

Title IX Coordinators: Good People Doing Good Work Under Impossible Expectations

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ABSTRACT

The Title IX Coordinator is the chief administrator tasked with ensuring institutional compliance with Title IX, but scant literature exists about how Title IX Coordinators come to their role, how they gain the skills, competencies, and knowledge required to ensure institutional Title IX compliance, and how they juggle ethical considerations of fidelity, justice, autonomy, beneficence, and nonmaleficence. The purpose of this study is to understand how Title IX Coordinators make meaning of their role on campus and their role in institutional compliance with Title IX mandates. This qualitative research project uses a semi-structured interview protocol to enable participants to reflect on the skills, competencies, and knowledge they use to develop and implement policy change in their role, and in response to federal unfunded mandates, as well as the ethical considerations that they must balance in executing these duties. This research focuses on seven participants who are Title IX Coordinators at four-year institutions located in the United States. Findings indicate that Title IX Coordinators believe that they gain their skills and knowledge about being Title IX Coordinators from prior experiences, including their own childhood experiences. Participants believe that empathy, communication skills, and an ability to persevere are major competencies that Title IX Coordinators need to possess. Findings also indicate that participants exhibit strong fidelity to institutional compliance with Title IX regulations and procedures, even when they may not fully agree with them. Findings also indicate that participants do not believe that the current Title IX regulatory scheme promotes justice, leading to a conclusion that, as currently constituted, the role of the Title IX Coordinator is impossible. This study also identifies some practice and policy areas for future discussion and research.

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GENERAL AUDIENCE ABSTRACT

Title IX is a federal non-discrimination law that requires educational institutions receiving financial assistance from the federal government, often in the form of student loans and research grants, to ensure that their educational programs and activities are free from gender-based discrimination. Sexual assault on college campuses is viewed as an issue of gender-based discrimination because it can create an environment where individuals, regardless of their gender and gender-identity, are victims of sexual harassment in violation of Title IX. Through a series of guidance documents and federal rules, institutions are now required to have a Title IX Coordinator, a person who is in charge of ensuring compliance with Title IX. While still a relatively new role on college campuses, little research has been conducted about Title IX Coordinators, their roles, what types of skills they need, and how they approach their work. Seven Title IX Coordinators at four-year institutions in the United States were interviewed for this study. Analysis of these interviews found that Title IX Coordinators bring what they have learned from prior work and personal experiences to their work in Title IX and believe that their jobs primarily exist to ensure that their institutions are not sued for violating Title IX. Because participants believe that ensuring institutional compliance is expected to be their highest priority, they do not think that the current Title IX rules allow either people who are victims of gender-based discrimination, or those accused of engaging in gender-based discrimination, to receive any form of justice. This duty to serve and protect, in the face of a system that does not provide justice, leads to the conclusion that, as currently constructed, achieving the goals of Title IX on college campuses is impossible because the Title IX Coordinator is stuck in a system that does not achieve its ultimate goal: to eliminate, or at least reduce, gender-based discrimination and ensure access to education.

DEDICATION

This dissertation is dedicated to all of the other Title IX Coordinators out there, working to make the world a more equitable place. Keep up the job, work the problem(s), and take a little time for yourselves. We've got this!

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Chapter One: Introduction

Mary Sue Coleman, former President of the Association of American Universities (AAU), and current Interim President at the University of Michigan, wrote, “One of the most vexing issues I had to deal with as a university president was protecting our students from sexual assault and misconduct” (Cantor et al., 2019, p. 1). Most studies of campus sexual violence estimate that 20-25% of college women experience sexual violence during their time as students and that 6-8% of men also experience sexual violence during their college years (Krebs et al., 2016). Data also point to increasing rates of campus sexual violence for those who identify as LGBTQ, those who come from minoritized racial and ethnic backgrounds, and those who identify as disabled (Fedina et al., 2016). Finally, data show that campus sexual violence is not a problem that is getting better, even with increased resources and educational materials now available on college campuses. For example, in a study of 21 college campuses, rates of campus sexual violence increased by 3% across these institutions in four years and approximately 25% of students reported that sexual violence was either a “very” or “extremely” problematic issue at their institution (Cantor et al., 2019).

In response to campus sexual violence, the federal government enacted various laws and regulations, with the primary legislative response to campus sexual violence being Title IX of the Education Amendments of 1972. Title IX mandates that, “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” (Title IX, 1972). While the language of Title IX is short, it is unequivocal that it prohibits

discrimination on the basis of sex in higher education.¹ Under current federal guidance on the definition of sex-based discrimination, sexual violence is considered a form of sex-based discrimination. However, Title IX merely prohibits something, it does not prescribe how institutions should meet their obligation to prohibit discrimination on the basis of sex on their campuses. Without guidance on complying with Title IX's mandate, various forms of advocacy, both individual and institutional, led to federal government attempts to provide the desired guidance on how to meet the institutional obligation of prohibiting discrimination on the basis of sex. This guidance came from various sources, including further legislation, court decisions that interpret Title IX, and other guidance documents, which all act to create unfunded mandates for institutions in their attempts to comply with Title IX's requirements.

One of these unfunded mandates is the requirement for institutions to have a central figure tasked with the institution's response to allegations of sexual violence and discrimination on the basis of sex. This person, commonly referred to as the Title IX Coordinator ("TIX Coordinator"), is in charge of ensuring compliance with Title IX, drafting and implementing policy, training staff and employees, disseminating information and resources to their campus communities, and serving as the main point of contact between the institution and the federal government for discrimination on the basis of sex issues (Association of Title IX Administrators, 2012). The TIX Coordinator must meet these responsibilities in a highly political environment where they must answer to a variety of stakeholders, including campus administrators, faculty and staff, victims and perpetrators of sexual violence, the general student body, the public, state and federal government, and legal counsel for many of these stakeholder groups.

¹ In legal jurisprudence, use of "gender" and "sex" are interchangeable and used at different times to describe men and women. The interchangeable use of these terms is not an accurate understanding of the distinction.

Statement of the Problem

In 2020, the Department of Education Office for Civil Rights (OCR) released the final rule on “Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance” (2020 Final Rule) and a summary of changes document (Office for Civil Rights, 2020a), the latter of which constitutes the latest substantial change from the federal government related to combating campus sexual violence. The 2020 Final Rule currently represents the requirements mandated by the federal government in ensuring compliance with Title IX and is part of the , court decisions, and other documents that the federal government released over the past 20 years or so that seek to guide institutions in complying with the requirements of Title IX.

In one of these guidance documents, the 2011 Dear Colleague Letter, OCR announced that each “recipient institution” must have “the name or title and contact information for the person designated to coordinate the recipient’s compliance with Title IX” (Office for Civil Rights, 2011, p. 2). The 2011 Dear Colleague Letter continued, “The Coordinator’s responsibilities include overseeing all Title IX complaints and identifying and addressing any patterns or systemic problems that arise during the review of such complaints” (Office for Civil Rights, 2011, p. 2). The 2011 Dear Colleague letter is an example of an unfunded mandate that requires institutions to behave in a certain manner to comply with the requirements of Title IX. The TIX Coordinator, who serves as the chief administrator in charge of ensuring institutional compliance with Title IX, must function amidst a sea of constantly changing governmental guidance documents and other forms of unfunded mandates.

Despite their importance and existence on just about every college campus in the United States, there is a dearth of literature and research on the TIX Coordinator. The small selection of

literature on the TIX Coordinator makes clear how important the role is (O'Brien, 2015), how the TIX Coordinator position is now a permanent fixture on college campuses (Tani, 2017), and that the TIX Coordinator role is one that experiences high levels of burnout and fatigue, causing a great deal of job turnover (Miller, 2018). Other studies pointed out that TIX Coordinators often work without clear guidance from their institutions (N.P. Miller, 2018) and that TIX Coordinators often lack political capital on campuses, limiting access to other experts as the TIX Coordinator works to ensure compliance with ever-changing federal regulation from unfunded mandates (Pappas, 2021). TIX Coordinators' lack of political capital means limited access to needed resources, forcing them to spend their time cobbling together the knowledge and resources necessary to comply with the unfunded mandates (Pappas, 2021). Paradoxically, as TIX Coordinators work to ensure compliance with unfunded mandates, they often have a large impact on institutional policies related to campus sexual violence. Little is known or understood about how, if at all, TIX Coordinators bring their own personal beliefs about how to combat campus-based sexual violence and gender discrimination to their roles.

The abundance of discretion in executing the job, coupled with a lack of oversight, places TIX Coordinators in a unique position on college campuses to implement and effect policy in a highly regulated area of governance. However, as stated above, little is known about TIX Coordinators due to a dearth of literature and research on the individuals who do this work. But it is important to understand the skills, knowledge, and competencies of these individuals, who navigate a field of rapid change that is highly visible and prevalent on college campuses, and to know how, if at all, their personal beliefs and ethics inform their efforts to ensure institutional compliance with Title IX. The importance of these questions stems from the fact that not much is known about TIX Coordinators, which is a role on college campuses that wields great authority

and is unique in its scope that spans the entire institution and impacts students, faculty, staff, visitors, contractors, etc.

Purpose of the Study

The purpose of this qualitative study is to understand how TIX Coordinators make meaning of their role on campus and their role in institutional compliance with Title IX mandates. In the interviews with seven TIX coordinators that I completed for this study, I sought to understand how these participants reconciled any tensions they experience between their institutional compliance responsibilities and their own personal beliefs about how to combat campus-based sexual violence and gender discrimination. The following research questions guided this study:

- (1) What previous experiences (personal, professional, educational) do TIX Coordinators bring to the position they believe are necessary to serve in the role?
- (2) How do TIX Coordinators make meaning of their role and relationships on campus?
 - (a) How do TIX Coordinators describe their role and responsibilities?
 - (b) How do others on campus describe the role and responsibilities of TIX Coordinators?
- (3) What are the ethical principles that guide TIX Coordinators?

Methodology

This qualitative study was designed to explore how TIX Coordinators make meaning of their role on campus and to understand how these administrators reconcile any tensions between their institutional compliance responsibilities and their own personal beliefs about campus-based sexual violence and gender discrimination. As there is little prior research to build upon, this study was exploratory and used general qualitative descriptive methodology (Caelli et al., 2003;

Sandelowski, 2000). The findings from this study were based on an analysis of semi-structured interviews with seven participants who are in the role of TIX Coordinator, or who were in the role within the last 10-15 years.

Operational Definitions

Title IX: A federal law that prohibits discrimination on the basis of gender for educational institutions, including K-12 schools and institutions of higher education, that receive federal funding. The law is contained within Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681, 1972).

TIX Coordinator: The federally required chief administrator at each institution of higher education that receives federal funds, who is tasked with leading the institution's response to gender-based and campus sexual violence.

Sexual Misconduct: Inclusive of sexual assault and sexual harassment, sexual misconduct is a grouping term for these forms of gender-based discrimination.

Sexual Harassment: Defined in the 2020 Final Rule, sexual harassment has three forms, *quid pro quo* sexual harassment, or the conditioning of a term or benefit on a sexual favor, “unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access” (Office for Civil Rights, 2020b, p. 1), or any form of sexual assault, domestic violence, dating violence, or stalking. Under the 2020 Final Rule, TIX Coordinators are tasked with ensuring an institution's response to allegations of sexual harassment.

Campus Sexual Violence: Term used in this study to denote any form of sexual assault, domestic violence, dating violence, or stalking in a collegiate environment.

Unfunded Mandate: A requirement placed upon an institution to ensure compliance with regulations that is not met with funding or other support. In other words, an unfunded mandate is a requirement issued by OCR or another government entity that places a burden on an institution.

Significance of the Study

The role of the TIX Coordinator on college and university campuses is of growing importance as issues of campus sexual violence continue to multiply. In addition, Title IX is an area ripe for additional court challenges as victims of campus sexual violence and their perpetrators continue to challenge how institutions respond to the requirements of Title IX and the guidance provided by the federal government. In meeting the growing number of complaints of campus sexual violence amid continued legal scrutiny, the TIX Coordinator position will continue to be of vital importance on college and university campuses into the future, especially as politics continue to shape how the federal government requires compliance with Title IX. However, the lack of empirical research about the role of the TIX Coordinator and how these administrators make meaning of their role and reconcile possible conflict with their own personal beliefs limits our ability to understand and support those who serve in this role.

The findings from this study have implications for future research, policy implications, and implications for practice, recruitment, and curriculum. Implications for future research include the need to further study Title IX, not just as a policy, but also how this policy is implemented through the TIX Coordinator's role in ensuring institutional compliance with legal mandates. Additional research is also needed to understand why Title IX reports are up and how the TIX Coordinator is managing increasing numbers of reports. Implications of this study for practice, recruitment, and curriculum are that institutions should ensure that they have adequate resources available and a system to accommodate individuals affected by campus sexual

violence, as the need to continually address trauma and access needs for individuals in Title IX cases often continues beyond a TIX Coordinator's work. Furthermore, there is a need for better understanding of and care for individuals who are working in sexual violence roles, such as the TIX Coordinator. This study also has implications regarding curriculum and the need to develop skills, such as policy interpretation and legal expertise, for individuals looking to work as TIX Coordinators in the future.

Finally, the literature review, findings, and discussion in this study indicate that TIX Coordinators, in trying to comply with Title IX, look to the federal government to provide a roadmap in the form of guidance about how institutions can comply with Title IX, thereby reducing institutional legal liability. This study finds that while TIX Coordinators believe they have a great deal of autonomy to execute their jobs, they still battle the major concern of causing their institution loss due to their interpretations of federal regulations and guidance. These findings indicate that there is a need to better understand how the federal government is regulating and issuing guidance on how to comply with Title IX as policy. In addition to these implications, the findings of this study suggest that the role of the TIX Coordinator may be impossible, as unfunded mandates influence where institutions situate their TIX Coordinator in their structures and contribute to the lack of resources available to actually combat campus sexual violence and the lack of justice in Title IX investigations and hearings. These implications and practice considerations are discussed in the final chapter, Chapter 6.

Summary

Title IX requires educational institutions receiving federal funds to ensure that individuals are able to pursue their education in an environment free from gender-based discrimination. In meeting this obligation, Title IX has evolved to include the requirement that

institutions address campus sexual violence as a form of sexual harassment, necessitating that these campuses have a TIX Coordinator to act as the chief administrator in charge of institutional response to campus sexual violence. As there is little available research on the role of the TIX Coordinator, this study sought to understand how TIX Coordinators make meaning of their roles and how TIX Coordinators reconcile any tensions they experience between their institutional compliance responsibilities and their own personal beliefs about how to combat campus-based sexual violence and gender discrimination. To accomplish this purpose, this study used a qualitative methodology, engaging current TIX Coordinators in semi-structured interviews to gather data related to the research questions presented above.

This study is organized into six chapters. Chapter 1 introduces the problem, purpose, and methodology. Chapter 2 provides a review of the literature that includes a description of the fight for civil rights as a heuristic model for the development of government regulation of campus sexual violence, the development and usage of Title IX in litigation, government regulation of Title IX through guidance documents and rules, the role of the TIX Coordinator, and the conceptual framework that guides this study. Chapter 3 provides an in-depth review of the study's methodology and Chapter 4 presents the findings gleaned from the interviews. In Chapter 5, I discuss those findings in relationship to prior literature. Finally, in Chapter 6, I offer some implications for the findings, considerations, and conclusion.

Chapter 2: Review of the Literature

The purpose of this study is to learn more about an under-researched topic: how TIX Coordinators make meaning of their role on campus and their responsibility for institutional compliance with Title IX mandates. But in order to understand the role and responsibilities of TIX Coordinators, we must first understand the historical, social, political, and legal contexts that led to the creation of this role, and which continue to define and constrain it. Toward this end, this review examines a number of different literatures, which are presented in roughly chronological order.

The review begins by examining the movement for racial justice in the United States and the federal government regulations and interventions that were enacted in response to this movement. Next, the review describes how the regulations and interventions that the Civil Rights movement helped to establish became a model for more recent activism and legislation, including the laws and policies that govern Title IX. This review then examines the specific conditions, such as the status of women in society in general, and of women in education that gave rise to these laws, which are also described and discussed in considerable detail. The review then focuses on the role and experiences of the TIX coordinator, including how and why this role was created, what it entails, and what is currently known, and not known, about this important role in higher education. Finally, the review concludes by introducing the theoretical framework that guides this study.

Section One: The Fight for Civil Rights as a Heuristic for a Model

The history and passage of Civil Rights laws have provided a model for how to operationalize the legal system to secure federal government intervention and regulation of discrimination. The roots of these interventions may be found in the Civil Rights Amendments to

the U.S. Constitution and the landmark civil rights legislation of the 20th century that resulted from the Civil Rights movement. In this section, I examine these historical roots and their impacts and then review and analyze case law that has further advanced legal protections for people of color in the United States and have, in turn, required further governmental intervention and elaboration on the original pieces of legislation.

The movement to ensure racial equality under the law emerged from the U.S. Civil War during the Reconstruction Period, though it is crucial to acknowledge that racial injustice and movements for Civil Rights existed prior to the Civil War era. The complexities of this history of is beyond the scope of this literature review; however, significant literature exists on this topic (e.g., Cole, 2020; Karabel, 2005). In the period after the Civil War, Congress ratified the 13th, 14th, and 15th Amendments to the U.S. Constitution, which became foundational pieces in the fight for equality. In short, the 13th Amendment abolished slavery in the United States (U.S. Const. Amend XIII) and the 15th Amendment provided federal oversight to elections while prohibiting states from discriminating against voters based on race, color, or previous servitude (U.S. Const. Amend XV). Importantly, the provisions of the 15th Amendment only protected men, as women remained legally disenfranchised until the passage of the 19th Amendment in 1920.

The 14th Amendment ensures that no person is denied equal protection of the laws and does not allow states “to deprive people their right to life, liberty, or property without due process of law” (U.S. Const. Amend XIV). In other words, the 14th Amendment provides for federal oversight of incidents of discrimination in the portion of the Amendment that deals with equal protection of the laws. However, efforts to uphold the social order of pre-Civil War era

greatly impacted enforcement of the 14th Amendment in terms of federal oversight of discrimination, which continues to this day (Edwards, 2016).

After the Civil War, while the federal government imposed some order, mainly on the Southern states, much of the practical enforcement and protections afforded by the Civil Rights Amendments fell on the individual states (Edwards, 2016). As such, enforcement of rights was vastly inconsistent across the states, with states and localities often delegating rights enforcement to state and local courts, which erred on the side of keeping “the peace” (Edwards, 2016, p. 315). Edwards explained, “Keeping the peace meant keeping everyone—from the lowest to the highest—in their appropriate places, as defined by rigid inequalities of the early nineteenth century” (p. 316). Thus, while the Civil Rights Amendments, particularly the 14th Amendment, were broad proclamations attempting to move towards equality, institutional efforts manifested by court holdings often reflected the social order of the Antebellum era (racism).

Plessy v. Ferguson (1896) and Lum v. Rice (1927)

As noted above, the method of enforcement in courts was largely non-enforcement, as keeping the peace meant state and local courts maintained the status quo. Legal challenges at the federal level also did very little in the late 19th century to advance equality. Specifically, in *Plessy v. Ferguson* (1896), the United States Supreme Court upheld Louisiana’s law that required segregation in train cars. In *Plessy*, a group interested in challenging Louisiana’s segregation law had Homer Plessy, a man of two or more races, purchase a ticket in the first-class train car designated for white people only. Homer Plessy intentionally positioned himself for arrest to ensure he had judicial standing to challenge the Louisiana law and was remanded for trial. In his trial, Plessy was found guilty of violating the segregation law. Plessy and his group then appealed the decision, citing a denial of his rights under the 13th and 14th Amendments.

Plessy's appeal was denied by the Louisiana state Supreme Court and the United States Supreme Court granted certiorari to review the Louisiana statute.

After oral argument, the U.S. Supreme Court held, 7-1, that Louisiana's statute requiring segregation on train cars was constitutional and not a violation of either the 13th or 14th Amendments. In so ruling, the Supreme Court quickly dismissed the 13th Amendment argument, ruling that the Amendment's purpose and intent was to abolish slavery. With the dismissal of the 13th Amendment argument, the Supreme Court essentially ruled that the 13th Amendment's use as a legal argument related to the abolition of slavery; the 13th Amendment did not extend to abolishing segregation. The Supreme Court also rejected the 14th Amendment argument of equal protection under the laws, famously stating:

The object of the [Fourteenth] Amendment was undoubtedly to enforce the absolute equality of the two races before the law, but in the nature of things, it could not have been intended to abolish distinctions based upon color, or to enforce social, as distinguished from political equality, or a commingling of the two races upon terms unsatisfactory to either. (*Plessy*, 1896, pp. 543-44)

In so holding, the U.S. Supreme Court held that state laws that provided for segregation based on race were constitutional under the 14th Amendment, creating further impetus for further segregationist laws throughout the United States.

The holding of *Plessy* was upheld into the 20th century through cases such as *Lum v. Rice* (1927). In *Lum*, the U.S. Supreme Court unanimously upheld a Mississippi law that excluded a Chinese-American student from attending a public high school that was for white students only. The Court, in so ruling, held that the 14th Amendment did not bar a state from excluding a minority student from attending certain schools, regardless of which minority a person belonged

to, when a segregated school for minority children was present in the district. In effect, the decision in *Lum* reaffirmed the notion of “separate but equal” developed in *Plessy*.

Brown v. Board of Education (1954)

While cases such as *Plessy* and *Lum* rather clearly held that racial segregation was constitutional under the 14th Amendment, the United States Supreme Court, in a 1954 turn from court precedent, held that the notion of “separate but equal” was “inherently unequal” (*Brown v. Board of Education of Topeka, Kansas*, 1954). In this case, 13 parents of 20 African American children filed suit against the Board of Education in Topeka, Kansas, arguing that an 1879 Kansas law that allowed, but did not require, racial segregation in public schools when certain parameters were met was unconstitutional, as it violated the equal protection clause of the 14th Amendment.

The Court, in its decision, went to great lengths to discuss and document that “separate but equal,” as practiced in public schools, was inherently unequal due to the huge differences in facilities and resources between schools for white and for minority children. The Court continued by quashing the defendants’ argument that segregation based on race would not violate the 14th Amendment if equal but separate facilities and supplies were provided. In quashing this argument, the Court held that segregation itself was unequal because, “To separate them [African American children] from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely to ever be undone” (Brown, 1954, p. 494). Continuing, the unanimous Court plainly rejected any notion of separate but equal in public education by stating:

We conclude that, in the field of public education, the doctrine of ‘separate but equal’ has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment. (*Brown*, 1954, p. 495)

The Court’s finding that racial segregation in public schools was inherently unequal triggered a line of U.S. Supreme Court jurisprudence that declared racial segregationist policies unconstitutional as violations of the 14th Amendment (Chemmerinsky, 2009).

As illustrated by this history, the way by which the government began regulating and legally outlawing discrimination begins to create a roadmap for the fight for equality across other identities¹. At the end of the U.S. Civil War, the Civil Rights Amendments attempted to expand equality to formerly enslaved men. However, other barriers to equality existed, such as the failure of state and local courts to embrace true equality due to a tendency to “keep the peace.” When those fighting for equality sought review in federal courts, decisions, such as the U.S. Supreme Court’s decision in *Plessy v. Ferguson* (1896), found that statutory enactments, such as the Louisiana law requiring segregation on train cars, were constitutional under the notion of “separate but equal.” This trend was reversed in *Brown v. Board of Education* (1954), paving the way for the development of additional federal legislation granting additional protections against racial discrimination.

Civil Rights Legislation post-*Brown*

Subsequent to the holding in *Brown* (1954) and companion cases that held that “separate but equal” was unequal, federal legislation and other federal actions further bolstered the movement during the Civil Rights era. The Civil Rights Act of 1964 contained two provisions

that directly applied to discrimination. First, Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in any federally funded program (Civil Rights Act of 1964). Title VI did not include the prohibition of discrimination based on gender/sex in federally funded programs, but helped to form the base language that became Title IX. The second provision of the Civil Rights Act of 1964 that directly related to discrimination is Title VII, which prohibited discrimination in employment on the basis of race, color, religion, sex, and/or national origin (Civil Rights Act of 1964).

The primary enactment and enforcements of Titles VI and VII of the Civil Rights Act of 1964 came under the 14th Amendment and the basis of the Voting Rights Act of 1965 was on the language of the 14th and 15th Amendments. However, the Voting Rights Act of 1965 was similarly aimed at curbing discrimination based on race. Specifically, the Voting Rights Act of 1965 regulated elections to ensure that statutory efforts by states to curtail minority voting were outlawed. The Act specifically outlawed the usage of literacy tests and other forms of voter suppression techniques that historically were used as barriers to voting for racial minorities (Voting Rights Act of 1965).

The 14th Amendment, and to a slightly lesser degree the 15th Amendment, played a major role in providing the legal standing for the federal government to regulate racial discrimination, as evidenced by statutes such as the Titles VI and VII of the Civil Rights Act of 1964 and Voting Rights Act of 1965. Similarly, the 14th Amendment formed the basis of the fight for gender equality. Edwards (2016) argued that the fight for racial equality under the 14th Amendment altered the relationship between the people and the government in the context of racial inequality as the people began to see the government as a means to ensure equality among races. In this argument, in essence, Edwards (2016) asserted that the use of the 14th Amendment

as a basis for legislation like the Civil Rights Act in the fight for racial equality similarly helped fuel the fight for gender equality, culminating in legislation like Title IX.

Section Two: Women's Access to Education and Title IX

This section describes the development of federal legislation to combat gender inequality in access to education and the activism that inspired it. The development of federal intervention in response to issues of access to education for women took a similar path to federal intervention in combating racial discrimination. The resulting interventions can similarly be considered instances of the federal government regulating barriers to access to higher education; specifically, campus sexual violence and gender-based discrimination. Title IX legislation and regulations address how campus sexual violence amplifies the barriers to women (campus-based threats), bringing about further motivations for federal protections to redress access issues for women.

To provide a better understanding of how Title IX impacted women's access to higher education, this section begins by briefly reviewing the history of women's access to higher education to frame the impetus for federal intervention related to barriers of access to education based on gender. It then moves to discuss the development of Title IX, first impacting college athletics and, later, seen as a mechanism for combating campus sexual assault. After discussing the rise of Title IX, I will discuss various court cases that expanded the scope of Title IX. These cases led to the federal government issuing various guidance documents and rules that attempt to help institutions of higher education comply with their requirements under Title IX. Further, these guidance documents and rules provide students a framework to challenge discrimination while they are still students. These guidance documents and rules are the subject of the next section of this literature review. This section concludes with a brief review of federal legislation

related to combating issues of access to higher education based on gender, including the Clery Act and Campus SaVE.

Women's Access to Higher Education in American History

Women's access to higher education is a history marked by barriers, limitations, and issues and federal legislation and lawsuits have been required to combat these barriers and limitations. The first institutions of higher education in the United States were institutions built to serve privileged white men. These institutions taught a very small number of these privileged white men who were seen as future societal leaders who would perpetuate the order that early institutions were founded upon (Lucas, 2006).

Solomon (1985) argued that for white women in Colonial America, the organization of society at the time never provided women the opportunity to consider education as an option. Early in Colonial American history, many people, not just white women, were far more concerned with survival in general, and thus not interested in "book learning" (Solomon, 1985, p. 2). Further, Solomon (1985) pointed out that in Colonial America, any education women received was absent their agency and imposed by others, dependent on their parents' economic and social status, and almost always consisted of apprentice-like learning in the skills a particular woman needed to support her family. Solomon (1985) also noted that some women in Colonial America, especially in the Puritanical Massachusetts Bay Colony, received some semblance of a liberal education. But this education was only for women from elite families and, though enabling these privileged women to read religious texts, did not encourage independent thinking.

Throughout the 18th century, higher education in the United States largely continued to serve elite white men. These institutions continued to exclude white women as a perpetuation of

societal norms, even after republican ideals associated with the American Revolutionary War advanced notions of equality for white men (Thelin, 2011). Despite this, there were some movements, again primarily in the New England region, to provide educational opportunities for white women, but these extended to primary educational levels and largely excluded women from higher education study (Solomon, 1985).

Around the turn of the 19th century, about 150 years after the first institutions of higher education opened in the United States, some institutions began to admit women, with approximately 14 colleges or universities allowing women to enroll (Thelin, 2011). Many of the institutions that allowed women to enroll were in the American Midwest (Thelin, 2011), including Indiana University, which began to admit women under the same standards as those of men in 1867 (Jones, 2002). The Seven Sisters, formed between 1837 and 1889, was a collection of women-only institutions (Wellesley, Radcliffe, Mount Holyoke, Vassar, Bryn Mawr, Barnard, and Smith Colleges). Many of the women who attended the Seven Sisters came from wealthy, white families, which formed the early culture on these campuses (Thelin, 2011).

Women became more visible in higher education during the 19th. century and, by 1860, approximately 45 institutions offered degrees to women. It is important to note that most of these institutions offered degrees in programs linked to vocations, finishing school skills, and/or liberal arts (Thelin, 2011). Interestingly, some of the impetus for the rise in institutions offering degrees to women was to ensure that women stayed close to home, especially in the South, where institutions offered degrees to women to avoid having women attend institutions in the “renegade north” (Thelin, 2011, p. 84), where it was feared that they might learn values out of line with Southern norms. Beyond institutions offering degrees to women in liberal arts, vocations, and finishing, much of the advanced education (post-secondary) for women in the nineteenth century

was in normal schools, which were institutions where women learned how to be teachers (Thelin, 2011).

Following the U.S. Civil War, higher education began shifting toward more co-educational institutions. However, in the U.S. South and much of New England, education remained segregated by sex. Cornell University, embracing coeducation, became an exemplar due to its admission of women and a philosophy of espoused equality that encouraged students' desires to study a wider variety of subjects than was typical of the time period (Thelin, 2011). Further, the founders of Cornell University proclaimed that they expected women to share in the opportunity to study with men (Solomon, 1985). Other co-educational institutions opened in this time period, largely in the Midwest and Western United States, as the 19th century wound down (Thelin, 2011). However, while institutions increasingly began to include both men and women, faculty often guided women into certain majors and courses and many campus organizations and activities excluded women from joining or participating as well (Solomon, 1985).

Towards the end of the 19th century and into the 20th century, opportunities for women's access to educational options within institutions of higher education remained limited. Much of the exclusion and limitation of access for women in the late 1800s came from fears that if women studied certain fields, they would be unable to handle the academic rigor (Thelin, 2011). However, by the 1900s, enrollment of women in higher education increased at a higher rate than enrollment of men, though total numbers of enrollees by gender remained much higher for men (Solomon, 1985). While the number of women enrolling in higher education increased in the early 1900s, opportunities for women began to wane due to men perceiving women on campus as a threat to their entitlement of education. This perceived threat, as Solomon (1985) and Thelin (2011) both pointed out, centered on men's fears that women would take over institutions and, as

a result, men began complaining about women's presence on campus. Further, Solomon (1985) stated that when women succeeded in class and they surpassed their male counterparts in terms of grades and academic accolades, men would often clamor for fewer women in classes, a sentiment faculty also championed.

For example, at the University of Chicago, an institution that was lauded for its commitment to co-education, enrollment of women doubled around 1900, and by the early 1900s, over half of the Phi Beta Kappa awards went to women. As a result of this, the president of the University, with encouragement from the male students and faculty, began an effort to significantly reduce the number of women at the University. However, due to the negative public perception of reducing enrollment by women, the president went the route of segregating classes by sex. When the segregation happened, women unified and a minority of the faculty protested the segregation, but the institution persisted with segregating classes by sex for five years, before the segregation failed because the policy was expensive and difficult to administer (Solomon, 1985).

Despite efforts to reduce the number of women attending colleges and universities in the early 1900s, between World War I and World War II (1919-1939), women's enrollment in higher education rose to comprise about 40% of the undergraduate student population in the United States (Thelin, 2011). Post-World War II, incredible growth in higher education occurred in what Thelin (2011) coined "the Golden Age" of U.S. Higher Education. This time saw the proliferation of institutions as GIs returned from the war, as well as the development of the modern research university, in part due to the Cold War. As higher education in the United States proliferated, opportunities in higher education for women continued to increase, though still not proportionally with enrollment (Thelin, 2011). However, white women were the only

racial group of women who saw an increased enrollment in higher education during the post-war period, reflecting intersectional realities of racism and sexism impacting women of color (Thelin, 2011). Beginning in the 1950s, women's activism to increase access to education took a path similar to fights for racial justice in higher education. This activism led to some federal legislation, which was then elaborated upon by legal challenges and subsequent remedies from the courts. But the most significant of these changes, and the one most relevant to this review, was Title IX of the Education Amendments of 1972.

Title IX of the Education Amendments of 1972

As discussed earlier, the 14th Amendment and its application in the courts in various legal challenges were efforts to curb racial inequality and helped to form the impetus for additional federal intervention in combating racial inequality. These efforts most importantly included Titles VI and VII of the Civil Rights Act of 1964, which prevented discrimination based on race (among other protected classes) in federally funded programs (Title VI), and the prohibition of discrimination in employment, on the basis of based on race and sex (and other protected classes; Title VII). Increased calls for gender equality came largely from the feminist movements of the Civil Rights Era in arenas such as employment, including women as higher education faculty, and women's access to higher education (Rice, 2018). Feminist goals, such as increasing the number of woman faculty, led to calls for Congress to amend Title VI of the Civil Rights Act of 1964 to include gender. However, Congress did not act to amend Title VI. Instead, Congress chose to craft separate legislation, which became Title IX of the Education Amendments of 1972, the law now commonly referred to as Title IX (Rice, 2018).

Congress passed, and President Richard Nixon signed, Title IX of the Education Amendments of 1972 into law on June 23, 1972. The pertinent part of Title IX reads as follows:

“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” (Title IX, 1972). In other words, Title IX utilizes the category of sex to protect people from discrimination within educational institutions receiving federal funding. Discrimination includes denial of access to education, working in education, or enjoying the benefits of an educational institution, such as activities, programs, and employment. Title IX applies to both private and public institutions, if the institution receives federal funding. However, there are exceptions to this application, including for institutions affiliated with religious organizations with “contrary religious tenets” and in certain practices involving admissions (Title IX, 1972).

Rice (2018) concluded that the purpose and substance of the text of Title IX is relatively simple, but she argued that Title IX has had a “profound effect on American educational institutions” (p. 769). The profound impact of Title IX falls within three distinct areas: athletics, academics, and sexual harassment (Reynolds, 2018). To provide historical context, the next portion of this section focuses on Title IX’s impact on athletics. The section concludes with a review of court cases that have acted to expand Title IX to fighting campus sexual violence and a brief review of other federal legislation aimed at combating campus sexual violence.

Title IX in College Athletics

Soon after Title IX’s passage, interpretations of the protections guaranteed became a vehicle to effect change in the college athletics arena. Such changes included calls for creating more college teams and sports for women that were equitable to those available for men, which changed the dynamic of college athletics. Melnick (2018) noted that up until the Obama

administration's issuance of guidance documents on Title IX and campus sexual violence in 2011, one of the primary usages of Title IX was to address gender equity in collegiate sports.

Title IX became a vehicle associated with gender equity in collegiate sports because of various interpretations of the law by the U.S. Department of Education's Office of Civil Rights ("OCR") (Melnick, 2018). In the 1970s, women's access and participation in sports at the varsity collegiate level were vastly numerically inferior to sports programs for men. When Title IX mandated no exclusions from participation in educational opportunities based on gender, institutions realized that they must provide opportunities for women to participate in varsity athletics. Because of the fewer opportunities for women to participate, institutions responded by increasing the numbers of sports for women and providing funding for women's athletics (Melnick, 2018).

However, institutions began facing issues when it became impractical to provide numeric equal opportunity for women. For example, football has much larger rosters of players than many other teams. In other words, to create gender parity of spot for spot would be impossible because of the asymmetry in roster size of football compared to most other sports. Further, Melnick (2018) pointed out these larger men's teams are "revenue generating men's sports" (p. 78), which institutions were hesitant to remove. In response to the demands of Title IX, many institutions complied with the law by adding sports teams for women on their campuses at the expense of less featured men's sports, such as wrestling, gymnastics, and diving. Melnick (2018) argued that Title IX did not demand the discontinuation of men's sports, yet the financial costs of creating teams for women had the effect of discontinuing many men's sports at co-educational institutions.

Given the nature of the problem of ensuring compliance with Title IX and not discontinuing men's sports, law and policy-makers established a three-prong test to evaluate whether an institution's athletics department was in compliance with the Title IX mandate. This three-pronged test held that an institution was in compliance with Title IX if (1) the athletic opportunities for men and women are substantially proportionate to the campus sex populations at the institution; (2) the institution has a history and continuing practice of expanding opportunities for the underrepresented gender; and (3) the institution meets the interests, abilities, and needs of the underrepresented gender (Reynolds, 2018). This three-pronged test underwent several iterations over the years since its conception in the late 1970s, but the general tone remained the same. Title IX does not mandate that there be an equal number of roster spots for men and women but does mandate an equitable number of opportunities for men and women at an institution. In other words, Title IX does not require that men's and women's teams have an equal number of roster spots, but requires that men and women have the same opportunity to participate in collegiate sports, which is assessed by applying the three-pronged test.

The three-pronged test saw college athletics change dramatically during the 1980s, up until the U.S. Supreme Court's holding in *Grove City College v. Bell* (1984), which effectively held that Title IX did not play a role in collegiate athletics because enforcement of the law applied to an institution's financial aid department, not the institution as a whole. In other words, the Court's ruling in *Grove City College* (1984) held that Title IX only applied to entities of the institution that received federal assistance. So, since athletics departments do not typically receive federal funding, there is no mandate requiring compliance with Title IX. However, in response to the holding in *Grove City College*, Congress passed the Civil Rights Restoration Act in 1987 (102 Stat. 28, 1987), which abrogated the Court's holding in the case. The law mandated

that institutions that receive federal funding must comply with all civil rights law across the institution (Civil Rights Restoration Act of 1987, 102 Stat. 28, 1987).

With the Civil Rights Restoration Act of 1987, Title IX again required institutions to abide by the requirement that they provide equitable access to varsity athletics opportunities for men and women. However, until the U.S. Supreme Court's holding in *Franklin v. Gwinnett County Public Schools* (1992), Title IX did not really have any "teeth" in regulating institutional compliance with Title IX. In *Franklin*, the Supreme Court held that federal judges may award monetary damages in Title IX lawsuits. Since this holding, courts have seen a skyrocketing number of cases involving alleged violations of Title IX (Melnick, 2018). With the holding in *Franklin*, plaintiffs gained the opportunity to penalize institutions for failing to comply with Title IX because the institutions could now be financially liable for damages associated with Title IX violations.

Since the holding in *Franklin*, and the subsequent rise in litigation concerning alleged violations of Title IX, the role of Title IX in college athletics continues to be present across the collegiate compliance landscape. Reynolds (2018) noted that the OCR continued to issue guidance documents regarding compliance with Title IX in collegiate athletics, while also reiterating the tone of the three-prong test for athletic compliance with Title IX. While far from being a settled issue, it is plainly clear that the three-prong test is the touchstone of ensuring compliance with Title IX in collegiate athletics.

Thus, it appears that the first battle over Title IX came in the arena of attempting to create a level playing field for women and men with respect to varsity collegiate athletics. While much of the development of Title IX can trace itself to this interaction of athletics, during the same time, Title IX also developed into a check on gender discrimination in academics and preventing

sexual harassment. In 1981, OCR explicitly added sexual harassment to Title IX prohibitions, but it took until 1997 for OCR to issue guidance on this prohibition (Reynolds, 2018). During this same time period, several court cases expanded Title IX by creating causes of actions for complainants fighting sexual harassment and sexual violence on college campuses. Like the development of Civil Rights legislation and subsequent court cases like *Brown v. Board of Education of Topeka, Kansas* (1954), courts helped develop further protections of Title IX, and in a similar manner.

Court Cases Expanding Title IX to Fighting Campus Sexual Violence

Several court cases served to expand Title IX to include combating campus sexual harassment and sexual violence over the years since the passage of Title IX. In essence, this array of court decisions created a cause of action for parties to have legal standing to seek court intervention for alleged institutional failures to comply with Title IX. These causes of action demonstrate that the courts have become the venue to combat gender discrimination as various holdings have expanded upon the Title IX legislation. However, while these cases expanded Title IX into combating campus sexual harassment and assault, gaps in the jurisprudence have caused OCR to issue guidance documents that enable institutions to comply with Title IX. These guidance documents mandated the creation of the role of the TIX Coordinator on college campuses, in part to ensure compliance and in part to ensure that there are staff on campus who can serve as a resource for campus members who allege violations of Title IX, and those accused of violating Title IX. These guidance documents are the subject of Section Three and TIX Coordinators are the subjects of Section Four of this literature review.

One of the early cases that expanded Title IX into combating campus sexual harassment and assault was *Alexander v. Yale University* (1980). In this case, a panel of judges from the 2nd

Circuit Court of Appeals held that sexual harassment of students is a form of discrimination based on sex and is therefore actionable under Title IX. *Alexander* is the first successful case in which students used Title IX to sue their institution for discrimination based on sex (Kaplin & Lee, 2014). In *Alexander*, a group of five women sued Yale University under Title IX for failing to adequately protect them from sexual harassment. The plaintiffs asserted that they were harassed by a Yale University employee and that the University was in violation of Title IX due to its lack of having a procedure to address sexual harassment. One plaintiff asserted that a faculty member promised her an “A” grade in a course if she agreed to the faculty member’s sexual demands. When she refused the faculty member’s demands, she received a “C,” which was not the correct grade, given her academic success in the course. The court substantively held that the claims of all of the plaintiffs, except one plaintiff, were moot because they had graduated and because Yale had adopted policies and procedures to address sexual harassment. However, the court, in reference to the plaintiff’s claim about the “A” grade, stated that she had a valid claim for relief under Title IX because the faculty member’s threat or denial of a rightful grade was an example of a deprivation of the plaintiff’s guarantee to access her education without being discriminated against due to her sex (*Alexander*, 1980). Thus, *Alexander* serves as case law that ensures that deprivations or threats of sexual harassment are actionable under Title IX.

The holding in *Franklin v. Gwinnett County Public Schools* (1992) has previously been discussed in the previous section, but its holding that federal courts could award monetary damages to plaintiffs for violations of Title IX also has relevance here. *Franklin* is a case from K-12 public schools that involved a male high school teacher sexually harassing one of his female students. The plaintiff in the case brought her complaints to school administrators, but the administrators encouraged the plaintiff not to seek criminal charges. The administrators chose

not to investigate the plaintiff's allegations. Upon the plaintiff's persistence, the county school district investigated her allegations, but chose to close the investigation once the teacher resigned from his job. The plaintiff sued the district alleging violations of Title IX and she sought monetary damages. Procedurally, the federal district court dismissed the plaintiff's complaint and the U.S. Court of Appeals for the 11th Circuit affirmed the district court's dismissal. The plaintiff then sought certiorari in the United States Supreme Court, which they granted, and the Supreme Court, in a unanimous decision, held that plaintiffs could seek monetary damages in suits alleging violations of Title IX.

Two United States Supreme Court cases in the late 1990s expanded the scope of actionable sexual harassment under Title IX, though the Court did limit liability for institutions by proscribing the standard of review for claims under Title IX. In *Gebser v. Lago Vista Independent School District* (1998), the Supreme Court held that teacher sexual harassment of a student is actionable under Title IX. In the second case, *Davis v. Monroe County Board of Education* (1999), the Supreme Court held that institutions can be liable for student (or peer) to student (or peer) sexual harassment.

In *Gebser* (1998), a female high school student (the plaintiff) engaged in a secret relationship with one of her teachers. According to the opinion, the student understood that what was happening with the teacher was inappropriate, but she did not understand who to tell about the relationship in the school district, or how to stop the teacher's conduct. Further, the teacher in question had previously been coached regarding alleged inappropriate sexual comments in class (which did not involve the plaintiff here), but these comments were not disclosed by the school to the school district's TIX Coordinator. A few months after this coaching, a police officer caught the teacher engaging in sexual activity with the plaintiff and the teacher was arrested.

Importantly, at the time of the affair, the Lago Vista Independent School District did not have a policy or procedure for reporting sexual harassment in place, nor did it have an anti-sexual discrimination policy adopted, in violation of Title IX. The plaintiff then sued the school district and the teacher, alleging that she was sexually harassed by the teacher, and sought monetary damages against the district. The federal district court dismissed the suit in favor of the school district, which the court of appeals affirmed (the case against the teacher was remanded for trial in state courts, but the result of this litigation is irrelevant to the legal precedent established in the broader case). Then, the plaintiff appealed to the U.S. Supreme Court. The Supreme Court held, in a 5-4 vote, that there were two minimal criteria that a plaintiff must meet to proceed with a claim for damages for sexual harassment. First, the plaintiff must show that an employee of the school district (or institution), who has the authority to redress sexual harassment, must have notice of the harassment. Second, after there is notice made to an appropriate employee, the plaintiff must show that the person (school district or institution) failed to act in a deliberately indifferent manner. In applying this new standard, the deliberate indifference standard, the Supreme Court majority opinion held that the plaintiff in *Gebser* (1998) failed to meet the first requirement of the new standard, and therefore was not entitled to monetary damages from the school district.

In *Davis* (1999), student (peer) to student (peer) harassment was held to be actionable against a school district (institution) under Title IX. Here, a 5th-grade girl was interminably subjected to harassment from a boy in her class. The plaintiff filed suit against the school district, arguing that it was liable for the harassment because the district had notice of the harassment and failed to redress the situation, which the plaintiff argued was an obligation that the district had. The lower courts held in favor of the school district, but the U.S. Supreme Court, in another 5-4

decision, held that the school district had notice of the harassment and failed to address it. In so holding, the majority stated that the ongoing harassment of the plaintiff was so “severe, pervasive, and objectively offensive...that it “undermine[d] and detract[ed] from the victims’ educational experience” (*Davis*, 1999, p. 631)and, therefore, the school district could be held liable for damages under Title IX (the Court remanded the case for trial to apply the new standard created in the decision).

Taken together, *Gebser* (1998) and *Davis* (1999) stand for the legal principle that public institutions and school districts can be liable for damages under Title IX when they have notice of the harassment and act deliberately indifferent in redressing the harassment. The notice of harassment must be made to someone who has the authority to redress the harassment, who then acts deliberately indifferent in redressing. Thus, while these two cases in effect expanded the category of who a harasser may be, it also limited the liability of institutions with the notice requirement and deliberate indifference standard. Lastly, the harassment must be “so severe, pervasive, and objectionably offensive” that it deprives an individual their access to the education or benefits associated with attending school (Alexander & Alexander, 2011). These standards and definitions from these court decisions served as guidance in documents issued by OCR to institutions.

One final case of importance is *Fitzgerald v. Barnstable School Committee* (2009), which involved a case brought by the parents of a girl in kindergarten who constantly complained that another student bullied her by lifting her skirt up. The parents notified the school who conducted an immediate investigation, but the investigation did not find any incidence of sexual harassment. Subsequent to the non-finding of harassment in the investigation, the bullying began again, and the parents sued the school district alleging violations of Title IX and under 42 U.S.C.

1983 (“§1983”). Litigation ensued regarding the parent’s attempted use of both Title IX and §1983. The case made it to the U.S. Supreme Court which held that the implied private remedy in Title IX did not bar recovery for damages under other federal statutes, including §1983. Thus, the holding in *Fitzgerald* allowed plaintiffs to seek remedy for sexual harassment on campus under both Title IX and other federal statutes (i.e., §1983). Similarly, Title IX is not the only venue for suits about sexual harassment. There are also several other federal statutes that deal with campus safety and preventing sexual violence, described briefly next.

Other Federal Legislation Regarding Campus Safety and Sexual Violence

Other federal legislation regarding campus safety and sexual violence that provide venues for addressing sexual violence on campus include the Clery Act, Violence Against Women Act (VAWA), and the Campus Sexual Violence Elimination Act (Campus SaVE). It is important to note that the reasons for implementing these pieces of federal legislation are, in part, some of the same reasons as for Title IX in the 1970s and 1980s, but they focused at first on broader elements of campus safety. Thus, the interpretation of these laws happened both alongside Title IX and apply more broadly as campus safety measures. What remains true is that Title IX is a key element for addressing campus sexual violence (Jessup-Anger et al., 2018).

Congress passed the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, or the Clery Act (20 U.S.C. 1092, 1990) in 1990 as the “Crime Awareness and Campus Security Act.” This legislation amended the Higher Education Act of 1965 after an extensive lobbying effort by Howard and Connie Clery regarding campus safety incidents (Kaplin & Lee, 2014). The Clerys’ daughter, Jeanne, was the victim of a 1986 rape and murder on campus in her dorm room at Lehigh University. After Jeanne’s rape and murder became national news, many people called for information regarding unreported crime on college

campuses. This movement, spear-headed by the Clerys, resulted in the passage of the law that has become known as the Clery Act (Jessup-Anger et al., 2018). In short, the Clery Act requires institutions to comply with requirements such as publicly reporting yearly statistics on campus safety incidents in a campus safety report, including instances of certain crimes. Specifically, the Clery Act requires campuses to report on crimes such as murder, sex offenses including forcible and non-forcible rape, aggravated assault, and burglary. In addition to reporting yearly statistics, the Clery Act mandates that institutions issue “timely notices” when these crimes allegedly occur on campus (Kaplin & Lee, 2014).

In 1994, Congress passed the Violence Against Women Act with the aim of redressing gender-motivated violence (42 U.S.C. 13701, 1994). Congress reauthorized VAWA no fewer than three times, but it is currently not in effect due to a failure to reauthorize or redraw the provisions of VAWA. However, efforts to preserve at least certain provisions of the law are occurring (American Bar Association, 2020). When originally passed, VAWA had five different titles, four of which were relatively uncontroversial when passed with the original legislation. Title III proved to be a controversial provision of VAWA, as it provided a federal cause of action for private citizens against perpetrators of gender-based violence. The U.S. Supreme Court found aspects of this provision unconstitutional as an excessive use of the Commerce Clause of the U.S. Constitution (*United States v. Morrison*, 2000).

Title I of VAWA provided enhanced penalties for occurrences of rape and aggravated rape under federal law and adopted Rape Shield Laws in federal rules of evidence. Title II dealt with a requirement of granting “full faith and credit” for protective orders across the states, regardless of where a protective order was issued. Title IV of VAWA addressed campus sexual assault specifically, as it increased funding for rape education programs and created a reporting

requirement. Finally, Title V of VAWA increased funding for educational programming for state court judges and court personnel for cases involving gender-based violence (Hallock, 1993). While these provisions of VAWA are no longer currently in effect, VAWA remains a topic of discussion at the federal level, which illustrates the continued importance placed on gender-based violence prevention efforts and the persistence of gender-based violence (Gover & Moore, 2020).

Finally, the Campus Sexual Violence Elimination Act (2013), known as “Campus SaVE” is another piece of federal legislation that plays a role in combating campus sexual violence. Signed into effect in 2013, the law was a part of the reauthorization of VAWA and largely amends portions of pre-existing laws, including Title IX and Clery. Specifically, Campus SaVE amended the types of crimes that must be reported by campuses under Clery, including additional forms of sexual violence like stalking, domestic violence, and dating violence. Campus SaVE also mandates many of the provisions of the various Dear Colleague Letters related to Title IX, including a requirement for institutions to inform victims of their rights and resources available to them, ensuring institutions issue warnings in a timely manner, and providing education on gender-based violence and sexual violence (Moylan et al., 2020).

These pieces of federal legislation—the Clery Act, VAWA, and Campus SaVE—together with Title IX, signaled congressional intent to regulate campus sexual assault and violence (Jessup-Anger et al., 2018). However, as Jessup-Anger et al. pointed out, the Executive Branch took actions to amplify or clarify the guidance documents and rulemaking efforts related to Title IX. Thus, as these pieces of federal legislation are vitally important to the broader goal of remedying campus sexual assault and violence, Title IX was the central tool those facing campus-based discrimination based on gender have used to stop this discrimination.

Rectifying Court Precedent with the Need to Address Discrimination

In *Alexander v. Yale University* (1980), four of the plaintiffs lost their case due to the legal doctrine of mootness. Mootness is a legal doctrine of justiciability that requires that an actual controversy exists throughout all stages of federal litigation (Chemmerinsky, 2007). In other words, mootness requires that the plaintiff's alleged injury persist throughout the trial and appellate stages, while another doctrine of justiciability, standing, requires that the injury can be redressed by the court (Chemmerinsky, 2007). If a case is moot, and/or there is a lack of standing, federal courts have a practice, based on these doctrines, to dismiss lawsuits (Chemmerinsky, 2007). For example, a case may be moot if the defendant in a criminal trial dies while their case is on appeal, or a cause of action may be moot if the lawsuit is challenging a particular law and the law is repealed or expires during the litigation (Chemmerinsky, 2007).

The four plaintiffs in *Alexander* (1980) who had their cases dismissed due to mootness had wide-ranging claims against the University. One plaintiff, Ronni Alexander, alleged that her flute instructor made sexual advances against her, forcing her to abandon her field of study in pursuit of becoming a musician. Another plaintiff, Margery Reifler, alleged that a male field hockey coach sexually harassed her when she was a team manager and embarrassed her and denied her due recognition for her work. The third plaintiff, Lisa Stone, alleged that her discussions with a woman who was a victim of sexual harassment placed her in great fear of men in authority at Yale, which denied her pursuit of her education. The fourth plaintiff, Ann Olivarius, alleged that she was forced to investigate allegations of sexual harassment for herself and subjected to intimidation by university officials for conducting these investigations. All four of these plaintiffs, along with their factual allegations, argued that Yale University was complicit and therefore liable due to their lack of having a formal process to redress the allegations of

sexual harassment. In affirming the trial court's holding that these four plaintiffs had moot arguments, the panel of judges of the 2nd Circuit argued that these four plaintiffs did not satisfy the mootness doctrine, stating, "A party's case or controversy becomes moot either when the injury is healed and only prospective relief has been sought or when it becomes impossible for the courts, through the exercise of their remedial powers, to do anything to redress the injury" (*Alexander*, 1980, p. 183). In so stating, the court ruled that four of the plaintiffs did not meet the requirements for federal court due to the lack of justiciability, causing their cases to be dismissed. However, the court went into specifics about each plaintiff, and why their claims were moot.

Specifically, the court ruled that Olivarius had the weakest case because her claim rested upon her investigation of alleged sexual harassment of others. Further, the court stated that Olivarius investigated these allegations and spent her own time and money, but she did not suffer actual injury because of Yale University's inaction or action. The court ruled that the other plaintiffs' allegations were moot simply because they had graduated from Yale University already. In so holding, the court stated, "None of these plaintiffs at present suffers from the alleged injury. Nor would the grant of the requested relief aid these plaintiffs in the slightest. Thus, their claims appear moot (*Alexander*, 1980, p. 184). Put simply, the court determined their suffering was not significant enough to cause a barrier to graduation.

The fifth plaintiff, Pamela Price, was the student who received a "C" grade in a course after the instructor promised her an "A" if Price agreed to comply with the instructor's sexual demands. The trial court did not dismiss Price's complaint, unlike those of the four other plaintiffs, but did not find in Price's favor because, according to the court, Price had failed to prove that the instructor engaged in the sexual harassment. At the Court of Appeals level, Price

argued that the district court erred, notwithstanding her lack of proving sexual harassment, when it nonetheless failed to enjoin (force) Yale University to adopt sexual harassment grievance policies. The Court of Appeals held that Price failed to establish that the instructor engaged in sexual harassment and, as a result, the trial court's refusal to force Yale to adopt sexual harassment policies was not incorrect. Specifically, the court wrote, "As Price failed to prove her case, she failed to prove any perceptible harm and therefore she lacks standing to attack Yale's failure to establish a complaint procedure..." (*Alexander*, 1980, p. 185). In other words, the appeals court held that because Price did not prove any harassment, no harm was done to her, and dismissal of the suit was appropriate. Additionally, like the other four plaintiffs, the court held that Price's claim was now moot because she had graduated from Yale at the time of the proceedings and, therefore, she further lacked standing to sue Yale.

Despite dismissal by the Court of Appeals of all of the claims of the five plaintiffs in *Alexander* (1980), the court did hold that deprivations or threats of sexual misconduct and harassment were actionable under Title IX. The court wrote, "In a Title IX suit, it is the deprivation of 'educational' benefits which, once proven, allows the courts to afford relief. The statute recognizes that loss of educational benefits is a significant injury, redressable by law" (*Alexander*, 1980, p. 184). However, while the court held that sexual misconduct and harassment were actionable under Title IX, none of the plaintiffs in *Alexander* received any redress for their allegations due to legal doctrines and hurdles. *Alexander* is an excellent example of a court expanding the protections of Title IX by creating case law supporting the ability for plaintiffs to seek relief against educational institutions for allegations of sexual misconduct and harassment under Title IX. But the holding in *Alexander* clearly indicates that plaintiffs must meet all justiciability requirements, including mootness and standing, which may prove difficult due to

the limited time when a student plaintiff may have standing because they may graduate, coupled with the length of time litigation takes. Cases such as *Alexander* expanded the protections of Title IX, but fail to wholly address the complaints of those discriminated against because plaintiffs still must navigate other legal doctrines that may prevent plaintiffs from seeking redress in federal courts.

While legislative actions to address gender equality can be expanded by legislative enactments, just as they have been for racial civil rights, a unique aspect of Title IX is that it deals directly with education institutions, which creates a specific temporal problem for the complainant as students typically continue through these institutions as they get older, creating issues of mootness in court. Further, as Lawton (1999) argued, while case law has established that plaintiffs may obtain monetary damages for violations of Title IX, few plaintiffs will carry the burden established by the courts to win damages, especially after they graduate, given the deliberate indifference standard adopted for judicial review in Title IX cases. Similarly, Tani (2017) suggested that given the deliberate indifference standard and requirement of actual notice, this creates an incentive for institutions to avoid learning about possible violations, “lest they [institutions] accrue the kind of knowledge that might trigger liability” (p. 1862). This type of dynamic inspired the need for additional guidance and legislation from the Executive Branch and Congress to ensure that students have a venue that may not be the federal courts to have discrimination based on gender addressed by their educational institutions (Havern, 2000). As I will elucidate in the next section, the Executive Branch especially responded to this need by issuing guidance in the form of Dear Colleague Letters and, more recently, in issuing official Rules related to campus sexual violence and assault (Havern, 2000). For example, the guidance documents and Rules issued by the Executive Branch throughout the last 20 years or so

incorporated a mandate for institutions to have a TIX Coordinator, who should act to ensure compliance with federal laws like Title IX. Additionally, TIX Coordinators have the responsibility of helping parties navigate the process established by the institution, which is also mandated by federal guidance and rules, to address allegations of violations of Title IX. These guidance documents and the Rules are the subject of the next section of this literature review.

Section Three: Guidance from the Office for Civil Rights and Rulemaking

In the third section of this literature review I examine the various guidance documents and Rules issued by the U.S. Department of Education Office for Civil Rights (OCR). Most of these guidance documents have come in the form of Dear Colleague Letters (DCLs) and corresponding Question and Answer documents. However, the most recent guidance from OCR came as a federal final Rule, issued in 2020, flowing from the federal executive Rulemaking process. With the issuance of the first DCL, OCR sought to clarify court interpretations and mandates associated with Title IX since the 1990s using these guidance documents, and it continues to do so through the current 2020 final Rule (Jessup-Anger, et al., 2018). The DCLs and final Rule provided direction for institutions to comply with Title IX's requirements by mandating adjudicatory processes that help ensure due process and equal protections of the law for both victims of sexual violence and harassment and their alleged perpetrators (Kelly, 2019). Thus, the DCLs and final Rule create unfunded compliance mandates, which in turn create additional unfunded mandates for institutions to provide resources and procedural redress for allegations of sexual harassment and violence. This, in turn, becomes work often delegated to Title IX compliance officers, typically referred to as TIX Coordinators (Pappas, 2016).

OCR

The Office for Civil Rights in the Department of Education is responsible for enforcing the protections of Title IX (among other federal laws) in educational settings. These responsibilities developed in the late 1960s and early 1970s out of mandates that OCR investigate individual complaints of institutional violation of laws such as Title IX (Pappas, 2016). The responsibility for enforcing these protections through investigation of institutional violations stems from a long lineage of court cases, starting with *Adams v. Richardson* (1973), which was decided by the Court of Appeals for the DC Circuit.² While the *Adams* case was about school desegregation and Title VI of the Civil Rights Act of 1964, it established that OCR has the task of promptly investigating every individual complaint of discrimination filed by private parties (Melnick, 2018). However, as Melnick (2018) noted, the requirement for OCR to fully investigate every complaint it receives is both impractical and no longer mandated, due to the sheer volume of complaints OCR receives each year.

The *Adams* lineage of cases also provided some other procedural requirements that have had a lasting impact on resolution of allegations of discrimination and Title IX. The district court judge who presided over the original *Adams* case ruled that a prompt investigation of an individual complaint is within 90 days of receipt of the complaint. However, this requirement, again due to the sheer volume of complaints, is no longer followed by OCR, but is, instead, a largely suggested timeline for institutional resolution of complaints of violations of Title IX (Melnick, 2018). Additionally, Melnick notes that an unintended consequence of the *Adams* litigation was the precedent that OCR may cut federal funding for institutions as an enforcement mechanism for non-compliance with laws administered by OCR.

As a result of the compliance culture created at OCR under the *Adams* line of cases, which held that OCR shall hold individual institutions accountable for failing to comply with federal laws such as Title IX, institutions began seeking guidance on how to comply with mandates from OCR (Jessup-Anger, et al., 2018). Pappas (2016) noted that institutions must both comply with OCR and with “their own policies and procedures, by constitutional due-process mandates, state contract and civil rights law, federal education laws” (p. 127), which adds to the difficulty surrounding compliance. Further, one of the most common criticisms by institutions of OCR involved a perceived lack of guidance from OCR on how they can comply with federal mandates, especially when OCR investigations can result in institutions losing their federal funding (Melnick, 2018). In light of these criticisms, OCR eventually set out to produce direction for institutions, which first came in the form of Dear Colleague Letters, with the first OCR DCL majorly related to Title IX released in 1997. This, ultimately, greatly altered institutional response to allegations of sexual harassment and violence (Jessup-Anger, et al., 2018).

A Dear Colleague Letter originally was a form of correspondence, typically between executive departments and members of Congress. Typically, they urged congresspeople to sponsor or support a bill, but they also may set or modify procedures in the House of Representatives (Petersen, 2005). However, OCR has utilized DCLs to issue guidance to institutions since the 1990s (Aderholdt, 2019). Since OCR began issuing DCLs, it has issued approximately 80 DCLs to date, approximately 30 of which relate to Title IX enforcement (Office for Civil Rights, 2021). While DCLs are influential, they do not carry the force of law when interpreted by courts (Pappas, 2016). However, the U.S. Supreme Court, in *Chevron U.S.A. Inc. v. Natural Resources Defense Council, Inc.* (1984) held that courts should defer to

administrative agencies' (including the federal Department of Education) interpretations and guidance in situations where federal law does not supersede the guidance. This holding means that courts afford DCLs and other guidance from OCR much deference when litigated (Pappas, 2016).

The Dear Colleague Letters and Other Guidance Documents

While there have been approximately 30 DCLs and other guidance documents issued by OCR over the past 30 years or so that are related to Title IX, DCLs and other guidance documents issued in 1997, 2001, 2011, 2014, and 2017 are of most importance in relation to combating campus sexual harassment and violence.

The 1997 DCL. The 1997 DCL from OCR largely codified the holding in *Franklin v. Gwinnett County Public Schools* (1992), emphasizing that Title IX has a direct role in preventing student sexual harassment in educational settings (Rice, 2018). OCR issued the DCL directly to institutions and framed it as an outline that OCR would use to investigate claims of inadequate response by an institution under Title IX to alleged individual violations. The DCL stated that preventing and investigation of sexual harassment should be a priority for educational institutions and that institutions and their employees should employ “common sense” (Office for Civil Rights, 1997, p. 12034) in addressing allegations. Interestingly, the 1997 DCL seems to imply that individual teachers and administrators should address sexual harassment, not a central figure, such as a TIX Coordinator.

The DCL further required institutions to be cognizant of possible sexual harassment and that it should respond when it suspects possible sexual harassment. In terms of being cognizant and aware, the DCL required that institutions have actual notice, through a responsible employee, of harassment (or that the responsible employee should have known about the alleged

harassment). The DCL directly stated that there may be several ways to respond to sexual harassment and that the worst thing that an institution could do is to fail to recognize possible sexual harassment. The 1997 DCL defined sexual harassment as occurring in three types or categories: (1) quid pro quo harassment; (2) the creation of a hostile environment through the apparent authority of an employee; or (3) the creation of a hostile environment through ratification or allowance of sexual harassment through the apparent authority of an employee (Office for Civil Rights, 1997). OCR made it clear that if an institution recognized that one of the types of sexual harassment was occurring, the institution must take a commonsense approach to addressing the concerns.

The DCL also indicated that students involved in allegations of sexual harassment in education settings were entitled to due process protections, which serve to preserve fairness and can lead to sound conclusions. The DCL listed several factors of a “prompt and equitable” resolution to grievances, including providing parties notice of allegations, full and impartial investigations of claims, and opportunities to provide witnesses and other evidence in the investigations (Office for Civil Rights, 1997, p. 12038).

The 2001 DCL. The 2001 DCL flowed from two U.S. Supreme Court decisions, *Gebser v. Lago Vista Independent School District* (1998) and *Davis v. Monroe County Board of Education* (1999) and they explicitly mentioned these cases in the purpose and scope sections. OCR then reminded institutions of the holdings of these two cases and reiterated that sexual assault is a form of sexual harassment, prohibited under Title IX (Rice, 2018). The DCL then reminded institutions about the 1997 DCL and again reiterated that teachers and administrators handling allegations of sexual harassment should use sound judgements. The DCL again stated that institutions must promptly and effectively investigate allegations of sexual harassment

(including sexual assault) by taking “action calculated to end the harassment, prevent its recurrence, and, as appropriate, remedy its effects” (Office for Civil Rights, 2001, p. iii).

In terms of defining sexual harassment, the 2001 DCL breaks from the three categories of sexual harassment under the 1997 DCL. In the 2001 DCL, OCR modified the definition by stating that conduct could be sexual harassment if it denied an individual’s opportunity to benefit from, or participate in, an education program, on the basis of sex. Therefore, under this revised definition, conduct did not have to be a form of either quid pro quo harassment or create a hostile environment. The updated definition used the “severe, persistent, or pervasive” (*Davis v. Monroe County Board of Education*, 1999, p. 631) and “objectively offensive” standard outlined in *Davis* (1999), which opened up considerations about the forms of conduct seen as possible sexual harassment.

The 2001 DCL also further reiterated the notice requirement for institutions from the 1997 DCL. Situations of actual notice or where a responsible employee should have reasonably known that harassment was occurring constituted notice, as in the 1997 DCL. However, the 2001 DCL further defined a “responsible employee.” The 1997 DCL defined a “responsible employee” as someone with the authority to redress sexual harassment. The 2001 DCL furthered this definition to include those with authority to redress sexual harassment, but it also included those who someone may reasonably believe has the authority to redress sexual harassment (Office for Civil Rights, 2001). For example, under the 1997 definition of a “responsible employee,” the Dean of Students and their direct reports would have an obligation to report information they obtained because they would have authority to redress sexual harassment. However, under the 2001 definition, the number of “responsible employees” in a Dean of Students Office would expand beyond the Dean and their direct reports to most employees,

because a student might perceive that all of these may have authority to redress sexual harassment (Johnson, 2015).

Finally, the 2001 DCL also indicated the three criteria that institutions would be evaluated on if the institution came under investigation by OCR. The three criteria included: (1) whether the institution issued policy prohibiting discrimination based on sex; (2) whether the institution properly investigated and responded to allegations of sexual harassment; and (3) whether the institution took immediate and direct action to respond to the harassment, including action to prevent the harassment from occurring again. OCR, in the 2001 DCL, was clear that if an institution could provide proof that it followed these three criteria, it would not be penalized by losing federal funding (Office for Civil Rights, 2001).

The 2011 DCL. The 2011 DCL flowed from calls from politicians, victim-advocate groups, and other stakeholders for institutions to take a more aggressive approach to combating campus sexual harassment and assault (Johnson, 2015). One of the primary aspects of the 2011 DCL was the notion of having institutions take a more aggressive approach to combat sexual assault by using adjudicatory processes on campus to provide a venue for victims to bring complaints. The DCL urged institutions to perform their adjudicatory process in a 60-day time frame and to ensure that the adjudicatory process included equal opportunities for the complainant and respondent to present evidence and have access to an appeals process. Specifically mentioned in the 2011 DCL was the prohibition of using mediation techniques to address issues of sexual harassment and assault. Prior to this specific prohibition, informal resolution of sexual harassment, but not sexual assault, were permitted by the 1997 and 2001 DCLs (Office for Civil Rights, 1997; Office for Civil Rights, 2001). Furthermore, the 2011 DCL required that institutions use the preponderance of the evidence standard in their investigations as

the only appropriate standard for investigating allegations of sexual harassment and assault (Office for Civil Rights, 2011).

Of notable significance, the 2011 DCL specifically required institutions to have a coordinator who is responsible for institutional response to allegations of sexual harassment and assault (Kaplin & Lee, 2014). Prior to the 2011 DCL, the earlier DCLs were largely silent on who had specific responsibility at the institution to respond to allegations of sexual harassment and violence. The 2011 DCL explicitly named the TIX Coordinator role and described the duties and responsibilities of this role at the institutions. TIX Coordinators, under the 2011 DCL, had, among other things, responsibility for drafting and publishing the institution's statement of non-discrimination based on sex to students, parents, and employees of the institution. The statement also should identify the TIX Coordinator, who must be available to meet with students, remain up to date with training in regard to responding to allegations of sexual harassment and violence, and oversee the grievance procedure established by the institution. Further, the 2011 DCL required the central TIX Coordinator to work with law enforcement, including training law enforcement to refer individuals to the institution's adjudicatory process. Finally, the 2011 DCL stated that there may be multiple coordinators, but institutions must identify one central TIX Coordinator and this person should not have any duties or other roles that create a conflict of interest.

In 2014, OCR issued a Question and Answer document that sought to answer some of the lingering questions and provide clarity on the requirements published in the 2011 DCL (Aderholdt, 2019). This Question and Answer document provided over 50 answers to common questions that institutions asked OCR for guidance on after the publication of the 2011 DCL. The Question and Answer document had 14 topical sections, ranging from procedural requirements

to First Amendment Protections, to the interplay of the DCLs and the Clery Act (Office for Civil Rights, 2014). The 2014 Question and Answer document was important because it provided guidance to specific questions left unanswered by the 2011 DCL that institutions had been struggling with.

The 2017 Interim Guidance on Campus Sexual Assault. The 2017 Interim Guidance on Campus Sexual Assault came as a Question and Answer document and a Dear Colleague Letter on September 22, 2017 (Office of Civil Rights, 2017a). In the DCL, OCR announced the official rescinding of the 2011 DCL and the 2014 question and answer document (Office of Civil Rights, 2017a). In effect, the 2017 DCL and corresponding question and answer document reinstated the 2001 guidance issued in the 2001 DCL and added new compliance requirements under the 2017 question and answer document (“2017 guidance”; Richards, 2019). Also, in the 2017 DCL, OCR indicated that the department would engage in the federal rulemaking process because the 2011 DCL and 2014 guidance “imposed regulatory burdens without affording notice and the opportunity for public comment,” (Office of Civil Rights, 2017a, p. 2). OCR reimposed the 2001 DCL because, at this time, OCR determined that while the 2011 and 2014 documents had a well-intentioned meaning, the guidance in these DCLs ultimately denied parties fair process (Richards, 2019). Thus, OCR indicated in the DCL that the 2017 question and answer document would become the guidance document on an interim basis while the rulemaking process commenced (Office of Civil Rights, 2017a).

The 2017 guidance instituted several changes from earlier OCR guidance. One of the primary changes in the 2017 guidance was the allowance of the use of the clear and convincing evidence standard instead of the preponderance of the evidence standard mandated in the 2011 DCL (Office for Civil Rights, 2017b). Under the 2017 guidance, it was allowable for institutions

to use the preponderance of the evidence standard, but now institutions could choose to apply the clear and convincing evidence standard in lieu of the preponderance standard. The “clear and convincing evidence” standard requires a higher evidentiary standard than the preponderance of the evidence standard but is still lower than the “beyond a reasonable doubt” standard adopted in criminal proceedings (Newberry, 2018).

Also, OCR was explicit in a footnote to the 2017 guidance that institutions should be consistent across the institution in terms of the standard applied for all adjudications, including sexual misconduct claims and other student misconduct cases (Office for Civil Rights, 2017b). Put simply, if the institution used a preponderance of the evidence standard in conduct cases, then it must utilize that same standard in Title IX cases. OCR cited to *Doe v. Brandeis University* (2016), a case out of the First Circuit, that held that institutions that use different standards for Title IX adjudications and other disciplinary matters denied “basic fairness” (*Doe v. Brandeis University*, 2016, p. 572) to respondents. Specifically in *Doe*, the facts of the case indicated that the institution used the preponderance of the evidence standard for findings in sexual misconduct investigations and the clear and convincing evidence standard in investigations involving other forms of student misconduct (*Doe v. Brandeis University*, 2016). The court held that this application under different standards “appears to have been a deliberate choice by the university to make cases of sexual misconduct easier to prove--and thus more difficult to defend...” (*Doe v. Brandeis University*, 2016, p. 607). The finding also noted that “the lower standard may thus be seen, in context, as part of an effort to tilt the playing field against accused students, which is particularly troublesome in light of the elimination of other basic rights of the accused” (*Doe v. Brandeis University*, 2016, p. 607).

Another big change that came in the 2017 guidance was the allowance of using informal resolution methods to resolve sexual misconduct cases (Office for Civil Rights, 2017b). While the 2017 DCL and guidance stated a return to the 2001 DCL, this change was a departure from the 2001 DCL (Richards, 2019). Informal resolution is a method where the parties voluntarily work out a resolution to allegations of sexual misconduct, such as through a mediation process (Starich, 2017). Under the 2017 guidance, informal resolution could become an option if (1) all parties agreed to participate in an informal resolution; (2) all parties agree to participate in an informal resolution after receiving a full disclosure of the allegations; and (3) the institution determines that informal resolution is appropriate for the particular case (Office for Civil Rights, 2017b). Starich (2017) noted that the 2017 guidance thus allowed institutions to engage in informal resolutions, but did not require that institutions offer informal resolutions.

Another discretionary move made in the 2017 guidance was the allowance of institutions to choose to allow cross-examination between the parties. This change was a departure from the 2011 DCL, which strongly discouraged the use of any form of cross-examination. The 2017 guidance mandated that if institutions allowed cross-examination, both parties must have the equal right to cross-examine each other (Office for Civil Rights, 2017b). This change was significant because it signaled OCR's intention to require cross-examination in Title IX hearings after notice and comment rulemaking, which became a requirement in the 2020 final rule. Individuals who supported cross-examination argued that respondents, who may be facing expulsion from their institution, must have the opportunity to confront their accusers as a due process right (Brown, 2020). Opponents of cross-examination pointed to issues of re-traumatizing complainants, worries of reduced reporting of alleged incidents, and an increase in

the adversarial nature of Title IX hearings, giving those who can afford legal representation an advantage (Melnick, 2020).

The 2017 guidance also included some other more minor changes from the 2011 DCL. For example, the 2011 DCL suggested that institutions complete investigations within 60 days. Many institutions took this suggestion as a rule and implemented policies that required investigations to be completed in the 60-day timeline. However, the 2017 guidance removed the reference to 60 days and reiterated that there is no fixed time constraint on institutions. While the 2017 guidance removed any specific reference to 60 days, it still required institutions to designate a timeframe in their policies, though it did not prescribe what the timeframe should be (Starich, 2017). Finally, appeals were another noteworthy change in the 2017 guidance. The 2011 DCL required that both parties had the ability to appeal. However, the 2017 guidance provided institutions discretion to determine if their policy would only allow appeals by respondents or both parties. This change flowed from the 2001 DCL, which allowed for policies that gave the right to appeal to the respondent only because the respondent was the party facing discipline (Starich, 2017).

The 2020 Final Rule

On May 6, 2020, the Department of Education OCR released the 2020 final rule on “Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance,” (“2020 final rule”; Office for Civil Rights, 2020a). The 2020 final rule came after OCR received and reviewed more than 124,000 public comments over approximately 18 months on their proposed rule released in November 2018 (Anderson, 2020). The 2020 final rule went into effect on August 14, 2020, and, because the rule went through formal rulemaking, it has the force of law behind it (Anderson, 2020). Further, the 2020 final rule is over 550 pages

in length and was officially released on the Federal Register on May 19, 2020 (Office for Civil Rights, 2020a). Due to the length and volume of the 2020 final rule, OCR also issued a much shorter summary guide for review, the “Summary of Major Provisions of the Department of Education’s Title IX Final Rule,” to aid stakeholders in digesting the changes (Office for Civil Rights, 2020b). The 2020 final rule included several key changes to previous OCR guidance, including some changes from the 2017 guidance and DCL.

The Deliberate Indifference Standard. One major material change in the 2020 final rule involves the standard of evaluation for institutions if there are allegations that the institution violated their duty to abide by the 2020 final rule and Title IX. The 2020 final rule did not really change the standard, the deliberate indifference standard, but it renounced some of the examples and practices that indicated deliberate indifference, which came out of the 2011 DCL (Buzuvis, 2020). The standard requires that “Schools must respond promptly to Title IX sexual harassment in a manner that is not deliberately indifferent, which means a response that is not clearly unreasonable in light of the known circumstances” (Office for Civil Rights, 2020b, p. 2).

Following the Supreme Court decisions in *Gebser* (1998) and *Davis* (1999), the utilization of the deliberate indifference standard was the standard to evaluate institutional actions to determine institutional liability, if any, for failing to comply with Title IX. In the 1997 and 2001 DCLs, OCR confirmed that the deliberate indifference standard applied to cases of sexual harassment. However, “in the wake of increased public attention to the problem of sexual assault on college campuses” (Buzuvis, 2020, p. 44), OCR indicated in the 2011 DCL that certain institutional practices must be stopped and added that an institution must investigate even if the victim does not file a complaint or participate in the investigation. The 2011 DCL also imposed a duty on institutions to take steps to end alleged harassment and prevent the recurrence

of the alleged harassment (Buzuvis, 2020). However, in the 2017 guidance and subsequently in the 2020 final rule, OCR announced that the deliberate indifference standard would revert to the original usage of it under the 1997 and 2001 DCLs and said that institutions do not act deliberately indifferent if the institution has actual knowledge of sexual harassment, the institution responds quickly, and the actions taken by the institution are reasonable under the known circumstances (Office for Civil Rights, 2020a).

This change is significant because all of the changes in the 2020 final rule are now subject to the revised deliberate indifference standard. Changes in the 2020 final rule, including the revised deliberate indifference standard, procedural changes, standard of review changes, jurisdictional boundary changes, changes to the definition of sexual harassment, use of informal resolution and investigatory timing changes, and changes to required trainings, are discussed in the sections to follow.

Procedural Changes. Perhaps the most sweeping change in the 2020 final rule is the requirement that institutions provide cross-examination of both the complainant and respondent during a live hearing. Cross-examination was allowable under the 2017 guidance, but not required; under the 2020 final rule, cross-examination is a fundamental requirement. The 2020 final rule did provide that only advisors for each party could conduct the cross-examination, so the parties may not directly question each other and must ask their questions through their advisor. Further, the 2020 final rule requires the recording of live hearings with cross-examination (either with audio or audiovisual technology) and the creation of a transcription of the recording. Finally, OCR was clear that the requirement for a live hearing with cross-examination only applies to institutions of higher education, not K-12 education (Office for Civil Rights, 2020a).

An additional procedural change is that the 2020 final rule does not allow for a “single investigator model” whereby a single person investigates, adjudicates, and issues sanctions against respondents found guilty for policy violations. Under the 2020 final rule, a formal investigation must utilize at least three individuals. First, the TIX Coordinator, after receiving a report of sexual misconduct, must determine if an investigation may commence based on an initial assessment of the facts and evidence. The TIX Coordinator has the discretion and obligation to close investigations where the allegations would not constitute a violation(s) of Title IX (although the alleged conduct may be investigated and sanctioned through other means like a conduct hearing). In other words, if the TIX Coordinator, upon reviewing the Complainant’s allegations, believes that the allegations, even if they are completely true, would not constitute a Title IX violation, the Coordinator must dismiss the Title IX complaint. Second, an investigator (or investigators), who is not the TIX Coordinator, has the role of gathering evidence through interviewing the parties and witnesses, cataloging all other evidence, and making a report to a decision-maker. Third, the decision-maker is the third individual involved in an investigation and has the task of reviewing the report of the investigator(s) and determining sanctions and remedies for the parties (Office for Civil Rights, 2020a; Office for Civil Rights, 2020b).

A final noteworthy procedural requirement from the 2020 final rule involves access to the record of evidence for both parties. Under the 2020 final rule, institutions must provide both parties with all of the evidence related to the investigation and both parties must have at least ten days to review and respond to the evidence. The 2020 final rule also provides that the advisors for each party must receive the same record of evidence and requires the institution to send the

parties and their advisors a written summary in the form of an investigative report along with the evidence (Office for Civil Rights, 2020a; Office for Civil Rights, 2020b).

Standard of Review. The 2020 final rule adopts the same rule from the 2017 guidance regarding the standard of evidence for review in sexual misconduct cases. Institutions may choose from either the preponderance of the evidence standard or the clear and convincing evidence standard, but the institution must apply the chosen standard across all other matters (for example, non-harassment student misconduct). Further, the 2020 final rule requires that the decision-maker in the case apply the standard, in writing, to the evidence and allegations in issuing their written determination regarding the case. In other words, the decision-maker must provide for the parties a written report on their determination in the case that includes an application of the facts and evidence (Office for Civil Rights, 2020a; Office for Civil Rights, 2020b).

Jurisdictional Boundaries. The 2020 final rule narrows the geographical jurisdictional boundaries for institutions in terms of institutional liability and need to investigate allegations. Under the 2020 final rule, institutions do not have any requirement to respond to complaints of sexual misconduct that happen outside the United States. For example, institutions will not have to investigate allegations that occur on a study abroad trip. Further, institutions, under the 2020 final rule, now only have to respond to allegations off-campus that occur at locations used by an institution or student sponsored organization, such as recognized fraternities or sororities, if these locations are within the United States. As a result, institutions no longer have the obligation to respond to allegations of sexual misconduct that occur at privately owned off-campus apartments (Office for Civil Rights, 2020a). However, the 2020 final rule does not prohibit institutions from using an expanded geographical jurisdiction, so institutions are free to include such locations like

privately owned off-campus apartments if the institution chooses to do so (Office for Civil Rights, 2020a; Anderson, 2020).

Revised Definition of Sexual Harassment. The 2020 final rule includes a definition of sexual harassment that narrows the definition from previous guidance documents. The 2020 final guidance defined sexual harassment as “any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access” (Office for Civil Rights, 2020a, p. 30036). This definition reverts largely to the 2001 DCL and breaks sexual harassment into three different categories. The first category involves *quid pro quo* sexual harassment, which is the conditioning of any educational opportunity or benefit on a sexual favor(s), such as the alleged conduct in the *Alexander v. Yale University* (1980) case (Dickinson, 1995). Under the 2020 final rule, *quid pro quo* sexual harassment is *per se* sexual harassment and is actionable under Title IX. Second, under the 2020 final rule, any form of sexual assault, domestic/dating violence, or stalking, under the definitions of these offenses in the Clery Act, is within the realm of sexual harassment without the need to find that the conduct was pervasive (Office for Civil Rights, 2020a).

The third type of conduct that OCR prohibits in the 2020 final rule is the most controversial portion of the definition of sexual harassment because it narrows the type of conduct that is actionable under Title IX (Melnick, 2020). Under the revised definition of sexual harassment, other alleged misconduct, which is not *quid pro quo* sexual harassment, sexual assault, domestic/dating violence, or stalking, must be “...so severe, pervasive, and objectively offensive that it denies a person equal educational access” (Office for Civil Rights, 2020a, p. 30036). This aspect of the definition effectively removes misconduct leading to a broader “hostile environment,” as each alleged act must meet the “severe, pervasive, and objectively

offensive” portion of the definition to be actionable under Title IX. The effect of this change is that complainants cannot aggregate minor alleged misconduct into a broader hostile environment to meet the severe, pervasive, and objectively offensive standard in the definition. Instead, complainants must prove that an act (or several acts) are severe, pervasive, and objectively offensive on their own to establish a Title IX violation (Melnick, 2020). In announcing this change, OCR argued that Title IX was not meant to protect complainants against minor comments or acts. Specifically, OCR stated “Title IX does not represent a ‘zero tolerance’ policy banning sexual harassment...” (Office for Civil Rights, 2020a, p. 30154). However, OCR continued that Title IX “...does exist to provide effective protections to individuals against discriminatory practices, within the parameters set forth under the Title IX statute and Supreme Court case law” (Office for Civil Rights, 2020a, p. 30154). This subtle change is significant because it has an effect of limiting the ability of a complainant to seek redress for single or only a few occurrences of comments or acts of a sexual nature, because a lower number of comments or acts of a sexual nature are unlikely to be perceived as severe and pervasive.

Informal Resolution and Time Frame for Case Resolution. Two noteworthy aspects of the 2020 final rule that mirror the 2017 guidance involve informal resolution and the time frame for case resolution. The 2020 final rule explicitly allows institutions to include informal resolutions of complaints of sexual misconduct through procedures like mediation and/or restorative justice. Informal resolution is permissible in cases where both parties agree to an informal resolution in writing on a voluntary basis and institutions may not make conditions of continued enrollment or employment contingent upon participation in an informal resolution. In other words, institutions may not force parties to use informal resolution. The 2020 final rule also provides that either party may choose to withdraw their participation in an informal

resolution at any time and states that institutions may not adjudicate cases where an employee allegedly committed sexual misconduct against a student with informal resolution. The 2020 final rule also adopts the 2017 guidance requirement in terms of a time frame for solving disputes. The 2020 final rule included no set time frame for resolution of cases and just required institutions to complete investigations in a timely manner (Office for Civil Rights, 2020a; Office for Civil Rights, 2020b).

Training. The 2020 final rule requires that all personnel involved in Title IX cases receive training, which was not unique to the 2020 final rule, as it appeared in previous guidance. However, new to the 2020 final rule is the requirement that institutions post the training materials that personnel receive on their websites. The 2020 final rule mandates that personnel receive training on the new definition of sexual misconduct, the revised jurisdictional geographic boundaries, and how to conduct formal and informal resolution procedures. Further, the 2020 final rule requires personnel to receive training on how to impartially participate in cases and how to avoid prejudgment of the case, including how to recognize biases and potential conflicts of interest (Office for Civil Rights, 2020a). Under these training requirements in the 2020 final rule, institutions can be held liable for not posting their training materials on their website (Melnick, 2020). This requirement is significant because both complainants and respondents complained for years that institutions should have the requirement to post their training materials. These complaints stemmed from parties not understanding the necessary qualifications for individuals conducting Title IX investigations (Melnick, 2020).

Currently, the 2020 final rule is in place and effective, even after the presidential administration change in January 2021. Kingkade (2020) noted that the Biden administration will have trouble changing the 2020 final rule because the 2020 final rule went through formal

rulemaking. While Congress could step in and change the 2020 final rule, the Biden administration will likely need to undertake the same rulemaking process, which can be lengthy (for example, the 2020 final rule took approximately 18 months to move from proposed rule to final rule). Other short-term options exist, such as the Biden administration seeking reprieve in federal courts, where several challenges to the 2020 final rule are currently pending. Additionally, the Biden administration could choose to issue guidance regarding methods to circumvent the 2020 final rule while the administration works on the rulemaking process (Kingkade, 2020).

Clearly, the changes throughout the last 25 years or so involving implementation of Title IX, from the 1997 DCL to the 2020 final rule, have necessitated the need for Title IX administrators. The 2011 DCL mandated that institutions have an identified TIX Coordinator to help parties navigate the Title IX process. Further, court cases such as *Alexander v. Yale* (1980) created legal hurdles, such as mootness, for parties seeking redress for alleged violations of Title IX in courts. The proliferation of change and complexity associated with navigating the Title IX process makes the TIX Coordinator a unique position on college campuses. However, little is known about how TIX Coordinators navigate these changes and their roles in an ever-changing environment that is likely to change again with the Biden administration. The role of TIX Coordinator came from an unfunded government mandate without any clarity about the job description, requirements, or other information. This reality necessitates that research be conducted to elucidate the qualities, skills, and characteristics needed to be a successful TIX Coordinator, especially in light of the complexities associated with this unique position. The next section of this literature review describes the role of the TIX Coordinator and summarizes currently available research about TIX Coordinators.

Section Four: The Role of the TIX Coordinator

This section reviews the literature surrounding the role of the TIX Coordinator to situate the current research about the role of the TIX Coordinator for the purpose of this study. As previously stated, the extant literature about the role of TIX Coordinator is minimal, likely due to the fact that the role, which was mandated by the 2011 DCL, is relatively new (Office for Civil Rights, 2011). Meyer et al. (2018) conducted a review of literature related to Title IX in both higher education and K-12 education and found approximately 70 published studies since 1972. Of these 70 studies, 34 addressed higher education, leading Meyer et al. (2018) to conclude that there is a dearth of literature on the topic of Title IX, let alone the TIX Coordinator. While there are some noteworthy studies about TIX Coordinators, given that it is a federally mandated role on campuses, overall, there is a paucity of literature about TIX Coordinators. Additionally, of the research studies identified by Meyer et al. (2018), the majority focused on TIX Coordinators in K-12, not higher education. Therefore, the role of the TIX Coordinator remains an area for deeper examination, likely at both the K-12 and definitely the higher education level.

While there is an absence of research about the TIX Coordinator role, scholarship exists that calls attention to the importance of the TIX Coordinator position. For example, O'Brien (2015) championed the role of the TIX Coordinator and provided legal guidance to institutions in how they delegate authority and responsibilities to the Coordinator. O'Brien's (2015) research came after OCR issued a minor 2015 DCL that reminded institutions that the worst violations of Title IX seemed to occur at institutions that fail to provide the TIX Coordinator enough authority at the institution. O'Brien recommended, based on this DCL, that institutions name a single TIX Coordinator, provide that Coordinator with independence and authority to handle Title IX concerns, and limit oversight only to those at the highest level(s) of the institution (e.g., the

President's Office or a Senior Vice President). Further, O'Brien suggests that institutions with satellite campuses should still have a single TIX Coordinator, but also name an assistant or deputy TIX Coordinator for satellite campuses who reports to the solo TIX Coordinator. These recommendations suggest that institutions can avoid violations of Title IX most effectively by identifying a single TIX Coordinator and vesting in that single person both authority and limited oversight, a conclusion that other authors have made in various studies about the role of the TIX Coordinator.

In addition to the importance placed on the role of the TIX Coordinator, Tani (2017) noted how quickly the number of TIX Coordinators and staff grew across campuses, creating an "army of TIX Coordinators" (p. 1894). Certainly, the TIX Coordinator role is now a permanent fixture on campuses, even with drastic changes to OCR guidance for institutions across the past several years (Tani, 2017). In illustrating this point, Tani provided examples of large and small campuses that have a single TIX Coordinator, but also numerous deputy/assistant coordinators and other committees associated with the Title IX process and response to sexual misconduct. For example, Yale University has a lead TIX Coordinator, two Senior Deputy TIX Coordinators, and 19 Deputy TIX Coordinators across the campus, plus several Title IX Committees (Tani, 2017).

As more and more institutions centralized responsibility for this role by naming a single TIX Coordinator, as O'Brien had recommended, Title IX offices have tended to grow in terms of staffing due to the formalization of the Title IX office on campuses (Tani, 2017). This growth likely means that TIX Coordinators have additional responsibilities in addition to their compliance role. For example, with additional staff, the TIX Coordinator must supervise more subordinates, which likely means that TIX Coordinators need experience with supervision and

evaluating subordinate employees. Additional responsibilities, such as supervision, illustrated by studies such as Tani's (2017) research, show that TIX Coordinators now not only are responsible for complying with Title IX, but they also have added administrative staffing responsibilities. These additional responsibilities may inform responses to the research questions of this study.

As institutions have formalized Title IX offices on campus and increased their staffing, questions have surfaced about the potential use of restorative justice in Title IX case adjudication (e.g., Coker, 2016; Koss et al., 2014; McMahon et al, 2023). There is significant merit to explorations of restorative justice as distinct from more punitive approaches to conduct violations, including Title IX; however, such ideas are beyond the scope of this research project. Instead, the focus of this research is on those responsible for Title IX procedures, which include investigations and hearings, not on the specific approaches to that work per se.

Much of the existing research on TIX Coordinators, and on best practices for this role, has been done by scholars completing doctoral dissertations. For example, Miller (2018) conducted a qualitative study of the quality of life for TIX Coordinators and found TIX Coordinators were motivated by a desire to make a positive impact in their communities. Additionally, Miller found that institutional dynamics, such as a lack of understanding of the role, led to burnout and job fatigue for a large number of TIX Coordinators. Miller's research illuminates major challenges that plague Title IX offices around the U.S., as job burnout and fatigue lead to high turnover rates amongst TIX Coordinators (Pappas, 2021). The steady rate of departure of TIX Coordinators from higher education institutions amplifies consistency issues in the role itself, as well as the relationships that TIX Coordinators may build with other leaders on campus. This inconsistency, coupled with a rapidly changing role due to unfunded federal mandates regarding compliance, can lead to lack of continuity and compliance with Title IX

regulations. These issues, in turn, may cause inconsistent and inadequate responses to sexual violence, creating further pressure on TIX Coordinators and administrators broadly from other campus constituencies.

In addition to the high rates of job burnout and fatigue, the role of the TIX Coordinator closely aligns with Anderson's (2021) study about "job burn through." Anderson's study involved student affairs practitioners working in diversity-related roles. While TIX Coordinators do not directly work in student affairs roles, much of their work is similar due to their involvement with students and the intersectionality of other forms of oppression and sexual violence. Anderson (2021) articulated job burn through as an institutional, rather than individual problem (which describes job burnout). As an institutional problem, job burn through necessitates institutional change to "reformulate the nature of diversity work" (Anderson, 2021, p. 368). This shift away from a focus on individual self-care as a way to combat job burnout and toward institutional supports to help individuals persist in their roles may also be a useful model for preventing stress and high turnover among TIX Coordinators.

Paul's (2016) dissertation involved an investigation of experiences and challenges for TIX Coordinators at small and medium private institutions. At the time of data collection, 12 of the 13 Coordinators in the study had other full-time roles at their institutions, which led them to describe their experiences as difficult due to a lack of time for the role, lack of resources, and a lack of institutional structure to support the role. Additionally, the importance of partnerships with stakeholders, especially institutional legal counsel, were highly beneficial for Coordinators, but the amount of political capital the Coordinator possessed at the institution determined their level of access to legal counsel (Paul, 2016).

In a qualitative study of TIX Coordinators at highly selective private institutions, N.P. Miller (2018) sought to better understand the impact on TIX Coordinators of the stigma of campus sexual violence, public scrutiny, and the threat of OCR investigations and/or litigation involving alleged institutional violations of Title IX. N.P. Miller noted eight impacts on those working in Title IX compliance roles, including: (a) a lack of clear guidance, (b) shifts in organizational structures, (c) legalization of the student conduct process, (d) staff feeling on trial, (e) greater public scrutiny, (f) changes in relationships with students, (g) personal impacts, and (h) shifts in career ambitions (p. 86). Miller argued that these findings indicate that TIX Coordinators suffer due to a lack of clear guidance from OCR because guidance from DCLs change so rapidly. This lack of clear guidance results in the necessity for increased staffing, causing a need for organizational changes to maintain compliance with federal rules and regulations.

Additionally, N.P. Miller's study found that Coordinators have noticed a legalization of the Title IX process, which has manifested in an uptick in the number of Coordinators and administrators with a legal background. This increased legalization and public scrutiny reportedly led study participants to feel on trial for their decisions, causing personal impacts and changes to career trajectories. N.P. Miller also noted that TIX Coordinators and their staffs are often a silent group of individuals on campus due to the stigma associated with campus sexual violence and the role these administrators play in combating campus sexual violence.

The increased legalization of the Title IX process is noted in various other sources, including Kimball et al's (2019) study about student affairs professionals and how the "lawyers [are] taking over" (p. 623). While TIX Coordinator roles are not typically considered student affairs positions, they are similarly affected by the increased legality of their roles.

Coordinator. Kimball et al describe what they term “creeping legalism” and found, via semi structured interviews, that increasing concerns about legality has fundamentally changed the practice of student affairs practitioners. Kimball et al also found that student affairs practitioners are often uncomfortable with “creeping legalism,” and that training on the job is often not enough of a substitute for some sort of more formal legal education. In another related study, Ryder et al (2021) also noted that “creeping legalism” has intruded upon student-centered approaches and has altered a “core value of the student affairs profession,” (p. 115) and impacted how student affairs practitioners make meaning of their roles and execute their job functions. These two studies both recommend that student affairs practitioners be provided opportunities for legal education to reduce discomfort, and encourage student affairs programs to include fundamentals of higher education law. Further, the studies recommend that institutions and the legal department work together to provide specificity for student affairs practitioners that will help situate practitioners better understand their roles.

Another recent dissertation related to the experiences of TIX Coordinators is Kelly’s (2019) examination of interviews with Coordinators at 16 NCAA Division 1 institutions. This study used grounded theory to understand how TIX Coordinators handle their responsibilities for dealing with campus sexual assault. Kelly’s findings are that, “TIX Coordinators have the taxing job of overseeing sexual assault cases and issues, and this job is made even more difficult by a range of internal and external complexities” (p. 236). Kelly continued by adding that these complexities place TIX Coordinators in a contentious area that suffers from stakeholder misunderstanding related to the role, causing TIX Coordinators to be “in a precarious position on their campuses” (p. 236). Kelly’s study involves the analysis of a central theme, the complexities of the TIX Coordinator role and how the Coordinator navigates this role. Specifically, Kelly

(2019) finds that TIX Coordinators work in a very complex role that forces them to juggle various things, including legal liability, culture, and campus and community stakeholders, in an environment where these things often shift and change rapidly. This “juggling” is a similar finding to the other research already reviewed regarding TIX Coordinators. Overall, these studies paint a picture of TIX Coordinators as professionals in complex roles who must juggle competing demands, interests, and focuses, regardless of institutional type. This juggling leads to a common finding in the existing research: TIX Coordinators work in an environment of constant change caused by ever-changing and unfunded federal mandates that can cause other changes at the campus level, such as staffing additions, as institutions attempt to comply with the increasingly complex regulations. This environment appears to contribute TIX Coordinator to high turnover in the TIX Coordinator role.

As Paul (2016) concluded, due to the complex nature of the role, stakeholder partnerships often serve as an aid to TIX Coordinators. However, Paul also noted that these partnerships are often limited by the amount of political capital that TIX Coordinators possess on their campuses. Consequently, when TIX Coordinators do not possess the political capital necessary to work across units on campuses, TIX Coordinators often develop a network across campus to bring together the various units, such as university attorneys, campus police, human resources, and student affairs to “co-produce the expertise necessary for compliance” (Pappas, 2021, p. 96).

In addition to Paul’s conclusion about political capital and Pappas’s findings regarding TIX Coordinators building expert networks, Meyer et al (2018) and Cruz (2020) have examined the role of the TIX Coordinator using Michael Lipsky’s theory of the “street level bureaucrat” (1971, 2010). The Meyer et al. (2018) study focused on TIX Coordinators in K-12 school districts, as opposed to higher education. In the study, the authors conducted 10 semi-structured

interviews and concluded that the Title IX administrators they studied suffered from ambiguous job descriptions and duties and a lack of training, education, and evaluation of their performance. As a result of these findings, Meyer et al. (2018) recommended that school districts develop funding to train coordinators, create more resources for coordinators, and create and develop networks to share best practices and offer support to coordinators across the country. With these findings and recommendations, Meyer et al. (2018) argue that “the role of the TIX Coordinator aligns well with Lipsky’s (1971, 2010) idea of the “street level bureaucrat.” Specifically, Meyer et al. argue that, because of the lack of funding, support, and training that TIX Coordinators spoke about in their interviews, coordinators are left with a great deal of discretion in executing their coordinator duties with minimal oversight. With this discretion, actions by the coordinators, according to Meyer et al. become, as Lipsky has suggested, institutional policy and institutional behavior.

Like Meyer et al (2018), Cruz’s (2020) work is framed around Lipsky’s concept of the street level bureaucrat; however, Cruz’s work focuses on TIX Coordinators in higher education, rather than in K-12. Cruz also examines the notion of institutional betrayal, which is experienced by complainants in Title IX cases as a result of what they find to be the most traumatic experience of the Title IX process, simply reporting their case to the institution. Cruz defines institutional betrayal as the response of complainants to certain actions or inactions on the part of the institution that leave the complainant believing that their institutions are only symbolically complying with Title IX. Thus, the purpose of Cruz’s (2020) study was to examine the “disconnect between university efforts to respond to sexual violence and numerous reports of institutional betrayal by survivors” (p. 2) by seeking to understand how the ways that TIX

Coordinators navigate policy and practice implementation may lead to perceived feelings of institutional betrayal.

Cruz (2020) makes use of Lipsky's "street level bureaucrat" concept to consider how problem-solving strategies of TIX Coordinators, in their efforts to navigate unfunded mandates from OCR and institutional policies, actually implement and shape policy by actions that, in turn, lead to feelings of institutional betrayal by survivors. Cruz suggests that the results of their study demonstrate that the TIX Coordinator is a "street level bureaucrat" whose actions in implementing policy result in the coordinator being placed in great fear about their job and its possible legal liability. This fear is enhanced by the requirement that Coordinators and other Title IX administrators remain neutral in investigations by supporting both complainants and respondents, a dual role that leads to feelings of institutional betrayal for complainants especially. These accusations, in turn, increases the TIX Coordinator's sense of risk, as they are often alone in their responsibility to implement and make policy.

One of Cruz's key findings was that Coordinators operate in an environment of fear, often manifested in interviews as the worry of being the next news headline, worry about losing jobs, and worry about possible legal liability due to the litigious environment surrounding Title IX. Also found was that Coordinators often feel constrained by the expectation of neutrality and a feeling that their decisions often left both complainants and respondents dissatisfied with their findings. Also, TIX Coordinators are expected to support and empathize with both parties, which is difficult because one party is alleging that the other party committed an act of sexual violence against them. These findings led Cruz (2020) to conclude that this required "neutrality" impacts feelings of institutional betrayal, fueling the fear that Coordinators often exhibited. Buffering

previous research this fear drives Coordinators to have relatively short career spans working in Title IX, which robs the institution of experts on Title IX.

Cruz's (2020) observations about the burden and risks associated with being a policymaker add to what we already know about the pressures experienced by TIX Coordinators and contributes to our understanding about the causes of high turnover rates and burnout for TIX Coordinators. Both Cruz and Meyer et al attribute these pressures to the high level of discretion, and minimal oversight, that these TIX Coordinators experience in developing policy and practices that create institutional policy. Amid these pressures, ethical questions may emerge for TIX Coordinators as they try to balance their own beliefs about combatting campus sexual violence and ensure compliance with the unfunded government mandates surrounding Title IX compliance. This study will use a theoretical framework, Kitchener's (2000) foundational ethical principles to examine and understand how TIX Coordinators navigate these ethical dilemmas. Kitchener's framework will be focus of the final section of this literature review.

Section Five: Conceptual Framework

As the campus administrator responsible for ensuring that their institution responds to and remediates campus sexual violence, TIX Coordinators play an increasingly important and powerful role on college campuses. As a part of this importance and power, TIX Coordinators have a responsibility and duty to the institution that they serve, otherwise they jeopardize federal funding for the institution. However, as discussed above, combatting sexual violence on campus requires attention to power and institutional dynamics. Notions of power, specifically gender-based intersectional feminist analysis of power, may not seem relevant for TIX Coordinators when confronted with Title IX compliance responsibilities. Additionally, their role may not provide opportunity for them to consider or respond to any tensions between their personal

beliefs and perceptions related to sexual violence, power, and feminism. In the absence of opportunities to reflect upon ethical dilemmas that may arise in trying to balance their responsibility to the institution against their own personal beliefs and perceptions about campus sexual violence, TIX Coordinators may struggle to reconcile these issues. For this reason, it was important in this study to examine how TIX Coordinators understand and try to work through ethical dilemmas related to their work.

One common framework used to guide individuals working through ethical dilemmas is Karen Kitchener's foundational ethical principles, which are based upon the American Psychological Association (APA) ethics code (Kitchener, 2000). As the foundational ethical principles were developed in the psychology discipline, numerous studies in areas such as counseling, trauma, and behavioral health have used Kitchener's principles to guide their research. For example, Urofsky et al. (2009) conducted an extensive literature review of different studies that have used Kitchener's ethical principles (2000), where they describe studies that have directly applied the ethical principles, and then additional studies that have either elaborated upon or used Kitchener's work to explore ethical dilemmas in counseling and psychology. Beyond the psychology discipline, Kitchener's (2000) principles have been used in studies more closely related to sexual violence, such as Mountjoy et al. (2022), a study of survivors of harassment and abuse in sports. Therefore, Kitchener's (2000) foundational ethical principles have had a large deal of applications in the psychology discipline and beyond, forming a framework for a variety of different disciplines.

Kitchener (2000) writes that people often think of ethical questions as questions of judgment or of right and wrong, but an ethical *dilemma* has two or more "right" choices that contradict each other, creating conflict for the person trying to resolve it. In defining ethics,

Kitchener (2000) writes, “Ethics is a branch of philosophy that addresses questions of how people ought to act toward each other, that pronounces judgments of value about actions, and that develops rules for ethical justifications” (p. 2). To illustrate her point, Kitchener describes how college student personnel face difficult ethical decisions and choices very commonly throughout their work. These choices often can have “serious consequences for students, other professionals, and themselves” (p. 17), illustrating that ethical decisions made by administrators, such as TIX Coordinators, have a wide impact on the campus community, as well as on themselves. Kitchener (1985) built on the work of others to develop a model of ethical decision making relevant to college student personnel. This is a three-part model that requires “increasingly general and more abstract levels of ethical reasoning,” (Kitchener, 1985, p. 18) in making decisions. In other words, the model starts at a lower level of analysis and decision making and requires more abstract thinking as decisions become more difficult and murky. Kitchener (1985) notes that the three-part model is hierarchical and suggests that decision makers should proceed to the next step when a lower step does not provide an ethical rationale for making the ethical decision.

The first step of the model involves seeking guidance from professional rules and codes of ethics, which often come from governing documents such as rules of professional conduct or standards for a professional organization. The second step involves drawing upon ethical principles, which help to provide a “general ethical framework for identifying the critical issues at stake and deciding among them” (Kitchener, 1985, p. 18). Ethical principles are “more general, abstract, and fundamental than ethical codes” (p. 19) and provide frameworks for ethical decisions. There are five ethical principles identified by Kitchener: nonmalfeasance,

beneficence, autonomy, fidelity, and justice. Finally, the third step of the model, ethical theories, “provide a rationale for deciding when ethical principles are in conflict” (p. 18).

In framing ethical decisions, the five ethical principles help to provide a “consistent vocabulary or framework within which particular cases or issues can be considered” (Kitchener, 1985, p. 19). The ethical principles can provide justification for an ethical decision when rules of professional conduct or codes of standards do not provide clear guidance and, as identified above, require more abstract thinking because the decision maker must apply and balance the principles to the particular situation they are facing. As such, the five ethical principles often form the basis for ethical decision making in many fields, including higher education. Because of this, the ethical principles can provide a framework for examining the ethical dilemmas that TIX Coordinators may face. These principles are described in the next portion of this section.

Simply stated, Kitchener defines nonmalfeasance as “not causing others harm” (p. 21), including physical and psychological harm. Kitchener (1985) points out that college student personnel should place special emphasis on psychological harm because “university policies and actions may have long-term negative consequences on an individual’s sense of self-worth and on his or her opportunities for advancement” (p. 22). Some argue that nonmalfeasance is the most important ethical consideration and above the other four. However, Kitchener (2000) opined that placing nonmalfeasance as the highest ethical consideration may limit positive outcomes because there is an element of risk in all ethical dilemmas and suggested that nonmalfeasance be balanced with the other ethical principles. In operationalizing the ethical considerations when considering nonmalfeasance, individuals should take the position that, “as the risk and magnitude of potential harm increases, ethical prohibitions and limits...increase” (p. 23).

The second ethical principle, beneficence, means “doing good or benefiting others” (p. 23) and it is a particularly important goal for college student personnel because the goal of student services is to help students develop (Kitchener, 1985). Kitchener (1985) notes that for college student personnel, there is a special consideration for beneficence because the practitioner often has to weigh doing no harm to the individual or a group of individuals versus doing no harm to others and/or the institution itself. Therefore, the principle of beneficence contains two considerations: how you benefit others and how you balance the positive consequences against the potentially negative consequences. Like nonmaleficence, beneficence cannot be the primary ethical consideration, but should certainly be considered because acting in the best interest of someone may go against their own personal wishes (Kitchener, 2000). Additionally, Kitchener (1985) suggests that when there is a potential of harm and a potential of benefit, practitioners should try to find the greatest balance between the potential good versus the potential negative.

Kitchener’s (2000) third ethical principle, autonomy, involves balancing a person’s freedom of action and freedom of choice. Freedom of action refers to a person being able to do what they want, while freedom of choice involves using their own judgment to make decisions. Similar to the principle of beneficence, autonomy has two aspects, the right to act autonomously to make decisions and reciprocal responsibility, meaning that to act with autonomy, one should understand that people may make decisions based on beliefs that others believe are mistaken. Important to the ability to act autonomously is that people should be free from “undue controlling influences” (p. 26) and free to make decisions intentionally, with rationality and based on their beliefs. In regard to the college student personnel perspective, Kitchener (1985) points out that college students are legally viewed as adults, meaning that their autonomy to

make decisions should be considered and respected. However, while students should be accorded a similar level of autonomy as other adults, traditional age college students are prone to making poor judgments, so college student personnel must assess their own ethical responsibility to intervene more frequently with these students than they might if they were dealing with older adults (Kitchener, 1985).

The fourth ethical principle, fidelity, involves the “fiduciary relationship” (Kitchener, 2000, p. 28) between the actor making an ethical decision and the institution they represent or work for. Other terms used to describe fidelity include loyalty, faithfulness, honesty, and trustworthiness. Kitchener (2000) identified specific relationships where fidelity is especially important, including therapist-patient, teacher-student, and supervisor-supervisee, which all exhibit an “implicit contract” (p. 29) that contains obligations to act with loyalty, faithfulness, honesty, and trustworthiness. In higher education, practitioners should take extra care to recognize that the “implicit contract” they engage in with the student often displays a power imbalance, creating a “greater ethical obligation,” (p. 26) for the practitioner because deceit or deliberate misunderstandings cause a “breach of integrity” (p. 26). Lastly, Kitchener (2000) points out that while many theorists separate the notion of trustworthiness into its own separate ethical principle, maintaining trust between the actor and their fiduciary is central to the principle of fidelity.

Kitchener’s fifth ethical principle is justice. Commonly understood to mean fairness, justice is a nebulous term that could mean fairness in treating people equally or making sure that resources are allocated equally. Kitchener (2000) points out that there are justice concerns related to decisions that psychologists may make in charging for their services. For example, psychologists should be compensated for their time (i.e., fair compensation for their work) but

may mean that their services will be inaccessible to certain people (i.e. not treating all with equality in providing services). In considering justice, especially in a setting involving possible discipline for misconduct, “it is important to remember that guaranteeing equal treatment, equal access to facilities, or due process for all, does not always guarantee an equal outcome for everyone, nor does it ensure an outcome that seems...fair” (Kitchener, 1985, p. 25). Kitchener (2000) concludes that justice is about making decisions in light of the other ethical principles, and if decision-makers act with notions of justice, they should expect their decisions to be considered just.

This chapter has reviewed the literature to help situate this study within the information already present in research about the TIX Coordinator. Specifically, this chapter has examined the movement for racial justice in the United States and the federal government regulations and interventions that were enacted in response to this movement. The chapter then turned to examining the status of women in society in general and of women’s access to education (specifically higher education), and how these statuses impacted the rise in laws, court determinations, and regulations regarding women’s access to education. The chapter then turned to reviewing the extant literature about the TIX Coordinator, and concluded by introducing the theoretical framework that guides this study. In the next chapter, the methodology and methods of the study are discussed, including a description of the ways Kitchener’s principles were used in this study.

Chapter 3: Methodology

This chapter explains the methodology and methods in this qualitative study. It begins with a reexamination of the purpose and research questions guiding this study and continues with a discussion of the paradigmatic assumptions underlying the exploration of this study, including a look at my own positionalities surrounding this topic. The second section reviews the constructivist epistemological approach that guides this study. As this research project deals with gender-based violence, feminism is briefly discussed to expose gender-based power relations as an aspect of campus sexual violence. Section two concludes with a description of the methodological approach of the study, general qualitative description (Sandelowski, 2000). Section three describes the methods used in this study, including the research design, participant recruitment, data collection and analysis, and trustworthiness. Limitations of the study are also discussed in the conclusion of this chapter. Limitations include the applicability of the findings due to the backgrounds of the participants and small sample size, the usage of Kitchener's (2000) foundational ethical principles and lack of data gathered on nonmalefeasance and lack of beneficence in participant data, and the perpetual changes in Title IX.

Section One: Purpose, Research Questions, Positionality Statement, and Paradigmatic Assumptions

This section reviews the purpose of the study and the research questions that guide it. Additionally, this section reviews my positionalities and the paradigmatic assumptions that underlie my approach and relationship with the research.

Purpose

The purpose of this qualitative study was to understand how TIX Coordinators make meaning of their role on campus and their role in institutional compliance with Title IX

mandates. I also sought to understand TIX Coordinators reconcile any tensions they experience between their institutional compliance responsibilities and their own personal beliefs about how to combat campus-based sexual violence and gender discrimination. This study used semi-structured interviews with TIX Coordinators to allow them to describe their experiences and explain how they make meaning of their role and reconcile any tensions between their own beliefs and compliance. Analysis of these interview data was expected to reveal common aspects of what it takes to serve in this position, which may be useful information for institutions of higher education in considering their approach to hiring those who serve in this role. Findings were also expected to be useful for Higher Education and Student Affairs (HESA) programs in developing curricula to encourage the development of those who desire to work in Title IX compliance.

Research Questions

The following research questions will guide this study:

1. What previous experiences (personal, professional, educational) do TIX Coordinators bring to the position they believe are necessary to serve in the role?
2. How do TIX Coordinators make meaning of their role and relationships on campus?
 - a. How do TIX Coordinators describe their role and responsibilities?
 - b. How do others on campus describe the role and responsibilities of TIX Coordinators?
3. What are the ethical principles that guide TIX Coordinators?

Positionality Statement

In qualitative research, it is considered vital for the researcher to engage in a process of examining their positionalities (Creswell & Poth, 2018). Thus, it is important that I, as a researcher, consider the impact of my social identities, professional and personal experiences and beliefs, and political ideology on how I conceive, conduct, and interpret my research. A primary method for examining positionalities is to engage in a reflexive process of constant internal dialogue about how my positionalities may impact the research study and outcomes (Berger, 2013). Reflexivity is a “necessary element of the goodness in the research process” (Jones et al., 2006, p. 107) and requires me to recognize who I am, my relationship to those who participate in my research, and my relationship to the position of TIX Coordinators (Jones, et al., 2006).

The most salient experiences that have shaped my perspective on this research is my time working as the Deputy TIX Coordinator at a mid-sized public institution in the mid-Atlantic and my current role as TIX Coordinator at a large-sized public institution in the mid-Atlantic. I have worked in Title IX for approximately five years, primarily conducting investigations into alleged violations of the first institution’s Title IX policy and then administering the larger institution’s overall Title IX compliance. My current administrative responsibilities include serving on various committees related to sexual violence and university governance, while also drafting various types of university policies. Prior to my time in these roles, at a prior institution, I researched Title IX policies and engaged in benchmarking of peer institution policies related to sex-based discrimination.

During my time as Deputy TIX Coordinator, I participated in policy review associated with changes from unfunded government mandates. Specifically, in response to the 2020 Final Rule, I worked with the TIX Coordinator and university counsel to draft a revised policy that met

the unfunded mandates present in the new rule. This involved understanding the changes from the institution's current policy and the changes mandated in the 2020 Final Rule and then revamping and rewriting the policy to include major substantive changes, such as live cross-examination. This experience was the only time that I was involved with addressing and implementing changes at an institution as a result of Title IX mandates, though I did conduct research about prior changes to Title IX before accepting my role as Deputy TIX Coordinator.

Currently, in addition to my TIX Coordinator role, I also serve as the institution's ADA Coordinator and Assistant Vice President for Equity and Access Services. In these roles, I also oversee the institution's compliance with equal opportunity laws and policies related to all forms of discrimination. Additionally, as ADA Coordinator, I am responsible for ensuring physical and digital access for those with disabilities and ensuring individuals receive workplace accommodations.

My experiences during changes to Title IX compliance mandates influence my perceptions about the research questions posed in this study. First, I believe that the TIX Coordinator must possess an ability to decipher and identify changes and to act upon those changes by molding policy, sometimes without much support or understanding from other institutional administrators. Further, I believe the TIX Coordinator must be able to work with a wide variety of institutional constituents to enact change, show authority in interpreting existing policy, and make changes to policy to satisfy changing compliance requirements. Because of this need to work across campus constituencies, I believe the TIX Coordinator must be a deft institutional politician, able to leverage relationships and access necessary resources to ensure institutional compliance. While I approach the research questions with an open mind, I also acknowledge that my prior experience and my preconceived notions about the role of the TIX

Coordinator have inspired, and are likely to influence, this research. However, I understand that, as a researcher, any conclusions I draw from the findings must be supported by the data. As such, I will utilize appropriate methodological tools to increase trustworthiness in my research.

Another aspect of my background that impacts this study is my legal training. Prior to working in Title IX, I attended law school and practiced law. With my legal background, I tend to approach issues systematically, often in a linear process, and this is reflected in my primary approach to research. Additionally, my legal background impacted my service as a Deputy TIX Coordinator because I approached investigations with a legal framework lens. By this, I mean that I approached investigations systematically and aligned my report-writing style with a linear, analytical process. Because of my experience using my legal experience in Title IX, I expected that legal skills would be viewed as necessary by the participants in this study, or that I might find that to be the case in my findings. Further, a linear and legal approach is often one that focuses on proving or disproving a “case,” which can make it hard to be truly open to looking at things in new and unexpected ways. Also, this linearity may limit abilities to spot emerging or changing data, which in turn can make it difficult to shift original beliefs and assumptions. However, upon reflection, I understood that I must be open to other approaches to the work done by TIX Coordinators and recognized that my legal lens is not the only way to approach this work.

A final set of positionalities that must be explored are the researcher’s social identities and how they influence the researcher’s approach to this work. I identify as a cisgender, heterosexual, white man. In considering these social identities, I think back to why, at least in large part, I feel passionately about regulations like Title IX and Title VII. Specifically, at the heart of regulations like Titles IX and VII is the concept of ensuring access. When I try to explain what I do to those outside my office and the institution, I often boil down my explanation

to the idea that it is my role to ensure access to education. In other words, my role is to ensure that barriers, such as forms of discrimination, do not impede someone from taking advantage of the benefits of education, or the benefits of working at the institution. When I think about my social identities, none have been associated with barriers to access in U.S. society, so my understanding comes from what I learned while working with victim-survivors of sexual or gender-based violence, and from those experiencing other forms of discrimination. Therefore, while I lack personal experiences of access barriers, my approach comes from my passion for working in this field to help eliminate barriers to education based on social identities and experiences with sexual and gender-based violence.

Paradigmatic Assumptions

The pragmatic paradigm undergirds my view of the world. A paradigm explains how an individual views the world and includes “certain philosophical assumptions that guide and direct thinking and action” (Mertens, 2010, p. 7). While it is tough to encapsulate all research into a small set of classifications, Mertens placed researchers into one of four major paradigms: postpositivist, constructivist, transformative, or pragmatic. Of the four paradigms, I identify as a pragmatic researcher and, as such, the paradigmatic assumptions guiding my research revolve around pragmatism and practicality. Additionally, as higher education is an applied field of research (Jones et al., 2014), my pragmatic approach aligns well with higher education research.

Pragmatism centers on notions of utility and effectiveness. Decisions and prosecution of research are reliant on the researcher’s values and politics, and the most utilitarian methods to achieve the purpose of the research (Mertens, 2010). In the pragmatic paradigm, the effectiveness of research is often an important quality in assessing its value, and much concern is

placed on the practicality or utility of outcomes of the research (Ratvich & Riggan, 2017). Ontologically, pragmatists view reality as practicality—whatever works best to obtain the desired end is best. Epistemologically, reality is known by using multiple forms of research, namely the most practical methods to obtain evidence to solve the problem. Axiologically, the pragmatist views knowledge from both the researcher's and participant's views and is generally not committed to any one form of values or philosophies. Generally, pragmatists will use the best method available to accomplish the purpose, so qualitative, quantitative, or mixed methods are used interchangeably, depending on the purpose of the study (Creswell & Poth, 2018). In other words, the primary concern of pragmatists is the practicality of research and, therefore, pragmatists are flexible in terms of methods for data collection and analysis based on the most fruitful way to obtain results for the problem.

I identify as a pragmatic researcher because I desire findings that have practical implications and applications that can be utilized in practice. Therefore, my hope is that this study will provide clarity about the skills, knowledge, and competencies required to do the TIX Coordinator position and help promote further discussion of those aspects of the role in Higher Education curricula for those who are interested in doing this work.

While the pragmatic paradigm framed my approach to the research in general, I used a constructivist methodological approach because this research involves inviting participants to make meaning of their experiences and because I, as a pragmatist, believe that qualitative research is the best method to use to undertake this research.

Section Two: Epistemological Approach and Methodology

This section reviews the epistemological approach and methodology of this study. In the first part of this section, I describe constructivism as the epistemological approach of this study.

In part two of this section, I briefly discuss feminism and power dynamics as a conceptual framework for recognizing how sexual and gender-based violence operate through regimes of power. The final part of this section provides an overview of general qualitative description.

Epistemological Approach

As identified above, constructivism is the epistemological approach that guides this study. Constructivism involves the researcher investigating how individuals “seek understanding of the world in which they live and work” (Creswell & Poth, 2018, p. 24) and how these individuals make meaning of the world around them. The meanings that individuals place on the world around them are all varied, as individuals do not attach identical meanings to the same things. As such, the goal of constructivist research is for the researcher to use the viewpoint of the individuals in the findings of the research to extrapolate any patterns related to the questions guiding the research (Creswell & Poth, 2018).

Importantly, social constructs, practices, history, and cultural norms inform the meaning that individuals place on their experiences and the ways that individuals perceive things; thus, constructivism relies on interactions (Jones et al., 2014). Constructivism posits that individuals attach meaning to things that they perceive through learned constructs and norms, which helps researchers explore patterns of meaning present in the data gathered from participants to, “... generate or inductively develop a theory or pattern of meaning” (Creswell & Poth, 2018, p. 23).

The role of the researcher is very important in constructivism because the researcher approaches the study with their own interpretation of the research subject that is rooted in their own lived experiences and learning about constructs and norms associated with the research. As a result, it is important for the researcher to understand the preconceptions they have about the research topic before engaging in the research itself. The goal of constructivist research is to take

the meanings that others have attached to a research subject and to interpret these various meanings to learn about the world (Creswell & Poth, 2018).

Practically, the researcher's preconceptions could manifest in the research questions, so when the researcher develops the questions, they must be careful not to lead participants towards a finding or determination based on how the research questions are written. For example, I am aware of my preconceptions related to my identification as a pragmatic researcher and understand that my desire to have research that nets practical applications have shaped the research questions that guide this study. I acknowledge that in posing research questions that seek to elicit data on how the participants make meaning of their experiences as a TIX Coordinator, there may be other aspects of their experience that might not be illuminated by this study. However, a constructivist stance allows the researcher to remain open to unexpected findings about how participants make meaning of their experiences, and I have endeavored to remain open to the unexpected in the interviews and the findings.

Power-Conscious Theories and the Causes of Sexual Violence

Activism related to campus sexual violence largely began in the 1970s as women, acting within a feminist frame, began to advocate for sexual violence prevention (Linder & Myers, 2017). This activism has been attributed largely to cisgender white women, but other scholars have found that women of color made significant contributions to this activism (Harris, 2017; Hong, 2017; Linder & Myers, 2017). However, the most visible of these early activists, specifically liberal white women, focused their activism on legal and police responses to campus sexual violence, which failed to consider failures of the legal system in serving people of color (Linder & Myers, 2017). Beyond being viewed simply as a criminal justice and legal issue,

campus sexual violence has also been conceptualized as a public health problem and as a form of violence that results from subjugation of women (Hong & Marine, 2018).

As activism became more apparent on college campuses in the 1970s and 1980s, administrators on campuses often approached the topic with a power-neutral frame that made campus sexual violence a gender issue. Power-neutral frames lacked acknowledgement of other social identities, such as race and/or social class, leading administrators to perceive that campus sexual violence was an issue largely for cisgender, heterosexual, white women. As a result of this framing, responses to sexual violence on campus centered the specific needs of this group of women, which led to most of the research on the topic of campus sexual violence being confined to studies involving cisgender, heterosexual, white women (Linder & Myers, 2017). For example, Linder et al. (2020) conducted a content analysis of 540 articles that focused on campus sexual violence and assault and found that only 15 of the articles focused on race in their analysis.

In totality, it appears that the research on campus sexual violence predominately focuses on the experiences of cisgender, heterosexual, white women and assumes that the experiences of these women represent the experience of all women. This discounts how individuals who do not identify with the dominant groups experience campus sexual violence, and skews campus responses to sexual violence (Harris, 2020). Additionally, prior research also focuses on heterosexual cisgender men as the perpetrators of sexual violence, while studies show that perpetrators of sexual violence may identify in a variety of different ways (Hong & Marine, 2018). The race-evasive research that dominated discourse about campus sexual violence created “incomplete and inaccurate information about the ways that minoritized people experience sexual assault” (Linder et al., 2020, p. 1033). Harris (2020) pointed out it is not an

either/or about whom to focus research on, rather it is vital to consider and study experiences of minoritized people to enable campus administrators and policy-makers to understand campus sexual violence and to end it for all campus constituencies.

Other approaches to campus sexual violence often embrace frames that ignore the role of power and domination in sexual violence (Linder et al., 2020). Among the root causes of sexual violence are notions of power and domination (Hong, 2017), but many of these approaches never address the role that power and domination play in sexual violence (Linder et al., 2020). Instead, these approaches are often guided by risk reduction strategies and training, such as bystander intervention training (Hong, 2017). Dangerously, these types of approaches and the research conducted about them can unintentionally place the blame and burden on possible victim-survivors of campus sexual violence, rather than their possible perpetrators (Linder et al., 2020). Thus, considerations of power and domination in sexual violence are core concepts that should guide those conducting research on campus sexual violence (Linder et al., 2020).

Feminist approaches to understanding sexual violence and rape also point out how societal power relations influence the narrative around sexual violence. For example, there is a persistent belief that many reports of sexual assault and rape by women are false allegations (Weiser, 2017). This perception, along with other misperceptions about sexual assault and rape have become known as “rape myths” in the literature. Lonsway and Fitzgerald (1994) defined rape myths as “attitudes and beliefs that are generally false but are widely and persistently held, and that serve to deny and justify male sexual aggression against women” (p. 134). Common “rape myths” in the literature include the perception that most reports of sexual assault and rape are false, the perception that women are assaulted because of the risqué clothing they wear, and

the belief that women owe men sex because women lead men on or had sex previously with the man (Linder & Lacy, 2020).

Rape myths are largely informed by sexist and racist misperceptions, which perpetuate “sexist and patriarchal social norms” (Weiser, 2017, p. 47) that invoke disbelief about reports of sexual assault and rape and impact the efficacy of prevention and remedial efforts in combating sexual assault and rape on college campuses, and in the broader U.S. society (Linder & Lacy, 2020; Weiser, 2017). This disbelief, under feminist theory, exists because those in power (men) believe these myths and advance misperceptions about sexual assault and rape, which have permeated into broader society (Weiser, 2017).

Linder and Lacy (2020) more closely examined “rape myths” on college campuses and largely focus on myths about who the perpetrators and victims of campus sexual violence and rape are. Primary myths surrounding perpetrators of sexual violence and rape on campuses includes the misperception that perpetrators jump out of bushes, or a dark alley, to attack women, while, in fact, most perpetrators of sexual violence are someone the victim knows (Linder & Lacy, 2020). Linder and Lacy (2020) noted that, from a young age, women’s socialization encourages them to fear attacks, often understood as an attack by an unknown perpetrator. As a result, on many college campuses, common sexual violence prevention and mitigation strategies address this fear. For example, common prevention techniques on college campuses include informing women not to walk alone at night and promoting emergency notification systems, such as blue lights. Blue lights are large lights spread throughout campuses with a button people can push to alert campus police or security that they are in danger. Linder and Lacy (2020) pointed out that prevention and mitigation techniques such as blue lights might serve to create a “false sense of security” that may serve as a “coping strategy for managing the violent environments in

which we live” (p. 449) while failing to address the more common forms of sexual violence that are perpetrated by someone whom the survivor knows.

Additionally, Linder and Lacy (2020) noted that because of the history of racism in the United States, a common misperception of sexual assault and rape is that women, most commonly white women, are most often assaulted by Black men. Other authors, such as Abbey and Jacques-Tiura (2010), Hong (2017), Scott, Singh, and Harris (2017) have also examined the intersection of racism and sexism. Misperceptions contribute to prevention responses being tailored for single groups of people, which limits effectiveness of the responses. Additionally, misperceptions can influence how criminal law responds to sexual violence, as well as how women view potential perpetrators. For example, when an alleged perpetrator is a white college male, “victims, juries, and bystanders” (Linder & Lacy, 2000, p. 435) may not view him as a viable perpetrator, simply because he does not fit the type-cast example of a perpetrator of sexual violence. And when women are taught to identify black men as the perpetrators of sexual violence, there may be an increased risk of sexual violence because women may not keep their guard up around those who do not identify as black males. Finally, prevention strategies are similarly ineffective because they target who people perceive to be the most common victims of sexual assault and rape; for example, white women who come from wealth (Linder & Lacy, 2020).

Feminist theory names how a male-dominated and male-focused society manifests as a society where men are in positions of authority and male power is a cultural norm (Weiser, 2017). Additionally, feminist theory examines the role of the patriarchy and notions of male dominance in creating a rape culture. While noting that “most men do not accept rape as central to their normative identities or concepts of manhood,” (Haaken, 2017, p. 20) points out that

“sexual conquest is very much at the center of patriarchal codes of masculinity” and these “codes of masculinity” (p. 20) exist in places in society where male bonding is prevalent, such as in fraternities. In these situations, men more readily share stories of sexual conquest to reinforce their power over women with other men. This in turn fuels the perceived need to continue dominating women, resulting in increased chances of sexual victimization and violence (Haakan, 2017).

Not all feminists approach and analyze sexual violence the same way. For instance, liberal feminist theory (Canan & Levand, 2019) examines how policy and law can operate to create equal opportunities for women. Canan and Levand (2019) suggest that liberal feminist theory does not directly relate to sexual violence, but instead forms a foundation for other, more modern, feminist theories that look at sexual violence with a feminist lens. Radical feminist theory suggests that patriarchy and masculine domination use sexual violence as a means to dominate women. Intersectional feminist theory is a lens that views people across all of their identities and seeks to understand how an individual’s identities intersect “to form a person’s unique experience of the world.” (Canan & Levand, 2019, p. 7). This approach illustrates shortcomings in other theories, as focusing on a singular identity “can distort and misrepresent people’s holistic experiences” (p. 7).

Kimberlee Crenshaw (1991) developed the language of intersectionality and examined sexual violence through a lens of multiple forms of oppression, specifically racism and sexism, and how these forms of oppression intersect to reveal power, privilege, and inequity. Crenshaw (1991) used a legal lens to analyze how an intersectional framework actually impacted women of color, arguing that “feminist and antiracist politics” (p. 1245) have actually perpetuated a marginalization of violence against women of color. The intersection of feminism and power

became the primary frame that those studying campus sexual assault and rape utilized and the dynamics of power that Crenshaw (1991) introduced are important to consider in how TIX Coordinators consider their own identities and positionalities, and how they may shape their understanding of their work.

Methodology

The purpose of this study was to understand how TIX Coordinators make meaning of their role on campus and their role of institutional compliance with Title IX mandates and how they reconcile any tensions they experience between their institutional compliance responsibilities and their own personal beliefs about how to combat campus-based sexual violence and gender discrimination. I utilized a semi-structured interview protocol with participants to provide enough structure for consistent interviews, while still leaving room to delve into topics participants surfaced as relevant to their meaning making.

Because this is an exploratory study, I utilized general qualitative description methodology (Sandelowski, 2000). General, or generic, qualitative research describes an approach to a study that “is not guided by an explicit or established set of philosophic assumptions in the form of one of the known qualitative methodologies” (Caelli et al., 2003, p. 2). For this research, that is an appropriate approach because there is a dearth of prior empirical research on TIX Coordinators and, “Given that this is an exploratory research project, a general qualitative approach provides the most potential for initial findings” (Caelli et al., 2003). General qualitative studies are typically not overly abstract or highly conceptual because they typically “offer a comprehensive summary of an event in the everyday terms of those events” (Sandelowski, 2000, p. 336). General qualitative description as a methodology is the least theoretical approach of qualitative research methods because researchers need not be tied down

by previous theoretical work on the subject (Sandelowski, 2000). At the same time, general qualitative description is not “atheoretical” (Sandelowski, 2000, p. 79) because there is still researcher interpretation of data involved in the process. General qualitative description research is not overly abstract or conceptual, nor is it overly prescriptive in terms of methods the researcher chooses to use in their study (Sandelowski, 2010).

I also chose to use general qualitative description methodology because it is useful in an exploratory study and it aligns well with my pragmatic worldview and a constructivist approach. General qualitative description is “especially amenable to obtaining straight and largely unadorned (i.e., minimally theorized or otherwise transformed or spun) answers to questions of special relevance to practitioners and policy” (Sandelowski, 2000, p. 337). A pragmatic paradigm centers utility and use in real-world settings and contexts from research data, and general qualitative description allows the researcher to make choices most suited to their paradigm and epistemology.

As a pragmatist, my commitment is to utilize a methodology and methods that are most appropriate to fulfill my purpose in researching. As such, the constructivist epistemology is the appropriate approach to this study because I will ask participants to make meaning related to their experiences and then, following my analysis of their responses, describe patterns or themes that appear to emerge from the participants’ responses.

Feminism and power were briefly reviewed because these notions will likely inform some of the data gathered in participant interviews. While these frameworks are not guiding in this study, it is important to identify them because of the role they play in analyses and theories about sexual violence. General qualitative description will allow me, as the researcher, to satisfy

my pragmatic worldview and help to answer my research questions without focusing on generating theory).

Finally, I found that using Kitchener's principles as the conceptual framework in this study lends itself to my pragmatic nature. Kitchener's principles are applicable to my pragmatic nature because of their ability to be used to study how individuals make meaning in relation to ethical considerations, the purpose of this study. Accordingly, Kitchener's principles were used in this study in the following ways. First, I used Kitchener's model in designing this study to help me understand the role that ethical considerations and dilemmas might play in how TIX coordinators experience and feel about their work. Second, my interview protocol included questions that specifically address ethical issues and dilemmas. Third, in the phases of coding and analysis, I coded for instances when participants referred to ethical issues or dilemmas and I explored and clustered the findings using Kitchener's model as an organizing principle. Finally, I use the lens of Kitchener's model to discuss my observations and conclusions about the TIX Coordinators' role.

Section Three: Methods

This section reviews the methods that were used to gather data related to the research questions listed above. Specifically, this section details the data collection methods, sampling, and data analysis methods that guided the study.

Data Collection

Interviews allow the researcher to "obtain unique information or interpretation held by the person interviewed" (Stake, 2010, p. 95). Interviewing is a practice that allowed me to understand what meanings people place on their activities, enabling me to gather information quickly (Marshall & Rossman, 2016). While there are many different forms of qualitative

interviews, this study used a semi-structured interview protocol, which enabled me to use a prepared list of questions for each participant (Marshall & Rossman, 2016) but also allowed for follow-up and probing questions when it appears that efforts to elicit more information from participants would have been helpful (Creswell, 2014). The data collection method for this study involved interviewing participants via the meeting application Zoom, and the interviews were recorded through that application.

Participants and Selection Criteria

The participants and selection criteria for this study underwent a few changes due to recruitment issues. Throughout the design of the study, I sought to interview 7-9 TIX Coordinators to ensure an adequate amount of data for analysis and discussion. Ultimately, I was able to successfully interview 7 participants.

Originally, I sought only to include TIX Coordinators at public four-year institutions located in a mid-Atlantic state as potential participants for the study. The mid-Atlantic state identified had 15 institutions that met this selection criteria. I sought participants from the same mid-Atlantic state to allow for a measure of state-based similarities in policy expectations. However, because there were only 15 possible participants, I opted to increase the number of states included, so I chose to expand the selection criteria to include other states within the mid-Atlantic.

There are several private institutions within the mid-Atlantic, but I originally chose to limit my study to TIX Coordinators at public four-year institutions for a few reasons. Chiefly among these reasons is that private institutions may not rely on federal funding (i.e., they can be funded wholly without federal assistance) and, thus, are not subject to regulation by Title IX. Additionally, I originally chose to exclude 2-year public institutions from the population. I made

this decision because, while mid-Atlantic states have large public community college systems, most of these institutions do not offer residential (on-campus) living opportunities. Additionally, these campuses are highly commuter-based and often TIX Coordinators on these campuses have a variety of other roles and responsibilities, as community colleges may tend to have lower numbers of reports of sexual violence. Ultimately, as detailed below, I opted to open my call for participants to include TIX Coordinators from private institutions, though I continued to exclude TIX Coordinators from 2-year institutions for the reasons described above.

To recruit participants in my original sample, I emailed TIX Coordinators at public four-year institutions from mid-Atlantic states via a direct email Call for Participants (Appendix A). This Call for Participants included a link to an Interest Form for Participants, created using Google Forms (Appendix B). The Interest Form for Participants asked potential participants to provide demographic information, including gender, age (range), highest educational degree earned, ethnicity, race, educational background, reporting line, and number of years in work related to Title IX. The specific demographic information requested was intended to help to ensure that I speak with a diverse group of TIX Coordinators, enabling me to analyze any patterns across different demographics.

My original call for participants utilizing the original selection criteria yielded only three participants. As these were insufficient numbers, I sent a second copy of the original Call for Participants via email to the original group of possible participants, but this did not yield any further participants. Upon only receiving only three possible participants initially, I chose to amend my research protocol to include TIX Coordinators at public four-year institutions in the United States. Additionally, I opted to amend my tactics for soliciting participants to include advertising on social media, including LinkedIn and Facebook. Upon doing this, I received five

additional responses; however, one responder was not eligible for the study due to the selection criteria (they were a TIX Coordinator for a public K-12 system), and one possible participant never responded to the Invitation to Participate email (Appendix C). Finally, I decided to make a final adjustment to the research protocol, allowing TIX Coordinators at private four-year institutions to participate. Upon this protocol revision, a seventh participant emerged.

For participants who chose to engage in an interview, an Information Sheet for Participation was sent via an Invitation to Participate email (Appendix C). Once potential participants completed the Consent Form, a copy of their completed Consent Forms (Exhibit C) was emailed to them and they were sent an Invitation to Participate email (Appendix C), which requested that the participant complete a Signup Genius to schedule a time to connect for the Zoom interview. Once participants chose a time via the Signup Genius, they were sent a Confirmation of Interview and another copy of the Consent Information Sheet (Appendix D). Participants then received a confirmation of interview email and consent information sheet (Appendix E). Participants received a reminder email 24 hours prior to their scheduled interview (Appendix F). After interviews, participants received a transcript review email (Appendix G). Interviews were completed using the Interview Protocol (Appendix H).

Individual participants were able to choose a pseudonym in the Interest Form for Participants (Appendix B) or ask that I choose one for them. I stored the interview recordings on a private Google cloud account through Virginia Tech that requires 2-factor authorization to access. I utilized Rev.com for transcription. After transcription was complete, I sent each participant a copy of their transcript to allow participants to engage in one type of “member checking.” Participants received a copy of their transcript through a follow-up email (Appendix G). Member checking is a set of steps qualitative researchers may take to increase the validity of

their findings, in this case by allowing participants to react to the information shared, correct anything, and elaborate further upon the information (Marshall & Rossman, 2016).

Data Analysis

Analysis of the data collected via the means described above used a procedure outlined by Marshall and Rothman (2016). Marshall and Rothman (2016) outlined a seven-phased procedure to analyze data. The Marshall and Rothman (2016) procedure involved: (1) Organizing the data; (2) immersion in the data; (3) generating case summaries and possible categories and themes; (4) coding the data; (5) offering interpretations through analytic memos; (6) searching for alternative understandings; and (7) writing the report or other format for presenting the study (p. 217). Each of these steps reduces the data into smaller pieces, which enables the researcher to begin interpreting the data against the research questions by engaging in a process of meaning making (Marshall & Rothman, 2016).

Step one of the Marshall and Rothman (2016) data analysis procedure involves organizing the data. In this step, the researcher takes actions to “generally clean up” (p. 217) the data by logging and organizing the data by date and time, participant, and where the data was gathered. The log is useful to illustrate how the data collected relates to the real-world, which in turn helps to illustrate how the findings may situate within the area studied (Marshall & Rothman, 2016). For this step, I ensured that information about the interview and participant’s pseudonym were organized.

Step two involves immersing yourself in the data. This step involves reviewing the data several times to ensure that the researcher, “become[s] intimate with the material” (Marshall & Rothman, 2016, p. 217). This allows the researcher to better ensure that the data is organized and enables the researcher to better move towards further analysis steps (Marshall & Rothman,

2016). For this step, I engaged in reviewing the transcripts, after member checking, to better familiarize myself with the information contained in the transcript. In addition, I began highlighting text that was particularly interesting to my research questions. Finally, because data collection took longer than expected (because of the recruitment issues), I familiarized myself with the transcripts several times over the period of data analysis.

Step three of the data analysis procedure is to generate case summaries and to begin organizing data into possible categories and themes (Marshall & Rothman, 2016). In this step, the researcher makes connections between the data gathered from different data sources (i.e., data gathered from each interviewee), which enables the researcher to collectively organize the data. In other words, this step in the process allows the researcher to better understand what they do or do not have in terms of data, which helps the researcher to better organize the data (Marshall & Rothman, 2016). For this step, I engaged in writing informal “memos” (Marshall & Rothman, 2016) about the data which helped me to summarize the data collected as I reviewed the transcripts several times as a part of step two.

Step four of the data analysis procedure is to code the data. Coding often consists of using “a word or short phrase that symbolically assigns a summative, salient, essence-capturing, and/or evocative attribute for a portion of language-based or visual data” (Saldaña, 2016, p. 4). Many methods of coding exist, but this study will use thematic coding analysis. A thematic analysis “is a method for identifying, analyzing, and reporting patterns (themes) within data” (Braun & Clarke, 2006, p. 6). Thematic coding analysis, traditionally used in ethnography and grounded theory research methodologies, is also helpful to any methodology using interviews as a method (Braun & Clarke, 2006). I modified Aronson’s (1994) thematic coding to fit within the

Marshall and Rothman (2016) seven step data analysis procedure using pattern identification, then I combined patterns and organized them into sub-themes to complete coding.

Step five of the data analysis procedure is to write analytic memos about the data. In this step, the researcher writes about their thoughts and reactions to the gathered data, which further enables the researcher to organize the data into themes. In so doing, I consulted the existing literature about the topic to determine whether it provided any insight on my thoughts and reactions to the data. This part of the procedure allowed me to identify where the data collected aligns with existing literature, is contrary to the existing literature, or otherwise somehow situates itself within the literature differently (Marshall & Rothman, 2016).

Step six of the data analysis procedure is to search for alternative understandings. This step is undertaken throughout the coding and memoing steps of the process, as it involves the researcher constantly questioning their own positionalities, biases, and their voice against the data. During this iterative process, the researcher should carefully scrutinize their memos, initial codes, and themes to ensure that they are not putting their own thoughts into the data. Additionally, searching for alternative understandings also allows the researcher to assess whether additional data gathering is needed and whether the methods used adequately gathered data. Finally, during this step, the researcher reviews their conceptual framework and the existing literature to ensure that the study provides additional knowledge about the topic (Marshall & Rothman, 2016).

The final step of the data analysis procedure is to use the data to write the findings. In this step, the researcher further interprets the data because the choices made by the researcher in presenting the findings exhibit the meaning making that the researcher has completed during the analysis process (Marshall & Rothman, 2016).

Trustworthiness

Trustworthiness in qualitative research involves the researcher ensuring “congruence and consistency” in “how [the] researcher establish[es] confidence in the research findings” (Jones et al., 2006, p. 98). Trustworthiness of the research is another way to describe the reliability of the research, which “means that the researcher checks for the accuracy of the findings by employing certain procedures” (Creswell, 2014, p. 201). Creswell (2014) discusses eight strategies to ensure trustworthiness and reliability. These strategies include triangulating data sources, which involves “examining evidence from the sources and using it to build a coherent justification for themes” (Creswell, 2014, p. 201). Creswell (2014) stated that triangulation may be a form of generating trustworthiness if a researcher develops themes by combining sources or combining perspectives from sources. In this study, I engaged in triangulation through analytic memoing and evaluating for alternative understandings of the data, two of the steps in the data analysis procedure discussed above (Marshall & Rothman, 2016).

Another strategy that promotes trustworthiness is member checking (Creswell, 2014). Member checking allows research participants an opportunity to review the data provided to assess the accuracy of the data, which provides participants an opportunity to review their interview transcript. In addition to reviewing the transcript, member checking should also involve an opportunity for the participant to review summaries and interview memos from the researcher (Creswell, 2014). Additionally, participant review of the data may spark additional thoughts about the interview topic, and the researcher should offer follow-up interviews for participants to engage further with the topic (Creswell, 2014; Jones et al., 2014). Member-checking in this study included an email to participants that includes a copy of their interview transcript and an offer for participants to elaborate upon the information shared and/or correct

any issues they discovered in their review. As I did not create individual memos for each participant's data, I did not provide participants an opportunity to review any summary memos. Memos were used more broadly as a reminder of themes or things to return to when working on data analysis. In lieu of memos for each participant, I analyzed the data and began coding themes by making notes on interview transcripts and informally grouping quotes and concepts from each participant's transcript.

Other strategies outlined by Creswell (2014) that I used to aid trustworthiness included presenting negative information that serves to counter the themes developed from the data and clarifying the bias of the researcher throughout the study. In this study, I transparently presented information that could run counter to the identified themes. In addition, I assessed my own biases by engaging in a process of questioning my methods and decisions throughout the data gathering and analysis portions of the study to ensure that the findings of the study are congruent and consistent.

Section Four: Limitations

While every effort was made to ensure that the study design achieved the goal of answering the research questions, there are limitations to every research project (Marshall & Rothman, 2016). Acknowledging and understanding the limitations of this study recognizes the boundaries of the research, keeping the study manageable, and ensuring that the study will add to the scholarship on the topic (Marshall & Rothman, 2016). Limitations include the applicability of the findings due to the backgrounds of the participants, the usage of Kitchener's (2000) foundational ethical principles and lack of data gathered on nonmaleficence and lack of beneficence in participant data, the perpetual changes in Title IX, and the noteworthy lack of additional literature regarding TIX Coordinators.

Many of the participants had backgrounds that included prior student affairs work and/or work in the mental health field. As someone who works in the Title IX field, with a Juris Doctorate degree, I believed that more participants would have legal backgrounds than became apparent in my study. Thus, a limitation is that the data gleaned from this study largely comes from individuals who might not comprise a majority or large number of TIX Coordinators around the United States. Because of this, it is unclear that given either a larger study or finding participants that had legal backgrounds, the findings might have been different.

Interestingly, it is possible that few participants with legal degrees participated due to thoughts of liability or other issues that could stem from participation in a study about skills, knowledges, and ethics. Could attorney-TIX Coordinators have been not willing to participate in the study due to the belief that they might say something that is not appropriate? Further, it is possible that TIX Coordinators with legal backgrounds might not be familiar with rules and norms relating to research confidentiality, providing additional concerns.

This study used Kitchener's foundational ethical principles (2000) as the conceptual framework guiding the study. A limitation that emerged in the study was that participants did not provide much material related to beneficence and nonmaleficence, two of Kitchener's foundational ethical principles (2000). This limitation could ultimately be due to my research questions and the protocol that I established to guide the semi-structured interviews. During the interviews, I noted that participants did not elaborate greatly on the questions asked, and this may have been because of the notion of speaking about ethical considerations.

While not a part of the research protocol, I noted, in conducting the interviews with participants, that they seemed much more open and comfortable discussing the first two research questions that guided this study. Specifically, participants overall were more open when

answering questions about their own backgrounds and also the skills that they believed were important for their jobs. Participants then seemed to “clam up” and become less open when answering questions relevant to Kitchener’s (2000) ethical principles. Moving forward, it could be beneficial to consider revising protocol questions to ask about ethical considerations, while asking the questions in a manner that does not directly imply that a participant’s ethics are being discussed.

Another limitation of the study relates to the subject matter and material. Specifically, as described in Chapter 2, the area of Title IX compliance has undergone rapid changes throughout approximately the last 20 years. As I conducted this study and completed this dissertation, the Biden Administration engaged in rulemaking and released new Title IX regulations on April 19, 2024. Participants vaguely alluded to the impending regulatory change during their interviews. This suggests that Coordinators were already thinking about these changes in their practice and illustrates that the consistent regulatory changes act as a stressor for TIX Coordinators because it is difficult to gain expertise in an area where the rules consistently change.

Finally, a limitation of the study is the scant literature that is available about the experiences of TIX Coordinators. This lack of a body of literature is discussed in detail in Chapter 2. Because of the scant literature, it was unclear what types of data the participants would provide. This unknown also did not allow for the creation of protocol questions that built upon prior knowledge, which might have aided me in formulating the interview questions to elicit additional data or more detail.

In the next chapter, the findings of the study are discussed.

Chapter 4: Findings

The purpose of this chapter is to describe the findings from a qualitative analysis of interviews I conducted with seven TIX Coordinators. First, I describe the relevant demographic information collected from these participants prior to their interviews. Next, I describe the findings, organized by the research questions that have guided this study. The overall findings of this study reveal that these TIX Coordinators rely on previous professional experiences to do their jobs, believe their roles are to protect the Title IX process and ensure parties have equal due process, feel there is an absence of justice embedded in Title IX investigations, and believe that their duty, above all else, is to the institution and protecting it from liability.

The following research questions guided this study:

1. What previous experiences (personal, professional, educational) do TIX Coordinators bring to the position they believe are necessary to serve in the role?
2. How do TIX Coordinators make meaning of their role and relationships on campus?
 - (a) How do TIX Coordinators describe their role and responsibilities?
 - (b) How do others on campus describe the role and responsibilities of TIX Coordinators?
3. What are the ethical principles that guide TIX Coordinators?

Participants

As described in detail in the previous chapter, I gathered data by using intensive interviews (Marshall & Rossman, 2016) with participants. Participants provided demographic information on the Google Form where they indicated their interest in participating in the study. The following information was provided for all participants: gender, preferred pronouns, race/ethnicity, age, degree(s) earned, supervisor information, and number of years in the Title IX

field. In addition to this demographic information, I gathered additional data from participants during the interviews, including the geographic region where the participant works (Northeast, Southeast, Midwest, Mountain West, Southwest, and Western regions in the United States) and whether the participant currently worked at a public or private institution. Table 1 summarizes Participant Demographics with participants' chosen language for each category.

Table 1

Demographic Information of Participants

| Pseudonym | Gender | Pronouns | Race/ Ethnicity | Age | Highest Degree | Supervisor Role | Years in TIX | U.S. Region | Public or Private |
|-----------|--------|----------|---------------------|----------|-------------------|---|--------------------|------------------|-------------------------|
| Carrie | Female | she/her | White/ Asian | 37 | Ph.D | Chief of Staff to President | 11 | Mountain West | Public |
| Nicole | Female | she/her | Black | 45 | M.A. | Chief Diversity Officer | 3 | Midwest | Public |
| Tessa | Female | she/her | African American | 46 | M.A. | Chief Legal Affairs Officer | 20+ | Southeast | Public |
| Charlotte | Female | she/her | White | 34 | J.D. | Assoc. V.P. of Equity | 9 | Southeast | Public |
| Eloise | Female | she/her | Caucasian | 52 | M.S.Ed. | V.P. for Finance and Business | 7 | Midwest | Public |
| Amelia | Female | she/her | White | 52 | M.S. | Chancellor | 21 | Northeast | Private |
| Molly | Female | she/her | White | 62. 5 | 2 M.A. | V.P. and Chief Diversity Officer | 25 | Northeast | Public |

Participants all used sex-based terminology to identify their gender (female) and indicated that they use she/her pronouns. Participants came from a variety of different regions throughout the United States and ranged in age from 34 years to 62.5 years old. Only one participant, Amelia, worked at a private institution, though she had Title IX experience from having worked at a public institution as well. Most participants had master's degrees, with one participant holding a doctorate degree and another a Juris Doctorate degree. Four participants identified themselves as either white or Caucasian, two participants identified themselves as Black or African American, and one participant identified as white/Asian. Their experience in Title IX ranged from 3 to 25 years. Finally, participants indicated that they report to a variety of different supervisors, all seemingly at the senior leadership level at their institutions, with the majority of participants reporting to a leader with a role focused on diversity, equity, and inclusion (DEI).

Participants' Origin Stories and Professional Skills and Knowledges

In this section, I describe participant responses to questions related to previous experiences, which largely included stories about how they became TIX Coordinators, and the professional skills and knowledges that they feel propelled to to their role. A particular theme that emerged upon questioning participants' about how they became TIX Coordinators was their noteworthy responses about their backgrounds and experiences, what I have thematically categorized as their *Origin Story*. Within the *Origin Story* theme are subthemes *Personal Experiences* and *Necessity*. Next, participants were questioned about skills and knowledges that they bring to their work, which are grouped within a theme, *Professional Skills and Knowledges*, with subthemes *Content Knowledge and Legal Knowledge*, *Ability to Speak with Students*, and *Previous Work Experiences*.

Origin Stories

Participants were directly asked about their personal backgrounds to better understand how previous experiences play a role, if at all, in their work as TIX Coordinators. In this theme, *Origin Stories*, two subthemes emerged, *Personal Experiences* and *Necessity*.

Personal Experiences. Within the personal experience subtheme, some participants avoided talking about their own previous experiences when asked about how this might have played a role in preparing them to be a TIX Coordinator. Others who did discuss their backgrounds relied on childhood experiences when answering questions related to how they prepared to be a TIX Coordinator.

Tessa, Amelia, and Charlotte did not discuss personal experiences when asked, “How do you believe your previous experiences, so personal, professional, educational, prepared you for your current role?” Interestingly, each of these participants focused exclusively on their own educational and professional experiences when answering this question. None of them asserted a belief that personal experiences were a part of their experiential preparation or chose to disclose any details about personal connection.

Participants who did describe how their personal experiences shaped their work as a TIX Coordinator focused on how childhood experiences helped them develop an advocacy lens for their future work. These childhood experiences are thematically categorized as experiences that provided participants an advocacy lens for their future work. Eloise very candidly described her experiences growing up in an abusive home where she “experienced a lot as a child.” She explained that these experiences growing up in her home helped her learn to navigate difficult and traumatic situations and that “all of those things led me to probably be an empathetic person first of all.” Eloise stated that her learning about empathy from a young age has enabled her “to

be able to figure out students who were really in need,” and that her experiences “made me who I am now.” Eloise concluded that her childhood experiences and empathetic nature “translated into higher ed in a very almost organic, but very seamless way, because students I felt were really drawn to the fact that I understood those plights that they went through.” These individuals relied on childhood trauma and other aspects of growing up, providing them the advocacy-focused lens they later applied to their work in Title IX.

Another participant, Molly, discussed her experience with gender and gendered norms and how this shaped her beliefs about Title IX as a practitioner. In tying her personal childhood experiences with her practice as a TIX Coordinator, Molly described herself as a “beneficiary” of Title IX. Molly concluded that her mother’s influence illustrated firsthand how people could challenge inequities in gender, even before Title IX was adopted in 1972. Molly then described situations that she experienced as a child when she saw her mother challenge Molly’s exclusion or limitation from participation due to her gender. For example, Molly stated:

I was the very first girl in [mid-Atlantic state] and in [large city in the mid-Atlantic state] to take shop. Girls were not allowed to take shop when I was in junior high and high school. My mother confronted the establishment and said, ‘If she wants to take shop, why can’t she take shop?’...I also had that same thing happen in high school where I was not allowed to play sports if I was in band because girls just couldn’t do that. My mother confronted that and said, ‘If my daughter can’t be first trumpet player in the band and also be first team tennis and all these other things, then none of the boys that are on the football and the track team and the baseball team can do it either, can they?’

Molly recognized that her experiences dovetailed with the legislative change in 1972, which meant the timing benefited her. Molly continued to say that her current practice in Title IX is

shaped by her childhood experiences growing up in junior and high school and that these experiences observing her mother and benefitting from first her mother's advocacy, and then Title IX, "got me at least started in it."

In addition to her experience as a young person, Molly described how her personal experiences as a young adult shaped how she now approaches Title IX work. Molly stated that she had experience "coaching women's teams" and that she experienced sexism as someone in a field dominated by men and masculine hegemony. Molly added, "every time I brought a team to a winning status, I was replaced by a male." These experiences, in addition to how she got into the Title IX field impact her approach to her work.

Nicole described how her personal experiences shaped her lack of reaction to what others might consider shocking or disturbing reports she received as a TIX Coordinator. Nicole stated, "I'm not stunned by things...[I] learned how to sort of separate being overly surprised and shocked or feeling like, 'Wow! I don't know. This is something I don't know if I can handle.'" Her work with individuals in her capacity as TIX Coordinator caused her to realize she became inured to hearing about experiences of violence, trauma, and/or sexism.

Similarly, Carrie described how her personal experience outside of Title IX impacted her approach to the work. Stating that she comes from a place that emphasizes that people need to learn about rules and about the person delivering the rules, Carrie said:

I've seen what happens in communities and society when people don't follow rules...so, it's really helped me be mindful of people—just sometimes make mistakes. People are uneducated, and if they don't know what the rules are, it's very easy to break them.

Nicole also described how her personal experience outside of Title IX impacted her approach to the work. Specifically, Nicole stated "So, part of my philosophy has been that you need to teach

people, you need to educate people. You need to let people know who you are, where you are, how to find you, those sort of things.” Nicole concluded that she brings this philosophy from her personal experience to her current work in Title IX.

These participants all described how their childhood experiences impacted how they approach their Title IX work. In doing so, these participants seem to all relay that their childhood experiences led them to approach their work with an advocacy lens. Thus, the emerging theme for these participants is that they felt called to Title IX due to learning about advocacy growing up or experiencing and seeing injustice.

Necessity. When asked questions related to their professional experiences, participants largely described their backgrounds and then said that they began their work in Title IX out of necessity at their institutions. Most directly, Carrie indicated that she was thrust into the position of TIX Coordinator after the previous coordinator left the institution. Carrie stated that she:

fell into this career...our TIX Coordinator position opened up. So, I moved into that role, mostly because I was the only person on our campus that had the experience...they were like, “[Carrie], we need you ASAP.” Because, as you know, the TIX Coordinator position is one that can’t be vacant. So that’s it...it’s kind of all just happenstance.

Carrie thus was propelled into the TIX Coordinator position directly out of necessity for the institution because “the TIX Coordinator position is one that can’t be vacant.”

Similarly, Charlotte and Eloise became TIX Coordinators when the previous coordinator left or retired from their institution. Charlotte said she became a TIX Coordinator at the first institution where she worked at after the then-TIX Coordinator, who had a “multi-hyphenate” role that focused largely on the Institutional Review Board, did not want to continue in the Title IX role. Charlotte’s prior work in student conduct made her well-suited to move into Title IX, so

she became the TIX Coordinator. Eloise, however, became the TIX Coordinator as a retirement replacement. Eloise described how a previous TIX Coordinator was her mentor at her institution and that Eloise began conducting Title IX investigations under this individual. Eloise stated, “I took over when she [the mentor] retired.” In effect, she became the TIX Coordinator because she was the only person with any Title IX experience at the institution.

Nicole and Molly described how they became involved in Title IX as a result of necessity to satisfy federal requirements under the DCL or because their institution was being investigated by the federal Office of Civil Rights (OCR), respectively. Nicole described that when the requirement to have a TIX Coordinator came out, she already was performing many of the responsibilities associated with the role, so she simply applied for the position, “...because at the time, I was doing a lot of different things and I wanted to focus on one thing, and what a thing to focus on [Title IX].” Molly described that she was teaching at a prior institution when an HR representative came up to her and asked her if she knew anything about Title IX because, “We have an OCR thing that looks like it could be something, Title IX thing.” Molly stated that she told this person that she knew about Title IX and, “Subsequent to that, I became the Title IX person for them.” So, these two participants described that they became TIX Coordinators in direct response to a need.

Finally, Tessa said that she became a TIX Coordinator as a result of her experience and skill-set growing in the Title IX area. Specifically, Tessa described how, when she began working in higher education, she started out in student conduct. At that time, “there really wasn’t a formalized way to deal with sexual misconduct. So it was kind of interwoven into conduct at the time. And so, I started to get my experiences in that lane.” Tessa went on to say that, due to her experience, she was involved in a task force to implement unfunded mandates from Dear

Colleague Letters at her institution and eventually, out of that, she began taking on all of the responsibilities associated with being a TIX Coordinator. Tessa summarized her involvement in Title IX with, “I remember years ago saying, ‘Oh, okay, I can, I don’t ever want to be in Title IX full time,’ now here I am doing it full time.” Tessa’s description illustrates how she found herself in her current role as TIX Coordinator, where she never wanted to work.

Professional Skills and Knowledges

In describing their professional background, participants largely focused on various professional skills and knowledges that they acquired through previous experiences. In describing these previous experiences, subthemes *Content and Legal Knowledge*, *Recognized Ability to Speak with Students*, and *Previous Work Experiences*, emerged as participants discussed professional skills and knowledges they bring to their TIX Coordinator role. Participants described that they were often chosen for Title IX roles because of their background with content and legal knowledge, ability to speak with students, and previous work experiences, which led to leadership pushing participants into Title IX. For example, participants described their selection into Title IX roles stemming from them having prior student affairs experience, prior professional experience working with victims of sexual assault and/or domestic violence, and those who previously worked in the mental health field prior to working in student affairs positions.

Content and Legal Knowledge. Several participants described how they began their work in Title IX due to their content knowledge involving sexual assault and/or Title IX. Amelia said that her experience working at a sexual assault prevention agency led her to become knowledgeable in the area of sexual assault and sexual harassment. Similarly, Molly worked in clinical practice as a licensed professional counselor with “individuals who were victims of

domestic violence, intimate partner violence, rape and sexual assault,” which provided her a background and knowledge base in the areas associated with Title IX. Charlotte described how she began learning about Title IX in graduate school when she served on hearing boards related to sexual misconduct. Carrie, Tessa, and Nicole each described how their time in student conduct provided them a background in Title IX matters, so that when the TIX Coordinator position became more formalized at their institutions, they moved to their roles that focused solely on Title IX.

Interestingly, Amelia and Eloise described themselves as people with some knowledge of sexual assault and sexual misconduct from their prior work experiences. Yet, senior leadership at their institutions encouraged them to take on the role of TIX Coordinator, even though they would need to learn the compliance aspects of the role. Amelia described herself as someone with “a lot of topic area content expertise,” who lacked information about compliance and regulatory issues. Amelia further described how she felt that she was part of the first wave of professionals in the position who had “Title IX expertise” because “there weren’t a lot of people at the time...because it just didn’t really exist.” Amelia added, “There weren’t dedicated TIX Coordinators at that time. And so much of my learning around the Title IX world has been more in the position that I’ve held, versus schooling or my previous position.” Eloise described how her mentor, then the TIX Coordinator, told her that she could learn the rest when referencing all of the parts of the role beyond working with students.

Another aspect central to the TIX Coordinator position is legal knowledge. For Molly and Charlotte, at least part of the reason they got involved in Title IX work was their legal experiences responding to investigations by OCR. Molly said that she first began doing Title IX work when she was approached about an OCR investigation by her then-employer. Molly stated

that she had legal experience in the form of a paralegal certificate and that she, as a result of this experience and her response to OCR, became that institution's "Title IX person." Charlotte's legal experience stemmed from her legal degree, as well as her work while in graduate school in Title IX hearings. Further, Charlotte indicated that she handled "an OCR complaint that stemmed from a case that came before [her] time there [her prior institution]." After responding to the OCR complaint, the scope of Charlotte's work increased "on various compliance projects across the institution."

Recognized Ability to Speak with Students. As I will expand on in later findings about what participants believe should be required skills for a TIX Coordinator, important is the ability to have clear and difficult conversations with students is very important. Eloise and Tessa both said that they got into Title IX after recognizing that they were quite proficient in their ability to speak and work with students. Eloise shared that her mentor had told her, "You have a real gift for getting students to talk to you." Due to this encouragement, Eloise became more and more involved in Title IX work. The connection with students was also a reason why Tessa got involved in Title IX work. She stated, "I really, really did love having authentic conversations with students who were making some not-so-good decisions." Their ability to cultivate relationships with students led Tessa to become more involved in conduct work, which led to her getting involved in Title IX.

Previous Work Experience. None of the participants began their higher education careers in Title IX. Instead, participants came to their Title IX role with particular skill sets learned from prior work experiences, such as having difficult conversations with students and quasi-legal content knowledge, when describing particular skill sets learned from prior work experiences. Significantly, most participants did not seek out Title IX roles, but instead took these roles out of

necessity to serve the institution. This illustrates how that participants seemed predisposed to serving their institution, which will become a central focus of this analysis, when discussing ethics, in particular fidelity, later in this chapter.

Specifically, Nicole began her career in residence life, but “once I was done with residence life, there was a portion of my role as it related to student conduct that I wanted to continue.” Charlotte began her career in student conduct and other functional areas within student affairs before ending up in Title IX. Amelia and Molly both began their work outside of higher education, with Molly working as a mental health professional and Amelia working with victim-survivors of sexual violence. Prior to working in Title IX, Amelia and Molly had moved into other roles in higher education, with Amelia working as a prevention specialist and Molly as a professor. Both moved into Title IX roles due to their backgrounds and experience working with victim-survivors of sexual violence, which gave them a knowledge base that was transferable to Title IX work.

Participants described how they became TIX Coordinators, focusing largely on prior personal experiences and how they were often thrust into the TIX Coordinator role out of necessity. In addition to necessity, participants described how they exhibited various skills and knowledges from their prior work, which, in effect, illustrated to others that they were capable of serving as a TIX Coordinator. In the next section, data gathered from participants related to how they perceive their role as TIX Coordinator are described.

Roles and Responsibilities

In this section, I describe findings that elucidate the roles and responsibilities of the TIX Coordinator. Participants described their primary role as one of *Facilitators* and *Educators*, the two subthemes that emerged upon the *Roles and Responsibilities* theme.

The Role of Facilitator

The role of facilitator refers to the TIX Coordinator role as overseer of the Title IX process. As facilitator, TIX Coordinators function as the de facto owner of all things Title IX at their institution. Coordinators in their facilitator role ensure compliance with law and policy, including helping to protect the institution from liability, making sure that parties have access to the same information, and executing the Title IX process (again protecting the institution from liability).

For her role as facilitator, Charlotte said simply that at her institution her role “is to facilitate Title IX compliance.” In her characterization, she is the “responsive arm” as it relates to the grievance process and ensuring that parties can obtain supportive measures. Charlotte added that as a TIX Coordinator, she must ensure compliance across all areas associated with Title IX, including athletics and pregnant and parenting students. Charlotte then stated that another vital aspect of her facilitator role is to ensure her institution follows Title IX policy, while also acknowledging the nuance in each Title IX case. In describing this, Charlotte said, “...we’re not going to put a round object in a square hole, we have to make sure that we’re utilizing policy and utilizing the information in a way that best serves the individual and is compliant.” Charlotte’s articulated focus on running the Title IX Office and ensuring compliance with law and policy is similar to how other participants describe of how they see their role.

Facilitators must also focus on compliance and protecting the institution from liability through the execution of their roles. In other words, by facilitating the Title IX process and procedure at their institution, TIX Coordinators as facilitators protect the institution from liability. For example, Eloise described her role by stating:

This wouldn't be taken well by students, but honestly, it's to protect the institution...I don't mean protect the institution and hide things. I mean protect the institution to make sure we are treating students well, that we are handling these cases as an individual, and we're taking it seriously.

Eloise added that "there's a lot of compliance," and also a needed awareness or perception that the Title IX office is "fair and fact-finding." Similarly, Nicole strongly described her role as protecting the institution, stating, "I really feel like a TIX Coordinator is a compliance officer." Nicole then added, "My job and the job of others is for us not to get sued. First and foremost, keep us in compliance." Nicole summarized her description of her role as "ultimately, I think we are compliance officers. We need to make sure that all of these things fit. We have to check a lot of boxes, because the law is what is really dictating that for us."

As facilitators, TIX Coordinators must focus on how their roles center around building a "response system" and ensuring "the process" is in place and executed. Amelia described her role as being responsible for "...building a response system for faculty, staff, and students that have any concerns related to gender, gender-based harassment, or discriminatory harassment, and the various options that we're able to offer our community." Amelia then added that, for her, the TIX Coordinator must ensure that they are "building those options and getting the resources we need to staff [the Title IX office] appropriately and then ensuring that what we're building is being executed." In contrast, Molly saw the role of the TIX Coordinator evolve over various U.S. presidential administrations from being more focused on the individuals to a more adjudicatory environment. This evolution led to her to conclude the role is as someone who ensures "something is happening in a non-bias(ed) way and protecting the integrity of the process while being extremely human-centered in that process." Within the facilitator role is the need to

oversee the Title IX process. Coordinators' facilitation of the process includes ensuring compliance with law and policy, protecting the institution, making sure parties have access to the same information, and executing the Title IX process.

The Role of Educator

TIX Coordinator described their role as educator as one that involves responsibility for working with parties to help them understand the process, as well as one that involves having discussions about risky behaviors with students and about helping them learn from the situations that might have put them in the Title IX office. Carrie identified herself as an "educator" who likes meeting with students. She shared that her conversations with students allow her to see "them learn and pick up new information. So, I think ultimately that's our goal." In her role as educator, Carrie uses student meetings to help students to learn "new protective factors about this incident that occurred, how do we make sure that it doesn't happen again." Further, Carrie said that she frames her role in a way that examines, "What support or education do you need?" For Carrie, education of the entire campus community is also a central aspect of her role. Participants described how their role might include meeting with various campus student leaders to teach them about consent, sexual harassment, and sexual assault.

The educational role also includes ensuring that campus constituents, often students, have the information they need to go through the Title IX process. Tessa stated, "I think my job is to ensure that that piece [education] is happening, that we're making sure, I'm making sure, that all parties involved are equally getting the information that they need to fully participate in the process." Education is important to ensure both the complainant and respondents have equal access to information. Tessa recapped a recent call she had with a Responding party when she spent a lot of time "educating him about the process." Tessa offered that often the focus is on

education of the process for the complainant who experienced harm, it but is just as important to “keep the respondent abreast of his or her rights.” Tessa’s focus on the educational aspects of her role, above all else in her responses, illustrate how she views her responsibilities as a TIX Coordinator.

Finally, some of the participants described aspects of both facilitator and educator roles, illustrating how some TIX Coordinators may view similar responsibilities from a different lens than other coordinators do. For example, Charlotte, whose responses helped me identify the facilitator theme, stated that a part of her role is to educate individual parties and the broader community. Tessa, while focusing mostly on the educational aspects of her job, mentioned that she must facilitate the office by ensuring that her investigators are trained, that they produce good work, and that the office remains neutral. However, both participants described their roles most centrally fitting into either the facilitator or educator theme, allowing me to code their responses as either a facilitator or educator.

Crucial Competencies and Knowledge

Participants identified two crucial competencies and areas of knowledge that they believe TIX Coordinators should possess when asked to reflect on their thoughts about things that make a TIX Coordinator successful. In so doing, two major themes emerged: *Interpersonal and Communications Skills*, and *Knowledge of Law*. Participants often described how crucial it is for TIX Coordinators to possess the skills to work with people, especially to deal with topics related to harm. Second, participants also described how essential it is for TIX Coordinators to have great oral and written communication skills. Finally, participants described how TIX Coordinators must have knowledge of law and policy, and connected to this is how this allows them to quickly pivot in the face of constantly changing laws and policies.

Interpersonal and Communication Skills

As Nicole put it, TIX Coordinators, “really [need] to know how to work with others.” Across all of the interviews, participants frequently noted that strong people skills are essential to the role, including the ability to acknowledge harm and have difficult conversations. As Charlotte pointed out: “you have to...have...the interpersonal skills to meet with people when they are struggling.” Charlotte clarified that the range of people who are struggling includes the complainants and the respondents, who have different needs and require different communication styles.

Molly similarly discussed interpersonal skills as being vital to a TIX Coordinator’s work. She said that the role requires an “understanding of human beings and human dynamic and growth processes in humans.” A TIX Coordinator must be someone who can balance the “clinical sense” and “...the ability to interpret crazy regulations that might come at you that conflict with their own selves.” For Molly, the “clinical sense” are the interpersonal skills a TIX Coordinator must have to bring a human-centered approach to individuals going through the Title IX process. Molly believes that a TIX Coordinator must be able to bring a human-centered approach while also being able to convey the process, which may be difficult to describe because of complex regulations that sometimes contradict or conflict with themselves. Thus, for Molly, interpersonal skills involve using a human-centered approach to, in a sense, translate complex and at times conflicting regulations for individuals going through the Title IX process. Molly also said that “interpersonal skills” are vital for TIX Coordinators, moving towards what other participants relayed in terms of how these skills combine with recognition of harm and the role that difficult conversations play in a Coordinator’s role.

Harm is an issue interwoven into Title IX work. Amelia articulated how manifestations of harm require TIX Coordinators to have the ability to respond to the impact of harm for those who have “experienced harm as well as people who are accused of having caused harm.” Amelia elaborated that, “I think TIX Coordinators really need to be able to provide a level of care to everyone that we’re working with...” and then concluded that harm and the different types of harm that parties may be working through is an important consideration and skill for Coordinators to be aware of and possess.

A specific kind of interpersonal skill that was its own theme was oral and written communication. When elaborating why good communication skills were important, Charlotte asserted that communications must be “succinct and informative.” In her view, neither students nor employees will read emails that are too lengthy, especially if they are in the midst of a crisis. Tessa similarly highlighted the need for good communication skills because she is often communicating via email to a variety of different audiences. Tessa shared that her work requires her to communicate with “parents, lawyers, presidents, VPs...” as well as “conduct, student affairs, faculty...” As she put it, to communicate effectively across these vastly different audiences “takes a lot of finessing.”

Knowledge of Law and Policy

Participants identified the challenges associated with constantly changing federal regulations (in the form of unfunded mandates) and the ability to pivot given the changing climate inherent in the TIX Coordinator role. For example, Amelia stated that the TIX Coordinator must have a firm grasp, “...specifically about Title IX...[and] knowledge and the regulatory requirements under the federal law and any state requirements in whatever state you’re in.” Participants described unfunded mandates and the impact they have as creating a

climate that is “fluid,” “crazy,” “muddled,” and even “esoteric,” which highlights the need for the ability to pivot. In describing the fluidity of Title IX unfunded mandates, Tessa stated, “Title IX is so fluid. You can come in with one-based knowledge today, and two weeks later, this will be some additional information that got added or taken off.” In describing this ability to pivot as essential to the role of the TIX Coordinator, Tessa identified the frustration that can come from working in a space that sees so much change.

Next, Molly described Title IX as “not a field for the lighthearted,” because of the constant change and essential skill needed to navigate the multitude of overlapping laws and regulations associated with Title IX compliance. Molly stated that you must have “the ability to interpret crazy regulations that might come at you that conflict with their own selves.” Molly said that she recalls having to “balance SaVE, VAWA, and Title IX,” and how this creates difficulty because the laws can overlap and contradict each other. Because of this, Molly stated that you must have an “analytical structure” in place that helps you see how these laws and regulations “intersect in a way that is possible for there to be a balance.”

Eloise described Title IX as “muddled” and “esoteric,” but added that the TIX Coordinator, “Number one, you need to know the law behind it. You need to read it. You need to know your policy.” For example, Eloise recounted, “...most institution’s policies right now are anywhere from 40 to 100 pages long. They’re so muddled after the last redo of Title IX.” She then stated, “...it’s kind of esoteric almost because there’s nuances that change whether it’s a Title IX or non-Title IX [incident],” when highlighting the importance of a TIX Coordinator to know the law and policy. Eloise then added another layer of necessary knowledge by acknowledging how important it is for the TIX Coordinator to have the “knowledge base,” with NCAA compliance, beyond Title IX itself.

Perceptions of the Role of TIX Coordinators by Campus Constituents

Participants were asked to describe how others on campus perceived or interpreted the role of the TIX Coordinator. Specifically, they were asked to describe what they believed faculty members, students, student affairs administrators, and a survivor advocate would identify as the primary responsibilities of the TIX Coordinator role. TIX Coordinators interviewed for this study said that they believe faculty perceive their role as someone who takes reports and provides resources. Faculty often communicate in various ways that the role of a TIX Coordinator is to do their job by keeping the faculty as uninvolved as possible in the situations. Students, TIX Coordinators believe, perceive them as a protector who provides safety, while other students lack any understanding about the role of the TIX Coordinator. Participants believe that student affairs administrators view them as extensions of student affairs who serve on the campus, at least in part, to reduce risk through programming and enforcement of rules, and to care for students on campus. Finally, TIX Coordinators believe that, to survivor advocates, the role of the TIX Coordinator is to protect and support the complainant, or to operate as process managers.

Faculty

According to the participants in this study, faculty members perceive a TIX Coordinator as the recipient of reports, provider of resources, and manager of issues, in some cases so they do not need to have any involvement. Eloise simply stated that faculty believe her role is to provide “education and resources.” Amelia stated that she believes faculty at her institution understand the TIX Coordinator to be “the ones that have the expertise,” so faculty see the TIX Coordinator as someone they make referrals to for resources. Specifically, Amelia described how, in her perception, faculty see the TIX Coordinator as someone that they make “disclosures” to and the Coordinator “make[s] sure they’re [students] connected to the right resources and they at least

are offered whatever the services are.” Nicole’s response, echoing those of Eloise and Amelia, was that faculty likely believe her role is to be a “report taker” and that the role “address[es] these concerns.” Summing up, Nicole stated that a faculty member would likely say, “I report this to this person who then handles these reports and then will let me know if I need to get involved.” Finally, Tessa believes that faculty see it as her role to receive reports and “to investigate all matters of interpersonal relationship issues.” Tessa stated that faculty seem to expect that all issues between students are resolved by the TIX Coordinator, which is a battle that she has been waging at her institution. She noted that “they’re sending everything under the sun,” but she that she has “nipped that in the bud,” which has caused some people to become upset with the role of the TIX Coordinator at her institution.

Situated between the TIX Coordinators who reported that faculty see their role as report recipients and those who seem them as guardians was Charlotte. Charlotte reported that most faculty see the TIX Coordinator as one whose job was to “manage the grievance process.” However, some faculty seem to “have a very particular stake or feel like they have a stake in what the grievance process looks like,” which leads her to describe the relationship with these faculty as “tumultuous.” On the other hand, Charlotte reported that other faculty, “want the knowledge that somebody else is handling it [the grievance process], essentially, that it’s not on them to solve these complex problems.” This dichotomy, as described by Charlotte, illustrates that faculty, at least in Charlotte’s experience, can see TIX Coordinators either as grievance processors (report recipients) or a guardians who keep faculty away from Title IX issues.

Molly, when asked what faculty see as the role of the TIX Coordinator, stated, “Keep this crap from complicating my life in my classroom.” Molly’s response mirrors that of a few other participants, including Carrie and Nicole, who similarly described that faculty see the role of the

TIX Coordinator as keeping issues of gender-based discrimination out of their classrooms. Carrie stated that faculty expect her position to “make their lives more difficult” and they prefer that the TIX Coordinator keep issues outside of their classroom. To do this, Carrie stated, “I think they know that there’s a law and they’ll do whatever we tell them to do to comply.” Finally, Nicole reported that while faculty see the role of the TIX Coordinator as a “report taker,” faculty also see the role of the Coordinator as one of keeping situations out of the classroom, unless, “it relates academically to a student.”

Students

Two themes emerged about what TIX Coordinators believe students perceive as the job responsibilities of TIX Coordinators. On one hand, participants indicated that students feel that the TIX Coordinator’s role is to protect students and ensure their safety. On the other hand, other students lack an understanding of the TIX Coordinator’s role.

For example, Molly said that students view the TIX Coordinator as someone whose role is to protect students and ensure their safety:

You better keep me safe and you better do it now. When I come through your office, you better believe me and do something right away. It needs to be done instantly. Throw that guy or gal off campus that I’m telling you did something to me.

Similarly, Amelia stated that a student would say, “you’re the office that’s supposed to protect me or help me feel safe on campus.” In a different vein, Tessa said that students expect the TIX Coordinator to be a conflict adjudicator, protecting the student because they are “afraid to speak up for themselves [and] advocate on their behalf.” Tessa recognized that, in this role, students may see the TIX Coordinator as someone who can help them through the process, but they often approach the process with a belief, similar to the one Molly described, that the person who

harmed them should be dealt with harshly.

In addition to echoing the protector and safety theme, Amelia also said that students may have different beliefs about the role of the coordinator depending on their knowledge level: “I’d say most students, it’s all over the place,” because “it depends on what their knowledge is.” In contrast, Eloise stated, “I think most of them don’t know,” when asked what a student would say the primary responsibilities of the role are. Further, the lack of information about the role that was identified by Amelia and Eloise is viewed as impacting how students interact with their offices if they become involved in Title IX issues. For example, Amelia stated, “some students confuse our office as the counseling center or a victim advocacy center,” though she also said that depends really on the student. This suggests that the way students interact with the Title IX office depend on their expectations.

Carrie stated that many students know that the TIX Coordinator addresses sexual violence, but that most of these students do not understand that sexual violence also includes other issue such as dating/domestic violence and stalking. On the other hand, Eloise stated that “most of them [students] would say to cover up rapists,” as the primary responsibility of TIX Coordinators. Confusion about the TIX Coordinator’s role, Carrie stated, are related to students not understanding the nuances of that role, which has led to students feeling like TIX Coordinators are ineffective collectively or, as Eloise’s statement about “covering up rapists” suggests, are only there to protect the alleged perpetrator or the institution. Carrie went on to say that this lack of information, plus “so much media that says we don’t do our jobs,” is caused by the lack of understanding related to issues such as Title IX jurisdiction (and why a case may not proceed), which impacts how a student may expect their involvement with the Title IX office may go.

Student Affairs Administrators

Participants' perceptions of how their roles are perceived by those in student affairs are also contradictory, with some participants saying student affair staff view TIX coordinators as being in positions similar to their own and others viewing TIX coordinators as being in a different kind of position that focuses on risk reduction. For example, some participants stated that student affairs administrators often see the role of the TIX Coordinator as similar to their own roles. For Eloise, a student affairs administrator would list education as the primary responsibility of a TIX Coordinator. Others agreed, including Carrie, who elaborated that student affairs administrators "think that the role of the TIX Coordinator is to educate students, remedy behaviors, address them, do campus outreach..." Beyond common student affairs roles involving education, addressing behaviors, etc., Molly also said that student affairs practitioners see TIX Coordinators' roles as a sort of extension of student affairs. Specifically, Molly stated that student affairs administrators believe that TIX Coordinators "need to make sure we retain these students, make them happy, do whatever you need to do and you better do it well or else." So, in this view, the role of the TIX Coordinator, according to student affairs administrators, is to retain students, likely by providing students with education, support, and ensuring the Title IX process occurs.

Victims' Rights Advocates

Perhaps unsurprisingly, the overwhelming majority of participants identified that victims' rights advocates believe that the main responsibility for a TIX Coordinator is to protect and support the complainant. However, a second theme also emerged that the TIX Coordinator's role is to act as a process manager.

In terms of the role of the TIX Coordinator being a protector of complainants, Carrie stated that victims' rights advocates believe Coordinators "should be very much supportive and protective of complainants." Carrie also identified that many victims' rights advocates "have some difficulty saying that it's required that we provide equity to both parties or all parties involved." Similarly, Molly described victims' rights advocates as seeing the role of the TIX Coordinator as needing "to believe whoever walks into your office." Further, Molly stated that victims' rights advocates believe that Coordinators must "create an environment where something's going to get done and make sure that it happens in a way that doesn't violate their [the complainant's] rights or traumatize this person [complainant] any further." Tessa also reported that victims' rights advocates believe that the Coordinator must "be there for the victim," and that the complainant may "look at us like we are the enemy" when the Coordinator works to ensure the rights of the other party. Finally, Amelia identified that victims' rights advocates are often the most well-versed constituent in regard to what a TIX Coordinator can do in terms of process and other protections. For example, victims' rights advocates are "pretty aware that students are wanting something from the school, they want the school to do something, whether it's a no contact order or an educational intervention with someone who's caused harm"

In contrast, as a process manager, Nicole believes that a victims' rights advocate sees the TIX Coordinator as a "true coordinator of the process." Further, Nicole stated that the victims' rights advocate believes that the role is to "coordinate the process, making sure that the student they are working with, or whoever they are working with, understands how things are, understands the process..." Nicole was the only participant who did not mention victims' rights advocates viewing protection or support as the primary responsibility of a TIX Coordinator.

Campus Allies and Roadblocks

Participants identified campus allies, who were people who supported their roles, and campus roadblocks, who were people participants perceived as working against their roles. Themes emerged related to characteristics of those who participants considered allies and roadblocks. For allies, participants identified that many of their allies largely left TIX Coordinators to do their work, while also noting that a good ally may be someone who provides helpful and meaningful support. Thus, a theme emerged that allies are those who offer *Independence and Support* for TIX Coordinators. Meanwhile, participants noted that a common characteristic of those who act as roadblocks were individuals who seemed uninformed on Title IX (though they could be well-intentioned) making these individuals difficult to work with at times, thematically coded as *Lack of Information*.

Allies: Independence and Support

Participants described campus allies as those who left TIX Coordinators to do their work, and/or those who provide helpful and meaningful support. Amelia pointed out that she considers faculty at her institution to be allies because they recognize that they are not experts in Title IX. She described them as those who want to play their appropriate role (e.g., file a report as a responsible employee) and move on. Amelia stated that faculty "...want to be able to get this into somebody else's inbox and out of their inbox." Carrie similarly identified student affairs practitioners at her institution as allies because "they understand what my role is." For Carrie, ally behavior also includes correctly filing reports.

Molly identified the chief of staff at her institution was an ally because of his "unwavering support" of her. She explained, "If I say that the sky is purple, he's not going to go, 'let me look out the window and see if the sky is purple.' He's going to take it on its face." In

this way, trust in knowledge and competence was the reason for her independence. Molly's strongest ally was the chief of staff who gave her the space to do her work and trusted that she knew how to do that work. Thus, trust in knowledge and competence may serve as a foundation for the independence Molly enjoyed with the chief of staff's "unwavering support" of her. As such, it appears that a sub-theme of the independence and support theme is trust. So, trust may be a prerequisite building block for independence, which is partially illustrated by support for the TIX Coordinator.

Nicole also identified partners on campus whom she considers as allies due to their belief and trust in her work. She stated that the president's office was supportive because, "I think they believe in my abilities to do the work. If they didn't, I would hear about it for sure." Nicole continued to say that the president's office, plus the dean of students, general counsel, and provost were all allies because "they really trust me to do that job." Nicole concluded that their allyship is "not just in words," but also "action," because these offices trust her to do her job and show their support that way.

Other participants also identified as allies, people who were good partners when they needed support. Sadly, Eloise noted that support is something she rarely feels in her position. However, when noting that "our legal counsel did support me," she called attention to a need for others to advocate for her or respect her to do her work. Eloise also noted that "we had a person who worked in Student Success, and he was always very supportive and advocated for me when he could." For Eloise, support amounted to help completing her job in the face of budget constraints and staffing limitations. For Charlotte, support for her role comes in the form of different offices being good partners by making case referrals. Finally, Charlotte listed the campus police department, residence life, and the dean of students as supportive offices due to

their case referrals. For Charlotte, these case referrals act as a unifying factor across the institution because the referrals illustrate that these partners are all working together to combat gender-based violence and sexual assault/harassment. Carrie stated that she receives support from the health promotion office, which helps by conducting “outreach and just providing education to the campus.”

Roadblocks: Lack of Information

The most common trait of individuals or campus actors who were viewed as roadblocks was lack of information about Title IX. It is important to note that roadblocks included well-intentioned individuals whose uniformed perspective created more issues, instead of support. Amelia, for example stated, “I think mostly its people that I think don’t know a lot about the topic, but have strong feelings.” Amelia provided the example of the “small but mighty group of student activists” on her campus who may be well-intentioned, but who do not believe that her office acts with a trauma-informed approach because they are unfamiliar with the Title IX process and requirements. Amelia stated that these student-activists do not understand that victim survivors must do more than “say what happened to them” because due process requires an investigator to “likely have follow-up questions,” and have “got to go to a hearing.” Amelia added that “they don’t necessarily have a lot of sympathy or empathy that these are regulatory requirements, et cetera. They just see it as a bad system from our office.” Therefore, these student-activists create a roadblock for Amelia because she has trouble getting this group of campus stakeholders to understand that much of the regulatory requirements are foundational and must be followed.

Differently, Eloise noted that the biggest roadblock that she experiences is the president of their faculty union. Eloise described how these individuals are adept at “finding a loophole to

get them [the Respondent] out of it” and become roadblocks because they can make individuals uncomfortable about bringing a formal complaint, especially against faculty-respondents. This in turn can make it appear that the Title IX office has a singular role, protecting the respondent. Carrie similarly noted that faculty in general are a roadblock often for her because “I think they have their goals and I have mine and sometimes those things are in conflict.” For example, the conflict created between a TIX Coordinator and faculty may include differences of opinion in terms of things such as supportive measures. For example, a TIX Coordinator may implement a no contact order between two parties that are in the same class, creating difficulty for the faculty member in managing the classroom environment. Thus, if there is conflict such as this present the parties might not receive the support that they need because of a faculty member’s unwillingness to help them abide by the no contact order.

Molly also described how academic affairs units and individuals are often roadblocks because of different interests and a lack of understanding. Molly noted, “there are agendas there” that are “often tied to endowments and funds and grants,” so she must navigate those types of issues along with her work complying with Title IX. For example, academic affairs units may not be supportive of the Title IX process because it could remove students from the institution if they are found responsible for a policy violation. Molly noted that the role of the TIX Coordinator can be viewed as diametrically opposed to that of much of the institution, which inputs many costly interventions to keep paying students at the institution.

Ethical Principles Guiding TIX Coordinators

The following describes the findings about the ethical principles that guide TIX Coordinators in executing their roles. I leaned on Kitchener’s (2000) foundational ethical principles of nonmalfeasance, beneficence, autonomy, fidelity, and justice to guide my coding

and analysis. Of the five ethical principles, three principles (justice, fidelity, and autonomy) are most often suggested by participant responses to the interview questions. These three principles were not necessarily more important than the other two principles, rather participants had more comments that reflected the operation of three principles in their work.

Justice

Eloise's summation reflected the majority of the responses related to justice. She stated that in terms of Title IX cases, justice is "nonexistent." Eloise continued by stating:

I don't think there's ever justice in a Title IX case. There could be maybe some power given back to victims. But the truth is, even when there's a finding, if there's a formal investigation and there's a finding, both parties are completely exhausted by the time it's over. The process is cumbersome, it's convoluted. It's not done well at all.

For Eloise, the Title IX process does not involve any justice because the process is built in a manner that is too long, difficult, and essentially draining for the parties. Even when there is a policy violation found at the end of an investigation, Eloise is essentially stating that the Title IX process is not restorative because it does little to give the victim any power back. It is more about the sanction for the respondent, which may do little to truly remedy the loss of power and violative nature that many of the types of violations under Title IX cause for the complainant.

Eloise then provided an example of a case that "still haunts" her today for the lack of justice in Title IX cases. Eloise stated that years back, she learned of a rape that she categorized as a particularly "violent one" on campus where the Respondent forced the Complainant, by physically assaulting her, to have unprotected intercourse with him. The Complainant was not a student at Eloise's institution, and she could not engage in a Title IX investigation because of this. Eloise continued that, "about six months later, I got another case with him [Respondent]."

She stated, “it was awful...the young woman was unconscious when it happened, so she didn’t remember it.” Eloise added that there was a video recording of the incident, which was how the Complainant learned what happened to her. In this instance, the second Complainant did not move forward with Title IX or the police, so the only punishment for the Respondent was pleading to a lesser misdemeanor offense. Eloise next stated, “I guarantee you I will see him [Respondent] in the news someday. He is a predator.” Eloise summarized her thoughts on (in)justice in Title IX after telling me this story, “So you talk about justice, there’s no justice there. There’s two women whose lives he [Respondent] has literally left in shambles, and he’s off living his life. And I’ll never get over that one.” Eloise used this example to illustrate that, even with a repeat offender who raped two women, there could be no justice under Title IX for either woman because the process is not built to restore the power lost by victims of sexual assault. Further, even the criminal justice system, which has more tools to help victims restore their power loss, was seemingly also unjust because the respondent pled down to a lower misdemeanor offense.

Other participants echoed Eloise’s thoughts on justice and how the Title IX process prevents justice from being served. Amelia similarly discussed how the arduous process, due to unfunded government mandates, makes seeking justice nearly impossible. The unfunded mandates have created a regulatory environment where so much focus goes to ensuring equal due process, rendering the Title IX process unable to provide justice. To illustrate this, Amelia then discussed how under the Trump administration, “they really tried to correct up the pendulum swing,” by providing the accused more agency in the process. As a result, Amelia stated that people at her institution, especially complainants, saw that, “because there is so much process required, it has become...a court process...[that] has to be so complicated.” Finally,

Amelia shared that, as a TIX Coordinator, she cannot really provide “justice,” and that parties typically are not really going after “justice” when they go through the Title IX process. Instead, Amelia stated that parties are seeking accountability more often than not, but many complainants become discouraged in this goal due to the “over-processed” process.

Molly described the role of justice as “lose-lose,” and she questioned whether justice could have a role in Title IX processes because “both people’s lives are changed, sometimes both for the worst.” Molly equated “justice” in Title IX investigations to be “ensuring that the processes are valid, that they’re true, and that the procedures that we followed are followed in an equitable and inclusive manner.” In describing this as procedural due process, from a traditional, legal lens, Molly discussed how “an administrative process in an institution of higher education” cannot really provide justice because higher education inherently is about whether “there’s a growth experience,” as a result of involvement in a Title IX investigation. So, for Molly, the Title IX process is a process that is forced upon institutions due to unfunded government mandates, and it is built in such a way that it does not involve outcomes related to growth, which is in contradiction to just about every outcome hoped for a student as they go through their higher education experience.

Charlotte concurred about the educational or growth nature of Title IX investigations. Charlotte equated justice to the criminal setting and she mentioned that she has to explain to people that the Title IX process is about accountability, not the form of justice people think of. Charlotte stated, “as I explain to people very often in presentations, I do not have a jail, they don’t give me a badge, they don’t let me carry a gun.” For Charlotte, justice can come from the criminal justice system where individuals may be jailed for violating the law. Charlotte implied that the most severe sanction for violating Title IX, dismissal from an institution, does not bring

the complainant any justice essentially because again, that is not a remedy, but an actual sanction.

Towards the end of her discussion on justice, Molly reiterated that the only form of justice that a TIX Coordinator can ensure is that the investigation is handled equitably under the governing policy and regulations. In effect, Molly differentiated by stating that justice for the parties and those involved is impossible, except that procedural justice should be provided for by the TIX Coordinator. Molly agreed with other participants like Amelia that, in the quest for more just findings, the 2020 Title IX regulations swung the “pendulum...way too far,” because they were “meant to try to adjust course from 2001...” Molly added that in 2001 and subsequent years, parties had a better understanding of “what’s going on or what’s about to go on,” which gives parties agency or procedural justice, which again, Molly stated is the only form of justice a TIX Coordinator can provide.

Nicole and Tessa, like Molly, described procedural justice as a way that TIX Coordinators could provide justice. Nicole had difficulty defining justice in a Title IX investigation, but stated that justice “only comes into play when the outcomes of a situation is sort of favorable for one of the parties.” However, Nicole continued by stating that the outcomes are not things that a TIX Coordinator can truly impact because the role is limited to ensuring the process is carried out. To Nicole, justice is “something that they [parties] are seeking,” but is not something the TIX Coordinator can provide. Tessa stated that “the idea of justice doesn’t really belong in the process,” because the process is not about getting justice for anyone. For Tessa, the Title IX process is a fact-finding process, so justice plays no role in her work.

Carrie also indicated that she is not sure how justice and her work as a TIX Coordinator interact, if at all. Specifically, she stated, “I don’t know how much justice aligns with my work as a TIX Coordinator.” Carrie then stated,

I don’t know that it’s my job for people, it’s not my job to seek justice. It’s not my job to feel that justice has been served. It’s my job to ensure that people are being educated and that behaviors are being remedied.

Carrie stated that while it is not her job to provide justice, “If someone argued that remedying behavior, addressing behavior is justice, then I could see where someone would make that argument...” Therefore, for Carrie, justice in a Title IX process, if it exists, is more about addressing behavior, and this often does not necessarily involve what someone may consider as just.

Fidelity

Participants were asked questions related to fidelity to better understand how they view their role in light of their duty and responsibility to the institution. Participants largely reported that they feel a tremendous responsibility to the institution in terms of protecting it from liability by following institutional policies and procedures (which are informed by the federal unfunded mandates). For example, Tessa stated, “I follow our policies and I follow our procedures. So, my responsibility and duty is to follow all policies and procedures outlined by this institution. And to not go outside of that.” Nicole noted that her responsibility is to check all of the boxes by “making sure all of our ‘T’s’ are crossed and ‘I’s’ dotted as it relates to compliance,” and as her role is to ensure that her institution is compliant with the federal regulations. As such, Nicole does not see any conflict between her compliance duty and responsibility to the institution and her own beliefs. Finally, Charlotte also articulated that compliance is her ultimate duty and

responsibility by “administer[ing] the policies as written...” Of note, Charlotte did not mention her own thoughts or beliefs in answering questions about fidelity; all of her answers focused on following policies and her “commitment to the university.”

Eloise similarly labeled protecting the institution as her primary duty and responsibility. Eloise summarized her thoughts on fidelity by stating, “it’s to keep the university from being sued, number one. And that’s always in the forefront of my mind.” In protecting the institution, Eloise stated, “I need to follow the policy,” as the way in which she views her role in preventing the university from being sued. Eloise further acknowledged that “to do the right thing,” and “to be kind to people” are important in her work, but again, her primary goal is to keep the institution from being sued.

In responding to the questions regarding fidelity, Amelia identified that “people oftentimes will say, ‘You are looking out for the best interest of the school, and so you really aren’t neutral.’” Amelia added that she understands this sentiment, but she personally has never felt “any feeling or pressure that we need to make some decision on a matter that would be contrary to what the right thing to do was because it would be better for the school.” Amelia then elaborated,

So my responsibility, the way I see it is, of course we’re trying to do, we want to protect the university from claims that we’re violating our responsibilities under the Office of Civil Rights guidelines and regulations. So, even if I disagree with our OCR is telling us, we now have to hold hearings and allow for cross-examination and all of that, even if I disagreed with that, my job isn’t to put in place the procedures that I think are right. I have to in some ways protect us from regulatory complaints.

Amelia thus identified that, even if she does not agree with the unfunded mandates and requirements from the federal government, it is still her job to ensure that her institution is complying with the regulations.

While most of the participants strongly identified that their duty and responsibility is to the institution, Molly framed her duty and responsibility slightly differently. For Molly, it is the TIX Coordinator's duty to ensure that the institution is following Title IX regulations and to ensure the process occurs. This is no different than the other participants; however, Molly identified that the Title IX process could contradict the interests of the institution. In describing this, Molly stated,

My duty to the institution in my perspective isn't to do what the institution tells me. It's to make sure in this role as TIX Coordinator that I am implementing in the best I possibly can, a consistency in how we interpret the regulations, create policy, create processes, and then put that into practice.

In essence, Molly described that she believes as a TIX Coordinator, her duty and responsibility more closely aligns with Title IX than her institution. However, it is important to note that despite her feelings about duty and responsibility to Title IX versus the institution, Molly identified with all of the other participants that it is integral to follow policy and procedure to remain protected from liability.

Autonomy

Overwhelmingly, participants indicated that they feel that they have a high level of autonomy. For example, Nicole identified that she has "probably too much autonomy," as she often has the ability to make all of the decisions about Title IX with very little oversight. Similarly, Molly identified that she feels like she has a great deal of autonomy as well. For

Molly, when she came to her current institution, she was asked to “Come in, please. Help us fix this,” so she was afforded the opportunity to rebuild the Title IX office at her institution, which provided her a great deal of autonomy. Molly did mention that after she “fixed” the Title IX Office, she feels as if her autonomy has eroded some due to oversight from general counsel and the role of politics in equity and access work. However, Molly pointed out that she has maintained a great deal of her autonomy by being a “very strong person” who will say, “Nope, we’re not doing that,” to general counsel at her institution.

Both Tessa and Charlotte indicated that they believe they have autonomy, but their autonomy is slightly limited by their reporting structure. Tessa and Charlotte both explained that they have regular meetings with their direct supervisors to review issues within the Title IX office, so they both felt that they have autonomy to run their offices, but that larger decisions and discussions are left at their supervisor level. In explaining, Tessa stated that her supervisor “lets me do my job,” and that she meets with her supervisor every two weeks so she can keep her supervisor “abreast to make sure that there’s no surprises.” Charlotte stated, “I don’t know that I have full autonomy,” because she does not have as much control over institutional policies, probably because “of this institution’s culture.” Thus, Charlotte’s autonomy is limited because, at her institution, her supervisor and others in that level are more tied into the campus culture and climate, which appear to be considerations for the institution in terms of policies. But, Charlotte stated that she does have autonomy in executing the day to day of her role as TIX Coordinator and that she is not micro-managed in doing so.

Interestingly, when discussing autonomy, several participants described why they believe they have significant autonomy in their jobs. Autonomy, in their view, comes from perceptions that others have of them as experts. Or, their autonomy comes from others’ fear of the

responsibilities of the TIX Coordinator role. For example, Eloise shared the reason she has so much autonomy was “because nobody else understands Title IX. So they gave me the power because they're like, ‘Well, we don't want to learn it, so you tell us what we need to do.’” Nicole added she is on her own despite there being a women’s center, an office of multicultural affairs, and equity and compliance units within her division. She shared,

...no one will ever ask me a question, because they don't want to touch it [Title IX]. They don't want to touch it, and they believe everything that I say. No one is questioning many of the things that I am saying because I am the expert. I'm supposed to be the expert.

Similarly, Carrie stated that her campus is, “kind of like, ‘Cool, you’re the expert. Whatever you’ve got to do, do it.’” Participants’ autonomy was often the result of no other administrator desiring to engage with their responsibilities.

As discussed above, participants had the most to say about justice, fidelity, and autonomy, in terms of responding to questions about the ethics that guide them in their role. TIX Coordinators largely do not believe that the Title IX process provides anyone justice, that their fidelity is to the institution, protecting it from liability, and finally, that participants believe that they have a high degree of autonomy because they are the experts and no one wants to do the TIX Coordinator role. These findings are discussed in Chapter 5, next.

Chapter 5: Discussion

The purpose of this chapter is to analyze the findings described in Chapter 4. This analysis is organized around participants' responses to each of the research questions that guided this study. In the previous chapter, I reported that participants, when questioned about prior experiences that prepared them for the job, mostly reflected upon childhood experiences that helped orient them toward, or prepared them for, advocacy work. I also found that participants largely undertook the role of TIX Coordinator out of institutional necessity and were perceived as equipped for the role because they had prior knowledge about sexual assault and/or Title IX. Participants also noted that their ability to speak with students and/or an ability to understand legal principles were attributes that others recognized in them as preparing them for their role. TIX Coordinators described their role as one of a facilitator or educator and indicated that they also believe that interpersonal skills and knowledge of law and policy are crucial competencies and knowledges for TIX Coordinators. The perceptions of the TIX Coordinator role were said to vary across different campus stakeholders. Participants see campus allies largely as colleagues who leave TIX Coordinators alone to do their work. Colleagues who acted as "roadblocks" were often seen as individuals uninformed about Title IX. Finally, in inquiring about ethical issues participants face, using Kitchener's (2000) five ethical principles to formulate the interview questions, I found connections in TIX Coordinator work to ethical issues of justice, fidelity, and autonomy, whereas nonmaleficence and beneficence appeared to be less salient to their work.

I now turn to how the descriptive findings described in the previous chapter, in conjunction with my conceptual framework, offer insights into TIX Coordinator's role, previous experiences, crucial competencies, and guiding ethical principles. First, I discuss how participants used prior experiences as a foundation for their skills as a TIX Coordinator and how

these experiences helped them acquire the skills they needed to serve in their roles. Second, I discuss how the dynamics of the TIX Coordinator role are shaped by the institution's need for compliance with unfunded mandates. Third, I reflect upon some possible implications of how TIX Coordinators describe their role and responsibilities and how others on campus view their work. Finally, I discuss how fidelity to their institutions and other considerations lead TIX Coordinators to believe that they are not offering justice in their roles.

Stressors and Skills

In reflecting on past experiences that may have led them to or prepared them for this work, participants primarily focused on childhood experiences and other personal experiences that prepared them to engage in advocacy work. In addition, participants described prior higher education experiences that offered them some of the knowledge and skill sets needed for a TIX Coordinator role. These findings may reflect the fact that there is no specific academic program that trains, credentials, or prepares anyone for the TIX Coordinator role, which is the result of a government mandate rather than a credentialed profession. What these findings reveal is that participants with a variety of different backgrounds and experiences seem to share the same skills, but these are skills they learned from experience, not skill sets that were intentionally developed in preparation for their roles as TIX Coordinators. Thus, qualification for a TIX Coordinator role appears to be based on personal and professional experiences that have contributed to a candidate's ability to understand and respond to issues of violence, conflict, policy, and communication, rather than a specific educational background or preparation (e.g., law degree or student affairs degree).

The interviews conducted for this study suggest that essential skills for working as a TIX coordinator include empathy, resilience, communication skills, and capability. Specifically,

empathy and view of self as an advocate are foundational skills for the TIX Coordinator position. In the work of a TIX Coordinator, empathy includes the ability to connect with stakeholders involved in Title IX and to understand and figure out what types of supportive measures might be appropriate and helpful in particular situations. As Miller (2018) found when discussing motivations of TIX Coordinators, empathy manifests in participants' desire to make a positive impact in their communities. Participants attributed their capacity for empathy to their childhood and previous professional positions, not to their more recent experience as a TIX Coordinator, illustrating that an empathy is a predisposition skill for the TIX Coordinator role. This connects to a general concern for those in TIX Coordinator roles, as well as those who work to advance institutional diversity and equity: A predisposition to be empathetic, coupled with significant public scrutiny may contribute to high rates of job burnout and fatigue (Anderson, 2021, Kimball, 2018; N.P. Miller, 2018).

Another integral skill for TIX Coordinators is resilience. Resilience, in the context of this role, relates to participants' ability to hear difficult experiences, including events of physical and emotional trauma, without being overwhelmed. Interestingly, resilience has appeared as relevant in prior research about the role of the TIX Coordinator to the rate of job burnout and fatigue for individuals working in the role (Miller, 2018; N.P. Miller, 2018; Pappas, 2021; Paul, 2016), as a job that requires both empathy and resilience requires TIX Coordinators to manage significant stress.

This raises questions about whether the structures in place to support TIX Coordinators adequately insulate them, or if the structures allow for institutions to burn through TIX Coordinators at an excessive rate (Anderson, 2021). Pappas (2021) suggests that the lack of institutionally provided resources for TIX Coordinators requires them to face constant change in

their work without proper resources to continue executing their jobs. Resilience, then, is a skill of necessity for overcoming the stressors of the job, including the failure of institutions to provide adequate resources and job fatigue. Another aspect of the role that is a source of stress for TIX Coordinators is the conflict between the need for autonomy (e.g., being left alone to do their jobs) and a lack of oversight and guidance in their roles. N.P. Miller (2018) noted that autonomy allows TIX Coordinators great latitude to expertly execute their roles in the fashion that they deem appropriate. However, autonomy can also mean that TIX Coordinators never receive necessary guidance in their roles. Accordingly, autonomy is like a double-edged sword for TIX Coordinators. The lack of clear guidance from their institutions, coupled with the need to comply with ever-changing and unfunded government mandates, may also contribute to the high burnout rate of TIX Coordinators.

Taken together, the need for both empathy and resilience, the need for both autonomy and guidance, and the need to work under high levels of both legal challenges and public scrutiny, reveal how difficult the role of TIX Coordinator role can be (N.P. Miller, 2018) Given these realities, and even with the skills these participants possess, it is no wonder that TIX Coordinators often burnout from their jobs, causing additional upheaval and inconsistency in institutional level responses to campus sexual violence.

Prior Knowledge, Not Training

Findings from this study suggest TIX Coordinators bring more from prior experience than they gain from doing their Title IX role, at least when it comes to the skills participants discussed most. Clear from participants' responses was how prior professional knowledge and experience were paramount to their preparation for the role, yet no clear pathway to the position appears to exist in the data from this study. Many of the participants came with experience

working in the student conduct field or other student affairs positions (e.g., housing). Participants described how these experiences helped them learn how to connect with students and communicate with students. These findings correspond with Miller's (2018) findings related to motivations for becoming TIX Coordinators. Miller (2018) found that making a positive impact in their communities was a primary contributor and motivator in these roles and that these factors impacted job satisfaction for TIX Coordinators. So, coupling my findings with Miller's (2018) amplifies how TIX Coordinators desire to make a positive impact on their communities, measured by participants as connecting and communicating with students, correlated to increased job satisfaction, and likely less job burnout or, at the least, perseverance. Thus, ensuring that TIX Coordinators are supported to feel like they are making connections with students and communicating with them is a takeaway because it may correlate to higher job satisfaction, which in turn impacts turnover, job burnout, and/or job burn through (Anderson, 2021).

In addition to their previous experiences in higher education, participants also pointed to the fact that many of them got into Title IX work because of their demonstrated prior work with students. For example, participants who worked in student conduct stated that others observed their skill set in working with students and they were pushed towards Title IX because of their demonstrated skills of empathy, resilience, and communication. Some of the participants who were pushed towards Title IX had an interest in the area, while others had decidedly less initial interest. However, their high level of investment in helping students often served as the impetus for choosing to go into Title IX work. So, it appears that TIX Coordinators may often be pushed into their roles because of their demonstrated competency in other areas of higher education and because of their investment in students. Seemingly, these competencies and investment in students translate to skills that help serve TIX Coordinators in their roles;

specifically, skill sets in working and connecting with students, empathy, capability, and resiliency.

Necessity Trumps Skill?

Participants in this study also described how their becoming a TIX Coordinator was often a response to an institutional need, rather than a result of a career aspiration (or even interest). Participants indicated that they were either pushed into their roles through necessity or filled their roles because they were vacant, which means they lacked specific professional development to prepare for the role. Additionally, many did not structure their education or experiences around a goal of working in Title IX. This raises questions about the evolution of the role, the future of the role, and the historical and political realities that influence choices for those in the role.

Understanding an important dynamic characterized by these findings requires revisiting how the TIX Coordinator role came to be a position at colleges and universities. Around 2015, when federal regulations began requiring institutions to have a designated TIX Coordinator, (Office for Civil Rights, 2014), authors such as O'Brien (2015) made recommendations for how to structure the TIX Coordinator's role and office. It is interesting to note that even in 2015, when the TIX Coordinator role was mandated, O'Brien not only called for intentional structuring of the TIX Coordinator's role and office, but also said that the TIX Coordinator role should be vested with authority to interpret and implement policy relating to institutional compliance with Title IX. O'Brien even suggested that institutions can avoid violations of Title IX most effectively by identifying a single Title IX Coordinator and vesting, in that single person, both authority and limited oversight. It appears that what O'Brien was calling for was a single TIX

Coordinator with legal knowledge or background because of the authority vested in them to interpret and implement policy with limited oversight.

What this history created was avenues for what I characterize as “old school” TIX Coordinators and “newer” or “second generation” TIX Coordinators. “Old school” TIX Coordinators appear to come from student affairs or counseling backgrounds, rather than legal backgrounds. “Old school” TIX Coordinators or first-generation TIX Coordinators came to be in their roles out of necessity and were vested with the power to interpret and implement unfunded government mandates, a role that might have been better suited for a TIX Coordinator with a legal background. In contrast, the newer or “second generation” of TIX Coordinators are those with a legal background. The difference between them is in how their training prepared them to function in the role primarily as a college or university administrator or as a lawyer.

Additionally, as institutions took a more proactive approach to compliance due to the rise in litigation about Title IX and increasing complexity of complying with unfunded government mandates (such as those in the 2020 federal regulations), the “second generation” of TIX Coordinators emerged. The “second generation” thus was borne out of the realities associated with Title IX compliance, and the heavy emphasis placed on ensuring that institutions are protected from legal liability. This could help explain why, as I will explain later in this chapter, justice and fidelity emerged from the interviews as the key ethical principles guiding the work of the TIX Coordinators who were interviewed. The distinction between these two generations of TIX Coordinators is the influence of what Kimball et al. (2019) call “creeping legalism” that has created a need for those working in student affairs to have legal knowledge. However, the data from this study are insufficient to explore this issue further due to the lack of legal backgrounds among this study’s participants, perhaps because those with legal backgrounds chose not to

participate in this study. It is also possible that the lack of participants with a legal background may reflect a new shift in who chooses to stay in the role given the constant shifting of the role and/or the skills required to do the job, or it may simply be a consequence of the small sample size.

Critical Competencies and Knowledges

Moving to the data and themes related to critical competencies and knowledges, participants identified interpersonal skills and knowledge of law and policy as central to their roles. The interpersonal skills, including communication skills, identified by participants make logical sense given the observed capabilities that appeared to push many of the participants into the Title IX position at their institutions. These capabilities included the ability to connect with students, which seems to be connected with other interpersonal skills, including communication skills.

Knowledge of law and policy were not mentioned when participants were asked about their thoughts on necessary skills for their role, but they were identified when participants discussed critical competencies and knowledge needed to deal with constantly changing federal regulations in the form of unfunded government mandates. It appears that participants in this study believe that their legal and policy knowledge is something that came to them when they were in the TIX Coordinator position; thus, legal and policy knowledge, as well as the skills needed to apply this knowledge, were acquired, not preexisting. Interestingly, Coordinators named this as one of the things that they have gained from their roles. However, they do not appear to see this as a positive or significant gain for themselves because they did not identify this knowledge as necessary to do their jobs. This conclusion could come from the fact that many of the participants came from student affairs and mental health backgrounds, not legal

backgrounds. It could be concluded that knowledge of law and policy might not be the most important skill or competency for TIX Coordinators to possess, at least when they begin their careers in the Title IX arena. However, this finding seems to contradict previous studies about TIX Coordinators that noted an increasing focus on the legalization of the role (N.P. Miller, 2018; Kelly, 2019).

The lack of experience in legal and policy knowledge coming into the role could contribute to the noteworthy high turnover and job (dis)satisfaction noted in previous literature about TIX Coordinators (Miller, 2018; N.P. Miller, 2018; Pappas, 2021; Paul, 2016). Given all the demands and pressures of the position beyond legal and policy requirements, it would likely be beneficial for incoming TIX Coordinators to have a better grasp of the legal and policy requirements of the role, as this may allow for reduced job attrition and satisfaction. In turn, consistency and longevity would allow TIX Coordinators to continue honing their skills, better insulating the institution from liability.

TIX Coordinators Perceptions of their Role

As described in the previous chapter, participants identified as facilitators and educators when asked about how they perceive their own role as a TIX Coordinator. “Facilitators” are TIX Coordinators who identified their primary role as being process-oriented and in charge of making sure that the Title IX process is followed and that parties receive (procedural) due process. “Educators” are those who perceive their primary role on campus is to educate, whether that education be aimed at individuals in the Title IX process, or at the campus community as a whole.

Facilitators

Facilitators view their role in managing the Title IX process to be the primary way that they keep their institution insulated from legal liability for running afoul of Title IX regulations. Interestingly, though, participants who identified the process aspects of their roles as primary, these “facilitators” largely did not discuss skills associated with administering the Title IX process when asked to describe necessary skills for the TIX Coordinator role. This apparent disconnect might illustrate the evolution of the TIX Coordinator role over the past 10 years to one more focused on the importance of process and legality, which might have changed the focus of the TIX coordinator role without necessarily changing what TIX Coordinators view as necessary skills. As legal standards from court precedents, such as *Gebser v. Lago Vista Independent School District* (1998) and *Davis v. Monroe County Board of Education* (1999) expanded the scope of actionable sexual harassment under Title IX to include institutions, other unfunded government mandates made compliance with Title IX an increasingly complex and legalistic field.

In addition to the increasing legalistic nature of unfunded government mandates, the sheer volume and breadth of changes across the unfunded government mandates requires TIX Coordinators to effectively change their roles on the fly. For example, the differences between the Obama era Title IX Dear Colleague Letters (e.g. Office for Civil Rights, 2011; Office for Civil Rights, 2014) and the Trump era federal regulations (e.g. Office for Civil Rights, 2020a) have resulted in TIX Coordinators increasingly acting as legal compliance officers. Surprisingly, though, the educator/facilitator approach to the role likely stems from the backgrounds and motivations of individual TIX Coordinators currently in their roles. This, coupled with the increasingly legalistic nature of the role, may suggest that a newer or “third generation” of TIX

Coordinators may be yet to come (e.g., those that have skills of empathy, working with students, legal training and advocacy disposition, and legal experience and/or backgrounds).

Educators

Other participants in this study said that they view their primary role as being an educator on campus. The 2020 federal regulations, as well as previous unfunded government mandates relating to Title IX, all required education and training as a function of the TIX Coordinator. Interestingly, despite this requirement, when participants were asked about campus allies and roadblocks, one of the central themes and characteristics identified for “roadblocks” was a lack of knowledge about Title IX. This illustrates a disconnect between how an educator views their central function (to educate and train) and a major characteristic of people who are viewed as roadblocks, a lack of knowledge about Title IX. This raises some questions about the reasons for this disconnect: Are TIX Coordinators engaging in meaningful education and training? Are TIX Coordinators too focused on other aspects of their roles, such as ensuring that the institution is not sued, to the detriment of education and training? Is the role of the TIX Coordinator too large?

Another possible reason for this disconnect is the lack of clear guidance on the types of training that TIX Coordinators are required to provide on their campuses. Since the 2011 DCL (Office for Civil Rights, 2011) and the 2014 Q&A (Office for Civil Rights, 2014), training has been an essential function of the TIX Coordinator role. The 2020 final rule (Office for Civil Rights, 2020a) provides detailed requirements about training for TIX Coordinators, staff within the Title IX office, and others involved in the Title IX process, such as decision-makers. However, the 2020 final rule does not address or require trainings external to the Title IX office and others involved in the Title IX process. In fact, OCR’s commentary on the 2020 final rule states, “...the Department declines to recommend certain training practices or

techniques...leaving flexibility to recipients to determine how to meet training requirements in a manner that best fits the unique educational community” (Office for Civil Rights, 2020a, p. 30120). While the uniqueness of each institution is an important consideration, perhaps more specificity in terms of training requirements or topics from OCR would better guide TIX Coordinators to provide enhanced trainings on campus and close the disconnect between educators and roadblocks. Or, perhaps a specific mandate for terms of training, with institutions trying to fend off lawsuits, would give TIX Coordinators more leverage for resources to ensure training is done on their campuses? In any case, more focus on training, or at least additional clarity on the amount and types of training, may enable TIX Coordinators to better influence, more broadly, how sexual violence is combatted on campus overall.

The finding that some TIX coordinators see themselves primarily as facilitators and others see themselves primarily as educators suggests that it is currently unclear what the central role of the TIX Coordinator is; is it to ensure procedural due process and administer Title IX investigations and hearings or is it to educate the campus community? This lack of clarity or consensus about the role and the conundrum it might create for some Coordinators was central to Kelly’s (2019) dissertation, which noted the complexities of individual case-by-case aspects of the TIX Coordinator’s role and other complexities internal and external to the role. Thus, the split in the facilitator/educator view on central functions of the TIX Coordinator role not only influences how an individual campus TIX Coordinator approaches Title IX cases, but it also contributes to the larger issue of what TIX Coordinators are doing (or not doing) to prevent campus sexual assault more broadly.

(Mis)Perceptions and Responsibilities of the TIX Coordinator

In discussing how they believe others on campus perceive the TIX Coordinator's responsibilities, participants largely stated that people in different campus roles appear to have different ideas of what the TIX Coordinator's responsibilities are. For example, participants said that faculty believe that the TIX Coordinator's role is to receive reports, provide resources, and manage issues. And, overall, participants perceive that students view the TIX Coordinators as either protectors or have no understanding of the role at all. Of note, however, participants also described student activists as roadblocks due to their absolute stance on support (often of complainants), which would not necessarily allow TIX Coordinators to maintain impartiality. Coordinators described student affairs administrators as those who view them as risk reducers, while victims' rights advocates view the TIX coordinator as protector and supporter of the complainant, as well as a process manager.

All of these different perceptions about the role of the TIX Coordinator illustrate that, taken together, people around campus expect the TIX Coordinator to wear a lot of hats and to handle a lot of different responsibilities. These views complicate the role of the TIX Coordinator on campus because these different expectations may draw TIX Coordinators away from being a facilitator or an educator, the fundamental aspects of the role identified by participants.

The challenge of these mixed perceptions is that the responsibilities expected of the TIX Coordinator do not align with the actual requirements and realities of the role. In addition to the essential functions of the TIX Coordinator role required by law and policy, Tani (2017) identified additional requirements of the TIX Coordinator, such as supervision of increasingly large offices and increasing consultation with legal counsel due the complexities of the role. These additional responsibilities increase the murkiness of the role for TIX Coordinators as they

work to fulfill the essential requirements of their role and meet the expectations of various campus constituencies.

In addition, the different expectations of different campus constituencies also may serve to make the role of the TIX Coordinators opaquer because they may go against the original purpose of Title IX: to protect access to education and work at educational institutions (Rice, 2018). For example, student activists and some victims' rights advocates see the TIX Coordinator as a protector, especially of complainants. However, while the TIX Coordinator is responsible in a sense for protection, the protection is more related to protecting the process and due process rights of both parties, not necessarily protecting the individuals from harm. Certainly, a goal of the Title IX process is to protect individuals from further harm, but this is expected to be done through following the procedural requirements of Title IX regulations and institutional policy. This subtle difference in expected responsibilities can work to undermine the role of the TIX Coordinator because students and victims' rights advocates may not see the TIX Coordinator as truly, in their minds, protecting the complainant. In other words, students and victims' rights advocates see the protector role as a physical safety protection role, while the Title IX regulations require the TIX Coordinator to be more of a protector of process. This difference in how the role is perceived may also contribute to feelings of institutional betrayal on the part of complainants, who, Cruz (2020) argued, can end up believing that their institution only symbolically complies with Title IX and does not truly protect them. These (mis)understandings and (mis)perceptions of the TIX Coordinator's 'protector' role of among students and victims' rights advocates contribute to negative perceptions around campuses about the work of the TIX Coordinator.

Supportive Title IX measures offer an illustration of the subtle difference between students' and victim rights advocates' expectations of protection and the process protector role required by Title IX regulations, which clearly state the requirement for offering supportive measures for both parties in a Title IX case. Consider this hypothetical situation:

Student A comes to the Title IX Office and alleges that Student B, a student in the same history class, has been stalking them by following them after class, showing up at unexpected times, and dropping by Student A's dorm room, even when Student A has not told Student B where they live. While at the Title IX Office, the TIX Coordinator discusses with Student A the option for supportive measures, including a no contact directive, change in class schedule, safety escorts, and emergency housing/a dorm room change. Student A states that they want a no contact directive and a change in class schedule. Student A tells the TIX Coordinator that Student B should be the student changing classes, not them (because Student B has created the situation). The TIX Coordinator tells Student A that they cannot change Student B's class schedule because Student B must also have equal access to their education. Student A becomes upset and states that the Title IX Office is not protecting them. However, in this situation, the Title IX Office must protect the process (by not depriving Student B of their right to access their class without due process), and has offered, and put in place, physical safety measures for Student A. Student A may be dissatisfied and believe that the Title IX Office has not done enough to protect their safety. However, the Title IX Office in this hypothetical case has protected the process and rights of Student B, while offering measures to help Student A feel safer and more comfortable.

This hypothetical case is an example of both the internal and external complexity that the TIX Coordinator must navigate on campus and the community. Kelly (2019) noted these complexities in their grounded theory study about TIX Coordinators and how they view their responsibilities in response to campus sexual assault. Kelly specifically noted that some stakeholders put TIX Coordinators “in a precarious position on their campuses” (p. 236), fueling the difficulty that participants in the study noted. Kelly further added that the shifting environment of Title IX regulations often creates even more complexity for TIX Coordinators. Not only must TIX Coordinators adapt to regulatory changes, but they also must adapt to how different stakeholders may view those regulatory changes.

Allies and Roadblocks

When participants identified people on campus that they view as either allies or “roadblocks,” there was little consistency in how they associated people identified allies or roadblocks with different roles on campus. However, a common perception across the interviews was that allies are people who seem to be knowledgeable about the TIX Coordinator role, while people who are roadblocks often seemed uninformed or not knowledgeable about Title IX work. Roadblocks are most often viewed as those whose lack of knowledge stems from focusing on their own interests. For example, faculty may be viewed as a roadblock because they have conflicting goals. For example, faculty members may have trouble accepting supportive measures such as requests for excused absences and extensions on assignments because they feel complying with these measures may create difficulty in managing the classroom environment and/or because they believe that the faculty member is the only individual who can grant excused absences or extensions. But if faculty, in these situations, were better informed on the role of the TIX Coordinator and the type of supportive measures they may need to put in place, then they

might be able to see beyond their own interests and understand that supportive measures are put in place to help ensure success for students in their classrooms, which in turn might reduce the workload or disruption to the classroom environment.

In summary, this section has further discussed how individuals, including TIX Coordinators themselves, view the role of the TIX Coordinator and the responsibilities of the role. It has also identified some of the implications for specific findings. Importantly, these findings suggest that it would be helpful if TIX Coordinators were to use their interpersonal skills to help educate and train the campus about the realities and requirements of the TIX coordinator role. This not only has the potential to help the campus community better understand the role of the TIX Coordinator, but it also has the potential to ensure that the TIX Coordinator can act as a process protector while using the process to protect physical safety and ensure access to education (and work) equally for all parties. Finally, this kind of education might also be quite helpful in increasing understanding and support for people in TIX coordinator positions, which would benefit institutions of higher education by reducing burnout and high turnover in this important campus role.

Ethical Principles Guiding TIX Coordinators

This research project was guided by Kitchener's (2000) foundational ethical principles of nonmaleficence, beneficence, autonomy, fidelity, and justice. The ethical principles that appear most relevant to participants were fidelity, justice, and autonomy. Fidelity emerged as the strongest ethical principle guiding TIX Coordinators, but participant descriptions of an absence of justice reflected a significant finding in that area as well. Participants also discussed autonomy in their responses quite a bit. Concern about issues related to these three ethical principles are more evident in the interviews than concerns about the other two ethical principles,

nonmalfeasance and beneficence. Concerns related to nonmalfeasance and beneficence were notably absent from participant responses, even after being asked questions aimed at soliciting answers related to these ethical principles. Finally, I will conclude this section by discussing how consideration of the ethical principles seems to be absent from federal unfunded mandates regarding Title IX.

Fidelity as the Guiding Ethical Principle

Fidelity emerged as the strongest ethical principle for participants in response to questions that yielded responses related to ethics. By fidelity, I mean that participants said that they see their roles primarily in light of their duty and responsibility to their institution, rather in light of their personal beliefs or thoughts about Title IX or sexual violence. This description strongly resembles Kitchener's (2000) definition of fidelity in that it involves the actor making an ethical decision in consideration of the institution that they work for. Participants seemingly all described how at least part of their role is to insulate the institution from legal liability and that their commitment to the institution was more important than their own thoughts or views on sexual violence. This fidelity, or dedication to the institution, was the most evident guiding principle as participants constantly went back to stating that keeping the institution safe from liability was their primary role and concern as TIX Coordinators. Further, fidelity as the guiding principle for participants aligns with earlier findings and discussion regarding TIX Coordinators being inclined towards institutional fidelity due to their advocacy lens from prior experiences and desire to serve their institution.

Some participants even said that they do not personally agree with some of the procedural requirements of Title IX, but they still ensure these processes occur because of their overarching fidelity to the institution. For example, some participants stated that they personally disagree

with the requirement to have a hearing and allow cross examination. At the same time, other participants asserted that the process is not about their beliefs, it is about how to keep her institution compliant with the current regulations. Yet, despite not personally agreeing with the procedure that they are required to carry out, participants who discussed this all said that they ensure that the procedural requirements are performed within the scope of Title IX and as outlined in their institution's Title IX process to ensure that the institution remains safe from liability. An interesting layer to this fidelity to the institution is that, despite their own personal beliefs, TIX Coordinators are responsible for implementing their institution's Title IX policy (which ostensibly is within the parameters of the Title IX regulations), and they are responsible for drafting policy that they do not necessarily agree with the process (such as hearings with cross-examination). It is unsurprising, then, that participants noted that they largely do not believe justice is a part of the Title IX process, given their absolute fidelity to the institution.

Participants pointed to the procedural requirements as a reason why justice is not possible in the Title IX process. In the end, as noted by all participants, fidelity to the institution wins out over their potential personal disagreement with Title IX regulations. This means that despite personal disagreement with Title IX regulations and procedures, TIX Coordinators perceive their primary function as one where they must keep their institution immune from legal liability. The challenge is that TIX Coordinators must hold the competing interests of the parties and individuals involved in a Title IX case, yet still position their thinking and actions to prioritize the institution above all other aspects of their roles.

Autonomy as a Tool, Not an Ethical Principle

Participants perceive autonomy as a lack of oversight or meddling in their work by others at the institution. Participants said that they feel as if they overall have a large deal of autonomy

in their jobs, sometimes because no one else wants their role. That participants also said that they believe that they have a great deal of autonomy is not a surprise, given Cruz's (2020) analogy of the TIX Coordinator as a "street level bureaucrat" (Lipsky, 1971, 2010), since one of the primary characteristics of the "street level bureaucrat" is autonomy.

Participants' perceptions of autonomy was in contrast to Kitchener's (2010) conceptualization of autonomy, as the participants described autonomy as a mechanism or tool, not necessarily an ethical principle guiding their work. Further, autonomy as a mechanism illustrates how supervisors of TIX Coordinators provide such autonomy due to a lack of interest or experience in Title IX and/or how they view the role of the TIX Coordinator as a compliance officer limiting liability, as opposed to a service position.

Autonomy allowed TIX Coordinators the freedom to run their offices the way that they wanted, oftentimes focusing on the individuals involved in the process and the overall campus community and the impact that sexual violence can have on it. TIX Coordinators are thus autonomous on their campuses when they are free from oversight and meddling from others on campus. In addition to the autonomy to run their offices the way they want, institutions leverage this autonomy by placing extra burdens and relying upon the TIX Coordinator and their offices to address additional concerns. For example, institutions may rely upon the TIX Coordinator and their office to respond to federal agency investigations (such as OCR), to provide expertise to various campus committees, and to provide community outreach in the form of trainings like bystander intervention and healthy dating relationship habits. These additional responsibilities relieve the rest of the institution of the burden of engaging in this type of work and only serve to make the role of the TIX Coordinator more complex.

Autonomy also manifests itself in earlier findings related to allies and roadblocks on campus. When discussing allies, TIX Coordinators identified that a primary characteristic of these individuals on campus was that they largely leave the TIX Coordinator alone to do their work. In other words, participants identified allies as those that provide them autonomy, freeing them to do their jobs. Noteworthy was that participants also identified that allies might provide autonomy, but they also support participants when needed. This dichotomy illustrates how TIX Coordinators must navigate relationships to ensure that they have the autonomy to execute their responsibilities, but also must leverage support from campus partners when needed. So, TIX Coordinators are involved in another form of balance, ensuring and protecting their right to autonomy, while also having support when they need it.

However, it is noteworthy that this autonomy does not extend to all aspects of the TIX Coordinator role because fidelity rose above all the other ethical principles in participant descriptions. The important distinction is that autonomy did not appear to extend to a Coordinator's own thoughts or beliefs about sexual violence on campus, or even how they believe sexual violence on their own campuses can be best addressed. Instead, fidelity to the institution was their touchpoint for how they made decisions, created protocols, and responded to governmental mandates. This is interesting given the many occasions that the 2020 federal regulations (Office for Civil Rights, 2020a) cite autonomy and the unique campus culture and climate as a reason to not mandate certain things under Title IX. For example, as discussed above, the 2020 federal regulations do not mandate what type of training TIX Coordinators provide on campus. However, the 2020 federal regulations are very plain and straightforward in notifying institutions of the legal standard by which they are evaluated against if sued (deliberate indifference). As many Coordinators noted, fidelity to the institution, in the form of protecting it

from liability, was the principle guiding their work the most, so it is interesting that autonomy is preferred by TIX Coordinators, but subservient in their minds to fidelity.

It is unclear whether fewer or less specific unfunded government mandates would provide TIX Coordinators more autonomy in how to address sexual violence on their own campuses. Additionally, how might those changes impact perceptions of the TIX Coordinator role and the overall prominence of campus-based sexual violence? An argument against this autonomy is the rationale and reasoning for the high level of regulation of Title IX on campuses that emerged since the 1997 DCL; namely, that the lack of specificity left institutions open to liability due to them being unclear on how to comply with Title IX. Similarly, could less federal oversight enable disparate campuses to “do their own thing” to combat sexual violence, and would this result in fewer incidences of sexual violence on campuses? Campus by campus autonomy is likely not a viable method to combat campus sexual assault as it may reduce an individual’s ability to seek redress in federal court. This is again due to justiciability requirements and ripeness of causes of actions arising against an individual institution’s interpretation of combatting campus sexual violence. In other words, if federal Title IX regulations are abrogated, federal courts will not have a manner to measure and enforce minimum procedural requirements (beyond existing federal law) when considering a party’s issue with an institutional policy or regulation. Alternatively, could less federal oversight enable states to work with individual campuses to create a state-level response to campus sexual violence that is more unique to the particular circumstances in the state?

Justice and Title IX Processes

Although participants all had slightly different interpretations of what justice entailed in Title IX processes, the concept was mostly absent from their discussions about their work. Some

participants described justice as following procedural due process, while others equated justice to holding someone accountable for enacting harm to another. In the first interpretation of justice, participants identified that there is a lot of procedural due process involved in the Title IX process, but that the amount of due process required can make the process seem arduous, lengthy, and draining. This creates situations where a respondent may be found responsible for a violation of Title IX but, due to the process itself, the complainant may feel an absence of justice in the outcome. Instead, the due process follows the intricate procedures outlined in unfunded government mandates that participants characterized as symbolic politics and regulation compliance.

For participants who equated justice to accountability, they similarly stated that justice is not feasible because both parties have suffered harm as a result of merely being involved in a situation ripe for Title IX intervention. Participants stated that there is no room for growth opportunities, which could equate to justice, because of the intricacies of the Title IX process. Further, when justice is measured by accountability, participants stated that even the most severe outcome for a student in a Title IX case, dismissal from the institution, is a sanction, not an actual remedy. While the complainant in this situation might feel better because their respondent is no longer at the institution, the sanction does little more to help remedy the harm and other outcomes associated with being victimized.

A third interpretation of justice was offered by participants. Some participants discussed fairness as a form of justice. By fairness, participants meant that the TIX Coordinator can work to ensure that the Title IX process is handled equitably under governing policy and regulations. In other words, some participants equated justice to ‘procedural sameness,’ or ensuring that parties receive the exact same treatment and opportunities. This amounts to requirements as

simple as providing parties equal updates. For example, if Party A contacts the TIX Coordinator for a status update on an investigation, the TIX Coordinator, as a best practice under the current regulations, should obviously answer Party A, but also contact Party B to provide the same update. However, fairness does not equate to justice because both parties, regardless of the outcome, may feel as if they have lost. Additionally, providing updates, such as in the previous example, does not really act to ensure justice: It really acts to preserve ‘procedural sameness,’ putting the parties on a completely level playing field by ensuring that they have the same updates and access to information.

Beneficence

Even when prompted to discuss notions of beneficence, or benefiting others, participants largely did not elucidate much on this ethical principle. This is interesting, given that the participants largely came from student affairs or mental health backgrounds, where these positions often work to serve or benefit others (usually their clients). In higher education, student development or growth is often pointed to as a central learning outcome for college students. In areas such as student conduct, beneficence is often manifested in the restorative justice models many institutions now use. In restorative justice, students learn about their infraction and also often seek to benefit from it by engaging in some form of reflection.

Contrary to areas like student conduct and their use of restorative justice, Title IX cases tend to be more about accountability and holding someone responsible for policy violations. While there have been calls to use restorative justice methods in Title IX cases (e.g., Coker, 2016; Koss et al., 2014; McMahon et al, 2023), the foundational application of Title IX to campus sexual assault is to preserve constituents’ access to education, and accountability and responsibility do not always ensure access. Sanctions in Title IX cases often focus on

punishment and do not tend to include much reflection or notions of restoration for the injured party. For example, a respondent found responsible for violating an institution's Title IX policy might face a sanction of education about sexual harassment. This sanction might benefit the respondent in that they may learn what they did was wrong (or in violation of a policy), but does it really improve the complainant's access to their education? This is a particularly interesting dichotomy for institutions, as both Title IX and student conduct issues involve violation of policy and sometimes laws, but their goals and outcomes can be radically different. That participants did not bring this up at all during their interviews illustrates that TIX Coordinators may not be so driven by the beneficence ethical principle.

Perhaps TIX Coordinators should consider beneficence; however, they seem to be prevented from doing this, given the nature of Title IX regulations and the focus on protecting the institution from legal liability. When people bring complaints to OCR or file lawsuits, they largely involve allegations of a denial of process or some sort of procedural issue within a Title IX investigation. OCR complaints and lawsuits less frequently involve allegations that the institution is not doing enough for the institution as a whole. For example, an institution seems more likely to face a complaint or lawsuit related to due process denials of a party in a Title IX investigation than a complaint or lawsuit related to a larger cultural issue about sexual violence on campus. This is so because of legal limits on lawsuits, such as justiciability concerns (discussed in Chapter 2) or other legal doctrines like actual harm. Because of the increased risk involving individual Title IX investigations, TIX Coordinators seem not to have time to concern themselves as much as they might like on how their role can benefit others.

Conclusion: Revisions to Title IX as Exercises of Politics

Clearly, Title IX is heavily regulated by the federal government through perpetual revisions of Title IX regulations. The Title IX regulations, in turn, force institutions to constantly adapt and edit their Title IX policies and procedures to ensure compliance with those regulations. Title IX as a political issue will likely continue, as evidenced by each presidential administration over the past decade or so issuing changes to Title IX; first, as detailed in Chapter 2, as guidance documents (Dear Colleague Letters) and, more recently, as federal regulations, which are aimed at being more permanent and more difficult to change than DCLs.

The data collected in this study illustrates that the chief ethical principle followed by TIX Coordinators is fidelity to the institution in aiming to limit legal liability. The other emergent ethical principles either are not perceived to exist (justice), or not really perceived as an ethical issue by TIX Coordinators (autonomy). Another ethical principle, beneficence, similarly is questionable as an actual ethical principle for TIX Coordinators because it does not seem to be considered by those interpreting the regulations (TIX Coordinators).

Above, I discussed how the lack of justice in Title IX regulations is evident to TIX Coordinators because the regulations have created a system that is overly intricate, lengthy, and nearly impossible to participate in. These regulations were created by politicians because campus sexual violence had become a political issue. Campus sexual violence and discrimination on the basis of gender have been a concern throughout higher education history (Melnick, 2018; Reynolds, 2018). However, before the passage of Title IX extension to combat campus sexual violence, politicians did not enter the discussion and now have arguably muddied the waters significantly with constantly changing unfunded government mandates. This is evidenced by the fights over rights, such as bodily autonomy, the right to abortion, and how individuals identify in

terms of sex and/or gender. These fights bleed into other similar issues, such as campus sexual violence, which thus become battle grounds for different political ideologies. Due to the political nature of these issues, justice becomes, as participants in this study have described, a like a pendulum, swinging between protecting the complainant and protecting the rights of the accused respondent. Participants agreed that the current regulations have swung the pendulum towards the accused respondent, often to the detriment of the complainant. Even if the pendulum swings back towards the complainant in future regulations, this will leave respondents arguing that the pendulum has swung too far, and the Title IX process is thus unjust and unfair.

It seems that regulations related to combating campus sexual violence will continue to be a political discussion. Politicians do not consider ethical principles such as justice, beneficence, and fidelity when promulgating regulations. This leaves TIX Coordinators left to figure out what to do with new regulations in a perpetual cycle of change, where ethics does not really guide how regulations are created. Wider discussion about ethical principles such as justice, fidelity, and beneficence must occur to create a campus-based response system to campus sexual violence that accounts for the people involved in the situations. These discussions must start with examining what ethical principles will guide the regulations: Will they focus on providing justice? Will they focus on insulating institutions from legal liability? Will they focus on student development and beneficence?

Chapter 6: Implications and Conclusion

I organized this chapter into implications for research and practice for higher education researchers, scholars, and practitioners. These implications span from key topics for future research and implications for practice that include recruitment of Title IX Coordinators, higher education and student affairs curriculum, and a practice consideration related to the impossibility of the Title IX Coordinator's work. I close this chapter with key takeaways for all readers.

However, before exploring these implications further, it is important to acknowledge aspects of the findings in this study. Specifically, some of the findings reveal perspectives that will be problematic for individuals, including students and student-activists, who likely expect TIX Coordinators to serve in a helping capacity. In general, participants spoke of a lack of justice in Title IX investigations and their very strong fidelity to the institution, may be the most disconcerting to many in higher education and student affairs. While participants named the importance of empathy in their roles, this may seem incongruous with their perceptions about justice and fidelity. In the absence of other research on TIX Coordinators, the findings related to justice and fidelity might be reflective of the ambiguity of a position that is the result of a unfunded governmental mandate; this leaves the individual institution open to interpretation of the function of the TIX Coordinator. In addition, the highly regulated and ever-changing federal regulations related to Title IX compliance creates a dynamic where TIX Coordinators spend time focused on avoiding litigation for the institution, moving them away from the initial purpose of their role.

Future Research

There is scant empirical literature about TIX Coordinators to build from, which calls for the need to increase research about the TIX Coordinator and their role in ensuring institutional

compliance with legal mandates. As discussed in Chapter Two, in contrast to the limited research on TIX Coordinators, there is a large amount of research about Title IX as a law, and how various regulations have changed compliance with Title IX over the years (e.g., Jessup-Anger, et al., 2018; Pappas, 2016). What is unknown is the extent of the administrative burden associated with institutional compliance with the law, perhaps due to the political nature of interpretation of Title IX compliance unfunded mandates.

The only parallel positions in higher education that use compliance as a basis for their work are roles such as the Americans with Disability Act Coordinator and perhaps Equal Opportunity/nondiscrimination officers. The main function of these roles, similar to that of the TIX Coordinator, is to respond to federal nondiscrimination laws, so their work is largely about institutional compliance with those laws. Important to understanding the work of a TIX Coordinator is to have research about how compliance-based positions endeavor to approach an enormous role that has such high legal stakes. Research is necessary to understand what the role of the TIX Coordinator is, what the position is tasked with, and just how much of a role and impact TIX Coordinators have on keeping institutions out of legal jeopardy. Put simply, for such an important role, there remains little understanding of who TIX Coordinators are, what they do, and how important of a role they play. The results of this study illustrate that even those individuals whom TIX Coordinators identify as “allies” do not necessarily provide direct support: They are seen as supportive and do not create barriers to the TIX Coordinator doing their job. Additionally, findings in this study illustrate that beliefs about the role of the TIX Coordinator vary greatly (so much so that it was difficult to categorize) across different populations in higher education.

Embedded within the research about the work of TIX Coordinators is specific attention to the caseload they manage. As a TIX Coordinator myself, I have seen the number of case reports increasing each year, which is similar to the experience of other TIX Coordinators around the country. Again, it is my experience that cases are not rising simply because of a rise in the number of incidents. In fact, I believe that cases are rising due to more awareness of Title IX, likely due to its being a political issue, as well as because more numerous and impactful trainings are being performed by TIX Coordinators on campuses (Wiersma-Mosley & DiLoreto, 2018). While studies, such as Htun et al's (2022) study about the efficacy of mandatory training, raise doubts as to the effectiveness of training on the incidence of sexual misconduct on college campuses, research is needed to better understand what is causing the increase in the numbers of case reports. Could it be awareness of Title IX more broadly due to its politicization, or is it better and increased training? Could there be an increase in the number of cases due to the changing dynamics of the college student population? How has the COVID pandemic affected how students interact with each other and understand (or not understand) boundaries? All of these questions and possible answers to these questions are ripe for future research.

Relatedly, there must be more research about the process itself, as I have experienced a reduction in the number of formal investigations students request. Is this because of regulation changes, such as cross examination? Or is it because of the lack of perceived justice in Title IX investigations? As the findings of this study show, even TIX Coordinators seem to believe that there is a lack of justice in Title IX investigations. Does this belief implicitly or explicitly reveal itself when TIX Coordinators are working with complainants and discussing their options for a formal investigation? These implications for future research suggest numerous opportunities for

further studies about the actual role of the TIX Coordinator and the specific job responsibilities that TIX Coordinators find themselves immersed in.

Implications for Practice & Practitioner Preparation

In terms of implications for practice, it is clear from this research that TIX Coordinators often bring empathy and compassion to their work. I describe this as a human-centered approach to work, which derives from the human resources frame, where the people are central, not the organization (Janosik et al., 2014). In addressing both survivors and perpetrators of sexual violence, one of the main areas of responsibility for TIX Coordinators under the federal regulations includes providing resources and supportive measures. As case reports seemingly go up, TIX Coordinators seem to be managing additional requests for resources and support. However, the federal regulations are silent on the length of time or amount of supportive measures and resources the TIX Coordinator is responsible for providing. Even though the regulations are silent on the length of time and the number of supportive measures and resources that involved parties can obtain, Title IX is a law about access. However, an individual's needs for access to the institution may continue after a TIX Coordinator has overseen the investigation, hearing, and conclusion of a Title IX case. For example,

Student A alleges that Student B has engaged in gender-based stalking against them.

Student B, after an investigation and hearing, is found responsible for stalking Student A.

As a sanction, Student B is suspended from the institution for two semesters. After two

semesters, Student B is readmitted to the institution and, unbeknownst to the housing

office, is placed in a residence hall directly adjacent to Student A's residence hall. Upon

seeing Student B on campus, Student A wants to move residence halls to be away from

Student B and to avoid seeing Student B. Student A now needs a supportive measure in the form of a letter to housing to move Student A.

In this hypothetical, Student A may reasonably contact the TIX Coordinator for a supportive measure. However, the TIX Coordinator has completely closed the case and does not feel it is appropriate to offer a supportive measure. What is Student A left to do? This conundrum emphasizes the lack of research about the TIX Coordinator and how they do their work, and illustrates the lack of understanding of how TIX Coordinators balance needs of parties with the ambiguity of the Title IX Regulations. Realistically, as a TIX Coordinator, I would absolutely offer the supportive measure; however, there may be TIX Coordinators who would not, or there may be others on campus who would not support the TIX Coordinator implementing a supportive measure long after a case is closed. Thus, there is a great burden placed on TIX Coordinators who wish to ensure that parties can continue to access what they need, even if a case is long closed. And do TIX Coordinators have the resources to keep up with requests like these, as the role of the TIX Coordinator is complex and everchanging? It may behoove institutions to determine whether they have the resources and infrastructure to address continuing trauma and access needs for students, faculty, and staff long after a Title IX incident is addressed by the TIX Coordinator.

Relatedly, as pointed out in the review of the sparse literature about TIX Coordinators, the role is one that has very high attrition rates due to burnout and job exhaustion. The studies that discuss burnout and attrition often point to the mental and emotional toll that working in a role surrounded by sexual violence has on TIX Coordinators. After all, the findings in this study support that TIX Coordinators have high levels of empathy, possibly contributing to the mental and emotional toll that the role has. While TIX Coordinators also appear to be quite resilient,

they and leaders at their institutions should understand that the trauma of working in the sexual violence field necessitates support and resources for the TIX Coordinators themselves. This implication is especially important as this study found how dedicated and intentional TIX Coordinators are in their fidelity to the institution in defending them from legal liability.

TIX Coordinator Recruitment

In Chapter 4, I discussed “old school” versus “new school” Title IX Coordinators. “Old school” Coordinators largely came from mental health and/or student affairs backgrounds, while “new school” Coordinators seem to come from legal backgrounds. I also discussed my surprise that more participants in the study were not “new school” TIX Coordinators with legal degrees. Given the findings of this study, institutions might consider looking to a certain set of skills and/or experiences when recruiting TIX Coordinators. For example, a strong finding of the study is that TIX Coordinators are often very passionate about working with students from an empathetic lens. Institutions should considering look for candidates with backgrounds working in fields that require strong empathy and/or for individuals in fields, such as the legal world, that have strong empathetic skills. Additionally, given the perpetual and often dramatic changes in federal Title IX regulations, institutions should look for candidates with legal backgrounds, or at least skills in policy interpretation, implementation, and drafting. Additionally, candidates with legal backgrounds are likely to become more valuable to institutions of higher education because of the increasingly litigious nature of Title IX, as those individuals are likely more adept at making discretionary decisions by analyzing and weighing the possible legal ramifications of their choices.

Higher Education & Student Affairs (HESA) Preparation Programs

Kimball et al. (2019) wrote of what they termed “creeping legalism” and how this trend has increased the need for student affairs practitioners to receive legal education in their HESA programs. Yet, empirical research or scholarship about higher education law courses in HESA programs is minimal (e.g., Cooper, et al., 2016; Gehring & Penney, 1995; Kimball et al, 2019). It is unclear, at this date, how many HESA curricula require higher education law and for how many it is only an elective. Even if HESA programs offer or require higher education law courses, there are no standards by which the curricula of these courses is designed, or any common set of learning objectives and outcomes. Within juris doctorate programs, some law schools have an elective on higher education, and a few have specific programs about higher education. However, there are no law school curriculums that aim to train lawyers to serve as TIX Coordinators. Further in looking more closely at HESA and education in general, there is a lack of core competencies established for TIX Coordinators widely available.

As the various backgrounds and experiences of participants in this study suggest, there needs to be some sort of curriculum that focuses on TIX Coordinators as a functional area. For HESA preparation programs, Title IX should be a fundamental area of coverage for higher education law courses. Further, there could be elective courses developed that go more deeply into the legal aspects of Title IX and other topics, such as student conduct, counseling, and other mental health basics, for HESA students who are interested in Title IX and/or student conduct.

In terms of law school curricula for those who may be interested in Title IX work, I would argue for a more classical legal education, with coursework on constitutional law, discrimination law, employment law, and administrative law, that would provide an essential foundation for someone who would like to pursue a TIX Coordinator role. For institutions that

have HESA preparation programs and law schools, allowing HESA students to take certain law school courses could also be a solution to providing HESA programs more specific legal education opportunities. Beyond foundational courses, I would suggest that law schools build a curriculum around more nuanced areas of the TIX Coordinator role that includes courses such as gender and the law, a course about higher education in general (how it is governed, organizationally structured, academia, etc.), and mediation skills. Given the findings noted above about the importance of empathy and resilience, it might also behoove law schools to ensure that their students take courses on emotional intelligence, working with individuals, and self-care. Beyond coursework, an area that many law schools have gone into are clinics or intern/extern programs where students can gain experiential learning. These types of for credit courses could include clinical experience serving as an advisor for a party in a Title IX investigation, or a more traditional intern/extern experience working with a TIX Coordinator. Taken together, the implications for professional preparation programs discussed thus far address issues of application, recruitment, and curricular preparation.

Practice Considerations

In this section, I describe major practice considerations suggested by the findings of this study. First, I describe how institutions should rethink the autonomy they provide to TIX Coordinators because this autonomy, coupled with the environment of constant change caused by unfunded federal government mandates, results in a cyclical recycling of TIX Coordinators on individual campuses, to the detriment of the institution and the individuals serving as TIX Coordinators. Second, and perhaps most poignantly, I discuss how the job of the Title IX Coordinator has become virtually impossible due to three interrelated issues: who TIX Coordinators consider to be allies to their work and why; how institutions are providing

resources to TIX Coordinators; and the fundamental lack of justice inherent in Title IX investigations and hearing.

Autonomy

When discussing the concept of autonomy in Chapter 5, I briefly described how TIX Coordinators are provided immense autonomy in their roles, sometimes due to the desire to be left alone to do their jobs and other times due to lack of knowledge or avoidance of sexual violence as an issue on the part of others. A practical downside to such autonomy is evident when tracing the history of compliance with Title IX. Originally, institutions sought guidance from the federal government to help immunize themselves from successful lawsuits and it was hoped that federal courts would make determination to fill the gaps in legislative and executive mandates. However, where there is no federal law on a matter and guidance is unclear, limited, or nonexistent, federal courts are left interpreting what they can when faced with making rulings on allegations that an institution violated laws such as Title IX. Essentially, what institutions would hope for would be courts making rules for them to follow. When these interpretations are released in the form of judicial holdings, institutions modify their policies and procedures to mirror the holdings made by courts because they hope that if they follow court precedent, they will be immune from legal liability. However, as guidance continually changes, institutions and the TIX Coordinator are often left to guess how courts may decide an issue when they work to update policies and procedures that they hope will be compliant with law and following court interpretations and rulings.

As of the writing of this dissertation, the Biden Administration has published a Notice of Proposed Rulemaking (Department of Education, 2022), solicited comments and feedback on the proposed rules, and continued to undertake review and response to each comment made. The

changes outlined in the Notice of Proposed Rulemaking will once again radically change the procedural requirements of Title IX from the Trump-era Title IX regulations, as well as likely provide definitional changes to certain key terms under Title IX (e.g., hostile environment sexual harassment). Once these regulations are released, courts again will be relied upon to interpret provisions of the regulations, causing the need to again modify or update policies and procedures. As a result, unless something changes, TIX Coordinators will be left, often siloed due to their noted autonomy, with the stressors of interpreting the new regulations and drafting and implementing policy and procedure that comply with the new regulations (and, eventually, new court interpretations).

As a practice consideration, institutions should review the autonomy provided to Title IX Coordinators because, while the autonomy provides TIX Coordinators the ability to exercise their expertise, previous research discussed in Chapters 2 and 5 shows that a lack of support can contribute to job burnout and fatigue. Further, because of job burnout and fatigue, turnover in TIX Coordinators at institutions simply repeat a cycle where a new TIX Coordinator comes in, is left without sufficient and meaningful support, and eventually burn out. This cycle perpetuates what we already know: that TIX Coordinators often burnout from the stressors of their roles, which makes it impossible for consistency across the TIX Coordinator position, resulting in likely unfavorable results in combatting campus sexual violence and ensuring access to education.

The Impossibility of the TIX Coordinator Role

The findings of this study have left me to conclude that the role of the Title IX Coordinator is impossible. Specifically, in this section, I describe how I arrived at this conclusion by reviewing three interrelated issues: who TIX Coordinators consider to be allies to their work

and why, how institutions are providing resources to TIX Coordinators, and the fundamental lack of justice inherent in Title IX investigations and hearing.

Impossibility One: Allyship

A finding in this study was that TIX Coordinators most often considered allies on campus to be those individuals who simply leave them alone to do their jobs. This phenomenon might be best characterized, using organizational analytical ideas such as institutional benign neglect (Catalano et al., 2023). The autonomy identified by participants could have resulted from benign institutional neglect as TIX Coordinators worked to keep their institutions compliant with Title IX. However, while this benign institutional neglect, manifested or labeled as autonomy by participants, was considered positive by participants, the benign neglect has also, in turn, resulted in institutions failing to provide adequate support to achieve compliance with legal mandates. The benign neglect therefore, may result in TIX Coordinators believing that “being left alone” is a positive, but in reality, the benign institutional neglect results in poor provisions of resources and a possible general lack of awareness of Title IX issues.

In addition, though autonomy appears to be viewed positively by the TIX Coordinators I interviewed, I believe that the amount of autonomy provided to TIX Coordinators helps contribute to the high rate of job burnout and fatigue that has been noted in the literature about TIX Coordinators. These high rates of job burnout and fatigue result in a cycle of recycling TIX Coordinators, which in turn can result in unfavorable outcomes that undermine the goals of Title IX of combatting campus sexual violence and increasing access to education.

Impossibility Two: Resources Do Not Solve the Problem

A logical response to the high burnout rate of TIX Coordinators may be to provide TIX Coordinators more staffing to better support the TIX Coordinator and, ostensibly, to do some of

their work. Lessening the burden on the TIX Coordinator, in this line of thinking, removes some of the stressors inherent in the TIX Coordinator position. The proliferation in Title IX staffing is documented by prior research (O'Brien, 2015; Tani, 2017), but the money spent by institutions in building up the staff of the TIX Coordinator does not solve two major problems. First, because of the autonomy associated with the role that is discussed above, TIX Coordinators and, by extension, their Title IX staff, are neglected by the institution when left to deal with constant changes due to unfunded government mandates and court interpretations. While it may be helpful for the TIX Coordinator to have staff help them track changes and make resultant updates to their policies and procedures, the ultimate responsibility falls on the TIX Coordinator at the institution (and in court, when they are sued). Second, and more important than institutional liability, is the fact that resources in the form of additional staffing likely do not directly tie back to the larger purpose that Title IX has on campus: combatting campus sexual violence and ensuring access to education. For example, a TIX Coordinator is provided two funding lines to hire two additional Title IX investigators. These investigators come in and perform procedurally beneficial work for the TIX Coordinator because they execute an investigation procedure, resulting in adjudication of allegations of violations of Title IX. However, when a respondent is removed from an institution or otherwise sanctioned, does this truly do much to advance reducing campus sexual assault? This type of sanction may operate to increase a complainant's access to their education, but what if the sanction does not permanently (or at least until the complainant leaves the institution) remove the respondent? Individual investigations do little to actually combat campus sexual violence.

Taking this argument further, a TIX Coordinator, noting that individual investigations are doing little to impact the broader concern of campus sexual violence, receives funding to provide

training on campus, either in the form of programmatic materials or a new staff member who is in charge of training. However, the TIX Coordinator needs to be cognizant that the programmatic materials or staff member are not overly supportive (directly or by implication) for complainants or respondents because impartiality, fairness, and non-bias are a requirement under regulation (Office for Civil Rights, 2020a) and are a fundamental aspect of Title IX on campuses. So, even though institutions may look to solve many problems by providing resources in the form of additional staffing, programs, and training, the TIX Coordinator is still restrained from actually making meaningful progress in combatting campus sexual violence and ensuring access to education.

Impossibility Three: There Is No Justice in Title IX Investigations and Hearings

One of the most striking aspects of the finding in this study was that TIX Coordinators do not see justice in their work at all. In devising this study and using Kitchener's (2010) ethical foundations, I admittedly was most interested in fidelity and autonomy and the data that might come from those areas. While it may not seem surprising about the lack of justice, it is sad and disheartening. I believe in what the TIX Coordinator role is charged with doing and feel that there is, or can be, a semblance of justice in Title IX cases. With that said, the politicization of Title IX makes it impossible to center justice, since most efforts must focus on responding to unfunded mandates from each presidential administration. The lack of justice in Title IX investigations and hearings, whether it be due to beliefs about too much or too little procedural due process or the lack of remediation, even if a respondent is sanctioned, makes the TIX Coordinator unable to provide justice for any party. Additionally, investigating, having a hearing, and "resolving" one instance of sexual violence does little to solve the larger issue of campus sexual violence and access to education. So, not only is there no justice for the parties in a Title

IX case, but there is also no justice associated with the broader goals of Title IX. This makes the role of the TIX Coordinator impossible as they are working within a system that does not allow for justice at the individual or collective level. Significant to note is that it is not the people in the TIX Coordinator role who create the injustice. People in TIX Coordinator roles want their offices to be a place where people can come for justice; but, in reality, they are in a role that is so convoluted and hyper-regulated that it can feel like they are unable to provide justice.

Solution to the Impossibility

As someone who identifies as a pragmatic researcher, I seek to solve issues with practical solutions that can be implemented and measured. The problem identified and described above, the impossibility of the TIX Coordinator role, is one that truly requires deep thinking, expertise in numerous areas of study (education, political science, psychology, just to name a few), and a practical understanding of what it is like to do the TIX Coordinator job. The solution to the impossibility is thus not likely going to come from one person. For example, I know what it means to be a TIX Coordinator, I can think deeply (I think), but I do not have expertise in all of the areas that are necessary to solve the impossibility.

However, the solution to this impossibility begins with going back to the ratification of Title IX. Title IX is a piece of legislation that was aimed at achieving gender equality that has been applied in various contexts, such as sports and campus sexual violence. Fundamentally, Title IX is about protecting access to equitable sports opportunities and access to education. In dealing with campus sexual violence, we need to design a system that allows individuals to seek resolution of allegations of violations of Title IX (stalking, rape, dating/domestic violence) and the broader issues in our society surrounding sexual violence. To do this, we need to ensure that resources are appropriately spent on providing investigatory staff, support staff, and educators

who can offer a holistic approach to combatting sexual violence. The TIX Coordinator should oversee the aspects of combatting campus sexual violence that affect individuals, but likely should not be so involved in programs, such as bystander intervention, training about consent, and training about the risk associated with alcohol and drug consumption. Politicians and campus administrators also must work together to create a regulatory scheme that recognizes that the TIX Coordinator cannot work alone: They must be a part of a larger team in institutions that holistically approach campus sexual violence as both a specific and a broader issue.

Conclusion

Throughout this study, it is clear there is a great dearth of research on the role of the TIX Coordinator. Above, in the implications section, I described possible areas of future research that need to be completed for several reasons. First, the TIX Coordinator is a unique and incredibly important role on college campuses that truly suffers from a general lack of understanding about what the role is and what the role does. Second, so much is placed on the shoulders of TIX Coordinators: legal liability, constantly changing rules and regulations, incredibly passionate and vocal stakeholders who have strong opinions on sexual violence and due process, and the public eye on matters of sexual violence in politics and in the courts.

In my role, I often joke with my colleagues and myself about the fact that nary a week goes by without me saying, “Wow, that would be a good research study” or about something related to my job, the “clients” I work for, or the secondary trauma and discussions I have with my staff about the difficulties of doing Title IX work. There truly is a depth of knowledge that should be examined and advanced about the work and role of the TIX Coordinator, and I hope that this study helps illustrate this need.

Finally, as currently constructed, the role of the TIX Coordinator is impossible. Title IX issues must be taken at both the individual and collective level so that institutions can comply with the foundational requirement of Title IX: to create equal access for all genders in education. This impossibility can only be made possible by working with political leaders and campus administrators to devise a scheme that satisfies this foundational requirement while also tackling the broader issue of sexual violence within our society.

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Appendix A: Call for Participants

To Title IX Coordinator,

I am reaching out to you as the Title IX Coordinator at your institution. I am a doctoral candidate at Virginia Tech and my research is about the experiences, knowledge, and practices of Title IX Coordinators [insert IRB #]. I am curious to better understand the skills, competencies, and knowledge you believe Title IX Coordinators must possess to be able to successfully navigate their role.

I invite those interested in participating to complete this short questionnaire that includes demographic details and includes more details about the study. The questionnaire should take no more than 10 minutes of your time. You may access this questionnaire [insert link to Google Form here].

Thank you in advance for your support. If you have any questions about this study, please feel free to contact me at bluesttm@vt.edu or irb@vt.edu. Please note I am conducting this dissertation research under the supervision of Dr. Chase Catalano, Assistant Professor of Higher Education at Virginia Tech.

Sincerely,

Thomas M. Bluestein, Doctoral Candidate, Higher Education, Virginia Tech

Appendix B: Interest Form for Participants

Title IX Coordinator Research Interest Form

Please fill out this questionnaire to learn more information about participating in this research aimed at better understanding the skills, competencies, and knowledge Title IX Coordinators must possess.

I seek to interview Title IX Coordinators about their experiences related to their work in their current position. I want to better understand the skills, competencies, and knowledge that Title IX Coordinators must possess to demonstrate Title IX compliance including how Title IX Coordinators respond to various federal government unfunded mandates.

This is a research project under the supervision of Dr. Chase Catalano, ccatalano@vt.edu, for the dissertation of Thomas Bluestein, bluesttm@vt.edu. Should you have any questions or concerns, please contact Dr. Catalano or irb@vt.edu.

Name? *

Short answer text

Email address: *

Short answer text



At what institution do you serve as the Title IX Coordinator? *

Short answer text

Gender: *

Short answer text

What pronouns do you use?

Short answer text

Race/ethnicity: *

Short answer text

Age: *

Short answer text

Please tell me any degrees you earned and what you studied (e.g. Bachelor's in Political Science, J.D.) *

Long answer text

Please tell me the title of the person you report to and any information that would help me understand the reporting structure. *

Long answer text

Number of Years in Title IX related work: *

Short answer text

This field serves as your signature. By typing your name, you indicate you are interested in us reaching out to you to schedule an interview: *

Short answer text

Date: *

Month, day, year



⋮

Please provide a pseudonym you would like us to use for you, or please indicate that you prefer I assign a pseudonym for you.

Short answer text

Short answer

Required

Appendix C: Invitation to Participate

Subject: Participant Selection for Title IX Coordinator Research

Dear <Name>,

Thank you for filling out the online informational questionnaire to express your interest in speaking with me about your work as a Title IX Coordinator [IRB #]! I invite you to participate in this research and to confirm your interest in participating in the 45-75 minute recorded interview. If you are no longer interested in participating, please respond to let me know to remove you from the study.

Next steps:

Attached you will find an information document that provides details about this research project and what participation means for you. Please let me know if you have any questions.

Please use this [insert link to Signup Genius] to choose a date and time for your interview that is most convenient for your schedule. Please note that all times are in Eastern Standard Time.

If none of the dates/times available work with your schedule, then please contact us so we can find a day/time that works best for you.

I will send an email confirmation for our interview day and time once you schedule it, as well as an email 24 hours prior to the interview as a reminder.

Please let me know if you have any questions or concerns

Regards,

Thomas Bluestein

Appendix D: Consent to Participate

Title IX Coordinator Research Consent to Participate Form

This form serves as your consent to participate in this research study related to the skills, competencies, and knowledge Title IX Coordinators must possess. By signing this form, you consent to us contacting you to schedule an interview. This interview will be conducted via Zoom and recorded. You will be provided a copy of the transcript of your interview to review for accuracy and redaction.

The study should take approximately 45-75 minutes of your time. I do not anticipate any risks from completing this study.

You can choose whether to be in this study or not. If you volunteer to be in this study, you may withdraw at any time without consequences of any kind. You may also refuse to answer any questions you don't want to answer and remain in the study. The investigators may withdraw you from this research if circumstances arise which warrant doing so. Should you withdraw from the research, then we will immediately delete any information you provided via the demographic questionnaire.

Confidentiality: We will do my best to protect the confidentiality of the information I gather from you, but we cannot guarantee 100% confidentiality.

Any data collected during this research study will be kept confidential by the researchers. We will record your interview via Zoom, then send only the audio-recording file to a third-party transcription service. The researcher will code the transcripts using a pseudonym (false name) for each participant. We will store audio-recordings on a secure password-protected computer in a folder that requires 2-factor authorization to access. The researchers will maintain a list that includes a key to the code. We will store the master key and recordings for 2 years after the completion of the study and then we will destroy the key and recordings.

Who can I talk to? If you have any questions or concerns about the research, please feel free to contact Chase Catalano (ccatalano@vt.edu) or Thomas Bluestein (bluesttm@vt.edu). You are not waiving any legal claims, rights or remedies because of your participation in this research study. If you have questions regarding your rights as a research participant, contact the Virginia Tech HRPP Office at 540-231-3732 (irb@vt.edu).

This field serves as your signature. By typing your name, you indicate you consent to participate in this research. *

Short answer text

Date: *

Month, day, year



Email Address: *

Short answer text

Appendix E: Confirmation of interview email and Consent Information Sheet

Subject: Confirmation of Interview

Dear <insert name>,

I write to confirm our interview participation in research on Title IX Coordinators scheduled for <day>, <date> at time **EST**.

Below you will find the Zoom information for the interview.

Finally, I attached again the information sheet for your records about what it means to participate in this research.

Should you need to reschedule your interview, please contact me at your earliest convenience. I look forward to speaking with you!

Regards,

Thomas Bluestein

Zoom Information:

[Insert Zoom invitation here]



Information Sheet for Participation in a Research Study

Principal Investigator: Dr. Chase Catalano

IRB# and Title of Study: [insert IRB# here], Skills, Competencies, and Knowledge of Title IX Coordinators

Sponsor:

You are invited to participate in a research study. This form includes information about the study and contact information if you have any questions.

I am a graduate student at Virginia Tech, and I am conducting this research as part of my course work.

➤ WHAT SHOULD I KNOW?

If you decide to participate in this study, you will complete an interview. As part of the study, you will answer open-ended questions to describe your experiences becoming a Title IX Coordinator; skills, competencies, and knowledge to complete your role, and developing and implementing policy at the institutional level. All interviews will take place via Zoom. You will need to verbally consent to participate in the interview as well as consent for the researcher to record the interview. Permission to record the interview is a requirement of participation.

The study should take approximately 45-75 minutes of your time.

We do not anticipate any risks from completing this study.

You can choose whether to be in this study or not. If you volunteer to be in this study, you may withdraw at any time without consequences of any kind. You may also refuse

to answer any questions you don't want to answer and remain in the study. The investigator may withdraw you from this research if circumstances arise which warrant doing so.

➤ CONFIDENTIALITY

We will do our best to protect the confidentiality of the information we gather from you, but we cannot guarantee 100% confidentiality.

Any data collected during this research study will be kept confidential by the researchers. Your interview will be audio-recorded using Zoom and then transcribed. The researcher will code the transcripts using a pseudonym (false name). The researchers will store audio-recordings on a secure password-protected computer in a folder that requires 2-factor authentication to access. The researchers will maintain a list that includes a key to the code. We will store the master key and recordings for 2 years after the completion of the study and then we will destroy the key and recordings.

➤ WHO CAN I TALK TO?

If you have any questions or concerns about the research, please feel free to contact Dr. Chase Catalano (ccatalano@vt.edu) or Thomas Bluestein (bluesttm@vt.edu). You are not waiving any legal claims, rights or remedies because of your participation in this research study. If you have questions regarding your rights as a research participant, contact the Virginia Tech HRPP Office at 540-231-3732 (irb@vt.edu).

Please print out a copy of this information sheet for your records.

Appendix F: 24 hour reminder email

Subject: Gentle Reminder: Interview Tomorrow

Dear <insert name>,

I write to send a gentle reminder about your interview with me tomorrow for <day>, <date> at **time EST**, to talk about your experiences as a Title IX Coordinator.

Please find below the Zoom information for the interview for your convenience.

Should you need to reschedule your interview, please contact me at your earliest convenience.

Regards,

Thomas Bluestein

Zoom Information:

[insert Zoom information]

Appendix G: Transcript Review Email

Subject: Transcript Review

Dear <Name>,

Thank you again for your time and energy to participate in my research about skills, competencies, and knowledge required as a Title IX Coordinator. Attached to this email you will find a full transcript of our conversation. Please review the transcript to ensure accuracy to the best of your ability.

Please respond within 2 weeks, by [insert specific date], for your transcript review. If I do not hear from you after those 2 weeks, then I will move forward with the transcript as is. If you have any additional questions, please feel free to reach out. I sincerely appreciate your investment of time in this research project!

Regards,

Thomas Bluestein

Exhibit H: Interview Protocol

Introduce Project:

Thank you for volunteering to participate in an interview! As you know, I am exploring the experiences of Title IX Coordinators. I am especially interested in how your experience and knowledge of Title IX may help you navigate various changes to complying with the requirements of Title IX. The interview protocol has three main sections: how you came to be a Title IX Coordinator; how you gained the skills, competencies, and knowledge required to effectively implement policy change upon Title IX requirement changes; and how you develop and implement policy to respond to changes.

The interview will last between 45-75 minutes once you have given me permission to record. I will send you a transcript of your interview for you to review for accuracy and clarity. I will digitally store all interview transcripts in a secure location accessible only to me and the Primary Investigator, Dr. Chase Catalano.

When I invited you to participate, I provided you with an information sheet about participation. Do you have any questions about your consent or this research before we begin?

Verbal Consent: As this research, IRB-#XXXXXXX, is exempt, I need to gain your verbal consent to begin the interview and record the interview. Do I have your consent to begin the interview? Do I have your consent to record this interview?

If yes, continue to questions after beginning recording.

If no to either consent, say, “Thank you for your time. By not consenting to participate and/or have the interview recorded, I will withdraw you from the study. I will delete any data you provided immediately upon ending this call.”

Becoming a Title IX Coordinator (RSQ #1):

- Can you tell me about your educational and professional path that led you to your current role?
- Can you tell me how you became a Title IX Coordinator at your current institution? For example, were you directly hired for this role or did you begin in a different role at your current institution?
- Prior to your current role, can you tell me about any previous experiences or knowledge you had about Title IX coordinators?
- What other types of roles, if any, have you held at your current institution? What about at other institutions? [if information was not apparent in first question]
- Prior to this role, how would you describe your experience addressing issues of campus-based gender and sexual violence?
- How do you believe your prior professional and educational experiences prepared you for your current role as Title IX Coordinator?
- What other experiences prepared you for your current role as Title IX Coordinator?

Skills, Competencies, and Knowledge (RSQ #4):

- Could you tell me, in your own words, what you see the role of the Title IX Coordinator?
- How would you describe your role in addressing issues of campus-based gender and sexual violence?
- What types of support do you have to complete your job responsibilities?
- What do you believe are qualities that make a Title IX Coordinator effective?
- What skills do you believe are crucial for a Title IX Coordinator to possess?
 - Competencies?
 - Knowledge?
- How did you obtain those skills, competencies, and knowledge you just mentioned?
- How, if at all, do you continue to develop those skills, competencies, and knowledge?
- How do you measure success as a Title IX Coordinator?
- How do you believe your supervisor and the institution evaluate you on your success in your role as a Title IX Coordinator?

Developing and Implementing Policy (RSQ #2 and 3):

- How do the continuous changing federal regulations impact your role?
- Can you provide a general overview of your reporting structure (i.e. what the title of the person you report to is)?
- Can you provide a general overview about the process at your institution to implement policy change?
- What experience do you have in developing and implementing policy at the university level?
- What experience do you have in developing and implementing policy related to campus-based gender and sexual violence at the university level?
- What skills, competencies, and knowledge are necessary for you to develop and implement policy?
- In what ways, if any, are these skills, competencies, and knowledge different than the skills, competencies, and knowledge you identified above in relation to effectiveness as a Title IX Coordinator?
- What steps do you take when a new federal regulation, such as the 2020 Final Rule, is announced (i.e., when the rule is issued, but is not effective yet)?
- In thinking back to the skills, competencies, and knowledge you spoke about earlier, which of these are most vital to responding to new federal regulations?
- Are there additional skills, competencies, and knowledge that enable you to navigate policy change?
- What steps do you take after a policy change is effective? For instance, what is your role in the implementation of policy changes for institutional practices?
- How does your role change, if any, once a policy becomes effective?

- In what ways, if any, do you prepare for possible policy changes that may come from the federal government?

Conclusion:

- What do I need to know about your role as a Title IX Coordinator that I did not ask you about?