies and procedures is practically non - existent" (Perkins & Warner, 2017, p. 241). Within research on the impact of sexual violence on victims, there is a call for research on public policies on sexual violence. Loya's (2015) research on the economic impact of sexual violence on survivors addresses the need for future research on public policies to determine whether and how policies can meet the financial needs and burdens of trauma survivors.

Completed research on policy analyses of IHE sexual violence policies and practices is outdated, does not address the federal laws enacted through the Violence Against Women Act, and does not compare institutions' progress prior to VAWA and post VAWA guidance.

Principal-Agent Theory

Institutions of higher education and the federal government have a relationship that is described well by Principal-Agent Theory, especially when considering institutions fulfilling federal compliance expectations. Principal-Agent Theory (PAT) also known as agency theory and principal-agency theory, integrates into the study of higher education governance, accountability, and oversight (Lane & Kivisto, 2008). The principal-agent theory focuses on the relationship between the agent and the principal, which uses a metaphoric contract to maintain the relationship (Eisenhart, 1989). Jensen and Mechling (1976) explained principal-agent theory as "[a] contract under which one or more persons (principal) engage another person (agent) to perform some service on their behalf which involves delegating some decision-making authority to the agent" (p. 308). The principal delegates work to the agent and the agent completes the work. Lane and Kivisto (2008) explained the use of PAT in higher education:

The PAT can be useful in investigating and explaining why universities respond to legislative action in different ways, the impact of competing demands… and how bureaucratic governance arrangements can alter policy effectiveness… (p. 142). Figure 2.1 provides a visual of the principal-agent theory.

Figure 2.1

Principal-Agent Theory
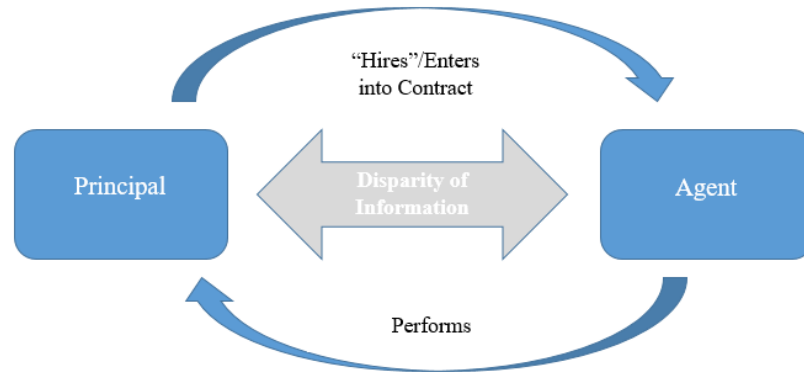
IHE serve as agents of both the state and federal governments and are responsible to the governments that fund them. Institutions historically enjoy a high level of autonomy and freedom from direct legislative control (Lane & Kivisto, 2008). This derives from the nature of academia in which stakeholders often view faculty and administrators as experts. This level of expertise creates a knowledge imbalance, often causing a level of information asymmetry (Lane & Kivisto, 2008). PAT is relevant in agency relationships in which conflict exists between the principal and the agent, as well as in informational asymmetries favoring the agent (Lane & Kivisto, 2008).

One of the main purposes of PAT is to find ways to motivate the agent to behave in the principal's interest. The hope is to avoid "shirking" where the agent avoids the principal's work to pursue their own goals (Lane & Kivisto, 2008). The principal must utilize various oversight, compensation, or punitive measures to ensure the agent acts in the principal's best interest. An important part of the relationship is that fear of the

consequences may motivate agents to prevent or at least decrease shirking (Lane & Kivisto, 2008).

IHE might serve as an agent to the government (the principal) in numerous oversight procedures. These oversights are analogous to behavior-based contracts. Examples include reporting requests, site visits, or reviews that focus on monitoring the activities. Federal funding also connects the behavior of the institution to the intended outcome. An example of an outcome-based contract within higher education would include reports on research activities, graduation rates, and the average cost of attendance.

Summary

This literature review covered the history of federal involvement in education and the increase of this involvement specifically focused on federal guidance on sexual violence through Title IX, Clery, and the Violence Against Women Act. This review examined the impact of sexual violence in society and on college campuses. Next, this literature review provided an overview of the scholarly literature addressing prevention and response to sexual violence on college campuses and an introduction to the concerns about IHE failing to comply with federal regulations including an overview of research on sexual violence policy. Finally, the literature review provided an introduction of the principal-agent theory and its application to the relationship in policy compliance.

CHAPTER III

METHODOLOGY

Through comparing the sexual violence policies and procedures reported in their 2012 and 2017 Annual Security Reports, this study explored how institutions of higher education responded to changing federal guidance. The analysis of institutions' annual security reports published before federal guidance and after federal guidance provided insight on how institutions responded to federal requirements. This chapter addresses the research problem, the purpose, and the research questions followed by the researcher's positionality and trustworthiness of the research. Finally, the epistemology, the research context, data collection, and data analysis are discussed.

Problem Statement

Federal law requires institutions to track and report incidents of sexual violence, offer support services, and provide prevention programs (Department of Education, 2016b; Lebioda, 2015). Despite this federal mandate, outcomes are mixed. Some institutions face audits, are found in noncompliance, and receive fines while other institutions meet compliance requirements (Hanson & Cartwright, 2017). One possible reason some institutions are at risk for noncompliance and potential fines could be insufficient institutional policies on reporting and support services.

Purpose Statement

The purpose of this research study was to explore the ways institutions of higher education responded to changing federal guidance by comparing the sexual violence policies and procedures reported in their 2012 and 2017 Annual Security Reports. For this study, sexual violence included sexual harassment, rape, dating violence, domestic violence, and stalking, as defined by the Violence Against Women Act and Title IX.

Research Questions

This study addressed the following research questions:

1. What discernable patterns and trends, if any, emerge in institutional sexual violence policies and procedures defined within the 2012 and 2017 Annual Security Reports at large, land-grant institutions in the Big Ten Conference?

2. What changes in institutional sexual violence policies and procedures are reflected in the comparison of the 2012 and 2017 Annual Security Reports at large, land-grant institutions in the Big Ten Conference?

Positionality and Reflexivity

Reflexivity is the ongoing self-assessment about the researcher's assumptions and experiences and how they may influence data analysis and interpretation. For this research, it is important to note that I, as the researcher, am employed as the Director of Student Conduct and Deputy Title IX Coordinator at Oklahoma State University. Through this position, I meet with students, provide victim services, and investigate and adjudicate Title IX cases. In addition to completing these responsibilities, I also train and supervise three staff members who have roles in the same areas. I oversee the outreach and prevention to students about sexual violence. Additionally, I have been requested to

train other professionals in the field on complying with federal guidance and have been

hired as an outside consultant for another institution of higher education. I have been

doing this work since 2011, right before the publication of the April 2011 Dear Colleague

Letter. Due to the timing of my entrance into this specific area in the field, I feel I have

lived the constant evolution of federal guidance impacting sexual violence policies. I play

a key role in campus policy development, serve as a campus security authority as defined

by my institution's Clery compliance, and I significantly participated in updating my

institution's annual security report after the Violence Against Women Act was passed in

2013. Through this work, I have an affinity for policy compliance.

Given that I have experienced the continual evolution of sexual violence policies

since 2011, I have personal thoughts on the VAWA and its implementation at IHE; these

experiences contribute to my motivation for this research. I believe that institutions do

have a responsibility in awareness and prevention of sexual violence on college

campuses. I also believe that institutions need to offer support services to individuals who

identify being negatively impacted by sexual violence. In my opinion, there is a need for

parameters for this support. The support offered to students should be reasonable and

should not negatively impact the alleged individual in excess unless the alleged

individual is found responsible for violating university policy. When it comes to the

responsibility of institutions to hold students accountable for alleged behavior, I believe

that the institution's responsibility is limited to the extent that the impacted party is

willing to participate. An institution should not be expected to hold students accountable

if the impacted party is unwilling to share their experience in detail and not willing to

participate in an investigation. The impacted party should be allowed to decide on their

level of participation, and this decision should be respected. This approach is similar to the criminal process. I believe it is unrealistic for institutions to be held to a higher expectation than the criminal process, especially when institutions have less access to avenues for evidence-based accountability processes.

I work at an institution that does not have a victim center for students, which gives insight into why I serve in a victim advocacy role. In addition to this role, I also oversee the formal accountability process and have a responsibility to support victims, as well as alleged individuals. Balancing these multiple roles, I believe, offers a unique perspective. I am very much a supporter of victim's rights. Additionally, with a background in college student development, I acknowledge there is also support needed for individuals alleged of violating any university policy. I believe that alleged individuals should have rights, and I believe similar rights are appropriate for victims with respect to an accountability process.

I am a supporter of the requirements of institutions of higher education as outlined in VAWA and implemented through the Clery Act. I consider the expectations as realistic for IHE. However, I have found that some of the requirements are broad and not specific to institutions of higher education resulting in interpreting the law to the best of my ability.

Trustworthiness

In qualitative research, including document analysis, establishing trustworthiness is important. I implemented multiple strategies to establish trustworthiness throughout the research process. Strategies included considerations of credibility, peer debriefing, and use of an audit trail.

Credibility in qualitative research includes methodical in-depth field work, conscientious analysis of data, and credibility of the researcher (Patton, 2015). The in-depth analysis of documents throughout this research are exhibited in the thick descriptions of the documents. I am organized and meticulous with details. These skill sets allowed for the coding process and excerpts to include deep, detailed, and rich descriptions. Throughout this dissertation, I provide detailed information about my process of data collection and analysis and so this process could be transferred to other studies.

As expressed previously in my positionality, I am an experienced practitioner in the field and have participated in complying with the Clery Act and the VAWA Act at a large public land-grant institution. Therefore, I understand the content communicated in the ASRs as well as the context of higher education at the types of institutions examined within this dissertation. As a dedicated practitioner in this field, I provide a level of quality and credibility to this research that cannot be provided by an outside observer to this work.

To uncover unrecognized bias, assumptions, or perceptions, I conducted a peer debriefing. A peer debriefing is a process of requesting a peer in the field to review and ask questions about the findings to identify whether the findings resonate with others. I provided the themes defined with descriptions to two groups of peers to elicit feedback. Student conduct staff at one institution and the campus-wide Title IX working group served as the peer groups. Responses from these groups affirmed these themes were reasonable and likely based on their knowledge in this subject.

I utilized an audit trail to establish confirmability. An audit trail is detailed documented steps of the research process (Lincoln & Guba, 1985). Additionally, in Chapter 5 I reflect on any support of the findings within the literature. I employed reflexivity by acknowledging my own biases and subjectivity involved in the qualitative research approach (Patton, 2015).

Epistemology

Crotty (1998) identified four elements of a research process; epistemology, theoretical perspective, methodology, and the method. Researchers should connect each of these elements so they build upon each other (Crotty, 1998). Epistemology is the worldview that guides the researcher (Guba & Lincoln, 1994). Constructionism is an epistemology in which knowledge is perceived as constructed, not discovered, out of human interactions and their world. Multiple meanings from multiple individuals are possible for one object. A researcher has their reality combined with the reality of the participants, which in turn constructs a new reality (Crotty, 1998). Constructionism is an appropriate epistemology for this study because the focus of the research design is to understand how institutions address the topic of sexual violence within key documents such as their ASRs. This means the researcher constructs subjective meaning from the combined reality of both the researcher and the documents.

The theoretical perspective is the "philosophical stance" and is the lens that defines how the researcher sees the world within the confines of its epistemology (Crotty, 1998). For the theoretical perspective, this study used an interpretivist perspective through hermeneutics. Interpretivist theoretical perspective research explores values, attitudes, and beliefs (Crotty, 1998). From an interpretivist perspective, participants in the

study's setting construct the information analyzed (Yanow, 2007). Interpretivists "looks for culturally derived and historically situated interpretation of the social world" (Crotty, 1998, p. 67). Owen (2014) noted that Max Weber suggested in 1948 that in human science, researchers are concerned with understanding. The interpretivist approach allows for meaning to emerge through the research process. Through an interpretivist perspective, the researcher is the instrument. The interpretivist theoretical perspective aligns with this study because it seeks to understand how IHE define and construct the concept of sexual violence from federal mandates. The understanding will derive from my analysis of documents representing institutions.

Research Context

For this study, I purposefully selected five institutions to construct the dataset. The five institutions whose annual security reports this study analyzed are public, land-grant member institutions of the Big Ten athletic conference with over 45,000 student population. The institutions were Michigan State University, Ohio State University, Pennsylvania State University, University of Illinois, and University of Minnesota.

To create a manageable dataset for my research, I started with the public institutions of the Big Ten athletic conference and purposefully narrowed the list. The Big Ten conference was selected because its member institutions are well-known, and it provided separation from my institution. I work at a Big XII conference member institution and know many of the member institution's administrators responsible for addressing sexual violence and compliance efforts. Selecting another conference was intentional so I was not analyzing my work or my closely related peers. I excluded

private institutions because the relationship these institutions have with the federal government differs from public institutions.

The remaining 13 public institutions were first reduced to include only land grant institutions, leaving nine institutions. Land-grant institutions have a responsibility through cooperative extensions to provide research and outreach to communities throughout their state (Gavazzi & Gee, 2018). Today, land-grant institutions accomplish a mandate for "openness, accessibility, and service to people" (Cummings, 2019). A data set with institutions sharing a similar historical underpinning and responsibilities of upholding a commitment to serving their community aligns well with expectations outlined in the VAWA including providing support services to students and executing prevention programming. This analogous alignment led me to limit the data set to land-grant institutions.

According to data obtained from the Campus Safety and Security website published by the Department of Education (2019), a natural break in the student population appeared at 45,000. Five institutions were above this break and four below the break. Table 3.1 outlines institutions' statuses and student population and status used for purposeful selection. The highlighted rows indicate participating institutions.

Table 3.1

Data Set Selection

Institution	Public or Private	Land Grant Status	Student Population
Indiana University	Public	Not Land Grant	43,710
Michigan State University	Public	Land Grant	50,019
Northwestern University	Private	Not Land Grant	22,008
Ohio State University	Public	Land Grant	59,837
Pennsylvania State University	Public	Land Grant	47,119
Purdue University	Public	Land Grant	42,699
Rutgers University	Public	Not Land Grant	49,577
University of Illinois	Public	Land Grant	48,216
University of Iowa	Public	Not Land Grant	32,116
University of Maryland	Public	Land Grant	40,521
University of Michigan	Public	Not Land Grant	46,002
University of Minnesota	Public	Land Grant	51,848
University of Nebraska	Public	Land Grant	26,079
University of Wisconsin	Public	Land Grant	42,977

After reviewing the selected institutions, I identified the data set to include high-profile institutions that receive considerable attention in the media and public scrutiny. Additionally, the DOE previously reviewed some of these institutions due to issues responding to sexual violence. These institutions are apt to have policies in place and an updated post review of the DOE. Finally, I believed these institutions would result in information-rich data.

The data set included annual security reports from 2012 and 2017. I purposefully selected the reports from these 2 years. The 2012 report is the last report before the 2103 Reauthorization of the Violence Against Women Act was passed which prompted changes to the institution's ASR. Although the legislation passed in 2013, the final rule did not take effect until July 2015, and the Clery Handbook offering guidance on the DOE interpretation of the new law that was not published until June 2016. Thus, making

institutions' 2017 annual security report the first report to fully incorporate VAWA requirements.

Data Collection

For this study, the document analysis includes utilizing institutions' ASRs required by the Clery Act and established by VAWA to collect data to answer the research questions. The DOE requires institutions to annually publish the ASR and make it available to campus employees and students as well as to prospective students. If the reports or the historical reports are not publicly available, I planned to use a Freedom of Information Act request to gain copies from the institutions. Initially, a quick scan indicated that institutions typically did not have their 2012 or 2017 ASR publicly available. These reports cover numerous topics regarding campus safety. This study focuses on the areas of the report applicable to the research questions.

To obtain the ASRs from 2012 and 2017 for each institution, I first searched their public websites for the documents. The terms "Annual Security Report," "Clery," and "Safety" were used first to find the documents. Institutions have the ability to personalize the names of their reports; initially, this made it difficult to find reports.

Since federal funding is tied to institutions' compliance with aspects that will be described within this analysis, I will refer to the Institutions as A – E to distinguish among them. Although these are public documents, I considered ethical principles to protect the anonymity of the institutions and to minimize any potential risk of associating analysis to an institution for when I discuss any shortcomings in an institution's annual security report.

Institution A

Through an initial search, I was able to identify Institution A's most recent annual security report. From this website, I navigated to an archive of ASRs from 2009 to 2019. However, Institution A did not have reports for 2010 and 2012. I submitted a data request from the institution's data request center. I received a response by 5 days later with a weblink to the website I had previously accessed which confirmed that the 2012 report was not available. There was no explanation of why the institution did not have the 2012 report available. I assumed that the institution was completing the Annual Security Report on a biennial basis instead of annually. There is another federal requirement regarding student's safety that is done on a biennial basis, and I know this has been confusing with other institutions. Since this institution did not have a report completed for 2012, I chose to use the institution's 2011 report. The reason for this decision is that the VAWA Reauthorization of 2013 could have impacted the institution's 2013 document, so I chose to use the 2011 report as it would be a true example of the before and after of the VAWA Reauthorization of 2013. Even though this document is from 2011, I will reference it is a 2012 document for ease of referencing throughout this study. The 2011 and 2017 documents were downloaded in PDF format from this website.

Institution B

In my initial search of Institution B's website, I was able to find their 2017 ASR but not their 2012 ASR. I completed a Freedom of Information Act request and received a response the next day. The public information officer stated, "I may be able to scan a hard copy and send it to you early next week. 2012 is before we created electronic versions, as I understand it." Five days after the request, I received an email stating,

"Although we are not subject to the freedom of information act, I believe the attached link contains the document you are looking for." The link provided access to the institution's 2012 Annual Security Report through Yumpu, a free digital publishing site.

Institution C

Searching Institution C's website did not result in finding the 2017 or 2012 Annual Security Reports. I did find the website that hosts the current ASR, but previous years were not provided. I submitted a Freedom of Information Act request to the institution's Freedom of Information Act office and received a response by 8 days later. The responsive email did not have any content in the email but included an attached document with a memo stating, "Records responsive to your request accompany this letter. No fees will be assessed for this processing of your request." Included in the attachment were scanned copies of the 2012 and 2017 Annual Security Reports.

Institution D

Institution D does not have the previous year's ASRs on their website. I submitted a Freedom of Information Act request and received a response 7 days later. The response was from a Chief Records Officer with the attached 2017 ASR. However, the 2012 document was not included, and the email stated, "Please note that Institution D PD is not required to keep more than 3 years of reports. You may contact the University Archives to see those older reports." I searched through the online university archives and was able to identify what I believed to be the 2012 ASR for Institution D. Through an online form, I requested the document. A day later, I received confirmation that the document was available. I was provided a form to be completed and mailed back to university archives with a check for $17.20. University archives charge a $10 fee for the first 20 pages and

then $0.40 for each additional page. I completed and mailed the form back and 10 days later I received an email link with a 7 day access timeframe to retrieve the material requested. The 2012 ASR was provided in PDF format.

Institution E

Through an initial search, I found that Institution E has only its current year's ASR available. I submitted a Freedom of Information Act request and received a response in 2 days. The response included the institution's ASR for 2017 and indicated, "The remaining records that you have requested are beyond the University's retention obligations." After receiving this response, I reached out to the Clery Act Compliance Coordinator and explained my research and asked if they could provide me with the 2012 report. I received this message, "Unfortunately I cannot provide 2012-it has been destroyed per our retention policy for Clery records. Let me know if there is anything else I can help with though!" Next, I searched the university archives website. I found two documents in two different boxes within the archives that I believed could have contained the 2012 ASR for Institution E. I emailed university archives and inquired about these documents. Five days later, I received a response from university archives, "Good news! These reports were taken in electronically. I've attached a copy for you." This document was provided in a PDF format.

Collecting data for this study took about a month. Institution's winter break contributed to the length of time. The process of collecting data provided some insight on future recommendations for practitioners I include in Chapter V. After collecting the documents, I determined they were relevant as they were the documents needed to answer the research questions posed. The documents are authentic, credible, and accurate

as I retrieved them from the university source in which they were developed and represent.

Data Analysis

The data set collected for this study was analyzed using document analysis. Document analysis is a "systematic procedure for reviewing or evaluating documents…" (Bowen, 2009, p. 27). Through analysis, I examined and interpreted the data to elicit meaning, gain understanding, and develop empirical knowledge. The text in documents is "socially constructed realities that warrant study…" (Patton, 2002, p. 489).

This method of document analysis provides advantages. First, a document analysis is more efficient than other qualitative methods (Bowen, 2009). Document analysis does not rely on participants and materials are more readily available to the public meaning that a document analysis is cost-effective. Documents are "unobtrusive and non-reactive" (Bowen, 2009, p. 31). This means the concern of reflexivity is minimized because the researcher cannot influence the document. Documents provide stability because researchers can review them on multiple occasions, and documents provide the ability of exactness (Bowen, 2009). The most desirable advantage of this study is that documents represent thoughtful data, given the time and attention dedicated by institutions when developing the document (Creswell, 2009).

Document analysis does have limitations and challenges. First, researchers could experience challenges accessing the documents and face low retrievability (Bowen, 2009). Atkinson and Coffey (1997) advised that documents cannot be a substitute for other kinds of data. For example, there could be other relevant information not obtained due to the researcher's lack of involvement in the organization. There also is the chance

that documents are incomplete or not authentic (Bowen, 2009 & Creswell, 2009). For this study, a limitation is that the data collected only provided understanding based on what institutions communicated through their ASR and did not enable insight into the actions taken by institutions. Institutions could define a process in their ASR and then not practice the process.

Documents used for this research came from an institutional report created to communicate with students, employees, prospective students, and the campus community. The first step in the data analysis process is to make sense of the documents. It is important to gain a general sense of information before starting the inductive coding process (Creswell, 2009). I started by reading the documents front to back.

In the next step, I determined the meaningful and relevant portions of the text pertinent to the research (Bowen, 2009). For this research, the relevant text surrounded the topic of sexual violence; however, based on the institution's organization of their document, this could have been multiple sections of the document. The next step was to start with the 2012 ASRs and code all documents. I did two rounds of coding. To identify codes I highlighted, underlined, and circled hard copies of the documents. I also took note of my thoughts on the information while taking notes in a journal. Next, I took this information and organized the codes into categories within a spreadsheet. Within the spreadsheet, I utilized multiple sheets to separate the information into themes. Document analysis is similar to content analysis which results in themes, categories, and excerpts (Bowen, 2009). This study's document analysis involved a content analysis to formulate themes and categories. I address the themes in Chapter IV. After coding the 2012 ASRs, I repeated this step with the 2017 ASRs.

When examining all institutions for a particular year, some codes were convergent and occurred regularly (Patton, 2015). However, some codes appeared in some institutions and not in other institutions, these data points were divergent (Patton, 2015). The absence of these data points from an institution is just as much part of the data as the data that was present. When I noticed these differences, I went back to the institutions in which codes were not and looked to see if there was information about that topic. The follow-up process was more of a deductive approach.

Summary

This research study used document analysis, a qualitative research method, to explore how institutions of higher education responded to changing federal guidance through a comparison of the sexual violence policies and procedures reported in their 2012 and 2017 Annual Security Reports. An analysis of institutions' annual security reports, published before federal guidance and after federal guidance, can provide insight on how institutions respond to federal requirements. This chapter addressed the research problem, the purpose, the research questions followed by my positionality, and the trustworthiness of the research. Finally, the epistemology, the research context, data collection, and data analysis were discussed.

CHAPTER IV

FINDINGS

The purpose of this research study was to explore the way higher education

institutions responded to changing federal guidance by comparing the sexual violence

policies and procedures reported in their 2012 and 2017 Annual Security Reports. For

this study, sexual violence refers to sexual harassment, rape, dating violence, domestic

violence, and stalking, as defined by the Violence Against Women Act and Title IX. This

chapter discusses the findings of the research study. The study posed the following two

research questions: (1) What discernable patterns and trends, if any, emerge in

institutional sexual violence policies and procedures defined within the 2012 and 2017

annual security reports at large, land-grant institutions in the Big Ten Conference? (2)

What changes in institutional sexual violence policies and procedures are reflected when

comparing the 2012 and 2017 annual security reports at large, land-grant institutions in

the Big Ten Conference?

In this chapter, I provide an analytical description of the content in the documents

used in the analysis. Next, I address three themes that emerged from the 2012 and 2017

annual security reports published by the five institutions in this study: student-victim

centered approach, institutional response, and representation and communication.

Because the purpose of this research is to explore the way institutions of higher education

responded to changing federal guidance through comparing 2 years' reports, for each theme I outline the data from 2012, then data from 2017; these are followed by a comparison of the 2 years' reports.

Because federal funding is tied to institutions' compliance with aspects that will be described within this analysis, I refer to the Institutions as A, B, C, D, and E to distinguish among them. It is noticeable that the findings from the 2017 ASRs are more robust than the findings from the 2012 ASRs. This change likely results from the implementation of VAWA and the federal guidance requiring institutions to include more content in their documents related to curbing sexual violence. This increase in content meant thick, rich information to provide a more detailed analysis.

Document Description

Documents take on many forms and functions. They can be considered "physical traces of social settings," or evidence on how individuals, groups, or organizations represent themselves (Coffey, 2014, p. 367). A document analysis should consider not only the information and content within a document but also the document's function and form. Documents provide an avenue to understand and make sense of an organization's practices. Coffey (2014) pointed out documents must be recognized for their existence; documents can inform us about a social setting, but we must approach the analysis of documents considering the purpose.

Documents describe and represent an organization; however, we must consider what the documents are used for and what they are used to accomplish (Coffey, 2014). The meaning-making process through a document analysis involves considering the intended meaning of the documents including the authorship and function of a given

document in a context, the received meaning by the intended and unintended audiences, and the genre (Coffey, 2014). The genre describes the document type and intended use. Genres in documents could be brochures, text messages, legal briefs, diaries, resumes, performance reviews, letters, etc. Document genres will conform to particular styles and conventions (Coffey, 2014).

The intended meaning of the annual security reports is to communicate campus safety information including campus crime statistics. They are published on an annual basis and produced in an online format by publishing them on institutions' websites. Due to the nature of the information contained within them, police departments at the five institutions in this study are consistently the authors of these documents. Per federal guidance, these documents are created to educate the campus community on campus safety including prevention, response, and crime statistics. A function of these documents is to meet legal compliance of the Clery Act which mandates that institutions must compile the annual security reports. Additionally, these documents are required to be made public and easily accessible as their purpose is for external use. The intended audience for these documents is students, employees, prospective students, and visitors— commonly referred to as the campus community. The documents range from 29 to 115 pages in length. It is unlikely that many people read these documents as a whole. It is more likely that when an issue of campus safety arises on campus or someone is a victim of a crime, readers search for information on the institution's website and come across the document. The genre of the ASRs is reports for federal compliance that address campus safety issues of prevention, response, and crime statistics. This genre has a

distinctive language and style that corresponds to an approach focused on fulfilling a regulation and utilizing criminal justice terminology.

The ASRs cover an extensive amount of information about campus safety; however, these documents are just a piece of a larger puzzle at the university. The larger realm of campus safety includes the institution's formal policies, manuals, procedures, brochures, websites, and other documents that provide more or different information about campus safety. Specifically, regarding sexual violence, many topics covered in the reports provide a statement about university services rather than a detailed account. For example, the ASRs analyzed here address counseling services, yet do not necessarily detail the specifics about the counseling center's intake process. Another example is that the ASR might address the option to request a no-contact order, but it will not provide a template of the order within the ASR. ASRs provide a detailed summary of campus safety, response to crimes, campus services, and prevention, but they do not include an exhaustive understanding of the institution's approaches to addressing sexual violence on its campus. Other documents produced at the university would likely cover specifics with more detail.

An overview of the documents I analyzed follows. I analyzed 10 documents that ranged from 29 to 115 pages in length from five institutions. A majority of the ASRs presented with a cover page including a photo followed by a table of contents page and a letter from institutional leadership. In addition to the VAWA content in the ASRs, topics covered in the ASRs included information about the police department, how to report crimes, crime definitions, crime statistics, emergency response procedures, emergency notification protocols, missing student policies, alcohol and other drug policies, crime

prevention, and a fire portion outlining fire safety and statistics on fires on campus. Most institutions referred to the ASR as some sort of safety report and a few institutions used "annual security report," while others also included "fire safety report" in the title of the document.

The preceding section described the documents' intended meaning including the authorship and function, the received meaning by the intended and unintended audiences, and the genre. A summary of the documents outlined variation in the documents just by appearance. The following sections address themes I developed through inductive coding and analysis from 10 annual security reports. The following are the themes I have identified: student-victim centered approach, transparency in institutional response, and representation and communication.

Theme 1: Student-Victim Centered Approach

The annual security reports are student-victim centered in their approach to responding to incidents of sexual violence. A victim-centered approach is a way of focusing on a victim in response to incidents of sexual violence. A victim-centered approach is common in community victim services like domestic violence shelters and is expanding to other areas of victim support including criminal court victim services and police departments. The goal is to not retraumatize the victim through the services available by having the victim's wishes and safety take priority when one responds to incidents of sexual violence (OVC, 2020).

Within the theme of a student-victim centered approach, there are three areas of the documents I address that reveal this orientation. First, the analyzed ASRs consistently focus on addressing response and prevention for students. The content in the ASRs is

centered around students and not employees, even though the Clery Act identifies

stakeholders to comprise of employees, students, and prospective students and families.

Second, the ASRs' information also centers on supporting victims. The terms used to

identify individuals reflects the institution's approach. Third, the documents direct

attention to support services, including dedicated staff to support victims, outline steps to

follow if someone experiences sexual violence, list accommodations provided, and

structured resources. These components contribute to utilizing a student-victim centered

approach.

Comparing the 2012 and 2017 ASRs, it was clear to me that students and victims

were the focus of institutions' responses to sexual violence. There was not a change in

this focus between the two years. Students are central to the information provided in the

ASRs. Next, institutions consistently referred to individuals who experienced sexual

violence with the term *victim*. Finally, there was an increase in the extent of victim

support services outlined in the 2017 ASRs compared to support services outlined in the

2012 ASRs. Despite the increase in information, I was not able to identify any support

services for respondents. None of the 2012 or the 2017 ASRs identified the support for

respondents other than explaining an accountability process. Institutions focused on

support for student victims in both the 2012 and 2017 ASRs.

Student vs. Employees

Annual security reports are created to communicate about safety to the campus

community. The campus community is comprised of students and employees, yet the

2012 and 2017 ASRs are focused on students and have limited mention of employees.

Students can be impacted by sexual violence, but the ASRs do not clearly articulate the

possible impact on employees. The lack of acknowledgment of the possibility that employees could also be victims, and any mention of supporting or acknowledging resources for respondents, renders the idea that the documents are student-victim centered.

2012 Annual Security Reports

The 2012 documents consistently outline support and response information for students. Three institutions' documents do not indicate any avenues for employee victims of sexual violence to report any incident of such offense to the university. One institution offered guidance for its employees to follow when informed of an incident of assault: "If you are a University employee with supervisory or advising responsibilities, contact your campus student conduct office, or Equal Opportunity and Affirmative Action, for guidance on the next step." I perceived this guidance as an avenue to support student incidents. Two institutions referenced employees, not as possible victims, but as those alleged of misconduct. For example, Institution B stated, "Students who have been sexually harassed by or have been the victim of sexual violence by a University employee, should report the matter to the employee's supervisor or the office of the Title IX Coordinator." Student victims are the focus of the content provided in the 2012 ASRs.

2017 Annual Security Reports

Overall, students are still the focus of the 2017 ASRs. Also, the employee accountability process is outlined in each institution's updated report. The information about the employee accountability process outlined in several institutional ASRs assumes that the employee is the individual alleged of misconduct. Institution A had a section labeled "Employee," but the content within the section focuses on the employee being

accused of misconduct and does not consider that the employee also could be the complainant. Similarly, Institution B outlined how to report misconduct of employees; however, a resource list outlined in the ASR does include an employee assistance program suggesting the institution had appropriate services available but were not connecting the service to the victimization of sexual violence. Only one institution specifically acknowledged in the section about protective measures that employees also could be the victim of sexual violence. The focus of the 2017 ASR is primarily directed at student victims, but there is a trend to incorporate an employee accountability process, with one institution acknowledging the fact that sexual violence could impact employees too. The 2017 ASRs do not acknowledge the need for respondent resources.

Comparison Between 2012 and 2017 Annual Security Reports

From 2012 to 2017, there was a slight increase in consideration of sexual violence concerning employees at the university. However, students remained the focus of institutional ASRs. In 2012, two institutions briefly described addressing employee misconduct. These reports focused on the offices responsible for addressing sexual violence when an employee was accused. Institution C stated their affirmative action office was responsible when the respondent was an employee. Similarly, Institution B directed student reports of sexual violence by an employee to the Title IX Coordinator. The 2012 ASRs did not acknowledge that employees could be victims of sexual violence.

The 2017 ASRs provided information about the accountability process for employees. Institutions included information on how to file a complaint against an employee as well as on the accountability process. Although the ASRs expanded upon the employee process in the 2017 ASRs, only one institution specifically acknowledged

that employees could experience sexual violence in the discussion about protective measures. Due to the lack of acknowledgment of employee's involvement outside of being respondents, both years' reports were determined to be student focused.

Terms for Individuals Who Have Experienced Sexual Violence

The term used to identify individuals who have experienced sexual violence provides meaning to an institution's wording in its ASR. Institutions communicate with their audience by using different terms to refer to individuals who have experienced sexual violence. All five institutions have two categories of terms to address the victims. Institutions use one term to address support services and another to address individuals in the accountability process. The inconsistency in term usage could be difficult for stakeholders to follow.

2012 Annual Security Report

In the 2012 ASRs, the word "victim" was used by all of the institutions to outline how to report, or steps to take after an incident of sexual assault. However, some institutions used additional terms to refer to individuals who experience sexual violence. Institution A used "victim" and "survivor" and frequently refer to these individuals with a combined term of "victim/survivor." Institution C titled the section on steps to take as "immediate considerations if you have been assaulted or harassed." The use of "you" names and implies that the reader is a potential victim/survivor. Additionally, when summarizing their sexual assault resource guide, they stated, "a comprehensive guide for those involved in a claim of sexual assault." The title and statement avoid using either the term "victim" or "survivor." This recognizes a support person, like a friend or family member, could be accessing the information to support someone affected.

The ASRs used yet another term when addressing the disciplinary process. All of the 2012 ASRs inconsistently regard the terms used for the two parties involved in a disciplinary process. Four of the institutions use the term "accused" for the accused. The fifth institution uses the term "respondent." As far as the term for the party bringing forward the complaint, two institutions use "accuser"; one uses "complainant"; one institution uses "alleged victim"; and the last institution uses "reporting party." The inconsistency could be confusing. At one point, the documents describe an individual as a victim whereas subsequent references are to the alleged victim or a complainant.

2017 Annual Security Reports

I found consistency among the institutions' usage of terms to identify individuals who have experienced sexual violence or individuals accused of harming another person. When the institutions discussed a person who has experienced sexual violence outside of an accountability process, the institutions consistently used the term "victim." However, Institution A was an exception when the term "victim/survivor" was used instead of solely "victim."

In the sections of the 2017 ASRs discussing the accountability process, there is variation in the terms used to identify individuals. Institutions B, D, and E used the word "complainant" for the person who is alleging misconduct, and the word "respondent" for the person being accused of misconduct. Institution C also used the word "respondent." However, instead of "complainant," it used the word "claimant." Lastly, Institution A differed from the other institutions, as it used "reporting party" and "accused." Again, institutions only use these terms in the accountability process and not to address support services.

Comparison Between 2012 and 2017 Annual Security Reports

The terms used to identify those who experienced sexual violence remained the same from 2012 to 2017. However, the terms for individuals involved in the accountability process became more consistent from the 2012 to 2017 ASRs. Institutions used the term "victim" in both 2012 and 2017 ASRs. One institution used "survivor" in 2012 and changed the term to "victim" in 2017. Using the term "victim" was the consistent practice over time to refer to individuals who experienced sexual violence. Unlike the consistent nature of the term "victim," institutions reformed the term used for involved parties in an accountability process. In 2012, four institutions used the term "accused" for the alleged individual. This term evolved in the four institutions' 2017 ASRs and became the term "respondent." Three institutions referred to individuals who file a complaint as "complainants." One institution used the term "claimant." Finally, Institution A's terms, "accused" and "reporting party," remained the same from 2012 ASR to the 2017 ASR. The terms "respondent" and "complainant" were used more consistently to address parties involved in the accountability process.

Victim Support Services

One of the purposes of the ASRs is to provide information about victim support services. In a document that focuses on police response, all institutions provided some level of information on victim support services and suggested steps to take if one becomes a victim of sexual assault. In 2017 there was an increase in support services and information provided to victims of sexual violence.

2012 Annual Security Reports

In the 2012 ASRs, the steps for victims to take are specifically focused on sexual assault and do not cover other topics such as dating violence, domestic violence, or stalking. For example, institutions used titles like, "steps to follow should a sexual assault occur," "Sexual Assault Resource Guide," and "Student Resource Survival Guide." The ASR states that these guides provide information on reporting, campus services, definitions, and what to expect in case victims report.

Impressively, all institutions have some level of dedicated response service to support victims. Some institutions have centers while others have a 24-hour rape crisis hotline or "emergency dean" number to contact for support. Institution B has a women's resource center that provides support to victims. Institution B's usage of the word "women" is a contrast to the statement Institution C used to offer services. Institution C specifically mentioned that their program provides services to women and men.

2017 Annual Security Reports

Four out of five institutions outlined steps to follow if an individual experiences sexual violence. Institution E was the only institution that did not provide any information or guidance for victims to follow if they experience sexual violence. The most inclusive steps for victims to follow were from Institution C in the section titled "Immediate Considerations for Victims." The ASR divides the information between steps for reporting sexual assault and then steps for reporting relationship violence/stalking. The division of this information is unique and helpful as the steps provided for relationship violence and stalking are much different than those provided for sexual assaults.

Clearly outlined in most of the 2017 ASRs are support services for victims. Most institutions identified formalized advocates including "victim resource officers," a "sexual civility and empowerment program," or women's resource centers. Institution A described the role of advocates as providing "a variety of free and confidential services to victims/survivors: a 24-hour helpline, one-to-one crisis counseling, support groups, and ongoing support navigating the university or criminal justice system. Advocates also assist in facilitating accommodations for victims/survivors." The narrative of Institution D does not address any specific office that provides victim services.

In addition to providing direct contact for victims through victim services, institutions can provide interim measures or accommodations for victims without having to file a complaint. Examples include changes to academic, living, transportation, or working situations. One ASR states that the purpose of accommodations is to prevent contact between the victim and the accused. An example of an accommodation statement from Institution B states, "Individuals have the right to receive written notification about options for available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures." A statement about accommodations from Institution A's ASR stood out from the others: "Institution A is obligated to comply with a student's reasonable request for living and/or academic accommodations following an alleged sex offense." First, the word "obligated" does not convey the institution's desire to assist individuals who have experienced sexual violence; rather, it seems quite forced. Second, Institution A's statement includes the added caveat of a "reasonable request." It is unclear what the institution considers reasonable. Third, the statement lists only living or academic accommodations and does

not include working and transportation as accommodation options, which are included in other institution's statements.

When provided to victims, the 2017 ASRs served as a resource guide for victims. There were numerous support services on campuses and in local communities, and all institutions provided an acknowledgment of resources for victims. Among the five studied institutions, there were two different approaches used. The first approach included a narrative statement that resources would be provided to victims. The other approach was to list resources for victims and associated contact information. Institutions A, C, and D provided easy to read and identifiable resources in a list or table format. One institution had an informative table that included categories of resources for students, staff, and faculty on campus, off campus, as well as employee-specific resources. The table listed the offices, described the services provided at each office, followed by location and contact information, including phone numbers and web addresses. A unique feature in one table was that confidential resources were highlighted with an asterisk. Institution B's approach was more transparent because it included resources in a narrative statement followed by a list of offices with a web address. Institution E did not have a comprehensive resource list providing contact information for victims but did state that the institution would provide this information to victims including, "the survivor's rights and about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for survivors both on-campus and in the community."

Comparison Between 2012 and 2017 Annual Security Reports

Comparing the 2012 and 2017 ASRs, I noticed there was an apparent shift in focus on victim services. All 2012 ASRs had some level of victim support office or a designated person appointed to support victims as well as suggested steps that victims should take if they experienced sexual violence. I found that the institutions' focus in the 2012 ASRs, with these suggested steps, was on responding to sexual assaults. The 2017 ASRs presented more robust options and information for victims.

Although institutions defined a dedicated person or office for victims of sexual violence in 2012, the level of information provided about this service was lacking compared to the level provided in 2017. Institutions identified a higher level of services in 2017. For example, Institution A used the term "advocate" to define a free and confidential service for victims. In addition to providing more information about victim services, four of five institutions outlined steps to follow if an individual experienced sexual violence, and all institutions provided acknowledgment of resources for victims. Institution C gave the most detailed steps to follow after experiencing victimization, including outlined separate steps for sexual violence, relationship violence, and stalking. This was a shift from the 2012 ASR, as the 2012 ASRs did not include steps for victims other than in instances of sexual assault. Peculiarly, the steps for victims included in Institution D's 2012 ASR were not in their 2017 ASR. The 2012 ASRs did not list the on- and off-campus resources in a comprehensive approach. In four of the 2017 ASRs, institutions compiled resources specific to victim support services.

There was a continued and increased attention to victim services from the 2012 ASRs to the 2017 ASRs. Again, institutions did not address respondents by providing any

support services. ASRs mainly considered employees as respondents and not victims. The terms "victim," "complainant," and "respondent" were the terms used most consistently to identify individuals who need support or are participating in an accountability process. From the 2012 ASRs to the 2017 ASRs, there was a dramatic increase in the extent of victim support outlined by institutions. Due to these findings, institutions adopted a student-victim centered approach to address sexual violence. In addition to the increase of information and support services provided to victims of sexual violence from the 2012 to 2017 ASRs, there was an evolution in the institutional response to sexual violence.

Theme 2: Transparency in Institutional Response

The most significant takeaway from the analysis is the increase in transparency within the area of institutional response. Transparency builds trust, but when the media paints institutions in a negative light from some institutions failing to effectively address sexual violence on a college campus, victims have difficulty trusting others after experiencing victimization. It is more important than ever that institutions are transparent about their institutional response to sexual violence.

The 2012 ASRs exhibited a full spectrum of how institutions responded to sexual violence, and in the 2017 documents, I found an increase in information provided as well as consistency in responses. In the following section, I examine policies and definitions, the accountability process, sexual violence awareness and prevention efforts, and crime statistics in both 2012 and 2017 as well as compare between these 2 years.

Policies and Definitions

Policies and associated definitions provide guidance on how institutions respond to reports of sexual violence. For institutions to have strong accountability process policies and associated definitions must be clearly articulated. Policies and definitions in the ASRs vary from institution to institution. The institutions that have policies outlined in their 2012 ASRs do not clearly define the policies. There is an evident shift in the number and depth of the policies and definitions in the 2017 ASRs. The VAWA Reauthorization of 2013 requires institutions to include policy statements and related state laws, including topics such as consent. The increase in policies and definitions makes it even more essential that the use of these policies and definitions are clearly articulated.

2012 Annual Security Reports

In the 2012 ASRs I identified that three institutions (A, B, and C) had specific policies prohibiting sexual violence. Interestingly, the policies were not described or did not outline what the title of the policy references. For example, Institution A highlighted their "Policy Statement on Sexual Assault, Stalking and Relationship Violence" and referred to the policy as a regent's policy that "establishes procedures for responding to incidents involving sexual assault and relationship violence." The ASR used the word "stalking" in the policy title but did not mention stalking within the policy statement. Institution B indicated that they had a policy on "sexual assault, relationship and domestic violence, and stalking," but the ASR did not articulate any information on this policy but provided state's criminal definitions of rape and sexual assault. Institution C

identified in their 2012 ASR the "Policy on Sexual Harassment" but did not offer definitions to provide more clarity on the policy.

2017 Annual Security Reports. The 2017 ASRs provided various policy definitions, including institutional definitions, state law, and federal definitions. All of the institutions other than Institution C provided the VAWA definitions for dating violence, domestic violence, and stalking as well as consent in their ASRs. Institution A provided various definitions, but they did not clearly mention what definitions are used in the accountability process. Table 4.1 outlines the policy definitions included in each institution's ASR.

Table 4.1

Policy Definition Table

Institution	2017 Definitions
A	Domestic Violence[1], Stalking[1], Consent[1], Affirmative Consent[2], Sexual Assault[1]
B	Dating Violence[2], Domestic Violence[2], Rape[2], Stalking[1,2], Consent[2], Sexual Assault[1], Protection from Abuse Act[1]
C	Domestic Violence[2], Stalking[2], Sexual Assault[1],
D	Sexual Assault[1,2], Consent[1,2], Sexual Exploitation[2], Sexual Harassment[2], Stalking[1,2], Aggravated Stalking[1], Cyberstalking[1], Dating Violence[2], Domestic Violence[1,2], Retaliation[2], Sexual Penetration[1], Aggravated Criminal Sexual Assault[1], Predatory Criminal Sexual Assault of a Child[1], Criminal Sexual Abuse[1], Aggravated Criminal Sexual Abuse[1], Sexual Relations within Families[1], Domestic Battery[1],
E	Consent[2], Sexual Misconduct[2], Sexual Violence[2], Sexual Assault[2], Relationship Violence[2], Domestic Violence[2], Dating Violence[2], Stalking[2]

[1]state law, [2]university policy

The VAWA specifically defines dating violence, domestic violence, and stalking. Institutions incorporated these definitions into their practices. However, institutions give an overarching term to these definitions to easily define the collection of behaviors. This is consistently seen in the institutions' policy titles. Policy titles use these terms "sexual

misconduct," "relationship violence and sexual misconduct," and "sexual and/or gender-based harassment and misconduct."

Comparison Between 2012 and 2017 Annual Security Reports

The definitions that institutions provided in their ASRs increased significantly in 2017 from 2012. In 2012, three institutions referenced a policy that addressed sexual violence other than the student code of conduct. Institutions titled these three policies as "statement on sexual assault, stalking and relationship violence," "sexual assault, relationship and domestic violence, and stalking," and "sexual harassment." None of the policies listed in the 2012 ASRs remained the same in the 2017 ASRs. I found that "sexual misconduct" was a term consistently utilized in the four policies outlined in the 2017 ASRs. Additionally, only one institution mentioned the term "sexual harassment" in its 2017 ASRs. This is significant because the term "sexual harassment" stems from Title IX guidance that had been rescinded by 2017, and there was a shift in compliance with the VAWA which does not cover sexual harassment.

In 2012, among all the ASRs, institutions provided definitions for six terms: consent, sexual assault (used by two institutions), rape, relationship violence, and sexual harassment. Two institutions did not provide any definitions in their 2012 ASR. In 2017 ASRs, all institutions except Institution C included institutional policy definitions, state laws, and federal VAWA definitions. Altogether, the 2017 ASRs included 39 definitions. All institutions except Institution C provided the VAWA definitions for dating violence, domestic violence, and stalking as well as consent within their ASRs. The definitions in the 2017 ASRs increased in scope, breadth, and number. These policies and definitions provide the groundwork for institutional accountability processes.

Accountability Process

All ASRs included information about the process of holding students accountable for violating policy. Consistently, institutions adjudicated alleged misconduct through a student conduct office. Institutions commonly referred to the Student Code of Conduct for the procedures on the student conduct process. In the 2012 ASRs, the topics of possible sanction and person of support were key findings. Similarly, these topics were also significant in the 2017 ASRs. Additionally, new findings were evident in the 2017 ASRs, including institutions having a statement against bias, a statement on training investigators, and a consistent standard of evidence. The information provided about the accountability process aids in the institutions being transparent about their processes. When more information is known and understood, individuals can make educated decisions on whether they want to file a complaint against a student alleging misconduct. Conversely, the alleged student can be fully aware of the accountability process that could result in removal from the institution. Lastly, the institution can be held accountable for following the process outlined. Transparency is key to maintain an effective and trusted accountability process.

2012 Annual Security Reports

Two categories within accountability stood out in the institutions' processes in the 2012 ASR. The first is the involvement of a support person, and the second is that institutions outlined possible sanctions for individuals found responsible for violating policy. A person of support is someone offered to be present and provide guidance to individuals involved in an accountability process. Institutions typically have various stipulations on participation in the process for the person of support, and students are

allowed to select their person of support. Four institutions allowed students participating in the conduct process to have a person of support with them throughout the process. Three institutions (A, B, and D) acknowledge the allowance of a support person only in disciplinary hearings. For example, Institution A stated, "In cases of sexual assault, if a disciplinary hearing is conducted, both the reporting party and the accused are allowed to have a support person during proceedings." In contrast, Institution C did not encourage the participation of a support person in their ASR.

Outlining the possible outcomes, also known as sanctions, for the accountability process provides transparency about the accountability process. Outlining sanctions allows both parties involved in an accountability process to know what could happen as a result of a complaint being filed. However, similar to policies and definitions, it is critical to clearly articulate realistic outcomes or transparency is not beneficial. Listing a wide range of possible outcomes does not provide a clear or genuine response. Each ASR defined the possible outcomes of a disciplinary proceeding. Consistently, institutions outlined sanctions with a vast range of options. Institution C stated that their institution had "a wide range of latitude" and sanctions "ranging from issue of a warning to dismissal from the University." Two institutions (B and E) provided rationales for the range of possible sanctions. For example, "Sanctions to be imposed upon students by the University are varied and depend upon the degree of severity, ranging from formal reprimand to permanent dismissal." These rationales provide an understanding of the vast spectrum of options, but the option of a warning to a suspension does not provide insight regarding application in cases of sexual violence.

All institutions document their accountability processes in the 2017 ASRs. Five areas of the accountability process emerged as findings in the 2017 ASRs. First, I address the possible sanctions outlined for the accountability process. Second, institutions included a statement declaring they would be unbiased throughout the accountability process. Third, institutions ensured that the staff members involved in the accountability process were trained. Fourth, the 2017 ASRs defined a standard of evidence used in their accountability processes. Fifth, I address the approach to persons of support.

Sanctions. Each institution identified the range of sanctions that were possible if they found a student responsible for violating a policy addressing sexual violence. Overall, the sanctions ranged from issuing a warning to dismissing the student from campus. The information about sanctions in the 2017 ASR is extensive. Institutions provided more information than just listing a range of options. One institution outlined the factors considered in sanctioning students for any violation, including "the nature of offense, severity of offense, culpability of the student, impact on other students or members of the community, and opportunity for student development." One institution maintained a lengthy investigation process to resolve a case, and their sanction list corresponded in terms of length. Institution D declared, "the Student Disciplinary Process will assign both formal and educational/behavioral sanctions." As I understand, the institution gave a sanction from both the formal sanction list as well as the educational/behavioral sanction list. Formal sanctions included anything from a reprimand to dismissal from the institution. Educational/behavioral sanctions included sanctions like no-contact directives, program attendance, reflective essays, substance

abuse assessments, and research papers. The information provided by this institution articulated the specifics of sanctions that could be a result of a complaint being filed and is an example of a transparent process.

Unbiased Statement. A common thread identified in the area of accountability in the 2017 ASR is how the institutions explained that their processes were unbiased. Fairness is paramount to an accountability process, so institutions establishing an unbiased approach instill trust in the process. All of the institutions stated that their process would be "prompt" and "impartial." Four of the institutions also used the word "fair." Institutions A and D both in being consistent with their institution's policy, they would "include a prompt, fair, and impartial investigation and resolution process transparent to the accuser and the accused." The use of the word "transparent" is noteworthy considering a significant component of the VAWA requires institutions to implement a transparent process. Despite having a similar statement incorporated into all of the 2017 ASRs, none of the institutions mentioned how they met these standards or expanded on what they meant by prompt, fair, or impartial processes.

Investigator Training. The institutions can oversee these matters in an unbiased manner and be prompt, fair, and impartial only if the staff members involved in the process are appropriately trained. Institutions identified training staff members that included "investigators, employees, staff, and students involved in an investigation or hearing" (Institution E). The training topics varied from institution to institution. However, the training at four of the five institutions covered how to protect the safety of victims and promote accountability. Institutions B, D, and E stated that training occurs annually in dealing with "issues related to domestic violence, dating violence, sexual

assault, stalking" and how to conduct an investigation and hearing process that "protects

the safety of victims and promotes accountability." The statement on investigator training

was just that—a statement. There is no supporting information that explained the depth of

training or certifications required for investigators. The statement holds less weight when

it is not supported with a clear explanation or supporting information.

Standard of Evidence. All institutions incorporated the standard of evidence into

their 2017 ASR. A standard of evidence is the level to which the facts have to rise to find

a student responsible for violating university policy. The standard of evidence is a

commonly argued point for sexual violence cases, so the consistency of the institutions in

this study is significant. It is common for institutions to use "preponderance of the

evidence" or "clear and convincing evidence." The consistent standard adhered to by all

institutions in this study is the preponderance of the evidence, i.e., a more-likely-than-not

standard. Institution B explained how important it is to determine the standard of

evidence when "determining whether a violation occurred, specifically when

investigating alleged domestic violence, dating violence, sexual assault, and stalking."

Person of Support. Another trend in the accountability processes in the 2017

ASRs is that all institutions allowed for individuals to have a person of support present

with them through the process. Institution A allowed "equitable access to a support

person of their choice for both the accused student and the reporting party at any related

meeting or proceeding." All institutions provided this opportunity to both parties

involved and allowed for the support person to attend any meeting or proceedings.

Institution D provided an important caveat: the student bore the expenses of the personal

advisor. "The complainant and the respondent each have the opportunity to be advised by

a personal advisor of their choice, at their expense, at any stage of the process and to be accompanied by that advisor at any meeting or proceeding." Institutions are required to provide the option for individuals involved in the accountability process to have a person of support, but institutions are not required to provide or pay for this person. This additional information added by Institution D provides an additional layer of transparency to the accountability process.

Comparison Between 2012 and 2017 Annual Security Reports

The topic of institutional accountability processes is apparent throughout the 2012 and 2017 reports. However, the 2017 ASRs included substantially more information. Consistently in the 2012 and 2017 ASRs, institutions identified adjudicating alleged misconduct through a student conduct process. The process varied at each institution as well as between the 2012 to 2017 ASRs. Two topics were consistent, including information on sanctions and a person of support. In the 2017 ASRs, there was additional information covering unbiased statements, training investigators, and standard of evidence.

Each ASR in 2012 and 2017 defined possible outcomes from a disciplinary proceeding. Consistently, institutions outlined sanctions as a range of options. Overall, the sanctions ranged from a warning to student dismissal from the institution. Some institutions did provide a rationale for the range of possible sanctions in 2012. In their 2012 ASR, Institution E stated, "Sanctions to be imposed upon students by the university are varied and depend upon the degree of severity, ranging from formal reprimand to permanent dismissal." In 2017, institutions outlined more guidance on factors considered in sanctioning students. Nevertheless, only one institution in the 2017 ASR provided

more details on possible sanction outcomes, defining that responsible outcomes would result in formal and education/behavioral sanctions and listed supporting examples. The information provided by this institution articulated the specifics of sanctions that could be the result of a complaint being filed and is an example of a transparent process.

In addition to addressing sanctions from the 2012 to 2017 ASRs, institutions continued to allow the availability of a person of support for students involved in an accountability process. In 2012, all but one institution documented the opportunity for students to have a person of support with them through the accountability process. However, that institution's 2017 ASR did allow for a person of support. The 2017 ASR provided more details on the role and limitations of a person of support.

Comparing the 2012 and 2017 ASRs, I noticed that institutions added new components in their accountability process in the 2017 ASRs that they did not include in the 2012 ASRs. I noted three new areas. First, a trend in the area of accountability in the 2017 ASR was how the institutions defined their processes being unbiased. All institutions said that their process would be "prompt" and "impartial." Four of the institutions also used the word "fair." This was not part of the 2012 ASRs. Second, all institutions identified training staff members involved in the process. Four out of the five institutions stated that their training covered how to protect the safety of victims and promote accountability. Third, institutions defined a consistent standard of evidence. The consistent standard of evidence outlined in the 2017 ASR was the use of the preponderance of evidence standard. The standard of evidence was not addressed in any of the 2012 ASRs.

The 2017 ASRs provided substantially more information on the institutions'

accountability processes. In the 2012 and 2017 ASRs, institutions were consistent with

providing information about sanctions as well as allowing for a person of support. In the

2017 ASRs, additional information covered statements regarding bias, training

investigators, and standard of evidence. The most significant change is that institutions

were more transparent about their accountability processes in 2012 than in 2017. The

increased transparency can assist all parties in understanding the process and holds the

institutions accountable for following the process outlined.

Sexual Violence Awareness and Prevention

Awareness and prevention of sexual violence encompass alerting the campus

community, including students and employees, to sexual violence as an issue in society

as well as defining ways that community members can aid in preventing sexual violence.

It was not until VAWA Reauthorization of 2013 that awareness and prevention became a

requirement for institutions. Similar to other institutional responses that have already

been discussed, the depth of information covered by each institution varies regarding

awareness and prevention of sexual violence. All of the institutions promoted some form

of awareness or prevention programs on campus; however, there was a shift to include

more information and education in the 2017 ASRs. What is important in this section is

not only the increase in prevention and content included but also the approach that

institutions take to address these new requirements of prevention and education.

2012 Annual Security Reports

The 2012 ASRs include brief statements about awareness and prevention of sexual violence. All institutions provided an overview of how these programs were conducted on their campuses; however, none of the institutions provided education, awareness, or prevention within their ASRs.

Two institutions (A and C) outlined educational programs offered to first-year students. Education in the first year of college is key in awareness and prevention of sexual violence, considering the transition to a new environment and increased freedom. Institution A's education occurred in person through a one-hour program. Institution C managed a sexual assault online education program for their first-year students. The other three institutions pointed to education being completed on their campus. Institutions B and D assigned their women's centers responsible for workshops, speakers, and programs on sexual assault education. Institution E did not include who was responsible for the awareness and education but stated that it offers educational programs, including "self-defense courses and sexual violence prevention workshops for both women and men."

2017 Annual Security Reports

The VAWA Reauthorization of 2013 requires institutions to offer awareness and prevention to incoming students and new employees as well as to have ongoing education. The expectations and extent of awareness and prevention are left up to institutions. The 2017 ASRs prove that institutions can interpret this requirement in their own ways. All of the institutions conducted awareness and prevention programs for new students and employees as well as some level of on-going education. The depth of information shared in the 2017 ASRs varies, but it is clear that institutions put effort into

including information in the 2017 ASR on this topic. Institution E had the most rudimentary information on awareness and prevention of sexual violence and stated they were "committed to educating the community, including all incoming students and new employees regarding domestic violence, dating violence, sexual assault, and stalking, through a variety of primary prevention programs and ongoing awareness campaigns." The paragraph explains that online training was the avenue for training but there is not much detail past this statement.

On the other end of the depth of information spectrum, Institution D's information about sexual violence awareness and prevention was extensive. The information shared resembles more of an annual report than a description of educational programs as the information was presented in significant detail. A three-page narrative precedes 10 pages of over 170 documented programs in the previous year. In chart format, the institution outlined the program title, date, location, number of attendees, and topic covered.

In addition to identifying that awareness and prevention were occurring on campus, the 2017 ASRs had two specific areas in awareness and prevention that stood out. These areas are bystander intervention and risk reduction. The VAWA requires institutions to encourage bystander intervention and risk reduction yet does not have any additional expectations on how this is accomplished by the institution. Due to the lack of expectations, there is variance in the information on these two topics included in the 2017 ASRs. Each institution's different approaches help identify best practices in the field.

Bystander Intervention. Bystander intervention is a training approach to encourage engagement from bystanders to a potentially negatively impactful situation, like sexual violence. Bystander intervention outlines avenues for a bystander to take personal responsibility to intervene with the goal of prevention and escalation.

Three institutions went beyond merely identifying the incorporation of bystander intervention in their prevention programming and included the education of bystanders in their ASR. Institution A outlined their bystander intervention training programs "Step Up" and "Step Up Part II." In addition to addressing the inclusion of bystander intervention in the awareness programs, Institution A outlined in a separate section how others can "prevent violence" and be a "good bystander." Three ways to intervene were identified as the "3Ds," which stand for "direct, distract, and delegate" and were briefly explained through an eye-catching picture. Similarly, Institution B stated, "we all have a role to play in watching out for each other" and also explained the "Ds." Institution D outlined that its educational programs "provide a description of safe and positive options for bystander intervention" on how "to intervene, speak up, or do something about it." Institution D did not use the "3Ds" in their bystander intervention approach. Conversely, there is no information in Institutions C's and E's ASRs on how to be an active bystander. Additionally, Institution C did not address the use of bystander intervention within their prevention and awareness programs.

Risk Reduction. Risk reduction is education on warning signs of abusive behavior to mitigate potential harm. This topic can be difficult to address because if done incorrectly, it can come across as victim blaming or making the victim responsible for not being harmed versus putting the responsibility on the perpetrator not to harm another

person. Two institutions had solid examples of addressing risk reduction while avoiding victim-blaming.

Institution A defined risk reduction as "options designed to decrease perpetration and bystander inaction and increase empowerment." A page and a half in the 2017 ASR are dedicated to informing the reader on tips for risk reduction. Before tips are provided a statement is given, "The victim is never to blame for a crime committed against them. Predators and perpetrators must be held accountable for their own choices and actions." The tips continue in categories for three different areas: on the street, in your car, and in your home. Before tips are outlined, a statement defines and blames the predators. For example, regarding safety inside a car, the statement is, "Predators know when and where people may be vulnerable or isolated." Tips following this statement are about locking doors, parking in well-lighted areas, carrying a charged cell phone, etc. The statements about the predators explain why the tips are given to minimize victim-blaming.

Another good example of attempting to minimize the responsibility of risk reduction on the victim is Institution D. The ASR defines risk reduction as "options designed to decrease perpetration and bystander inaction and to increase empowerment for victims to promote safety and to help individuals and communities address conditions that facilitate violence." In addition to this definition, Institution D provided things to do to reduce risk. Before providing these points, the document states, "while the only person responsible for rape is the offender, there are things we can do to reduce our risk of being targeted by a criminal."

Comparison Between 2012 and 2017 Annual Security Reports

Institutional commitment to sexual violence awareness and prevention, as communicated in the 2012 ASR, was minimal. All institutions reported some form of awareness or prevention programs on campus. Each institution provided an overview of how programs were organized on their campus, although none of the institutions provided education, awareness, or prevention within their ASR. This changed in the 2017 ASRs.

The 2017 ASRs provided various depths of information about awareness and prevention for new students and employees as well as on-going prevention. Some institutions included lengthy descriptions of programs offered while others provided simple statements without the detail of what they were doing to provide awareness and prevention. In addition to identifying awareness and prevention for new students and employees and having on-going prevention, some institutions provided education in their ASR on bystander intervention and risk reduction.

In the 2017 ASRs, three institutions went beyond identifying the incorporation of bystander intervention in their prevention programming to include education of bystander intervention. Two institutions referred to the same bystander approach, the "3Ds." Institutions did not provide bystander intervention education in their 2012 documents, and the 2012 ASRs never mentioned the word "bystander." Institutions addressed information on prevention in their ASR through information about risk reduction.

Institution B was the only institution in the 2012 ASRs that provided information that appears to be risk reduction education. Institutions B called this section "Personal Safety." Institution B's 2012 ASR outlines that sexual assaults often go unreported and

give guidelines to help individuals to be more alert. This information is minimal when compared to the 2017 ASRs.

Four institutions enhanced their approach to risk reduction in the 2017 ASR. A unique part of two institutions' 2017 ASR was their efforts to not blame victims when listing risk reduction tips. Institution A took steps to minimize blame on a victim by stating, "[T]he victim is never to blame for a crime committed against them. Predators and perpetrators must be held accountable for their own choices and actions."

Sexual violence awareness and prevention increased dramatically from 2012 to 2017. In the 2017 ASRs, all institutions provided information about awareness and prevention education with new students and employees. Additionally, some institutions provided bystander intervention and risk reduction within their ASR. This was a significant shift from the 2012 ASRs when content was more suggestive about prevention, did not outline details, provide examples, or include education.

Crime Statistics

An addition to the 2017 ASRs is the report on crime statistics of domestic violence, dating violence, rape, fondling, incest, statutory rape, and stalking. The VAWA added these statistics to the already established list for analyzing crime statistics outlined by Clery. Since this was not a requirement until the VAWA Reauthorization of 2013, these crime statistics were not part of the 2012 ASRs. However, including this additional data in the 2017 ASRs provided additional transparency making it a significant point. All of the institutions in this study included the additional list of crimes in their 2017 ASR. Two institutions incorporated these statistics in their already established crime statistics charts. The other three institutions separated dating violence, domestic violence, and

stalking into another chart of VAWA offenses. From the five institutions' crime statistics, it can be noted that on average, the most reported offense was rape followed by stalking. These new data provided insight into the reported behaviors occurring on campus.

Undoubtedly, there was an evolution from the 2012 ASRs to the 2017 ASRs with an increase in attention and information on how institutions responded to sexual violence. The term that summarizes this evolution is "transparency." Institutions included more information on how they increased transparency. They added crime statistics to the 2017 ASR, which provided an understanding of the extent of sexual violence on the campus. Institutions also provided increased transparency in policies, definitions, and accountability processes. The inclusion of sexual violence awareness and prevention showed that institutions were attempting to address concerns of sexual violence on campus.

Theme 3: Representation and Communication

The annual security reports are an avenue through which institutions communicate with stakeholders about campus safety. The ASRs represent each institution and its approach to campus safety. The presentation of a document represents an institution. How information is presented and communicated through the annual security report speaks to the institution's approach to campus safety just as much as the content within the document. The theme of representation and presentation emerged from the data due to the organization and the strong presence of the police within each document. In the next section, I address how organization of the ASRs was presented in the 2012 ASRs, in the 2017 ASRs, and provide a comparison. The organization of the ASRs includes considering the navigation of the document, flow of content, and visual

appearance. Next, I share key findings on the presence of police images and content within both the 2012 and 2017 ASRs. This finding does not differ based on the year, so the information is not divided between the 2 years. The topics addressed in the ASRs, the authors of the documents, the visual depictions are all centered around police. Additionally, there are sentiments that the safety of campus is not just a police responsibility, but that safety is everyone's responsibility.

Organization

The campus community, including the intended audience of students, employees, prospective students, and visitors, needs to be able to navigate the documents to access the information they need. The flow and organization of documents can aid or impede in navigating the documents. Additionally, the visuals or photos added in a document are part of the message institutions communicate. When a document is not user-friendly, includes mistakes, or is not visually appealing, a reader could presume the information in the document is also insufficient.

2012 Annual Security Reports

Clear section titles and a table of contents aid in navigation through the document and can make finding necessary information easier. Specifically, for content related to sexual violence, four out of five institutions used the term "sexual assault" within the title of the sections addressing sexual violence. The other institution used "sexual and gender violence." One institution's title for their policy additionally included "stalking and relationship violence." Oddly, the content did not address stalking or relationship violence, so the added words seem unnecessary.

As I read the documents, I noticed that in two ASRs, institutions started to address the topic of sexual violence, stopped and changed to a different topic, and then after a few more pages, the topic of sexual violence began again but on a different aspect of sexual violence. Information in the ASRs was not organized logically for someone who wishes to learn all they can about the institution's policies regarding sexual violence. For example, Institution A mentioned victim services in a section about campus offices, but this key campus service for victims was not mentioned in the section about responding to sexual violence. If a stakeholder opens the index page and turns to the section on sexual assault, stalking, and relationship violence, they cannot learn about the victim services provided by the institution. Only if the stakeholder reads the whole document or knows the specific name of this institution's center could they identify that victim services are discussed in another section in the document.

The visuals provided in a document also provide a message to the reader. At least one photo appears on the cover page of each ASR except for Institution C's ASR that did not have a cover page. Institution A's ASR does not have photos anywhere other than the cover page. In the remaining three institutions' ASRs, photos are placed throughout the document. In Institution B's ASR, three-quarters of the pages have either a picture, table, or text box. These items provide variance in visual appearance. Overall, there is variety in the types of photos used in the documents. Mostly, the photos are of campus and students. However, in Institutions B, D, and E's ASRs, ironically there are a higher number of police officers and police vehicles in photos than students or campus.

The formatting of the ASRs ranges from pages of text with only headers, as exhibited in Institution C's ASR, to Institutions E's ASR that provides a professional

feel. Institution E's ASR has a footer that includes colorful lines along with the page number and the listing of the institution's police department. The photos have rounded edges and appear to be strategically placed at the edge of the document. Institution D's ASR includes content on one side of the page and a large orange column on the left of each page that covers a quarter of the page. Some of these orange columns have text or a small picture highlighted within them. A few errors occur within the documents. For example, in Institution A's table of resources and contact numbers, there is a "?" for the phone number of the university counselor. Institution D's document has a few typos. For example, instead of "living," the document read "iving."

2017 Annual Security Reports

The presentations of the 2017 ASRs are polished and professional. Section titles assist stakeholders in finding the correct location of information with the document. Because these documents include many pages and vary in content, finding information, which is the key to communicate with stakeholders, becomes difficult. All of the 2017 ASRs' section titles are inclusive of the VAWA crimes, sexual assault, domestic violence, dating violence, and stalking. Institutions B and D use the same terms as the VAWA. Institutions A, C, and E combine dating violence and domestic violence and use the term "relationship violence." Institution C is the only institution not to include stalking within the section title. The section titles listed in the table of contents allow for easy navigation through the documents. All institutions' ASR's covers include at least one photo and their institution names are easily identifiable. The photos are of campus, students, or the police.

Reading Institution E's 2017 ASR for content on sexual violence is confusing. Information that applies to the prevention of sexual violence is not located in one area. The ASR does not include concise steps to follow if someone experiences sexual violence. However, information that would typically be addressed through these concise steps is incorporated throughout the document. For example, there is a section that addresses university health services. This section broadly discusses the services offered at the health clinic and includes a statement about undergoing a sexual assault examination. This would be good information to identify in the section of the ASR directly related to sexual violence.

Conversely, Institution D impressively formats their 2017 ASR which aids in smooth navigation of information. At the top of each page is a rectangle blue header that fills the top of the page and notes the subject matter pertaining to that page. Additionally, a photo is coordinated with the header. The photo changes with the subject. For example, the section that addresses emergency management has a photo of a campus fire truck. The easy to read headings provide effortless navigation throughout the document. The narrative of Institution D's ASR has a variety of text, photos, text boxes, and charts, along with succinct headings.

Comparison Between 2012 and 2017 Annual Security Reports

From 2012 to 2017, institutions enhanced the organization of their ASRs. The advancement in the presentation included the format, polished appearance, and clearer organization. When I analyzed the ASR documents, I noticed a difference in the organization of content. The format in some of the 2012 ASRs tends to be simplistic. Two ASRs do not even include a picture in the document. The documents do not look

like a polished document produced by a university marketing department. In 2017, most of the ASRs improved the appearance of their publications. The documents include strategically placed photos, information in columns and infographics instead of full blocks of text, and thoughtful variations in headers to designate subheadings from headings. Each 2017 ASR provides an index with clear designation on the sections that would apply to the VAWA requirements. Despite these changes, one institution minimally improved the organization of content. Institution E's 2012 ASR organization of content was illogically organized. Prevention information and definitions were in a section about on-campus services while another section defined reporting and adjudication. This lack of organization persisted in the institution's 2017 report.

Section titles assist stakeholders to find the location of information within the document. Because these documents include many pages and vary in content, the organization of the document is essential for effective communication. In the 2012 ASRs, four of five institutions used the term "sexual assault" within the title of sections addressing sexual violence. In the 2017 ASRs, the titles evolved to be inclusive of the VAWA crimes, sexual assault, domestic violence, dating violence, and stalking. Three institutions combined dating violence and domestic violence and used the term "relationship violence." One institution did not include stalking within the section title. In general, I found that there was an advancement in the organization of information from the 2012 ASRs to the 2017 ASRs, as supported by the improved formatting, polished aesthetics, clear organization, and consistent titles.

Representation of Police

The presence of police images and content is a key finding within how institutions represent themselves in both the 2012 and 2017 ASRs. This finding identifies the topics addressed in the ASRs, the authors of the documents, the visual depictions that are all centered around police. Interestingly, there are sentiments that the safety of campus is not just the police's responsibility, but safety is everyone's responsibility. The representation of police in a document that due in part to the VAWA incorporates support, response, and prevention for sexual violence seem to not consider the low percentage of victims that report to the police or the possible reasons for this inaction.

Topics covered in the ASRs include information about the police department, how to report crimes, crime definitions, crime statistics, emergency response procedures, emergency notification protocol, missing student policy, alcohol and other drug policies, crime prevention, and a fire porting outlining fire safety and statistics on fires on campus. In addition to requirements added from VAWA, the topics covered in the 2012 and 2017 ASRs did not change. All information in the ASRs has a connection to campus safety. Most of the required content, other than the VAWA requirements, is police related. Police content focuses on crimes, reporting crimes, preventing crimes, and responding to crimes. However, the content addressing sexual violence is not necessarily a police matter.

Specific authors are not mentioned in any of the ASRs. Nonetheless, some ASRs in both 2012 and 2017 reference the police department as the holder of the document. Multiple institutions noted that copies of the ASR were available from the police department. Also, when accessing the ASRs online, police websites were a frequent

location of the reports. Institution B's 2017 ASR did reference supportive information offered by institutional departments other than the police department.

The visual representations of the 2012 and 2017 ASRs provide a clear depiction that the documents are focused on the police. Of the institutions that had photos in their reports, there was a heavy representation of the police within the photos. Institution D's 2012 and 2017 ASR covers have several photos of police including officers and police vehicles. The cover and introductory pages within Institution E's 2017 ASR has photos of police officers, police vehicles including car, bike and motorcycle, and a police dog.

The police have a strong presence in the annual security reports. Although the purpose of these documents aligns with having a strong police presence, the ASRs also have a stance that communicates that safety is everyone's responsibility. The ASRs mainly communicated this stance through letters from administrators included at the beginning of the ASR. Every institution had the same sentiment in both their 2012 and 2017 ASRs. For example, Institution A's 2012 ASR introduction letter states that campus safety is important, and "we all have a role to play in keeping our campus safe." Institution B's president wrote in his statement, "We at Institution B are committed to providing a safe campus environment, and we ask that everyone takes ownership of this goal." The introduction of Institution E's 2012 and 2017 report starts with, "Your safety is our concern, it also must be your concern. As a university, we work diligently to prevent crime, fire, accidents, and illness, but nothing we do is as important as what you do—and, in some cases, don't do." This finding is encouraging to see but does not align with the heavy focus on police response. Police are heavily represented in the ASRs through the content addressed in the ASR, the identified authors, and the visual

depictions; however, the sentiment is that safety is not just the police's responsibility but everyone's responsibility.

Summary

Chapter IV presented the findings to the two research questions: (1) What discernable patterns and trends, if any, emerge in institutional sexual violence policies and procedures defined within the 2012 and 2017 Annual Security Reports at large, land-grant institutions in the Big Ten Conference? and (2) What changes in institutional sexual violence policies and procedures are reflected when comparing the 2012 and 2017 Annual Security Reports at large, land-grant institutions in the Big Ten Conference? I initially described the documents used in the analysis. Then, I addressed three themes that emerged from the 2012 and 2017 Annual Security Reports: student-victim centered approach, institutional response, and representation and communication of the ASRs. Chapter V subsequently explores the findings, connects the findings to the literature, discusses implications to practice, and presents recommendations.

CHAPTER V

DISCUSSION

Sexual violence is one of the most challenging campus health and safety concerns faced by institutions of higher education (Lebioda, 2015). Originating with Title IX guidance in 2011, a focus on compliance emerged and continued in 2013 when the Reauthorization of the Violence Against Women Act (VAWA) provided new federal mandates through legislation. In 2017, the DOE withdrew all earlier guidance and is currently engaged in a rulemaking process raising questions about the future of federal guidance. These changes can leave administrators unclear on the best approach to construct a sexual violence policy that aligns with federal mandates, meets the needs of the institution, and provides equity for complainant and respondent.

In May 2020, new regulations were released to amend the Title IX of Education Amendment Act of 1972 (Department of Education, 2020). It should be noted that this dissertation research was completed before the May 2020 regulations, therefore, these regulations were not part of the consideration during the research phase of this dissertation.

This study is significant for five reasons: sexual violence is an issue on college campuses; future policymaking as federal guidance continues to evolve; there is the potential of monetary impact for campuses; institutional administrators desire this

information for policy updates and compliance; and there is a need for policy research. Sexual violence is an issue on college campuses due to both the significant number of instances of violence and its life-changing impact on individuals. Also, federal guidance on sexual violence has continually evolved since 2011. Recent history informs IHE that the issue of sexual violence and federal oversight will continue for institutions in the foreseeable future. Policymakers may be able to use the findings of this study for future policy development at the state and federal levels. Furthermore, the federal oversight experienced by institutions and the potential for monetary damages influencing institutions continues to make this topic a top priority for campuses. The significant financial impact of non-compliance is a motivator for administrators to make changes where needed to avoid potential monetary impact. Next, as federal guidance evolved and developed over the past eight years, it left university administrators seeking information from peer institutions to understand the best practices and how peer institutions interpret federal policy. There is a lack of research on policy in this area, and many previous studies call for more research on policy in this area. This study provides a start for research in the area of IHE's response to the federal compliance of the VAWA.

This document analysis research explored the way institutions of higher education responded to changing federal guidance. A review of the problem statement, purpose statement, research questions, methodology, and summary of findings is reported in this chapter and is followed by a discussion of findings, limitations, and recommendations for future research and practitioners. Lastly, the summary of this chapter is provided.

Problem Statement

Federal law requires institutions to track and report incidents of sexual violence, offer support services, and provide prevention programs (Department of Education, 2016b; Lebioda, 2015). Despite this federal mandate, outcomes are mixed. Some institutions face audits, are found in noncompliance, and receive fines while other institutions meet compliance requirements (Hanson & Cartwright, 2017). One possible reason some institutions are at risk for noncompliance and potential fines could be insufficient institutional policies on reporting and support services.

Purpose Statement

The purpose of this research study was to explore the ways institutions of higher education responded to changing federal guidance by comparing the sexual violence policies and procedures reported in their 2012 and 2017 Annual Security Reports. For this study, sexual violence included sexual harassment, rape, dating violence, domestic violence, and stalking, as defined by the Violence Against Women Act and Title IX.

Research Questions

This study addressed the following research questions:

1. What discernable patterns and trends, if any, emerge in institutional sexual violence policies and procedures defined within the 2012 and 2017 Annual Security Reports at large, land-grant institutions in the Big Ten Conference?

2. What changes in institutional sexual violence policies and procedures are reflected in the comparison of the 2012 and 2017 Annual Security Reports at large, land-grant institutions in the Big Ten Conference?

Review of Methodology

As stated in Chapter III, this study followed an interpretivist theoretical perspective, allowing me to serve as the instrument as meaning emerges through the research process. Through the method of document analysis, I utilized text to understand a sense of how institutions are responding to federal mandates.

For this study, the dataset consisted of 10 annual security reports from five institutions. The five institutions selected are public, land-grant member institutions of the Big Ten athletic conference, each with over 45,000 students. The institutions were Michigan State University, Ohio State University, Pennsylvania State University, University of Illinois, and University of Minnesota. The annual security report documents were those for the 2012 and 2017 reporting years. This study utilized a document analysis of institutions' ASRs required by the Clery Act and defined by VAWA to collect data to answer the research questions.

Summary of Findings

Chapter IV outlined the findings to the research questions in three themes: student-victim centered approach, institutional response, and the representation and communication of the annual security report. In this section, I address the findings concerning this study's research questions.

Research Question #1

What discernable patterns and trends, if any, emerge in institutional sexual violence policies and procedures defined within the 2012 and 2017 Annual Security Reports at large, land-grant institutions in the Big Ten Conference? As this question addresses two different ASRs, there are two areas of key findings, one for 2012 ASRs

and the other for the 2017 ASRs. I will first address the key findings for the 2012 ASRs and then for the 2017 ASRs.

The following were key findings from the 2012 ASRs:

1. The reports focused on students with minimal mention of employees. When employees were mentioned, it pertained to reporting employee misconduct or how to assist a student victim.

2. To identify individuals who have experienced sexual violence, institutions used the term "victim," added the term "survivor" along with the term "victim," or attempted to avoid using any terminology. Identifying individuals in the accountability process was inconsistent between institutions but consistent within an institution. Terms used were "accuser," "complainant," "alleged victim," and "reporting party" of the individual who brought the complaint forward and accused or respondent for the individual alleged of misconduct.

3. All institutions identified a campus office designated to provide support services to students. However, details about support services for victims was minimal and focused on police responding to a crime.

4. Within the area of institutions' accountability processes, three of the five institutions provided policies prohibiting sexual violence with limited definitions. A standard of evidence was not defined in any accountability process; however, all institutions outlined possible sanctions if a student was found responsible for misconduct.

5. Basic information was provided about awareness and prevention but lacked substance.

6. The presentation of the ASRs lacked professional appearance in organization and formatting.

   The following are key findings from the 2017 ASRs:

1. Students were the focus in the 2017 ASRs, but employees were addressed in the accountability process.

2. To identify individuals who experienced sexual violence, institutions used the term "victim." Identifying individuals in the accountability process was inconsistent between institutions but consistent within an institution. Terms used were "complainant," "claimant," or "reporting party" for the individual who brings the complaint forward and respondent or accused for the individual alleged of misconduct.

3. Dedicated victim services were provided at all institutions; however, only four institutions provided steps to follow for an individual who experienced sexual violence . All institutions offered interim measures or accommodations for student victims including changes in academic, living, transportation, and working situations. Additionally, institutions identified victim support resources for students.

4. Institutions included new crime statistics for domestic violence, dating violence, rape, fondling, incest, statutory rape, and stalking in their 2017 ASRs.

5. Within the area of institutions' accountability processes, all institutions identified policies and definitions of prohibited conduct. Most institutions addressed the definition of consent within sexual violence. The accountability process outlined in the 2017 ASRs included a range of sanctions, a statement of unbiased process, and

the availability of a person of support; all institutions use the preponderance of evidence standard.

6. Institutions included content on awareness and prevention of sexual violence to encompass risk reduction and bystander intervention.

7. Institutions organized and formatted the 2017 ASRs in a way that made it user-friendly to identify content.

Research Question #2

What changes in institutional sexual violence policies and procedures are reflected in the comparison of the 2012 and 2017 Annual Security Reports at large, land-grant institutions in the Big Ten Conference?

The following are key findings of changes I defined when comparing the 2012 and 2017 Annual Security Reports:

1. Student-victims remained the focus of the ASR. Employees were only mentioned in the context of being alleged of misconduct or how to support a student victim. There was no acknowledgment of respondent resources in either the 2012 or 2017 ASRs.

2. The terms used to identify individuals who have experienced sexual violence were not consistent, but the consensus was the term "victim" is used for individuals who have experienced sexual violence. The terms used in the adjudication process was "complainant" and "respondent."

3. There was an increase in the availability of victim support outlined in the 2017 ASRs when compared to the 2012 ASRs. Robust options and information for victims of sexual violence increased to include designated support offices/people, outlined steps

to following an experience of sexual violence, implementation of interim measures or accommodations, and specifically outlined resources for student victims.

4. Within the area of institutions' accountability processes, institutions expanded definitions, crime statistics, and policies to address dating violence, domestic violence, stalking, and sexual assault. The accountability process increased clarity in the 2017 ASRs. Institutions outlined possible sanctions and permitted persons of support and offered more detailed information in the 2017 ASRs. Institutions outlined statements about unbiased processes, training investigators, and a consistent preponderance of evidence standard.

5. Sexual violence awareness and prevention evolved from a basic statement about prevention to outlining ongoing awareness and prevention campaigns, reviewing bystander intervention, and outlining risk reduction tips.

6. The progression of the ASRs from 2012 to 2017 was visually evident in the documents. When I was comparing the documents from 2012 to 2017 the increased depth of information was evident by the increased length of the document and the organization was apparent through the ease of navigation to specific information.

7. The presence of police is equally represented in the 2012 and 2017 ASRs. Police are represented through topics addressed in the ASRs and the visual images in the documents.

8. All 2012 and 2017 ASRs shared a sentiment that campus safety is everyone's responsibility.

Discussion and Implications of Findings

In this section, I discuss the findings and implications of the findings. First, the victim-centered approach is supported by the literature and by historic federal guidance, but potential new guidance could shift the focus to a more balanced approach. Second, the increase in information included within institutions' accountability processes including policies, definitions, unbiased processes, and standard of evidence aligns with the VAWA. Third, the prevention and awareness efforts established on campuses are a significant part of campuses' response to federal compliance. Fourth, the representation of police in the ASRs is reasonable considering the topic, but the impact on victims needs to be considered. Fifth, as discussed in Chapter II, the Principal-Agent Theory applies to the higher education setting, and this study supports the theory. Sixth, I discuss the overall inconsistency in the 2012 ASRs.

Victim-Centered Approach

The annual security reports are student-victim centered in their approach to respond to incidents of sexual violence. As shared in Chapter IV, a victim-centered approach is a way of focusing on a victim in response to incidents of sexual violence. A victim-centered approach is common in community victim services such as domestic violence shelters and is expanding to other areas of victim support including criminal court victim service and police departments. The goal is to not retraumatize the victim through the services available by having the victim's wishes and safety take priority when responding to incidents of sexual violence (OVC, 2020). I defined finding a victim-centered approach in the 2012 and 2017 ASRs. Institutions focused on services for student victims through their dedicated victim support services, guidance for individuals

who are victimized, and evolving their terminology for victims. In addition to discussing what I discovered in this finding, I also address what is missing. I discuss the lack of focus on employee victims as well as the lack of support for respondents.

Victim Support Services

Studied extensively, the impact of sexual violence on individuals includes its effect on mental and physical health, its economic impact, and its effect on academic performance. Effects of sexual violence include increased substance abuse, suicide risk, and depressive and anxious symptoms (Chang et al., 2015). Women who experience intimate partner violence are more likely to experience poor physical and mental health such as fear, anxiety, or PTSD that can interfere with an individual's employment performance or attendance and can have a financial impact on a victim (Coker et al., 2013; Loya, 2015). In the lens of sexual violence on college campuses, women sexually assaulted during their first semester of college subsequently tend to see a fall in their grade point average while women who did not report being sexually assaulted do not see a similar decline (Jordan et al., 2014). It is clear that victim services should be a central focus in the response to sexual violence on college campuses. In the 2017 ASRs, there was an increase in identifying dedicated victim services and victim accommodations.

Institutions that provide extensive support services with victims of sexual violence exhibit commitment to student success by providing support to overcome barriers. Research by Jordan, Combs, and Smith (2014) detailed the impact of sexual violence on a victim's grade point average. When institutions are made aware of incidents of sexual violence impacting students, they should provide support to remedy the impact. The dedicated support services implemented by institutions can aid in

providing the avenue to remedy the impact of sexual violence on students. Avenues that institutions identified supporting victims included victim accommodations such as changes to academics, living, transportation, or working situations. The identification of these support services can promote trust between the victim and staff working within the dedicated support service staff. One of the barriers outlined in the literature was the concern victims express with trust and confidentiality (Logan et al., 2005; Sable et al., 2006). Victims often believe it would be too risky to gain assistance from any formal social system (Patterson et al., 2009). Dedicated victim support services can assist with resolving these concerns. Services that are dedicated to victims are more likely to utilize a thoughtful approach to support victims. Education and training could include being informed on the obstacles faced by victims, how to respond to disclosure of sexual violence in a trauma informed approach, interpersonal communication with compassion, empathy, and patience, along with many other skill sets that allow for trust to be built between the dedicated victim service and the victim.

The increased information and guidance provided to victims of sexual violence supports a victim-centered approach. Institutions can provide the ASR to victims as a resource guide in responding the incidents of sexual violence. The 2012 ASRs provided information for victims but concentrated on reporting to police. The 2017 ASRs evolved to provide options and suggestions for individuals to follow and were not solely focused on the police response. Only four to eight percent of victims report sexual violence experiences to campus authorities, and only two percent report them to the police (Amar et al., 2014). With this low number of reports, institutions need to provide students written guidance since it should not be assumed that students will reach out for this

information directly from campus authorities or the police. I also believe that these steps aid with the individual's recovery process as it provides options that they may be unaware of previously. Institutions should take into consideration that a significant number of victims are not going to report to police or the institutions. The information included in the guidance should include support services available on campus and in the community that can aid in a victim's recovery and not just emphases reporting to police or the university.

The inclusion of victim accommodations aligns with the law in the VAWA. The VAWA (2013) states institutions must provide "written notification of victims about options for, and available assistance in, changing academic living, transportation, and working situations." The identification of support services in the 2017 ASR shows evidence that institutions are complying with federal requirements. The support services identified to have increased in the 2017 ASR are particularly valuable services for students considering the negative impact of sexual violence on both students' individual and academic behaviors.

Terminology

The term used to identify individuals who have experienced sexual violence provides meaning to an institution's wording in its ASR. Institutions communicate with their audiences by using different terms to refer to individuals who have experienced sexual violence. The 2017 ASRs used the terminology of "victim" consistently to identify individuals who experienced sexual violence. Research in this area shows that there are varied use and response to the terms "victim" and "survivor." The term "survivor" is argued to be a term that identifies recovery and provides a sense of newfound power and

strength (Augustine, 2019; RAINN, 2020). The term "victim" is often used when referencing someone who has recently experienced sexual violence. Word choice can set the stage for how individuals perceive the information, possibly how they perceive themselves, or how the campus culture perceives the issue. For implementation by institutions, the Rape, Abuse and Incest National Network (2020) advises that "no one word can define the realities of every person affected" and university administrators and support service staff need to inquire how individuals want staff to refer to them. Institutions should select a term and be consistent with the term throughout their documentation. I prefer the term "victim" for the purpose of the annual security report. These documents provide guidance on options immediately following an experience of sexual violence, so the term victim seems most appropriate.

The terms identified in the findings utilized for an accountability process varied and included complainant, respondent, claimant, reporting party, and accused. The research does not specifically address the terminology used in accountability processes, but the term respondent is consistently used in the literature. The VAWA (2013) uses the words "accused" and "accuser." Institutions exclusively focused on complying with the federal mandates could be tempted to use the terminology used within the VAWA. For implementation for institutions, I would suggest the terminology used in an accountability process for sexual violence should mirror the terms used in non-sexual violence accountability processes. For consistency, my recommendation would be to treat all cases involving two parties similarly. For example, an accountability process for a student that physically injures another student with a gun should be addressed the same as a sexual violence case, including the terms used for individuals involved in the process.

Treating these cases differently could be viewed as elevating one case to a higher level of severity when both cases have a serious negative impact on individuals and the community.

Lack of Inclusion

The finding of a victim-centered approach is also acknowledging the areas the approach does not address. The ASRs in this study minimally recognized that employees could be victims of sexual violence and might need similar support services to students. Additionally, alleged individuals are just addressed in the accountability process and not acknowledged to need any support services.

Recognition of Employee Victimization. The 2012 ASRs did not acknowledge employees as potential victims. The focus of the 2017 ASRs was directed mostly at student victims, but there was a trend incorporating the employee accountability process and only one institution acknowledged that sexual violence could impact employees. The inclusion of the employee accountability process in the 2017 ASRs is a requirement by the VAWA, so this inclusion is logical. However, what stands out is the evident acknowledgment of employees being alleged to perpetrators of sexual violence but not acknowledging employees could be victims of sexual violence. The impact of sexual violence in society addressed in the literature review encompasses the impact on all victims. Some research is specific to college students but other research is broad and inclusive of all individuals including university employees. Loya's (2015) study on the economic impact on sexual violence victims outlines four major consequences of sexual assault on a victim's employment: increased time off work, decreased performance, job loss, and the inability to work. In addition to these impacts, women who experience

intimate partner violence are more likely to experience poor physical and mental health (Coker et al., 2013). Mental health impacts such as fear, anxiety, or PTSD can interfere with an individual's employment performance or attendance and can, therefore, have a financial impact on a victim (Loya, 2015). Considering the potential negative impact on the work environment for victims of sexual violence, employers may find it beneficial to acknowledge that employees could be victims of sexual violence and offer support services for employee victims. Victimization could occur in or out of the work setting; nonetheless, support services like counseling options and accommodations to employment might need to be considered for an employee's continued success in their position. Another implication for this finding is concerning the intersection of students who are also employed as a student employee or full-time employees that are also students. Institutions need to be prepared to address situations when a victim or a respondent fulfills the roles of both student and employee.

Acknowledging Respondent Support. Like employees, respondents are not mentioned outside of defining the accountability process. Even though the ASRs includes preemptive education and awareness, many students perceive themselves as invincible and do not identify the need for this information. When the annual notice of the institution's ASR is sent to the campus community, it is likely students do not review this information. Therefore, it is possible that the first-time students review the ASR in detail is when they are a victim of sexual violence, a support person for a victim, or alleged of violating sexual violence. As I have addressed previously, a student victim reading the institution's ASR will find various support services. However, an individual alleged of sexual violence reading the ASR would see all the various support services for the person

who alleged sexual violence and information about how the university addresses accountability. This victim-centered information might be perceived by the alleged person that the university as biased against the person alleged of sexual violence. The potential perception does not align with the institution's statement about having an unbiased process. From my experience, most individuals who are alleged of sexual violence do not agree that they harmed another person. Many of the issues surrounding sexual violence on a college campus evolve around differing perceptions of consent from sexual interaction. Being accused of sexual violence can be very shocking for individuals to experience and have a negative impact on their academics and emotional well-being.

In 2017, President Trump's administration withdrew numerous pieces of Title IX guidance provided from 2011 to 2015. In November 2018, the Department of Education released new proposed Title IX rules for public commenting. Some of the proposed rules include adopting a definition of sexual harassment that is severe, pervasive, and objectively offensive: the misconduct must occur within the institution's programs or activity; and in the United States, cross-examination during the accountability process must be allowed, and the respondent must know responsibility is not predetermined. These proposed rules emphasize the rights of the respondent which is a shift from the 2011 to 2015 victim-centered Title IX guidance. Altering the definition of sexual harassment could limit the misconduct addressed. Changing from "pervasive or severe" to "pervasive and severe," the change from an "or" to an "and," makes a difference in what behaviors institutions could address. The potential change that misconduct must occur within the institution's programs within the United States would restrict action on a sexual assault that occurs between two students on an international study abroad trip.

Additionally, this change could restrict the institution's ability to address misconduct occurring at commonly held house parties. These two limitations benefit a respondent by limiting the misconduct institutions could address. The proposed rules also include the ability of cross-exam during an accountability process and that responsibility is not predetermined. Although these two proposed changes are not necessarily negative to a complainant, they were suggested in response to supporting respondents in the accountability process. It is my experience that complainants have no desire to talk with the respondent. However, the respondent or their advisor wants to question the complainant, which typically comes across as demeaning and belittling. The cross-examination process is not victim centered as it could be re-traumatizing. Therefore, I hold the belief that these two proposed rules are supportive of respondents.

From 2011 to 2015, Title IX guidance was supportive of complainants and then in 2018 the proposed guidance swung the opposite way to support respondents. I see this process as the pendulum swung in favor of complainants from 2011 to 2015 and now the pendulum is swinging to focus on respondents. The findings in this study identify there is a lack of acknowledging the need for support services for respondents. However, based on the 2018 proposed guidance, I think as time evolves, the swing will be to the other side to protecting respondents. Institutions need to evaluate how to acknowledge the respondent's experience in the accountability process along with balancing a victim-centered approach.

In summary, the findings of this study identified institutions focused on services for student victims through their dedicated victim support services, outlined guidance for individuals who are victimized, and evolved their terminology for victims. In addition to

discussing what is evident in the ASRs, I discussed the lack of focus on employee victims and acknowledgment of the respondent experience and the lack of support for respondents. Next, I discuss the findings about the institutions' accountability process.

Accountability Process

Only four to eight percent of victims report sexual violence experiences to campus authorities and only two percent report them to the police (Amar et al., 2014). These significantly underreported incidents prevent institutions from addressing misconduct and promoting a safe campus. Reporting can aid in identifying perpetrators, lead to accountability procedures being conducted, and potentially sanction the perpetrator to take steps toward a safer community (Amar et al., 2014). Research suggests that campus accountability processes and provisions of student prevention education influence a victim's willingness to report sexual violence (Amar et al., 2014). The 2005 National Institute of Justice identified that policies and practices might prevent and promote reporting. Policies requiring a victim to participate in adjudication, policies on alcohol and drugs, and potential victim blaming are possible reasons why victims might not report (NIJ, 2005). This study identified an increase in information regarding crime statistics, policies, and institution's accountability process from comparing the 2012 ASRs to the 2017 ASRs. In this next section, I discuss the findings of the increase of information and its relation to impact reporting incidents of sexual violence.

Crime Statistics

The VAWA expanded reported crime statistics to include dating violence, domestic violence, and stalking. This study found institutions did include these new crime statistics in their 2017 ASR. The findings outlined that institutions reported new

statistics in different ways. Some institutions combined the new categories with the pre-existing statistics and other institutions kept the new statistics separate. I found these two different approaches to be noteworthy. The institutions that separated the dating violence, domestic violence, and stalking crime statistics separate from pre-existing statistics make a statement that these crimes are different than the other crimes. It is unclear whether their statement is that these crimes are more severe and they want them to stand out or a statement that these crimes are less severe than the other crimes and do not deserve the attention as much as the pre-existing crimes. Since the meaning from the institutions is unclear, it is left to the readers to make their own assumptions.

Policies and Definitions

As previously addressed, policies can impact victims' reporting (Karjane et al., 2005). The 2012 ASRs outlined limited policies, and some institutions did not even provide policy definitions of alleged misconduct. In 2017, the ASRs provided various policy definitions including dating violence, domestic violence, stalking, and consent. The 2017 ASRs included a total of 39 definitions. In 2012 when there was limited information on alleged misconduct, victims might not have been able to identify that their experience was a violation of university policy. However, in 2017 the ASRs that outlined prohibited policies and clear definitions aid victims to understand their experience is not condoned by the university. Institutions providing more information about policies on misconduct supports the research that victims desire more information before reporting.

Another point of discussion with policies is the inclusion of the definition of consent. Per the VAWA, institutions are required to include state law definitions on consent. As reported in the 2017 ASRs, three out of the five states do not define consent

concerning sexual violence. My experience is that the majority of allegations of sexual violence on a college campus center around the perception of consent. To support this experience, other states have enacted laws on sexual violence on college campuses that specifically revolve around consent. California Governor Jerry Brown signed the nation's first affirmative consent standard for IHE, referred to as "yes means yes" (The Hunting Ground, 2019). New York established affirmative consent in 2015 through a statewide sexual assault policy. After a public criminal case involving a Michigan State University doctor in 2018, the state of Michigan legislature passed several measures to aid victim support for minors including a definition of consent. The lack of state definitions of consent included in the 2017 ASR report is notable and brings to light the public understanding of the issues of sexual violence on college campuses. The public understands sexual violence from a criminal justice perspective. If the criminal justice system does not have an understanding or definition of effective consent in sexual relationships, then the public is not going to understand the issues of sexual violence on a college campus as the issues typically center around effective consent.

Sanctions

One of the premises about providing information on policies and procedures is to not deter victims from reporting and give them information to make their own decisions. However, this needs to extend to the information that institutions provide about sanctions and statements about being unbiased. This study found that all institutions provided a range of sanctions in their 2017 ASR. This information can assist victims to identify the possible consequence for the person who harmed them if they choose to report and participate in the accountability process. However, institutions provide a vast spectrum of

options for sanctions. The wide range of sanctions does not provide true insight on what is common or likely to occur in situations where a student is found responsible for violating an institution's sexual violence policy. A victim might be discouraged to report if they understood a sanction could range from a warning to expulsion from the university for the person who harmed them. The possibility that they could report and the alleged would only get a warning is not a motivator to report. Through my knowledge, a warning is not a realistic sanction when an individual is found responsible for sexual violence. Therefore, I contend the inclusion of the range of possible sanctions included in the ASR as a step in the right direction for institutions, but the transparency of the actual range of sanctions in the past few years would provide a better option.

Unbiased Statement

Similarly, the statement institutions included in the 2017 ASR that their investigations were fair and impartial needs to be expanded upon to be meaningful to victims and respondents. A participating party in an accountability process would be encouraged to hear that the process is fair and impartial, but institutions do not provide supporting information to explain how their process is fair or impartial. The lack of supporting information leads individuals to develop their perception of the meaning of a fair and impartial process. From my experience, both complainant and respondent feel that the process needs to be curtailed to them and providing fairness to the other party is not fair to them. These thoughts are common for individuals when they feel they were harmed, or when they feel they are being falsely accused. When institutions have a victim-centered approach, victims hopefully see that institutions want to support them and meet their reasonable requests. One would hope that this is empowering to victims

and assists in breaking down barriers in reporting. A few studies have identified concerns from victims regarding trust is a foundation on why victims do not report (Logan et al., 2005; Patterson et al., 2009; Sable et al., 2006). Based on the numerous barriers victims must overcome to report, they must understand the institution's perspective of the fair and impartial process before they decide to go through the accountability process. Otherwise, victims are going to have their perceptions and could be shocked by the institution's approach to a fair and impartial process. In the end, this could set victims back further in their recovery process rather than advancing their recovery process by empowering them to hold the person that harmed them accountable.

Part of a fair process is provided in the due process rights outlined in the accountability process. Public institutions must provide due process in adjudication processes, as defined by the 14th Amendment of the U.S. Constitution (Weizel, 2012). The U.S. Constitution requires due process, including notice and fair opportunity to be heard at a minimum (Weizel, 2012). Many court cases have continued to redefine minimum due process requirements. For example, in 1961, *Dixon v. Alabama State Board of Education* further defined students should be given notice of specific charges against them, the provision of evidence supporting the charges, an opportunity to defend themselves. Weizel defines this as an adversarial process (Weizel, 2012). Title IX provides that in an accountability process, the respondent and complainant must have the same rights. The institutions in this study did not explain that part of a fair process includes due process rights and that each party will have the same rights in the process.

Standard of Evidence

The findings in this study provided that institutions did not outline their standard of evidence used in their accountability processes in their 2012 ASRs. However, in 2017 all institutions defined their use of the preponderance of evidence standard, meaning more likely than not. This finding is supported by previous federal guidance provided between 2011 and 2017. The Obama Administration provided clear federal guidance that the preponderance of the evidence standard must be used in sexual violence accountability processes. Literature shows this has been a controversial decision and the Trump Administration has withdrawn this guidance. Hendrix's 2013 law review argued that the gravity of the charges of sexual assault does not comport with the preponderance of evidence standard and suggested the standard be reformed to "clear and convincing." Hendrix believes increasing the standard of evidence will provide a balance between the victim and the accused student (Hendrix, 2013). On the other side of the issue, Triplett's 2012 law review supports the preponderance of evidence standard. "A preponderance standard recognized that the campus adjudicatory system is distinct from the criminal-law context and acknowledges that the institution has competing obligations to the victim and to the accused" (Triplett, 2012). This is another example of the pendulum swing from one clear expectation to the removal of the expectation. When looking at the potential impact of the standard of evidence on a victim's likelihood to report, the preponderance of evidence standard makes it more probable to find a respondent responsible for violating university policy than a clear and convincing standard. The willingness of victims to report an incident of sexual violence to institutions with a higher standard of evidence should be explored.

In summary, less than 10 percent of victims report sexual violence experiences to university officials; however, reporting can aid in identifying perpetrators and can lead to accountability. The accountability process utilized at each institution can impact a victim's decision to come forward. When I compared the 2012 ASRs to the 2017 ASRs, this study revealed an increase in information regarding crime statistics, policies, and accountability processes. I discussed the findings of the increase of information and its relation to impact reporting. Next, I discuss the findings related to sexual violence awareness and prevention.

Sexual Violence Awareness and Prevention

Most federal guidance including the VAWA and the proposed new rules on Title IX from the DOE defines prevention programming on sexual violence as a key requirement for institutions of higher education. The literature points to an increase in institutions providing prevention education on college campuses. This study supports this conclusion found in the literature: the comparison of the 2012 and 2017 ASRs of institutions in this study increased the information on sexual violence prevention efforts implemented on their campuses. The literature on prevention programming efforts addressed three categories of information including frequency, topics, and the andragogy utilized for prevention.

This study identified that in the 2017 ASRs institutions defined prevention efforts for incoming students and additional prevention efforts commonly referred to as ongoing prevention. Effective prevention education is administered through multiple ways for the duration of a student's college experience (Jessup-Anger & Edwards, 2015). The extent

of education a student might have participated in during the one-time prevention efforts for incoming students was not discussed in detail by any institution.

The content of information to include in education on sexual violence with college students has remained consistent over the years. According to this study, the two prevention topics addressed with frequency in the 2017 ASRs were bystander intervention and risk reduction. Existing research also identifies these topics among other topics. Suggested topics to incorporate in prevention education include information about rape myths and facts, common circumstances, risk reduction, trauma responses, the healing process, bystander intervention, campus policies, and support services (Amar et al., 2015; Anderson & Whiston, 2005; Karjane et al., 2005).

Findings from this study identify various avenues of providing information to students. Some institutions identified online training, prevention campaigns, peer educators, and education for specific populations. The study by Amar et al. (2014) reported avenues of prevention to include bystander intervention messaging, peer-led discussion, videos, visual arts, social media campaigns, and self-defense classes. The various avenues to engage students as identified in this study align with the various avenues identified in the literature.

Overall, the details of prevention efforts listed in the ASRs was limited, but all institutions did identify providing prevention for incoming students and employees and ongoing prevention efforts. However, it is hard to determine the extent of the prevention effort specifics, based on the limited information provided despite a reported increase in prevention efforts I found when I compared the 2012 and 2017 ASRs.

Representation and Communication

The annual security reports are an avenue that institutions utilize to communicate with stakeholders about campus safety. Stakeholders include internal and external individuals such as employees, students, prospective students, and families. The 2012 ASRs did not prioritize addressing sexual violence. The lack of organization of the document was present as some examples would jump from one topic to the next. The authors of these documents are not directly, but the documents indirectly imply that the police departments are the originators of the documents. The police department is the institutional function with the core responsibility for campus safety, and therefore, is responsible for compiling the annual security reports. The requirement of the annual security report has been in place since 1990, and until the VAWA, no public attention was given to the reports. Therefore, the annual security reports previously were not seen as documents that represented the university. It would not be acceptable for student recruitment and admissions material to represent the university like the 2012 ASRs were representing campus safety, but the ASRs previously were not given sufficient attention. In contrast, the 2017 ASRs are polished and professional with improvements to their flow, organization, and formatting. By the time the 2017 ASRs were published, there was increased public attention on these documents which can account for the improvements in the 2017 ASRs.

The findings for both the 2012 and 2017 ASRs outlined that the presence of police was evident in the documents. Based on the topics included within the document and the campus safety focus, this is appropriate. However, the new sexual violence content in the 2017 ASRs does not seem to align with the heavy police presence. The

majority of the content related to sexual violence does not involve the police. When only two percent of victims report to the police, the heavy police presence could assist to increase reporting (Amar et al., 2014). However, the heavy presence could also deter victims from utilizing campus services. If victims do not desire to involve the police and observe the heavy police presence, they could view the document as solely for reporting to the police and not learn of campus services.

Another finding with police representation in the ASRs was the statement that safety is everyone's responsibility. This stance is present in the 2012 and 2017 ASRs. A majority of the statements are made by administrators in the introduction of the document. Other than these statements, the content within the ASRs does not continue to expand upon how the reader is responsible for campus safety. The finding in the 2017 ASRs regarding the additional education on risk reduction is primarily related to the statements that safety is everyone's responsibility. These statements are admirable; but without much support within the document, the statements do not seem to hold much weight.

Inconsistencies Among Institutions

The last point of discussion is the lack of consistency identified in most areas of sexual violence within the 2012 ASRs. There is no consistency in support services, policies or definitions, accountability processes, and prevention. These inconsistencies do not meet the spirit of the Clery Act. The Clery Act provides the opportunity for institutions to be compared to each other. Based on this study, the statistics of crimes are the only aspect of the ASRs easy to compare across institutions. When Jeanne Clery's parents advocated for what is now known as the Clery Act, they shared if they had known

about the crime at Leigh University, they might not have sent their daughter to the institution where she later was raped and murdered. I am not confident that the annual security reports are reviewed by prospective students or their families, yet institutions need to have consistency in the information they provide so prospective students and families can use the ASRs as the Clery Act intended for them to be utilized. The VAWA provided additional guidance on information to include in ASRs, and it is now up to institutions to include this information.

When considering possible contributions for the inconsistency among institutions in the 2012 ASRs, the Principle-Agent Theory could be considered for additional understanding. As discussed in Chapter II, institutions of higher education and the federal government have a relationship that is described well by Principal-Agent Theory (PAT), especially when considering institutions fulfilling federal compliance expectations. PAT focuses on the relationship between the agent and the principal and uses a metaphoric contract to maintain the relationship (Eisenhart, 1989). The principal delegates work to the agent, and the agent completes the work.

Within this study the federal government is the principal that engages the institution, the agent, to comply with the Clery Act through the completion of the annual security reports. Through the Clery Act's fine structure, the federal government motivates institutions to comply. From 1990 to 2002, Clery fines were $25,000. Similar to the increase in federal requirements, the minimum fine increased in 2019 to $57,317. The federal government levied a fine of $2.4 million on Pennsylvania State University and a fine of $4.5 million on Michigan State University. This increase in the fine amount and of the largest fines levied is a strong motivator for institutions to comply with federal

guidelines which occurred after 2012 ASRs and the passing of the Reauthorization of 2013 VAWA. This financial motivator aids the federal government to ensure that institutions are not "shirking," or avoiding the federal government's goals t0 attain the institution's goals. An important part of PAT is the fear of consequences. The increase in content in the annual security reports from 2012 to 2017 shows institutions put forth an effort to comply with the additional Clery Act requirements as outlined in the VAWA.

In this section, I discussed the findings and implications of the findings including the victim-centered approach, institution's accountability processes, prevention and awareness efforts, the representation of police in the ASRs, and the overall inconsistency in the 2012 ASRs. In the next section, I outline the limitations of this study.

Limitations of the Study

There are limitations of this research study. First, the results of this qualitative study cannot be generalized to the general population. I limited the number of participating institutions of higher education to provide a manageable research sample. Additionally, the participating IHE are all public land-grant institutions with a student population over 45,000 and are in the Big Ten athletic conference. Despite this limitation, the research findings are transferable to other institutions that have similar demographics. Although the content might differ in ASRs at institutions with different demographics, these findings are usable to understand the obstacles institutions face when preventing and addressing sexual violence on college campuses. Additionally, outside the context of sexual violence on college campus, these findings are illustrative of how IHE respond to federal regulations.

Addressing sexual violence on college campuses in an evolving topic. I explored a specific window of time for this dissertation. Therefore, potential themes discerned in this study could also evolve beyond the scope of this study. Public policy regarding sexual violence on college campuses continues to transform due to changes in the national political landscape. Therefore, the results cannot be applied outside of the context of this study.

The qualitative method involving my interpretation in analyzing the data could also be considered a limitation. I maintained an awareness of best practices in sexual violence policies and procedures to mitigate possible personal bias views. Expanding the qualitative methods could provide a different perspective. Interviews with institution administrators responsible for compiling their institutions' ASRs could provide insight into the changes made or not made from the 2012 ASRs to the 2017 ASRs. Interviews could also provide an understanding of the administrator's interpretation of the VAWA guidance.

Recommendations

After reviewing research in this area, conducting this study, and through my experience as a practitioner in this field, I have several recommendations to inform both research and practice. I first present recommendations for future research and then recommendations for practitioners and policymakers. Recommendation areas for practitioners and policymakers include accessibility, considerations for the purpose of their work, policy considerations, and broader support services.

Recommendations for Future Research

I recommend future research focus on six different areas. First, the same study could be completed with different demographics of institutions. Next, I recommend examining the implementation of policies outlined in the ASR. Then I suggest research be conducted on the availability of confidential reporting within policies. Next, I recommend future research on the policies and definitions used by institutions and the effectiveness of these policies. I also recommend research on policy analysis about the benefits and drawbacks of federal level involvement with IHE policies and practices addressing sexual violence. Finally, I recommend more research in policy analysis.

Demographics

Several possibilities for future research on the demographics of various institutions could add to the findings in this study. A study exploring various institution demographics could result in different findings. Institutions with a small student population and fewer administrative resources could provide insight into how small institutions responded to changing federal guidance. Additionally, an understanding of staff dedicated to this work and compliance reporting could provide insight on a spectrum of responses identified in the ASR.

Implementation

To truly understand whether institutions comply with the VAWA, future research would need to determine whether the practices identified by institutions in their ASRs are occurring in practice. The connection between written policy and administrator action needs to be examined. This could involve studying the practices of administrators or

assessing perceptions of policy compliance of students who have been provided support services or been through an accountability process.

Confidential Reporting

If only four to eight percent of victims report sexual violence experiences to campus authorities, and only two percent report them to the police, then campus crime statistics in the ASR are significantly underreported (Amar et al., 2014). Confidential reporting options were not consistently addressed in the ASRs within this study. A few studies described in the literature review pointed to concerns from victims regarding trust and confidentiality. Sable et al. (2006) outlined findings that confidentiality was defined as a top perceived barrier for reporting. Researchers could investigate the extent of confidential reporting options that institutions provide to students. Confidential reporting could result in fewer barriers, therefore aiding in students receiving the support they need for their success. Additionally, research should examine whether confidential reporters track case numbers and trends allowing for a better understanding of the full scope of sexual violence incidents on campus. This research, in turn, could allow institutions to work toward reducing the number of incidents of sexual violence and identify ways to provide supportive services for victims.

Institutional Policy

The literature review highlighted the lack of research on the analysis of policy. Professional organizations provide guidance and the DOE has provided evolving guidance over the past 10 years; however, limited research has been conducted to analyze college and university's sexual violence policies, their implementation, or effectiveness. Perkins and Warner (2017) reviewed research conducted on IHE's sexual violence

policies and practices and concluded there is a lack of clarity and consistency in policy definitions and that policies lack an inclusive approach to understand and respond to sexual violence.

As previously addressed, institutional failure to comply with the Clery Act and VAWA can result in fines leveled against the institution. The DOE issues monetary civil penalties and oversees adjustments made for inflation (Stafford, 2019). Professionally, I have observed that institutional administrators are frustrated with the continual evolution of federal guidance on institutions' response to sexual violence on campus. However, based on the existing guidance, institutions typically adopt very similar outcomes in their ASR. Therefore, I recommend that continual development of policy on institutions' response and prevention of sexual violence is not needed at this time. I believe more research is needed before making determinations on developing a new policy on institutions' response to and prevention of sexual violence.

Limited research has been conducted to analyze college and university's sexual violence policies, their implementation, or their effectiveness. Additional resources, personnel and funding, need to be allotted to expand research on sexual violence policy research on an institutional, state, and federal level. More research on sexual violence policies, implementation, or effectiveness can assist institutions to achieve a safe campus environment that is supportive of victims and fair in their processes. It is my recommendation that more research is conducted on institutions' policy on responding and preventing sexual violence on campus.

Federal Involvement

Numerous federal laws and guidance statements impact higher education today; however, it is worth further research on the benefits and drawbacks of federal involvement in IHE policies and practices specific to sexual violence. Most IHE that are required to comply with VAWA are state institutions. Apart from military academies, the federal government does not directly sponsor IHE (Gladieux et al., 2010). Therefore, these institutions fall under the purview of their states yet also manage significant federal oversight and regulations to respond to sexual violence.

Public policy expands past the institutional level to the state board of regents, local government, state government, and the federal government. As outlined in the literature review, various states have enacted laws addressing sexual violence on college campuses. However, the Supremacy Clause in the U.S. Constitution establishes that federal law takes precedence over state laws or constitutions. (U.S. Const. art. VI § 2). If the federal government continues to expand to control over policies and processes within IHE, the federal government will continue to gain more power which takes away from federalism and the balance between federal and state governments (Burns et al., 1997). Future research on the involvement of the federal government should explore the benefits and drawbacks of established and developing state legislation.

The cost to IHE to implement such regulations as the VAWA should be examined in future research to aid in understanding the benefits and drawbacks to federal involvement in IHE. If less than 15 percent of IHE's revenue comes from the federal government, research could be conducted on the proportionality on federal funding and federal involvement (Gladieux et al., 2010). Future research should explore the benefits

and drawbacks of having increased federal involvement in IHE policies and practices specific to sexual violence.

Policy Analysis

Irwin (2010) presents challenges in policy analysis. Future research should be conducted on how to best conduct policy analysis. The first policy analysis challenge is this research involves a researcher so that empirical analysis through the scientific method is a challenge. Next, applying the scientific method to social science questions does not align well as social science questions involve "humans factors, behaviors, and responses" which is not easily measured (Irwin, 2010, p. 179). Additionally, policy analysts strive to meet the unobtainable goal of objective rationality. Objective rationality refers to "careful reason, logic, and empirical observation that is uninfluenced by emotion, predisposition, and personal preferences" (Irwin, 2010, p. 186). To address these challenges and others, future research on avenues of policy analysis should be conducted.

Policy analysis is an applied research and analysis conducted for policymakers to assist in a decision-making process (Gill & Saunders, 2010). Policy analysis can include analysis on the impact of a policy or analysis of activities having a direct or indirect relationship to policy. The continuous scan of the environment, people, resources, and organizations should be considered through the policy analysis process (Gill & Saunders, 2010). Future research policy analysis includes questions like "Who benefits from this policy or practice? Who is hurt by this policy or practice? Whose knowledge informs this policy? How are social inequalities not only classed but also raced and gendered? Eisenstein (2014)" (Horsford et al., 2018, p. 40). In addition to these six areas of

recommendation for future research including demographics, implementation, confidential reporting, definitions, federal involvement, and policy analysis, the following section will outline recommendations for practitioners.

Recommendations for Practitioners

There are several implications for practice that can inform campus administrators. These recommendations derive from the findings as well as being supported by my professional experience. In this section, I make recommendations on the accessibility of the ASRs, the institution's need to consider the purpose of the ASR, considerations for policy, and developing broader support services.

Accessibility

My first recommendation is based on the process of obtaining ASRs. As discussed in Chapter III, acquiring the ASRs for the five institutions was not a simple process. If I was unable to find this information and I am educated on what to look for regarding this topic and familiar with higher education structures and key terms to search for this information, it is likely even more difficult for stakeholders including victims, respondents, and their families. The Clery Act requires institutions to report crimes in the last 3 calendar years. At the time of retrieving the documents, the 2017 ASR should have been easily available to the public. I was not able to retrieve all of the 2017 ASRs online without filing requests with the university. Although there are no requirements to have documents easily accessible, the spirit of the VAWA emphasizes transparency. The ASRs not being easily accessible does not meet the spirit of the VAWA. Therefore, I recommend that the ASR be readily available online for at least the past 3 calendar years. Along with making these reports available online, undergraduate admissions offices

should reference these annual security reports in their information about campus when communicating with prospective students and their families.

Additionally, when I searched for the ASRs on institutions' websites, they were not easy to discover. Institutions do not reference the documents consistently. Some institutions personalized the document by titling it differently than the "annual security report," therefore making it difficult to identify. I appreciate the unique titles that are more applicable to an institution. However, incorporating the words "annual security report" in the document title would have helped locate the document. My second recommendation is that institutions enhance their search functions to capture their ASR when the words "annual security report" is searched for on their websites. This might require collaboration with information technology departments to enhance website search functions.

My third recommendation with the accessibility of the ASR is for institutions to consider avenues to make the information easily consumable. The ASRs range in length to over 100 pages making information difficult to find, not easily understood or digestible for stakeholders. Institutions could provide highlights of the information in an executive summary or through another medium. Infographics or short videos on the various topics within the ASR would allow stakeholders to easily consume and reference the material as needed. Considering the original purpose of the Clery Act to inform the public about campus safety, it is not easy to compare the ASRs between institutions. As mentioned previously, the content was not consistent among institutions. One way to address this obstacle is for all institutions to use a standard template for the ASR. This would provide a consistent way of reviewing material. However, a drawback of a standard template is

that each institution has different avenues to address similar process and a standard template would not necessarily cater the individualism of each institution in their policies and procedures in addressing sexual violence.

Consider the Purpose

How institutions present information provides credibility to the reader and sets the institution's tone on the topic. The original development of the ASR centered around police response to crimes on campus. The implementation of the VAWA has expanded the purpose of the ASR. However, the look and tone of the 2017 ASRs still have a significant police presence and appear to be written for federal compliance. My recommendation is that institutions consider the purpose of the ASR and adjust their approach when compiling the report. The ASR will, of course, need to meet federal requirements, but institutions could adjust the look and tone to better serve the stakeholders of current students, employees, and prospective students and their families. Having a document with a heavy emphasis on police response could deter individuals who are sensitive to police involvement from utilizing the document. This could include students in minority populations who historically have had negative interactions with police and, therefore, may not be receptive to a document that focuses on the police as displayed through the look and tone of the ASR. Institutions that want to have a more user-friendly document might consider utilizing a multi-disciplinary team to compile the report. This could change the focus of the ASR from the police department's response to crimes on campus to how the institution cares for students' safety and success on campus.

Policy Considerations

The finding of this study identifies that institutions utilize various policies and procedures to address sexual violence on campus. The definitions are sometimes legalistic and conceptualizing their meanings can be hard, leaving students to interpret the policies. Examples of prohibited conduct within the definitions would add clarity to policies. For example, institutions define consent, and adding examples of what is not consent would support the definition and assist with comprehension.

Federal regulations derive from either requirement of accountability of federal funds or the "dictates of social legislation" (Gladieux et al., 2010, p. 83). Sexual violence prevention and response is social legislation as it seeks to promote a positive change in society. With the increase of federal involvement in how IHE address sexual violence policies and practices, practitioners need to engage with policymakers. If part of the policy process includes the policy developer's perception of the issues or environment of this social legislation then practitioners have a role in helping shape realistic views for the policy developers (Ripley, 2010).

Broader Support Services

The findings highlight student-victims as the focus in the response and support services available on campus. My recommendation is that a wider net is used to accommodate more than just student victims. I recommend support services incorporate services for employees, respondents, and those impacted by secondary trauma.

This study identified that employees were considered in the context of being alleged of misconduct but not considered as potential victims. ASRs need to consider that employees, in addition to students, could be victims of sexual violence. I acknowledge

the common sexual violence experiences for students are not necessarily the same for employees. Therefore, institutions will need to think through the support options for employees, and institutions will need to be trained to support employees. For example, institutions offer accommodations to student victims related to classroom accommodations. A similar impact could apply to employee victims. For example, employee victims of domestic violence might need time away from work to file a protective order. Institutions will need to evaluate how to offer accommodations without negatively impacting an employee's earnings.

Second, the support services offered through the ASR explored in this study did not consider any necessary support for respondents. My recommendation is that institutions acknowledge being accused of sexual violence can be traumatic and that respondents to these allegations might need support services. My professional experience suggests that many sexual violence reports revolve around the issue of effective consent. Both individuals involved have different perceptions of how consent was or was not received and, therefore, many times respondents are shocked to learn they are being alleged of sexual violence. The VAWA requires an unbiased response process. Providing support services to both complainant and respondent is a key piece to implement an unbiased response process. For example, counseling is a basic service that should be provided to both parties.

Third, individuals involved in the reporting, response, and support services could face secondary trauma. Secondary trauma occurs in people who are exposed to working with individuals who have been traumatized. Examples include police officers, victim advocates, investigators, adjudicators, witnesses, friends, or family members. Those who

are supporting others need to take care of themselves. A common analogy is that individuals must put on their airplane oxygen masks before assisting others. I recommend institutions take time to consider how they are supporting employee victims, respondents, and those who experience secondary trauma.

Summary

Chapter V provided a review of this study's problem statement, purpose statement, research questions, methodology, and summary of findings followed by a discussion of findings, limitations, and recommendations for future research and practitioners. The findings suggest that change occurred in institutions' annual security reports from 2012 to 2017 with significant areas of expansion in the areas of sexual violence. Patterns and trends in 2012 ASR centered around a lack of information on support services for victims of sexual violence and accountability processes as well as awareness and prevention of sexual violence. Patterns and trends in the 2017 ASRs focused around student-victim centered support services for victims of sexual violence, increasing the number of policy definitions, similar accountability statements and processes, and sexual violence awareness and prevention concentrated on bystander intervention and risk reduction. The purpose of this disseration was to explore the ways institutions of higher education responded to changing federal guidance by comparing the sexual violence policies and procedures reported in their 2012 and 2017 Annual Security Reports. There is a distinct advancement between the 2012 and 2017 ASRs in how institutions reported policies and procedures on sexual violence. All institutions in this study responded to the VAWA and incorporated information about sexual violence policies and procedures. Recommendations for higher education include considering the

accessibility of the ASRs, institution's need to consider the purpose of the ASR, considerations for policy, and developing broader support services. To truly understand whether institutions comply with the VAWA, future research would need to determine if the processes that institutions identified in their ASR are occurring in practice. The connection between administrator action and written policy needs to be examined. Sexual violence remains a prevalent issue on college campuses and institutional ASRs must continue to evolve to best serve campus constituents.

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