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**Title IX: A Discovery of its Failure to Protect Students From Sexual Harassment
and Assault**

by

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Undergraduate honors thesis under the direction of

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Abstract

With the growing epidemic of sexual assault on college campuses, the start of the #MeToo movement, and ongoing discussion of Title IX across social media, the handling of sexual assault on higher-education campuses nationwide has become a widely discussed controversy. In recent years, American universities have been accused of overlooking cases, targeting those who speak out, issuing light to no punishments, and sweeping issues under the rug. After years of being ineffective, it is imperative to research the shortcomings of Title IX regarding sexual harassment and assault. Due to several changes in language throughout U.S. presidential administrations and an overall poor framework, Title IX has not acted as an efficient solution to protect college campuses from sexual assault and harassment. In turn, students have found themselves having to create methods of protection and justice that some have called “DIY Safety Systems.” After reviewing the history of Title IX, student-created protections, and famous instances of mishandled cases, it is clear that sexual harassment and assault are not adequately prevented nor handled through Title IX. It is up to government officials, universities, and law enforcement to find a resolution, even if it means striking the Sexual Harassment and Assault Clause from Title IX and replacing it with other legislation.

Introduction

Sexual assault and similar crimes have become a growing issue on university campuses nationwide for decades. According to RAINN, “13% of all students experience rape or sexual assault through physical force, violence, or incapacitation” (RAINN, n.d.). Additionally, 26.4% of undergraduate females and 6.8% of male students are survivors of some form of sexual assault (RAINN, n.d.). While Title IX was originally written to prevent discrimination on the basis of sex, it has since undergone several adaptations and changes to its language. In 2011, I edited Title IX to protect students from sexual assault, abuse, and harassment as these acts could bar a student from receiving equal education. However since these modifications were made, students have experienced limited protection and at times no helpful actions from the schools. It is important to look into the framework of Title IX surrounding sexual harassment and assault as these problems must be resolved immediately to ensure safe and productive educational campuses. There are a variety of reasons that could explain Title IX’s limited effect on preventing sex-related crimes on campuses, but the most important one to research has to do with the infrastructure surrounding the legislation.

Universities are not only academic institutions, they are also a social mixing pot. With Greek life, sports, extra-curricular activities, and the infamous nightlife, social culture around campuses can become tainted or unhealthy. It is not unusual for legislation to tackle social culture issues in educational institutions. Many states, including Louisiana, have made laws to tackle issues of hazing on campus. Plenty of first and secondary education schools have zero-tolerance policies for bullying that are influenced by state legislation making bullying a crime (*Laws, Policies & Regulations*, 2022). If the government has a compelling enough interest to prevent something, it is likely that some sort of legislation has been passed to combat the issue

(ex. Bullying, drug use, gun possession, and racially based discrimination). Title IX is an addition to these types of legislation as it prevents the discrimination of students based on their sex. This thesis will dive into Title IX's history, its application on campuses, and national headlines surrounding misconduct. Additionally, this thesis will discover the failings of Title IX, poor protective infrastructure on campuses nationwide, and alternative ways to protect students on campus from abuse and assault.

Title IX Review

Overview. Title IX was adopted by state and local educational agencies in 1972 under the Nixon administration. This education amendment began by stating, “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 under any education program or activity receiving Federal financial assistance...” (Cornell Law School, n.d.). Additionally, Title IX applies to sports and employment. Each institution must hire an employee to oversee a Title IX office and enforce its policies on campus. In addition to the Title IX Coordinator, all faculty and staff, regardless of rank or position, at the school are required to hold one another accountable for their actions. Moreover, Title IX holds that no student who makes a complaint can be discriminated against, and the investigation procedure must be made open to the public along with the contact information and location of the Title IX coordinator. Universities must also ensure that victims are provided with necessary support and security on campus.

History. Title IX found its beginnings during the Civil Rights Movement. Between the early 50s and late 60s, thousands of people rallied in support of a campaign to end racial segregation, sex-based discrimination, and establish equal voting rights. Before Title IX, women faced severe discrimination in post-secondary educational institutions. At the time, legislators and the presidential administration were focused on tackling employment discrimination. This legislation would seem to later influence Title IX.

Title IX finds its origins in Executive Order 11246. The original version of Executive Order 11246 banned discriminatory practices in the employment processes of government contractors; however, it only prevented discrimination based on race, national origin, religion,

and color (Valentin, 1997). Not long after, President Lyndon B. Johnson amended this order to include discrimination based on sex. His amendment to the order would also ensure that government contractors take affirmative action when hiring applicants. The link between Executive Order 11246 would be created by Bernice Sandler, a lecturer at the University of Maryland, who realized that most universities were federally funded and therefore could not discriminate based on sex. Sandler was volunteering with the Women's Equity Action League at the time she realized this, so she began advocating for the enforcement of Executive Order 11246 in educational institutions (Maryland Women's Hall of Fame). During her advocacy, Sandler filed complaints against about 250 higher educational institutions and inspired legislators of the U.S. Congress to begin writing legislation strictly regarding discrimination in educational spaces. After several investigations and committee hearings surrounding anti-discrimination policies, U.S. Representative Edith Green from Ohio started the legislative movement that created Title IX. Green initially proposed that the Civil Rights Act be amended to include educational institutions as well as expand the Equal Pay Act to cover more levels of employees (Valentin, 1997). Green's proposition was withdrawn following concern that these amendments would only weaken the protections in the Civil Rights Act.

In response, Green drafted and introduced Title IX which would be included in the Education Amendments of 1972 (Valentin, 1997). The initial reactions were mixed. The wording made some believe that universities would be forced to include women in traditionally male sports. Advocates like Sandler as well as educators largely avoided endorsing or opposing Title IX. Despite this, Title IX passed and was later signed by President Nixon in 1972. Title IX surprisingly "would significantly expand the jurisdiction of the Department of Labor—a fact that was not realized until after passage of the bill" (Valentin, 1997). After about three years, the

Department of Education was able to turn the Title IX clause into regulations and rules for universities to follow. These stipulations required:

1. Each school “designate an employee to coordinate the recipient’s efforts to comply with Title IX and to adopt and publish grievance procedures providing for prompt and equitable resolution of complaints that a recipient is discriminating based on sex” (Department of Education).
 - a. That the location and contact information of the employee and office in charge of enforcing Title IX be made available to all students and faculty.
2. That recipient schools should evaluate and update their policies and practices if they do not uphold the regulations outlined in Title IX.
 - a. Additionally, schools should take affirmative actions to remedy any situations in which there was previous bias in hiring, recruitment, or participation (Valentin, 1997).
3. That all employees comply and hold each other and the institution accountable for enforcing Title IX.

In the beginning years of Title IX’s enforcement, jurisprudence and precedent surrounding Title IX changed several times. In the 80s, the Department of Justice diminished the power granted to the Office for Civil Rights—which was responsible for overseeing the enforcement of Title IX. In 1984, the Supreme Court heard *Grove City College v. Bell*. Before this case, Title IX applied to athletics on university campuses, but the Supreme Court ruled that Title IX could only apply to areas that received direct government funding. The decision effectively cut out athletic departments from Title IX enforcement; however, it was later reversed in 1988 when the Civil Rights Restoration Act was passed. The “Act reverses the Grove City

decision and restores Title IX to institution-wide coverage, including athletics” (Daily Press, 2012). In *Franklin v. Gwinnet County Public Schools (1992)*, the Supreme Court held “that institutions could be held liable for individuals in those institutions who participated in discriminatory behavior toward females” (Valentin, 1997). Additionally, the Court decided that individuals could sue institutions for monetary damages.

In 2011, the Department of Education stated that Title IX would include protections against sexual harassment and sexual violence. This addition was accompanied by a clarification that athletes involved in Title IX complaints be treated the same as the general student body. This clarification made sure that athletics would have to follow the same processes rather than create their own in an attempt to skirt regulations. During this time, the Department of Education—under the Obama Administration—released multiple guidelines requiring schools to rid their campuses of rape culture and take assault seriously or risk losing their federal funding (Fuchs, 2021). These standards followed a rise in headlines detailing rape and harassment on college campuses around the nation. Additionally, the regulations made it easier for survivors to safely and quietly make their complaints, and any school found not in compliance would lose federal funding. This set of regulations was known to many as the “Dear Colleague” letter, and set a standard of requiring a “preponderance of evidence,” meaning that ‘the accused party was to be found responsible if it was ‘more likely than not that sexual harassment or violence occurred’” (Daily Press).

Under the Trump Administration, the Department of Education rolled back these new standards. Additionally, this administration made the definition of sexual harassment less inclusive. Title IX regulations under Trump’s Department of Education required a “clear and convincing” standard and in a controversial decision, also required live hearings and

cross-examinations. In 2020, the Supreme Court heard *Bostock v. Clayton County* which set the precedent that Title IX not only protected discrimination because of gender but also sexual orientation and transgender status (The United States Department of Justice). This was a landmark decision that ensured marginalized groups left out of other protective legislation were included.

Since the Biden Administration took office, there have been no official changes made to Title IX; however, President Biden has created a committee to hear grievances and suggestions related to the legislation. His administration is looking into reinstating policies from the Obama administration as well as expanding protections for complainants.

Headlines

People v. Turner. In 2015, Brock Turner, a student-athlete at Stanford University, became notorious after he was witnessed assaulting an unconscious woman near a local bar. Turner was apprehended by two witnesses and was later arrested on suspicion of rape. At just nineteen years old, Turner was found guilty on three charges of felony sexual assault; however, when it came to his sentencing, Turner was served a six-month sentence in prison, three years of probation, and life as a registered sex offender. His sentencing was extremely light for the crimes he had been charged with, and it sparked nationwide calls for justice and reform. Turner often comes up in conversations related to sexual assaults on college campuses. While his case was handled swiftly in the courts, there were legitimate concerns as to the fact that his case was handled only through the criminal justice system and not also between the schools. Because both parties of the assault attended different universities at the time, the Title IX offices did not have the jurisdiction to reprimand Turner nor give the victim appropriate care and support. Had Turner

not resigned from his positions on campus, been criminally punished, and Stanford not had an interest in expelling him, it is possible that Turner could have been allowed to remain on campus following his release from prison.

USA Today and LSU. In November 2020, the popular news media outlet *USA Today* published an article revealing three cases in which Louisiana State University was accused of mishandling Title IX complaints made by various students. The article, which contained various victim statements and documents, made national headlines causing the university to undergo harsh backlash and demand for investigations from both the public and its student body. Not only were several of LSU's notable athletes being accused of Title IX violations and crimes, but multiple members of the Athletic Department also came under fire for their lack of proper action. Following this article, LSU had a law firm do a full-scale investigation into each complaint as well as their Title IX office. Husch Blackwell, the firm in charge of the investigation, published its report around March 2021. Cases involving Drake Davis, Derrius Guice, and Respondent A were all investigated by Husch Blackwell as they were initially mentioned in the USA Today report.

The first case discussed in the report involves Drake Davis. Davis was a member of the football team who started in 2016. While at LSU, Davis met a young woman who worked with football operations and engaged in a relationship with her. During their relationship, Complainant 1 (Husch Blackwell's identifier for the anonymous source) said that she started to recognize signs of verbal and physical abuse. She recalled not knowing what was happening until it got physical. The Husch Blackwell report documents multiple instances in which members of LSU Athletic staff were made aware of the abuse in Complainant 1 and Davis' relationship. Out of all of the instances in which she could recall reaching out for help, none of

the employees ever instructed her to make a complaint to the Title IX office, nor did they file one themselves. The report says Complainant 1 recalled telling LSU Athletics employees Sharon Lewis and Keava Soil-Cormier that she felt unsafe because of Davis' actions. After hearing this, Complainant 1 said they laughed at her (Husch Blackwell, 2021, 58). Both Lewis and Soil-Cormier denied this allegation when asked about it (Husch Blackwell, 2021, 60). Complainant 1 was not referred directly to the Title IX office until October 2018 when she had a breakdown with her supervisor Brenton Sumler. Immediately after hearing what had happened, Sumler brought her to the office where they offered her resources and counseling.

Once the Title IX office was involved, an investigation into Sharon Lewis' failure to report Complainant 1's grievances was launched (Husch Blackwell 59). Husch Blackwell found that the complaint had not been brought to the Title IX office in a timely or appropriate manner (Husch Blackwell, 2021, 62).

Unfortunately, this is not where the Husch Blackwell report concludes its findings. The next section discusses Derrius Guice who was a success on the football field during the 2016 and 2017 seasons at LSU. He moved on to the NFL draft after college but did not get picked during the first round. Rumors circulated the league as well as the media questioning Guice's character. He was eventually picked up by Washington but later released after receiving multiple charges related to domestic violence (Husch Blackwell, 2021, 92). During his time at LSU, Guice was found to have violated Title IX policies multiple times, yet none of these instances were ever investigated by the school's administration, coaches, or the Title IX office. During his time at LSU, Guice was accused of violating Title IX policies at least three times (Husch Blackwell, 2021, 93). One instance was in early 2016 when Miriam Segar, LSU Athletics' Senior Associate Athletic Director, allegedly received a call from the university's swimming and diving coach

about a conversation with a parent of a student-athlete—referred to as Witness 1. Segar allegedly met with Witness 1 to discuss the incident they wished to report. Witness 1 claimed that Complainant 1 had confided in her about being sexually assaulted by Guice and said they had seen bruising on Complainant 1's body (Husch Blackwell 93). Despite being required to report this incident, the conversation was never investigated further. None of these instances regarding Guice were investigated, nor did Guice ever experience any repercussions during his time at the university.

The Husch Blackwell report includes many instances in which school officials mishandled complaints applicable to Title IX. In most cases, complaints were brought to school officials who did not fulfill their obligation to contact Title IX. While the report primarily discussed cases involving the LSU Athletic Department, there are several instances that the USA Today Article uncovered regarding the general student body, greek life, and the Title IX office. LSU students Caroline Schroeder and Sidney, who preferred not to share her last name, came out to the public after the USA Today article went viral amongst students. Both women were assaulted by LSU fraternity members. Both women individually filed complaints against the students to the Title IX office where they were investigated and found guilty. Despite this, both Sidney and Schroeder experienced inadequate punishments and responses from the university.

Additionally, LSU's French Department came under fire shortly after the USA Today investigation was published. Students claimed that LSU failed to protect its students when it allowed a graduate student to remain active at the university despite previously being charged with rape and having several sexual misconduct complaints lodged against him between 2018 and 2020. Following these allegations, the graduate student was able to flee the country back to his home in France. Students launched a complaint to the university that Professor Adelaide

Russo had not adequately protected students from sexual misconduct and allowed the graduate student to return to his home country without punishment (Purdy, 2022). As a result, students no longer felt safe in Russo's classes and asked that the university revoke her position.

While these are only a few examples of Title IX cases being mishandled, it is important to note that this can and has happened around the country. LSU is not the only university accused of mishandling these complaints, but they are an important reminder to universities abroad of the importance of following Title IX and taking complaints seriously.

Alternatives and Solutions

DIY Safety Systems. Whether it be with or without Title IX, students have had to find ways to remain safe on their college campuses. Unfortunately for students, they have often experienced the latter situation. At some schools, this has resulted in a push toward what is called "DIY Safety Systems." Journalist Lyra Fuchs describes the system she implemented in a residential hall that was open to the student body for events. Because their dorm was often open to campus for events, they ran into issues where residents did not feel safe having their homes open to their abusers or anyone who made them uncomfortable. "because it was common knowledge not to go forward with any complaints under Title IX... our dean of Title IX, Scott Backer, had a bad reputation even before his firing for revelations of sexual misconduct with a minor—several residents came to me with concerns about running into someone who had harmed them, or made them uncomfortable, in their own home" (Fuchs, 2021). According to Fuchs, it was common knowledge at their university to avoid bringing up Title IX complaints, so they were tasked with finding another way to keep residents safe.

In response, Fuchs implemented a system in which residents could leave an anonymous note with the name of someone that made them feel unsafe. These names would be added to a no-entry list with no questions asked. Students entering the residential space would have their IDs checked at the door and checked against the list. In the case that someone who was listed came to the door, they would be turned away. “On at least one occasion, one of the named students made it through the doors. A male resident informed him that he was banned from the space and asked him to leave” (Fuchs, 2021). Fuchs talks about how the system reassured those who lived in the dorms that they were safe while ensuring they did not lose out on regular social events. While this effort may seem small, it can be expanded throughout campuses to ensure student safety.

Others have resorted to using social media to spread the whereabouts of accused rapists and abusers. Since Brock Turner’s release in 2016, Twitter users have made a point to share any information they have about where he is. Most recently, news of his move to Ohio went viral after users Tweeted out the area he was living in. Users also revealed that Turner had been frequenting bars in the area (“Brock Turner Tweet”). The idea is to get the word out to people who may encounter him so that they will be informed and prepared. This method of information sharing has become more popular as social media platform TikTok’s algorithm makes it easy for videos and content to go viral. Brock Turner is not the only person who has been outed through social media. In fact, TikTok has seen several trends recently involving sexual assault. In early 2022, upcoming singer-songwriter Morgan St. Jean released a song titled “Not All Men.” Before making the song available to the public, she released a small snippet of her song on TikTok. The song went viral instantly and stayed trending for weeks as survivors shared their stories. While this may not be the most convenient way of preventing assault on campuses, viral posts are one

of the fastest ways to spread information across the world. Posts like these are often followed with “Cancel Culture.” In situations like these, people who watch the videos often want the accused to take responsibility for their actions. Trending videos like those found under the “Not All Men” trend include some sort of systemic failure to protect the survivor. Viewers partake in Cancel Culture by demanding justice in any form they can. When viral, the negative attention from the public can result in the accused losing their job, resigning or being expelled from university, and even sometimes another investigation. If a video were posted accusing someone at a university of assault, users would likely demand that the school remove the student from campus.

Similarly, dating apps like Bumble are enforcing zero-tolerance policies. While this zero-tolerance will protect all users on the app, Bumble has made sure to post flyers around campuses to inform students of their policies as well as resources survivors can reach out to.



Image One: Bumble Advertisement found in a women's restroom at Louisiana State University

Bumble's advertisements are often directed towards women on college campuses since the dating app requires women to send the first message to their match. This may be a small characteristic; however, by giving women the ability to choose whether they want to message someone, they can avoid uncomfortable conversations or unsolicited images. In addition to this, Bumble's zero-tolerance policy bans everything from harsh language to unsolicited images and abusive behavior (Bumble Support).

In addition to physical safety systems, there are also a growing number of student organizations aimed at supporting survivors and holding schools accountable. One example of this is Tigers Against Sexual Assault on the Louisiana State University campus. TASA, as it is more commonly called, is a student organization that helps spread information about resources around the campus area by hosting events and putting up infographics in popular areas. TASA can often be found tabling around campus in places like Free Speech Alley or in front of the library, and they have also organized several protests around the university. Following the release of the Husch Blackwell report, TASA held one of its most notable protests on March 8, 2021. TASA partnered with a local organization called Sexual Trauma Awareness and Response (STAR) to host a sit-in protest outside of LSU's football operations and practice facility parking lot. Members from TASA, STAR, and the student body showed up to demand the school take more action against employees who covered up sexual assault (Kubena). In addition to this, TASA along with other student organizations held another march protesting "the mishandling of a sexual assault case at the hands of LSU's French Studies Department..." (Purdy). Following this protest, organizations also posted QR codes and stickers around campus that read "Safe Not Silenced" to spread the news of this mishandling.

Student organizations like TASA partner with outreach groups off campus like STAR which provides resources and various kinds of support to victims of assault or abuse. Another similar organization named “Project Beloved” recently partnered with the LSU Police Department to build a “soft interview room.” The goal of this room is to create a warm and inviting space for survivors to discuss their experiences. Project Beloved believes that Trauma Informed Care is necessary for situations of sexual assault and abuse and aims to spread these methods nationwide. “Evidence-based practices call for a trauma-informed approach to reports of rape and sexual assault, and a soft interview room is considered an integral component of TIC” (Project Beloved, 2022). Project Beloved believes that implementing soft interview rooms on campuses is an important step toward proper Trauma Informed Care.

Groups like these act as a DIY safety system in the sense that they provide survivors with on-campus resources and information they may not have found otherwise. Beyond advocacy and protesting, groups like these provide a sense of community. TASA has links to their group chat posted publicly so that students may join the conversation without having to formally join the organization. The organization chat contains all sorts of people: men, women, survivors, professors, and alumni. The atmosphere is welcoming to those who are reluctant, and it acts as a place for people to vent, share their stories, or ask for help. Organizations like these are excellent ways for students to become part of a supportive network ready to back them in any instance.

DIY Safety Systems—whether they are a list of people banned from entering a residential hall, or simply a campus organization—are meant to protect campuses when legislation like Title IX fails to protect students. These measures can also be used as a call to action towards campus officials and admin to show that there are other ways to keep their

campus safe. Unfortunately, no solution comes without its issues. The method of protection used in the Fuchs article is based on a no questions asked system meaning that no investigation occurs before someone is banned from entering the dorm. This raises issues concerning due process and the validity of the claim. Additionally, the internet has seen cancel culture go too far sometimes. This method can do good in situations that are cut and dry, but it also raises questions about safety and privacy. These safety systems may not be the only answer to fixing Title IX and preventing sex crimes on campuses, but with additional research, universities can apply various methods to keep their students safe.

Discussion and Conclusion

At its core, Title IX is a groundbreaking and necessary piece of legislation. It grants a vast amount of protection to students who are historically faced with gender, sexual orientation, and gender identity-based discrimination. Title IX has worked more often than not, especially in cases of gender inequality in sports; however, this does not make up for every instance in which Title IX has failed survivors of assault and abuse.

The truth is, Title IX may not be an adequate body of governance for how educational institutions should handle cases regarding sex crimes. The main issue at point is that Title IX incorporates sex crimes as a type of discrimination. Yes, the crime is still addressed as it is, but looping rape and other sex crimes into a bill meant to prevent gender discrimination can narrow the school's ability to issue adequate justice. Furthermore, it can also lessen the impact of the crime by recognizing it as just a Title IX violation. Since Title IX is perceived by the public to be a matter of gender equality in sports and employment, calling complaints about sexual harassment or assault a Title IX violation could lead people to the conclusion that the offense is less than it is. Classifying sex crimes as a form of gender discrimination can be a slippery slope headed toward downplaying the seriousness of the action. Writing protections against sex crimes under gender discrimination could easily be brushed off as just a technicality or a matter of words, but nuance is important in situations like these. With so many cases of sexual assault not being properly investigated or never being reported, people must understand the intensity of the case; it is necessary to designate sex crimes accordingly—not as an issue of gender discrimination.

Another issue at hand is that protections granted through Title IX change with nearly every presidential administration. By releasing the “Dear Colleague” letter, Obama’s Department of Education clarified procedures and guidelines for universities to follow when handling assault cases. Requiring a preponderance of evidence meant that survivors would be more likely to win their case and receive necessary protections; although, others argued this made it easier for people to be unfairly accused. The guidelines set forth by the Obama Administration—while not perfect—could in theory lead to more victims speaking out as well as smoother handling of cases throughout the nation. However, when the Trump Administration took over, nearly all of the “Dear Colleague” guidelines were repealed. The Trump Administration required a higher standard of evidence as well as changed the way cases would be investigated and handled. These changes are controversial as they grant those accused more protections while also making victims more reluctant to report their abuse. Lately, Biden’s administration has been discussing making changes to Title IX; however, with changes between every presidential administration, protections no longer have any consistency. Students, faculty, and administration are at the will of these changing regulations, and they can cause plenty of confusion on how to adequately follow Title IX.

There has been ample criticism on how Title IX requires less proof to convict someone of assault than the justice system. In the justice system, there must be proof without a reasonable doubt, yet Title IX requires lesser proof to find a student guilty of a crime that could have gone through the courts. One side argues that this could allow for wrongful convictions, and while this is possible, the other side states that sexual assault is too complicated of a crime to require such strict standards of evidence. Those who support requiring a higher burden of proof argue that Title IX violations regarding sex crimes result in a similar consequence as a criminal charge

would as punishments often require expulsion from the school or harm to the accused's reputation (RPJ News & Publications, 2020). Neither of these points is as compelling as the argument that allowing schools to do internal investigations simply does not treat such egregious crimes as seriously as the justice system does. When the crime is not treated as seriously as it would have been in the justice system, it is likely that the punishment will not be either. It could be argued that the only way to solve this is to make Title IX a form of guidance for what actions schools have to take in situations where an individual has already been found guilty of a crime through the justice system. On the other hand, some argue that the justice system takes too long to prosecute people which would mean abusers remain on campus while victims do not receive the necessary support.

Furthermore, leaving educational institutions in charge of enforcing Title IX policies can result in bias and conflicts of interest. While one can claim that they have no conflicting interests between the accused, the accuser, and the reputation of the institution, there is no way to ensure this across every campus in the nation. Too many insufficient Title IX coordinators fall through the cracks and with them, students trying to find justice and peace. Because the school is responsible for employing the Title IX Coordinator, they are also responsible for ensuring they do their job; which at times means the school has to allow the employee to investigate university operations. All faculty and staff of a school are expected to hold one another accountable, but with that comes the issue of power dynamics. How likely is it that a graduate student will report their mentor for violating Title IX? Will a janitor file a complaint against the dean of a college? Of course, there are always whistleblower cases, but with so many publicly mishandled cases, people are likely very reluctant to speak out.

Support systems that operate on campus are often well received. While they cannot remove people from campus or investigate cases, they focus on prevention and safety. This is something that Title IX has yet to include regarding sex crimes. Title IX includes guidelines schools must follow to promote diversity on their campuses, but it does not provide a framework to prevent sex crimes from occurring. Instead, Title IX focuses mainly on what should be done after the crime has occurred and been reported. RAINN (Rape, Abuse & Incest National Network) is the largest national organization aimed at preventing sex crimes and supporting survivors. While RAINN is known mostly for its creation of the National Sexual Assault Hotline, the organization also partners with legislators and other organizations to ensure that protections are being expanded constantly. RAINN recognizes the guidelines set in Title IX but is continuing to push for an expansion of “prevention, education, and safety programs on college campuses” (RAINN, n.d.). RAINN is working with legislators to expand the funding universities receive to support Title IX guidelines and other prevention programs.

In its current state, Title IX is not fit to be the sole guide of how sex crimes should be handled on campuses. Requiring institutions to handle Title IX complaints that may tarnish a school's reputation creates the potential for a massive conflict of interest. Additionally, expecting an institution to hold itself accountable presents an obvious issue. Incorporating sex crimes as a form of gender discrimination makes Title IX too broad, and in its most recent language gives schools little to no guidance on how they should handle assault cases appropriately and in a streamlined manner.

There are various ways to fix the issue of handling sex crimes on campus, and that would include completely striking the Sexual Harassment and Abuse clause from Title IX and creating a completely new educational amendment. This would allow legislators to focus solely on the

prevention and handling of sexual assault and abuse on campuses nationwide rather than trying to fit it in under the guise of gender discrimination.

By turning the Sexual Harassment and Abuse clause into a separate title, Title IX protections would in turn strengthen as sex crime cases could be handled by a different office on campus. Since Title IX only requires schools to employ one coordinator, they are commonly known for being overwhelmed with cases, especially at larger schools. Creating a separate piece of legislation to handle sexual assault would mean that Title IX would no longer have to adjudicate the cases, and in theory, fewer reports of assault would be overlooked. The decision to incorporate sex crimes into Title IX was necessary at the time, but now that the flaws have been discovered, legislators must work to fix them.

In conclusion, Title IX has made tremendous strides in protecting students across the nation, but it is not free from its problems. Title IX was never intended to include something like the Sexual Harassment and Abuse clause, and it is unacceptable to continue failing victims by keeping the clause under Title IX. Legislators must work with survivors of assault, law enforcement, and universities to find a solution—separate from Title IX—to the sexual assault and harassment that plagues college campuses nationwide. Ultimately, Title IX does not prevent nor protect campuses from rape or harassment, and it is up to the government to find a solution.

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