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Student Experiences Reporting Sexual and Gender-Based Misconduct to the Title IX Office at a Public State University

Violence Against Women
1–22

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Abstract

Twenty-five survivors completed anonymous surveys about reporting sexual and gender-based misconduct to their public university's Title IX office, including case characteristics, perceptions of the reporting and response process (e.g., helpfulness, respect), and experiences of institutional betrayal and support. Measures and open-ended responses described varied misconduct incidents, reporting behaviors, case outcomes, process issues, and negative process consequences. Additionally, process perceptions correlated with institutional betrayal and support. Findings illuminate how survivors' Title IX process perceptions relate to experiencing harm or support from larger institutions, and offer insights into developing a Title IX process which maintains student rights and dignity regardless of outcome.

Keywords

sexual assault, sexual harassment, Title IX, reporting/disclosure, university/college

Introduction

Decades of research has documented the epidemic rates of sexual and gender-based misconduct among college students in the United States (Cantor et al., 2017; Fedina

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et al., 2018). For the purposes of this paper, the term “sexual and gender-based misconduct” will be used to describe the myriad forms of sex- and gender-based discrimination which schools are obligated to address under federal and state law, including rape and sexual assault, sexual and gender-based harassment, stalking, and intimate partner abuse. Women and gender-diverse (e.g., transgender and nonbinary) college students evidence higher rates of sexual and gender-based misconduct relative to nonwomen and/or cisgender college students (Cantor et al., 2017). A survey by the American Association of Universities of 150,072 students from 27 schools reported that 33.1% of undergraduate women and 39.1% of nonbinary/gender-diverse students experienced nonconsensual sexual contact in college, with 26%–29% of incidents including physical force or incapacitation (Cantor et al., 2017).

A primary legal approach to address campus sexual and gender-based misconduct is Title IX, federal legislation originally passed as part of the U.S. Educational Amendments Act of 1972, which bars sex discrimination within educational institutions that receive federal funds (Silbaugh, 2015). Title IX was first applied to sexual harassment with *Alexander v. Yale University*, when Yale students successfully argued that sexual harassment was a form of prohibited sex discrimination under Title IX (*Alexander v. Yale University*, 1980). Following this case, the Supreme Court made multiple rulings that students reporting sexual misconduct could sue their institutions for monetary damages under Title IX for inadequate responses to their reports (e.g., *Franklin v. Gwinnett County Public Schools* in 1992, *Gebser v. Lago Vista Independent School District* in 1998, and *Davis v. Monroe County Board of Education* in 1999). Initial guidance was published in 1997 by the U.S. Department of Education Office for Civil Rights which defined sexual harassment (which includes sexual and gender-based misconduct as defined in this work) as a prohibited form of sex discrimination under Title IX and outlined how schools should respond to reported sexual harassment (U.S. Department of Education, 1997). This guidance was revised in 2001 (U.S. Department of Education, 2001), and in 2011, the Obama administration issued a Dear Colleague Letter reminding schools of their responsibility to take immediate and effective action to protect reporting students, as well as other guidelines (e.g., designating a Title IX Coordinator at all institutions; an aspirational timeframe of 60 days to resolve all reports; U.S. Department of Education, 2011).

In 2017, Obama-era Title IX guidance was rescinded by the Trump administration, and in May 2020, final regulations were released which substantially changed the Title IX process, most notably by limiting the scope of institutions’ responsibility to respond to sexual misconduct (e.g., only misconduct that occurs on-campus or at a campus-sponsored program) and requiring more prescriptive requirements for formal adjudication processes (e.g., live hearings with adversarial cross-examination; U.S. Department of Education, 2017, 2020). These changes attempted to address concerns about due process for individuals accused of sexual misconduct, despite the fact that most accused individuals do not face any serious disciplinary action (Richards, 2019). These changes have been widely criticized by survivors, advocates, and experts in sexual misconduct and civil rights for emphasizing the rights of the

accused over the well-being of survivors who must endure an adversarial process (Holland et al., 2020).

As a result of the initial court rulings and subsequent federal directives, students who experience sexual and gender-based misconduct (“survivors” and “reporting parties”) can report to their university (generally to the Title IX office and/or Coordinator) to pursue sanctions against perpetrators (“respondents” or “responding parties”) and/or receive corrective measures. While universities have been required to respond to survivors’ reports for decades, empirical evidence is still emerging about these processes and their consequences on survivors. However, research indicates that most students’ experiences with reporting sexual and gender-based misconduct to Title IX offices are deeply negative (e.g., Fleming et al., 2018; Germain, 2016; Holland & Cipriano, 2021; Khan et al., 2018; Know Your IX, 2021). For instance, in interviews with 26 college women who experienced sexual assault in college, Germain (2016) found several women who described experiencing victim blaming and subsequently believing that the Title IX office does not care about assault nor will hold the accused accountable. Khan et al. (2018) also described several student survivors who felt confused and letdown by the Title IX process. Holland & Cipriano (2021) described student survivor interactions with Title IX office staff which minimized assaults, caused additional trauma (e.g., victim blaming), and varied widely across cases. Two survey studies came to similar conclusions: Fleming et al. (2018) found that student survivors rated their Title IX Coordinator and administrators as the least helpful of all possible campus resources, while Know Your IX (a campus advocacy nonprofit) surveyed 100 student survivors, many of whom described negative experiences (e.g., victim blaming, a slow and inadequate process) which substantially disrupted their education (Know Your IX, 2021).

Related research on student trust in their institutions suggests that minoritized students, especially sexual and gender minority students, and students who have prior sexual victimization histories, have particularly negative perceptions of institutional responses to sexual and gender-based misconduct and low trust in the process (Cantor et al., 2017; Holland, 2020; Mushonga et al., 2020). Mushonga et al. (2020) asked students “if someone were to report a sexual assault to a campus authority, how likely is it that your school would take the report seriously?” and found greater negative perceptions of institutional response to sexual and gender-based misconduct among lesbian, gay, bisexual, and transgender (LGBT) students, domestic students, and female students compared to their heterosexual and/or cisgender, international, and male counterparts. Holland (2020) similarly assessed trust in Title IX office responses to sexual assault reports among undergraduate women and found that survivors of college sexual assault had lower trust in the Title IX office compared to non-survivor counterparts and that decreased trust was associated with lower intentions to report sexual assault experiences to their university. Lastly, the aforementioned survey of over 150,000 college students found that only about half of students believed their university’s Title IX office would conduct a fair investigation, and this belief was lower among college women and nonbinary/gender-diverse students compared to college men and/or cisgender students (Cantor et al., 2017).

A potential reason for both negative experiences of reporting students and low trust in the Title IX reporting process, particularly for minoritized and victimized students, is institutional betrayal, defined as the harmful acts perpetrated by institutions upon whom individuals are dependent for protection and support (Smith & Freyd, 2013, 2014). Institutional betrayal committed against student survivors of sexual and gender-based misconduct includes failure to prevent abuse, normalizing abusive contexts, difficult reporting procedures and inadequate responses, supporting coverups and misinformation, and punishing victims and whistleblowers (Smith & Freyd, 2013, 2014). Institutional betrayal is commonly reported among women and LGBT students who have experienced campus sexual and gender-based misconduct and is linked to negative mental and physical health outcomes (Smidt et al., 2021; Smith & Freyd, 2013, 2014; Smith et al., 2016). The antidote to institutional betrayal is institutional support, defined as supportive responses from individuals within institutions to survivors, such as believing them, apologizing for their experiences, connecting them with resources, and providing autonomy in what happens after reporting (Rosenthal et al., 2016). Institutional support is an aspect of institutional courage, which are actions an institution takes to seek truth despite risk and/or cost to the institution (Freyd, 2018).

Given the paucity of available Title IX case information, and serious concerns raised by students who have engaged with the Title IX reporting process, additional research is needed to further understand the characteristics of cases that are reported to Title IX offices and how perceptions of the Title IX process are associated with outcomes for survivors. In light of these considerations, the present study explored the sexual and gender-based misconduct reporting process from the perspective of student-survivors at a mid-sized public state university with the following aims: (a) To describe the characteristics of students' sexual and gender-based misconduct reports to their university's Title IX office (i.e., type of misconduct reported, how the report was initiated, investigation length, and outcome); (b) To describe specific characteristics of students' interactions with the Title IX reporting and response process (e.g., feelings of control over the process, feelings of safety as a result of the process) and their associations with experiences of institutional betrayal and/or institutional support; and (c) to describe additional important aspects of students' experiences with the Title IX reporting and response process using open-ended qualitative questions. This exploratory study offers unique contributions to the Title IX and campus sexual assault literature, including providing more insight into the characteristics of survivors' Title IX reports and the associations between specific report experiences and outcomes for survivors, through the inclusion of both quantitative and qualitative data.

Method

Participants and Procedures

Data collection for this study occurred over three academic semesters totaling 11 months, from April 2019 to March 2020, at a mid-sized public state university in a mid-Atlantic state. The study was approved by the sponsoring university's

Institutional Review Board (IRB). Participation was open to current students aged 18 years or older who had experienced an incident of sexual and gender-based misconduct which was referred to the Title IX office by them directly or by another individual (such as a mandatory reporter). Data collection was discontinued in April 2020 due to a slowed recruitment process from the COVID-19 pandemic, as well as the impending changes to Title IX guidance from the Department of Education's final Title IX regulations, which were released in May 2020 (U.S. Department of Education, 2020). Participants were recruited through advertisements on the sponsoring university's website pages and on social media pages for university organizations (e.g., student government), in-person and email flyer distributions, and in-person presentations to classes and group meetings. The first author conducted outreach to offices and staff members at the university who work with students impacted by sexual and gender-based misconduct, including but not limited to the Title IX Coordinator, diversity and inclusion center, student groups focused on sexual violence and survivor support, Greek Life organizations, residential life, and the university counseling center. Furthermore, the first author conducted outreach to identity-specific university groups and organizations focused on diverse and underserved communities, including LGBT students, racial and ethnic minority students, and religious minority students.

Participation involved completing a one-time, anonymous online survey via Qualtrics that took approximately 30 min to complete. The survey could be accessed by typing in the URL or scanning the QR code provided on recruitment materials. Before accessing the survey, participants were instructed to read the informed consent form, which overviewed the purpose of the study, inclusion criteria, participant tasks, risks to and benefits of participation, on and off-campus resources for students impacted by sexual and gender-based misconduct, a link to the sponsoring university's Title IX and sexual misconduct policy, names and contact information for the first author and her faculty sponsor (the third author), and information on IRB approval. At the end of the informed consent, participants were instructed to click a button with the text "I have read and understood the consent form and would like to proceed with the study. I also understand I may print out a copy of the consent document for me to keep" to proceed with the study. A waiver of written consent was requested and approved by the sponsoring university's IRB to protect participants' anonymity. Participants were instructed in the informed consent that they could skip questions or stop participation at any time, with no consequence to them. At the end of the survey, participants were thanked for their participation, and once again provided with the first author and her faculty sponsor's (third author) contact information, as well as on- and off-campus resources for students impacted by sexual and gender-based misconduct.

A total of 31 students participated in the survey, but six participants were removed from data analyses as they did not meet inclusion criteria. Specifically, three participants indicated they had not reported any form of sexual or gender-based misconduct, two participants did not respond to any questions asking about the incident of sexual and gender-based misconduct they experienced, and one completed the survey as a witness rather than as a student who experienced sexual or gender-based misconduct.

As such, the final sample included 25 participants. Participant identities were anonymous, and efforts were made to avoid collecting and reporting any information that could identify participants. No participant demographic info was collected, except for number of semesters at the sponsoring university, which was an average of 5.04 semesters ($SD = 1.86$, median = 5, range = 1–9). Undergraduate and graduate students were both invited to participate in the survey. Additional demographic information was not collected for two primary reasons. First, at the time of data collection, the first author was a graduate student co-chair of a student advisory committee within a larger university-sponsored initiative addressing campus sexual violence, and shared information about the study to members of her department, student advisory committee, and the university-sponsored initiative; thus, it was probable that students known to the first author would participate, and not collecting demographic information would ensure the anonymity of participating students. Second, although the study was approved by the sponsoring university's IRB, which requires protocols to ensure confidentiality and protection of participant information, mandatory reporting policies are one way that institutions betray survivors of sexual and gender-based misconduct (Holland et al., 2018), and not collecting demographic information was one way the first author chose to protect participants' confidentiality, as well as facilitate recruitment and participant comfort.

Measures

Case Characteristics. Participants were asked about the characteristics of their sexual and gender-based misconduct case that was reported to the Title IX office. This section of the survey included single-option and multiple-option items, and for some questions where a potential response choice was "other," an open-ended response option to explain their choice of "other." Questions and response options were chosen based on reported case information data within the state of the sponsoring university, which also mapped onto the state's Title IX and sexual misconduct policies (Richards, 2019). Two questions used a write-in response choice (length of case and disciplinary action against respondent). Questions asked about: the incident(s) reported to the Title IX office (i.e., sexual assault, sexual or gender-based harassment, stalking, relationship violence, sexual exploitation, sexual intimidation, not sure, none); where the incident occurred (i.e., on-campus residence hall, on-campus elsewhere, off-campus); the role of the responding party (e.g., perpetrator) at the university (i.e., student at the university, faculty, staff, not affiliated); who survivors first reported to (i.e., Title IX office staff, professor, counseling staff, residential life staff, diversity center staff, other); anyone else they reported to (same options as the first reporting question); how the report was referred to the Title IX office (i.e., self, other with or without their permission, not sure); the outcome of the report (i.e., no contact order, other interim measures, referral for investigation, not sure); the outcome of a formal investigation if one occurred (i.e., responding party found responsible or not responsible, still ongoing, not sure); how participants were notified of the outcome (i.e., direct

in-person contact, phone contact, electronic contact); how many days the process took from start to finish; and what, if any, disciplinary actions were taken against the responding party (participants were asked to write-in their response, or indicate if the case was ongoing or they did not know the answer).

Title IX Reporting and Response Perceptions. Participants completed rating scale items to assess their perception of their Title IX reporting and response process. Participants rated the helpfulness of the process, how in control they felt, how respected they felt, how empowered they felt, how much the process enhanced their feelings of safety at the university, and their overall satisfaction with the process. Response options ranged from 1 to 7 with verbal anchors provided for each item (e.g., *very disempowered* (1) to *neither empowered nor disempowered* (4) to *very empowered* (7); *very disrespected* (1) to *neither respected nor disrespected* (4) to *very respected* (7), etc.). A total score was also created by summing responses to the six rating items to create a continuous variable with lower scores reflecting more negative overall experiences and higher scores reflecting more positive overall experiences with the Title IX process ($\alpha = .96$).

Open-Ended Questions. Participants were also provided with four open-ended write-in questions to elaborate on their Likert scale answers and provide additional information about their Title IX office reporting and response experience: (1) *Please provide an explanation for any of the ratings above, regarding your feelings around your experience reporting to Title IX and/or the university's response;* (2) *Would you recommend this process to other students who experience sexual misconduct – why or why not?;* (3) *What changes would you like to see to how the university handles survivor reports of sexual misconduct?;* And (4) *please describe additional details about your experience with reporting to Title IX that may be helpful for us to know.*

Institutional Betrayal and Institutional Support. Participants completed the Institutional Betrayal and Support Questionnaire, Version 1 (IBSQ.1; Rosenthal et al., 2016), a 26-item questionnaire which assesses experiences of betrayal and support in institutions' responses to sexual violence. The IBSQ.1 was adapted by the Institutional Betrayal Questionnaire (IBQ; Smith & Freyd, 2013), which assesses institutional failures to prevent sexual violence and mishandling of reported cases. The original questionnaire includes the instructions "in thinking about the events related to sexual misconduct described in the previous sections, did the [INSTITUTION] play a role by ...," but for the present study, the instructions were changed to read "in thinking about the events related to sexual misconduct described in the previous sections, did the Title IX office play a role by" An example item for institutional betrayal includes, "Did the Title IX office play a role by making it difficult to report the experience(s)?" The IBSQ.1 expanded the IBQ to include institutional betrayals specifically related to race and sexual orientation (e.g., "responding differently to your experience/s based on your race or sexual orientation"), as well as institutional support, that is, positive institutional responses to sexual violence (e.g., "allowing you to have a say in how

your report was handled”). The ISBQ.1 includes 18 items assessing institutional betrayal and eight items assessing institutional support. Response options were *no* = 0, *not applicable* = 0, and *yes* = 1. Subscale scores for institutional betrayal and support were created by separating items measuring institutional support (#1–8) and items measuring institutional betrayal (#9–26) and summing the total of each subscale. Higher scores indicated higher reported institutional support and institutional betrayal, respectively. Internal consistency in the current study was $\alpha = .91$ for institutional betrayal and $\alpha = .87$ for institutional support.

Analytic Approach

For quantitative measures, frequencies were calculated for case characteristics, apart from length of case and disciplinary action taken against respondents, as these were qualitative questions. Next, descriptive statistics were calculated for continuous measures, including measures of institutional betrayal, institutional support, Title IX/sexual misconduct reporting and response perceptions, and case length. Next, Pearson correlations were used to examine correlations among the continuous measures.

For qualitative data, thematic analysis was used to identify and interpret patterns within the data, which is a flexible and accessible analytic approach not tied to any theoretical framework (Braun & Clarke, 2006). Braun and Clarke (2006) describe six phases of thematic analysis, including immersion in the data, generation of initial codes, searching for themes, reviewing and defining themes, and providing a story of the data organized within an analytic narrative. Open-ended responses for the four qualitative questions were copied and pasted as raw data into a word document. The first author read each response and chunked important content into nine distinct codes. For instance, the code “institutional betrayal” would apply to the excerpt, “I felt like I was being investigated because I reported.” The first author reviewed the raw response data once more to see if any additional data fit into existing codes. The first author coded this data alone given the brevity of the qualitative data and the first author’s institutional knowledge. The second author of this study served as an auditor, as a Title IX subject matter and qualitative research expert, and someone external to the study site. Throughout the coding process, the second author reviewed the first author’s coding decisions and supporting survey excerpts and provided organizational and thematic suggestions. Next, the codes were organized into three higher-level themes, which summarized and interpreted these data. The first and second author reviewed and agreed upon all theme decisions. Although the depth of data was limited by the use of a survey for data collection versus other methods (e.g., interviewing), descriptions and examples are provided whenever possible to illustrate each theme.

We used a convergent parallel mixed methods design in which qualitative and quantitative data were analyzed separately and then synthesized in the discussion of study findings (Creswell & Plano Clark, 2017). We chose a mixed method design to provide participants multiple ways to communicate their experiences with the Title IX process,

to provide complimentary information and validation of findings from both the quantitative and qualitative strands, and to center survivors' voices in this research. In addition, the limited prior research on student experience with the Title IX process supported the use of a mixed methods approach, which is recommended when neither quantitative nor qualitative approaches alone are suitable to fully answer the research questions (Creswell & Plano Clark, 2017).

Reflexivity Statement

At the time of data collection, the first author of this study and her faculty sponsor (the third author) were involved in a university-sponsored initiative to implement changes to campus sexual violence programs and policies, including communication and prevention efforts, supports for reporting and responding parties, and all aspects of the university's Title IX activities. Furthermore, the first author was co-chair of a student-led advisory committee tasked with providing consultation on campus sexual violence programs and policies, coordinating meetings with student stakeholders, compiling and disseminating campus-wide recommendations, and acting as a student representative with the university administration. The second author has experience working with survivors of sexual violence as both a victim advocate and as a researcher and has expertise in Title IX as it applies to sexual and gender misconduct in institutions of higher education. The possibility of negative bias—such as oversampling among those with negative reporting experiences—was addressed through the inclusion of quantitative measures designed to capture both negative and positive experiences and a broad and recruitment strategy (described in detail above). Furthermore, the second author was able to effectively serve as an auditor who was external to the university where this research was conducted. Thus, she was unfamiliar with any specific concerns related to Title IX office and processes that the first and third author may have been aware of due to their positions on campus. All three authors promote survivor-centered and trauma-informed approaches in research, and approach gender-equity work with an aim toward supporting, validating, and amplifying survivors' voices.

Results

Case Information

When asked the type of incident(s) reported to the Title IX office, most participants indicated that their report involved more than one form of sexual and gender-based misconduct (48%, $n = 12$), followed by experiences of only sexual assault/rape (24%, $n = 6$) or sexual or gender-based harassment (16%, $n = 4$). Other forms of misconduct were only endorsed by one participant each. A majority of participants indicated the incident(s) occurred on-campus (64%, $n = 16$), five (20%) indicated off-campus, and four (16%) indicated both on and off-campus. As pertains to on-campus locations specifically, around a quarter of all participants indicated the

incident(s) occurred in an on-campus residence hall (28%, $n = 7$) or elsewhere on-campus (24%, $n = 6$). When asked about the perpetrator, a majority indicated the individual was a student at the university (64%, $n = 16$), with a smaller number indicating that the perpetrator was a university staff member (12%, $n = 3$), not affiliated with the university (12%, $n = 3$), a university faculty member (3.8%, $n = 1$), or that the incident(s) involved multiple perpetrators (8%, $n = 2$).

About a third of participants (36%, $n = 9$) first disclosed their experience of sexual and gender-based misconduct to a residential life staff member (i.e., a resident assistant), followed by university diversity and inclusion center staff (20%, $n = 5$) or a professor (12%, $n = 3$). Two participants (8%) first disclosed to the Title IX office, two (8%) first disclosed to the university counseling center, two (8%) first disclosed to university student affairs, and two (8%) first disclosed to another faculty or staff member. In terms of secondary disclosures, six (24%) participants secondarily disclosed to the university diversity and inclusion center staff, six (24%) secondarily disclosed to the university counseling center, five (20%) secondarily disclosed to residential life, five (20%) secondarily disclosed to other faculty/staff, four (16%) secondarily disclosed to student affairs, three (12%) secondarily disclosed to health services, and three (12%) secondarily disclosed to a professor. One participant each secondarily disclosed to campus police or a friend. On average, participants disclosed to 2.88 offices/individuals ($SD = 1.79$, range 1–6).

When asked how their reports were referred to the Title IX office, the most common answer was that their reports were referred by others to the Title IX office with their permission (48%, $n = 12$), followed by participants who reported to the office themselves (36%, $n = 9$). Two participants (7%) indicated that their experience was reported to the Title IX office without their permission, and two (7%) were not sure how their experience was referred to the office. The length of their cases ranged from seven to 335 days, with the average length 175.36 days ($SD = 138.66$, median = 195). However, only 11 participants (44% of the total sample) responded to the question about the length of their case, and four indicated their cases were still ongoing at the time of the survey. In terms of outcomes of reports, 15 participants' cases (60%) resulted in no-contact orders (with 12 of these participants' cases also having additional outcomes), 10 participants' cases (40%) resulted in an investigation (i.e., a formal complaint of sexual or gender-based misconduct adjudicated through campus processes, which may include interviews, evidence review, an investigative report, determination of responsibility or nonresponsibility, and option of an appeals process), 5 participants' cases (20%) resulted in other interim measures (e.g., academic accommodations and having perpetrators removed from on-campus housing), and 5 cases (20%) resulted in no additional action taken. Two participants' cases (8% of the total sample) resulted in respondents being found responsible and eight (32% of the total sample) resulted in a "not responsible" finding, while the rest were either resolved without a determination of responsibility or were ongoing at the time of data collection. Of the two investigations with respondents found responsible, one resulted in what a participant described as "quasi-suspension" while the other participant stated they did not know the disciplinary action received by the respondent.

Reporting and Response Perceptions and Associations With Institutional Betrayal and Support

Descriptive statistics for continuous variables are presented in Table 1. For all variables, except for institutional betrayal, higher scores reflect more favorable ratings, and lower scores less favorable ratings, of the institutional response. For institutional betrayal, higher scores indicate higher ratings of institutional betrayal. Individual perceptions of the Title IX process averaged from 3.17 to 3.29 on a scale from 1 to 7, which on the measure equated with feeling somewhat negatively about the process (e.g., *the process was somewhat unhelpful, I felt somewhat disrespected*). Students also endorsed moderate experiences of institutional betrayal ($M=5.68$, $SD=4.89$, range 0–15) and institutional support ($M=3.68$, $SD=2.98$, range 0–8). The most common experiences of institutional betrayal included not doing enough to prevent victimization ($n=16$, 64%), making it difficult to report ($n=14$, 56%), creating an environment where staying at the university was difficult ($n=14$, 56%), no longer feeling like a valued member of the institution ($n=12$, 48%), inadequate responses ($n=13$, 52%), creating an environment where victimization seemed likely ($n=12$, 48%), denying students' experiences ($n=11$, 44%), and mishandling cases and disciplinary action ($n=11$, 44%). The most common experiences of institutional support included creating an environment where victimization felt safe to discuss ($n=15$, 60%), providing accommodations ($n=14$, 56%), providing resources ($n=14$, 56%), allowing students a say in how reports were handled ($n=13$, 52%), and ensuring students were treated as important members of the institution ($n=11$, 44%).

All correlations among continuous variables were in the expected direction, large in magnitude (above .50), and statistically significant at $p < .05$ or $p < .01$ (Table 2). Student perceptions of the Title IX process, including individual perception ratings (i.e., helpfulness, control, satisfaction, empowerment, safety, respect) and the total score for perceptions, were positively correlated with institutional support (total

Table 1. Descriptive Statistics for IBSQ.I and Title IX Perceptions.

	<i>M (SD)</i>	Range
Betrayal	5.68 (4.89)	0–15
Support	3.68 (2.98)	0–8
Perceptions total	19.83 (11.73)	6–42
Helpfulness	3.25 (2.23)	1–7
Satisfaction	3.21 (2.23)	1–7
Control	3.17 (2.06)	1–7
Respect	3.71 (2.31)	1–7
Empowerment	3.29 (2.03)	1–7
Safety	3.21 (1.91)	1–7

Note. One participant did not complete *Title IX Reporting and Response Perceptions* measure; thus, $n=24$ for perceptions scores, and $n=25$ for betrayal and support. IBSQ.I = The Institutional Betrayal and Support Questionnaire, Version 1.

Table 2. Bivariate Correlations Among Institutional Betrayal, Institutional Support, and Perceptions of the Title IX Process.

	Betrayal	Support	Perceptions total	Helpfulness	Satisfaction	Control	Respect	Empowerment	Safety
Support	-.71**								
Perceptions total	-.88**	.65**							
Helpfulness	-.78**	.59**	.92**						
Satisfaction	-.84**	.62**	.95**	.80**					
Control	-.86**	.63**	.94**	.89**	.85**				
Respect	-.89**	.69**	.97**	.86**	.94**	.91**			
Empowerment	-.67**	.52**	.85**	.68**	.86**	.72**	.79**		
Safety	-.80**	.51*	.88**	.81**	.79**	.78**	.82**	.64**	

Note. One participant did not complete Title IX Reporting and Response Perceptions measure; thus, $n = 24$.

* $P < .05$, two-tailed test.

** $P < .01$, two-tailed test.

perceptions $r = .65, p < .01$; individual perception r 's = $.51-.69, p$'s $< .05$ or $< .01$), and negatively correlated with institutional betrayal (total perceptions $r = -.88, p < .01$; individual perception r 's = $-.67-.89, p$'s $< .01$).

Qualitative Title IX Reporting and Response Process Experiences

A total of three themes, which synthesized nine distinct codes, were identified through thematic analyses: (a) Title IX process issues; (b) Title IX process consequences; and (c) reservations about reporting. The themes are detailed below and supported with participant quotes, along with key interpretations. Participant quotes will be identified through participant ID numbers, which were assigned based on the order in which participants completed the survey.

Title IX Process Issues

Participant comments described multiple issues with the Title IX process, including its confusion and lack of transparency, need for better staff training, and an overly slow and inadequate investigative process. Participants felt unclear about the Title IX process and their options after experiencing sexual misconduct. Participant 13 stated, "ResLife and Title IX [office] aren't clear enough with the options that survivors have before these conversations, and don't do enough to support them on their paths to recovery," while participant 3 stated, "I did not know of some resources until I asked if they had them ... [or] where to report until I went on a wild goose chase through campus." Six participants expressed concerns about Title IX office staff and affiliated individuals, including the Title IX Coordinator, Title IX investigators, and board of review/hearing board members. Participant 18 described Title IX staff and affiliated individuals as "very insensitive," and participant 1 stated, "everyone in the Title IX office is so disrespectful, incompetent, and actively [engaging] in victim blaming." Participant 1 elaborated, "during my hearing, after giving my impact statement and crying as a result, I was asked 'why do you think you were sexually assaulted?' And I knew I lost." Participant 11 explained that when they went in to discuss gender-based harassment based on their pronoun use, the Title IX staff person misgendered them, which "felt out of place especially after the entire discussion about the harassment I've experienced because of the pronouns I use." Participant 2 said "the Title IX office ruined my first two years at [university]," while participant 16 said the Title IX staff is "really awful." Participant 1 stated, "the whole office either needs to be fired or retrained on how to properly treat victims," while participant 18 was more specific, stating that the Title IX office needed "people who are trained in trauma response ... actual trauma informed human beings who know how to handle these cases." Participant 3 pointed to the Title IX board of review, saying that they need "more intensive training ... and [to be] stricter on their policies."

Furthermore, multiple comments noted an overly slow and/or inadequate investigative response. For example, participant 16 noted that "no one did anything or would respond to me [about the case]," and participant 18 described the process as taking

“an excessive amount of months.” Participant 1 stated: “The investigation was supposed to be over in 60 days ... I emailed at day 65 to see what was going on with my case. I got an email filled with legal jargon ... blaming me for the investigation taking so long.” Additionally, participant 3 noted a belief that the length of the investigation negatively impacted the outcome of their case: “The entire investigation took so long that witnesses who were in the apartment at the time and were the perpetrator’s friend changed their statements, which was seen in the report but not noted against their credibility.” Participant 18 described the length of the process as a way for the Title IX office to cover up misconduct cases and protect perpetrators: “it is possible to drag out a case so long that the respondent has time to transfer schools and never have the punishment on their record. It’s another way of cover-up.” Participant 5 stated, “reporting is completely useless.”

Overall, participants described multiple Title IX process issues which negatively impacted their experiences with the reporting and response process, most notably an opaque and slow process and inadequate and inappropriate responses from Title IX staff and affiliated individuals (e.g., board of review/hearing board members). Participants felt strongly that Title IX staff and affiliated individuals needed additional training in the Title IX process and in providing trauma-informed responses. Furthermore, some participants noted a belief that the inconsistent and lengthy process of their cases negatively affected the outcome of their cases.

Title IX Process Consequences

The second theme we identified was that the experience of the Title IX reporting and response process had several negative consequences for students’ mental health, including psychological distress and feeling disconnected from and betrayed by their university. Positive consequences were rarely discussed and focused primarily on feeling empowered within the reporting process. Multiple participants noted the harmful impact of reporting and the investigative process on their psychological well-being, such as participant 5, who stated, “you relive the trauma every time you talk about it, and it’s for nothing.” Other comments described feeling “terribly anxious” (ID 11), “unsafe during the entire process” (ID 18), and that it was “hard to feel completely safe” (ID 6). Two participants discussed the impact of Title IX-related distress on academic success, with participant 3 explaining, “despite the no contact order, I still saw my perpetrator every day, which severely affected my mental health and my grades,” and participant 2 noting, “I was no longer at [university] because I couldn’t take classes here with the investigation affecting me how it was.” Survivors also talked about how they felt disconnected and betrayed from the institution as a result of the reporting and process issues they faced. For instance, participant 18 stated, “I felt like I was being investigated because I reported.” Participant 3 explained, “... [the process] made me feel like my own university did not believe me... I felt dehumanized.” Participant 16 expressed that “I feel disgusted to be a member of the [university] community.” Participant 2 felt survivors should be warned about how reporting would negatively affect their relationship with the school, stating, “don’t

take it to the Title IX office if you don't have to ... [they] will ruin your college experience."

Alternatively, three participants described reporting as an empowering and/or helpful process. Two similar comments conveyed this notion; participant 6 stated, "[Title IX staff] were helpful with the reporting procedure, asked if I wanted to take legal measures, to which I replied no," while participant 8 stated, "[Title IX Coordinator] was very helpful and open to taking steps to resolve the problem." Participant 11 also described how they "felt like I mostly controlled the conversation." It is not entirely clear what led to these three participants having more positive experiences than others, but there are a few distinct differences in these participants' cases that can help contextualize their experiences. For these three participants, their cases did not involve sexual assault, but rather stalking and/or gender-based harassment; all participants directly referred their cases to the Title IX office rather than having another person report it on their behalf; and these cases did not involve a formal investigation, but were instead resolved through a no-contact order and/or other interim measures (e.g., academic accommodations). As such, Title IX process consequences may be more adverse for students who report a sexual assault, who are referred to the Title IX office by others—especially without their consent, by a mandated reporter—and/or who want the Title IX office to pursue a formal investigation. In sum, most participants described adverse consequences from reporting and engaging in the Title IX process, including psychological distress, academic impacts, and feeling harmed and/or betrayed by the Title IX and their institution. A small number of participants described positive outcomes of the process, such as feeling empowered or in control. Negative consequences were commonly described by survivors who were forced into the reporting process, reported a sexual assault, and/or pursued a formal investigation with the Title IX office.

Reservations About Reporting

Another theme identified was participants' beliefs about when reporting may be recommended. For instance, participants discussed that reporting would only be recommended, or effective, when there was ample physical evidence. Participant 23 explained that "the only possible chance you might have is if you have bruises or physical abuse or a DNA sample ... if you were sexually coerced, forget it." Participant 22 stated, "if they have solid physical evidence then maybe, not at all if there are no witnesses, pictures, or other undeniable evidence." Additionally, participants discussed that survivors should only report when they have full knowledge ahead of time about the difficulties and limitations of the process. For example, participant 13 stated, "I think it's critical that people know what they're getting into when beginning the process." A few participants also described how attempts to engage with the reporting process could serve some concrete purposes, such as official documentation of victimization and a sense of closure. Participant 9 suggested that reporting can be a way for survivors to document their experiences, stating, "I think it's important to have some kind of official documentation of what happened, even if they aren't as

helpful as you would like,” while Participant 13 said, “I don’t think this process is explicitly helpful for recovery, but I think it’s better for closure.” Overall, participants varied in whether they were likely to recommend the Title IX process to other students who experienced sexual or gender-based misconduct, but all participants except one (who responded “yes” and that the Title IX office was “very helpful”) had some reservations and/or cautions about the process. These reservations centered around the low likelihood of respondents being found responsible for a policy violation, and the negative mental health impacts of the process. However, some participants described their engagement with the process as a way to officially document their victimization and obtain a sense of closure.

Discussion

On average, students who reported sexual and gender-based misconduct to the Title IX office rated the reporting process somewhat negatively in terms of helpfulness and their overall satisfaction, as well as their feelings of being in control, empowered, respected, and safer. In addition, participant ratings of their Title IX process were positively correlated with institutional support, and negatively correlated with institutional betrayal, suggesting that students who had a negative perception of their Title IX process were also harmed and/or underserved by the Title IX office itself and the larger institution (i.e., the university). This was reflected in the qualitative data as well, which reflected both process issues and negative consequences related to reporting, including a confusing and opaque process, poorly trained and insensitive staff, negative mental health and academic impacts, and reservations about recommending reporting to other student survivors. Across all data, participant responses spoke to the importance of a consistent and transparent Title IX process, the near-guarantee of mental health and/or academic consequences from the Title IX process (particularly for students who pursue an investigation), and a belief that the Title IX process should be entered into with extreme reservation, only with physical evidence, and with full knowledge of the psychological difficulties inherent to the process.

The current findings add to a growing literature on the potential negative impacts of the Title IX process and problematic institutional response to gender-based harms. The inconsistent and often opaque nature of the Title IX process was well-illustrated in the current study. For example, students reported that the process took up to 335 days, despite Title IX policy at the time of the study urging an aspirational timeframe of 60 days to resolve all reports (U.S. Department of Education, 2011). Participants believed that drawn-out cases affected outcomes, including witnesses changing their story over time and respondents leaving the university to avoid disciplinary action. Smith and Freyd (2014) similarly identified coverups and misinformation as one-way institutional betrayal is enacted against student survivors. In addition, the adverse mental health and academic consequences of the Title IX process were clearly described in the present study and in past research (e.g., Khan et al., 2018; Know Your IX, 2021), despite Title IX policy unequivocally stating that sex/gender-based discrimination shall not interfere with students’ right to access an education. The

survivors in this study also demonstrated how problems within Title IX reporting process itself led to adverse impacts on their mental health, educational access, and relationship with the university. For instance, in the quantitative findings, students who described the reporting process as more problematic (e.g., they felt less control, empowerment, or respect) also reported greater institutional betrayal. In the qualitative findings, survivors also described how it was not just the outcome of their case that caused harm (e.g., their perpetrator was not found “responsible,” their perpetrator was able to graduate before the case was closed), but also the process itself (e.g., hostile or insensitive interactions with Title IX staff, vague or confusing processes). Participants’ reservations about Title IX reporting also suggested that some believe that reporting is only available to survivors with ample physical evidence, which means that many (if not most) students would be excluded from the process, particularly those who experience forms of misconduct which may not lend themselves to physical injury/evidence, such as verbal harassment, stalking, or sexual coercion. An increasingly legalistic and forensic approach to Title IX reporting problematically moves Title IX processes away from a campus disciplinary process to address violations of campus sexual misconduct policy and restore students’ equal access to education.

In addition, the current findings extend prior research on the Title IX reporting process and point out areas for further investigation. For instance, survivors who felt less control over the reporting process, specifically those who were referred to the Title IX office through mandated reporting without their consent, had more negative appraisals of the process than those who felt more in control. Although this finding is tentative considering the modest sample size, it offers evidence of the potentially negative consequences of compulsory reporting for survivors (Holland et al., 2018). In addition, participants who experienced sexual assault and wanted the Title IX office to pursue a formal investigation experienced more of the negative elements of the Title IX reporting process in contrast to those who reported other forms of misconduct and/or did not ask the institution to formally investigate and adjudicate their report. These findings point out the need to consider the characteristics of survivors’ reports, Title IX staff responses to reports, and variations in survivor experiences of the Title IX process.

Implications for Policy and Practice

As the present study suggests, current efforts to protect the civil rights of students affected by sexual and gender-based misconduct are insufficient and may result in unintended consequences. As institutions adopt increasingly legalistic frameworks for responding to reports of sexual and gender-based misconduct, fear of negative scrutiny and concerns about the liability of institutions may result in inconsistent compliance with policy, varying approaches from formal to informal, and overreliance on neutrality, which stand to challenge procedural justice (i.e., fairness in processes based on the quality of experiences rather than outcomes) and further undermine survivors’ experiences of institutional support, helpfulness, empowerment, and safety (Cruz, 2021; Holland et al., 2020; Pappas, 2016). Indeed, the new regulations were released in May 2020 despite many critiques from survivors, survivor advocacy

groups, and civil rights groups, and many legal rulings questioning the necessity of certain provisions in the final regulations (Holland et al., 2020). However, it is important to note that the current study was conducted prior to the release of these regulations, thus heeding consideration of the ways that formalized systems of reporting and help-seeking for student survivors, intended to protect students' right to equal educational access, can further traumatize survivors, compounding their mental health and academic challenges (Smith & Freyd, 2013, 2014; Webermann & Murphy, 2022). In addition, as was demonstrated in the current study wherein only two of ten adjudicated cases resulted in respondents being found responsible, the campus Title IX process rarely finds respondents responsible and results in punishment or rehabilitative interventions for respondents (Richards, 2019). Far too often, institutional and governmental concerns about due process, fairness, and "equal treatment" for respondents have been allowed to take precedent over care and concern for survivors (Cruz, 2021). This can leave survivors feeling blamed, excluded from the university community, disrespected, disempowered, and with the overall perception that the Title IX process is largely ineffective and not a worthwhile pursuit of justice for survivors.

Limitations and Future Directions

One important limitation is that this study was conducted at a single public university during one point in time in which a high degree of societal attention was focused on college and university responses to sexual and gender-based misconduct. As such, both external forces (e.g., federal guidance, ongoing civil rights investigations of colleges and universities) and internal forces (e.g., concerns about potential lawsuits, recent changes in Title IX policies and processes) may have contributed to institutional responses that survivors experienced as cold, nonempathic, nonsupportive, and legalistic (Cruz, 2021). However, this study also provides a snapshot of a university currently under scrutiny and beholden to state and federal Title IX guidance and can inform future research within different university settings without the same constraints (e.g., private and/or religious institutions). Furthermore, while the goal of this study was to identify important patterns in student experiences, given the use of a small anonymous sample from one university, we cannot claim that these experiences are representative of all student survivors, nor all institutions' Title IX reporting processes. Additionally, it is possible that students with strong opinions about the Title IX process may be more likely than others to respond to a survey on this topic, or that students with the most aversive and negative reactions to the Title IX process, including those who left the university because of these experiences, may have been underrepresented in the sample as well. The potential for bias in survey research is a common critique within the social sciences generally and within sexual violence research specifically, but surveys have also been powerful in offering evidence of the prevalence of sexual violence and the experiences of survivors (e.g., Rutherford, 2017). Overall, more research is needed at other institutions of higher education to examine students' experiences with the Title IX process, to clarify whether findings generalize to different institutions and student populations.

Even as Title IX continues to be a popular topic in media and popular culture, and scholarly interest has grown in psychology and other fields, there is limited empirical research on the Title IX reporting and response process. The current findings highlight a need for more extensive quantitative and qualitative examinations of student experiences with the Title IX process with samples from a broader range of colleges and universities, especially anonymous surveys where students can provide feedback without fear of adverse impact on their case standing (e.g., Freyd, 2018). Research is also needed to better understand the experiences of others who are involved in, and affected by, the Title IX reporting and response process, including university faculty and staff, witnesses, and support persons. In addition, little is known about the experiences that accused respondents have with the Title IX process, and more research could prove critical toward developing prevention and intervention efforts for respondents (Webermann & Murphy, 2022). Finally, more research is needed to understand the impact of shifts in Title IX policy and practice on institutional responses to sexual misconduct. It is important to understand the consequences of new reporting and review processes on survivors' emotional and academic well-being, and to develop and investigate response strategies that can provide robust support for survivors while protecting the rights of all individuals.

Conclusions

The present study, while limited to a single mid-sized public university, contributes novel information on student experiences with the Title IX reporting and response process. Using both quantitative ratings and open-ended questions, our study found that individual perceptions of the Title IX process, including helpfulness, satisfaction, control, respect, empowerment, and safety, were positively correlated with survivor ratings of institutional support, and negatively correlated with ratings of institutional betrayal. Students who had more negative perceptions of the Title IX reporting process were also likely to feel betrayed by the institution. Furthermore, open-ended responses frequently conveyed problems with the Title IX reporting process and outcomes that had a negative effect on survivors' psychological and academic well-being. Anonymous and confidential feedback from student survivors offers key insights for Title IX offices, university faculty and staff, and state and federal policymakers toward fostering a transparent, consistent, and trauma-informed Title IX reporting process. Regardless of the outcome, students' rights, dignity, and well-being can and should be respected and intact throughout the Title IX process.

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