

University of Mississippi

eGrove

Honors Theses

Honors College (Sally McDonnell Barksdale
Honors College)

Spring 5-8-2022

Comparing and Contrasting Campus Sexual Assault Policies and Definitions from Universities in the Southeastern Conference

Remy Heinen

Follow this and additional works at: https://egrove.olemiss.edu/hon_thesis



Part of the [Criminology and Criminal Justice Commons](#)

Recommended Citation

Heinen, Remy, "Comparing and Contrasting Campus Sexual Assault Policies and Definitions from Universities in the Southeastern Conference" (2022). *Honors Theses*. 2618.

https://egrove.olemiss.edu/hon_thesis/2618

This Undergraduate Thesis is brought to you for free and open access by the Honors College (Sally McDonnell Barksdale Honors College) at eGrove. It has been accepted for inclusion in Honors Theses by an authorized administrator of eGrove. For more information, please contact egrove@olemiss.edu.

COMPARING AND CONTRASTING CAMPUS SEXUAL ASSAULT POLICIES AND
DEFINITIONS FROM UNIVERSITIES IN THE SOUTHEASTERN CONFERENCE

by
Remy Heinen

A thesis submitted to the faculty of The University of Mississippi in partial fulfillment of the
requirements of the Sally McDonnell Barksdale Honors College.

Oxford, MS
May 2022

Approved By

Advisor: Dr. Linda Keena

Reader: Dr. Kimberly Kaiser

Reader: Dr. Jennifer Parsons

© 2022
Remy Heinen
ALL RIGHTS RESERVED

ACKNOWLEDGEMENTS

- The Sally McDonnell Barksdale Honors College
- The University of Mississippi Department of Legal Studies
- Dr. Linda Keena, Associate Professor of Criminal Justice and Legal Studies
- Dr. Kimberly Kaiser, Assistant Professor of Criminal Justice and Legal Studies
- Dr. Jennifer Parsons, Associate Dean for Communications and Instructional Assistant Professor in the Sally McDonnell Barksdale Honors College

ABSTRACT

The purpose of this study was to examine the campus sexual assault policies and definitions in place at the 14 universities in the Southeastern Conference in order to compare and contrast them. Data was collected from each university's online resources regarding sexual misconduct and an instrument based on a 2014 White House Task Force was used to compare the schools' definitions and policies.

TABLE OF CONTENTS

ACKNOWLEDGEMENTS.....	iii
ABSTRACT.....	iv
Chapter 1: Introduction to the Study.....	1
Introduction.....	1
Statement of the Problem.....	2
Purpose of the Study.....	3
Definition of Key Terms.....	4
Summary.....	4
Chapter 2: Review of Related Literature.....	5
Introduction.....	5
Student Knowledge of Campus Resources.....	6
Rape Myth Acceptance.....	8
Institutional Factors.....	10
Creation of Title IX and Other Early Campus Sexual Assault Legislation.....	11
Updates on Federal Guidelines.....	12
Influence of State Statutes.....	16
Summary.....	17
Chapter 3: Research Design and Methodology.....	18
Introduction.....	18
Methodology.....	19
Population and Sample.....	19
Data Collection and Instrumentation.....	20

Data Analysis.....	22
Summary.....	23
Chapter 4: Analysis of Data.....	24
Introduction.....	24
Organization of Data Analysis.....	25
Analysis of Data.....	25
Summary.....	34
Chapter 5: Discussion, Conclusions, and Implications.....	35
Introduction.....	35
Discussion.....	35
Conclusions.....	37
Implications for Future Research.....	39
Implications for Practice.....	41
Summary.....	42
REFERENCES.....	45
APPENDIX A: CITI Certification.....	49
APPENDIX B: Checklist Instrument.....	50

LIST OF TABLES

1. Ranked List of Scores.....	26
2. Frequency of Topic Inclusion: Topics included in all policies.....	27
3. Frequency of Topic Inclusion: Topics included in most, but not all policies.....	29
4. Frequency of Topic Inclusion: Topics not commonly included.....	30

CHAPTER 1

INTRODUCTION TO THE STUDY

INTRODUCTION

A major factor contributing to the overall safety of college campuses is the prevalence of sexual assault (Cantor et al., 2015; Fisher et al., 2000; U.S. Senate Subcommittee, 2014). Sexual assault is a serious issue nationwide and for a wide range of ages, but it is especially frequent on college campuses. The risk of sexual assault triples for women ages 18-24 who attend college, and men in this age range are 78% more likely to be victims of sexual assault than their non-student counterparts (Sinozich & Langton, 2014). In order to combat these issues and keep students safe, it is imperative that universities have preventative measures in place and provide adequate resources. Unfortunately, many reform efforts to hold universities more accountable in how they handle campus sexual assault have only come about in the last decade or so. In 2014, a U. S. Senate Subcommittee discovered that 40% of the universities that were part of the national sample had not investigated a single incident of sexual violence in the previous 5 years (U.S. Senate Subcommittee, 2014). Even at universities that reported doing more investigations, the ratio of reported incidents to incident investigations was still as high as 7:1 (U. S. Senate Subcommittee, 2014). The lack of investigation efforts is even more alarming when compared with studies that show how frequently students are victimized.

When the Campus Climate Survey on Sexual Assault and Misconduct was conducted in 2019 for the Association of American Universities, the results showed that one in four

undergraduate women experienced sexual assault or misconduct (Cantor et al., 2019). It is possible that the actual frequency could be even higher due to frequent underreporting. In a study conducted by the Department of Justice (DOJ), researchers found that less than 5% of attempted and completed rapes were brought to the attention of law enforcement (Fisher et al., 2000). In order to confront this challenge, universities have implemented departments and policies dedicated to addressing topics pertaining to sexual assault and to offer support for survivors. The goal is that these measures will address any social norms that may have contributed to sexual assault and also deter would-be perpetrators, but it remains to be seen whether more comprehensive policies have a statistically significant impact on the prevalence of campus sexual assault (DeLong et al., 2018).

In order for these policies and resources to achieve their intended goal, it is important that they are clearly communicated so the students are aware of the resources available and know who to reach out to for incident reporting, counseling, etc. This study examined the definitions and policies regarding campus sexual assault that are provided by the violence prevention offices of the 14 universities that belong to the Southeastern Conference. This chapter will include a statement of the problem, the purpose of the study, and relevant key terms.

STATEMENT OF THE PROBLEM

Sexual assault is a serious issue on college campuses that can be difficult to measure and prevent. By compiling the information from a variety of universities it may be easier to shed light on potential weaknesses that should be addressed and also to highlight the strengths in current practices that could be implemented at other institutions (Klein et al., 2018). While all universities have their own unique cultures and challenges, sharing strategies and suggestions

with other university violence prevention offices could still be beneficial. Ultimately, it is important for universities to tailor recommended strategies with the characteristics of their student populations in mind to maximize benefits (Burgess-Proctor et al., 2006). By encouraging communication between groups like policy makers, violence prevention offices, etc. it would likely facilitate the discovery of which strategies tend to work and which ones may not be as effective as previously thought (Klein et al., 2018). Campus sexual assault is an issue that has persisted for many years and continues to present new challenges as the college experience changes over time, so it is important that the definitions and policies are periodically examined so that they can be altered, if necessary, to address new concerns.

PURPOSE OF THE STUDY

The purpose of this study is to compare campus sexual assault definitions and policies in the Southeastern Conference Universities. Since all of the universities in the sample are part of the Southeastern Conference, they are likely to have some regional and cultural commonalities and therefore may face similar challenges, but they are also very unique and may also have individualized issues to address as well. Compiling information from universities with similar yet distinct backgrounds could facilitate the discovery of helpful insights and problem-solving strategies that can be shared amongst the other universities in the region. The research questions for the current study are as follows:

- 1) What are the campus sexual assault definitions and policies in Southeastern Conference universities?
- 2) How do the campus sexual assault definitions and policies in Southeastern Conference universities compare and contrast?

DEFINITION OF KEY TERMS

Sexual assault: any nonconsensual sexual act proscribed by federal, tribal, or state law, including when the victim lacks capacity to consent (United States Department of Justice, 2020)

Completed rape: unwanted penetration by force or the threat of force. Penetration includes: penile-vaginal, mouth on your genitals, mouth on someone else's genitals, penile-anal, digital-vaginal, digital-anal, object-vaginal, and object-anal. (Fisher et al., 2000)

Attempted rape: unwanted attempted penetration by force or the threat of force. Penetration includes: penile-vaginal, mouth on your genitals, mouth on someone else's genitals, penile-anal, digital-vaginal, digital-anal, object-vaginal, and object-anal. (Fisher et al., 2000)

SUMMARY

This thesis provides insight into variations in campus sexual assault policies and definitions provided by universities in the Southeastern Conference. This chapter has served to introduce the research and explained the purpose of the study. It has provided the research questions guiding the study and has also defined key terms that are relevant to the research.

The following chapters contain the culmination of this proposal. Chapter Two discusses all relevant literature to this study. The review consists of an analysis of research related to topics such as the prevalence of sexual assault, factors that make campuses more vulnerable to sexual assault issues, and federal guidelines that direct campus policies.

Chapter Three describes the study's methodology. The sample population and data collection procedures are described. The data analysis process is also discussed to explain how the research questions were answered.

CHAPTER TWO
REVIEW OF LITERATURE
INTRODUCTION

Campus sexual assault is a multi-faceted issue that unfortunately impacts a significant amount of students each year. Some groups of students such as women and members of the LGBTQ+ community are affected disproportionately (Cantor et al., 2015). Since the problem is complex, finding an effective solution is quite difficult and has presented Title IX offices with significant challenges to overcome. There are considerable obstacles at every step in the process such as underreporting preventing an accurate understanding of the severity of the issue, the lack of appropriate educational programming for faculty and students, and adjudication processes that do not align with best practices, to name a few (U.S. Senate Subcommittee, 2014). Without knowing more about the problem, what factors influence it, and how students are impacted, it is difficult to develop more effective measures to prevent the issue and provide adequate resources for those who need them. In order for universities to be more equipped to confront sexual violence, it is imperative to understand how to effectively communicate policies to students, what factors increase the risk of sexual violence, and the role that legislation plays in Title IX operations.

The literature guiding this study focuses on (a) student knowledge and perception of campus resources, (b) rape myth acceptance, (c) institutional factors, (d) creation of Title IX and early campus sexual assault legislation, (e) updates on federal guidelines, and (f) influence of state statutes.

Student Knowledge and Perception of Campus Resources

Regardless of the amount of thought and research that goes into developing policies and programs to reduce campus sexual assault and support survivors, those measures will not be effective if students are not aware of them or do not feel comfortable using them. In order to determine whether or not key information was reaching students and having the intended impact, Hayes-Smith and Levett (2010) conducted a study that surveyed 224 undergraduate criminology students. The students in the sample were asked to answer questions regarding the knowledge of the sexual assault resources available on campus, their perception of the quality of the resources, and ways they think information about sexual assault resources should be disseminated (Hayes-Smith & Levett). The researchers found that despite the fact that the university was providing resources, the information was not reaching a considerable amount of the students either because it was not presented effectively or because students were not paying attention when it was. Only about half of the participants responded that they had received information while the remaining students either say they had not or did not recall receiving the information (Hayes-Smith & Levett). One aspect of the results that the authors expressed concern about was the lack of a significant difference in between male and female students' level of knowledge of campus resources despite the fact that many of the resources were created with female students in mind.

Similar research on student perceptions of how well Title IX offices would handle instances of sexual assault Cantor et al. (2015) found that responses varied across different subgroups. For example, the results showed that female students and TGQN (transgender, genderqueer, nonconforming) students were significantly less optimistic than their male counterparts that reports of sexual assault or misconduct would be taken seriously (Cantor et al.). These groups also showed significantly higher rates of victimization compared to male students. Among undergraduates, the researchers found that the percentage of undergraduate males who reported victimization was about 5.4% while the percentages for females and those identifying as TGQN were closer to 23.1% and 24.1% respectively. It is interesting to note that the subgroups of students who are at a significantly higher risk for victimization were also the least optimistic about their reported victimization being taken seriously by school officials. A study performed by Burgess-Proctor et al. (2016) reflected a similar phenomenon.

The study was conducted to observe whether or not female students who had been sexually victimized previously were more or less inclined to use campus sexual assault resources or perceive them differently than female students who had not been sexually victimized prior to the study (Burgess-Proctor et al., 2016). According to the researchers, the existing literature at the time of the research indicated that students with prior victimization were at a higher risk of being assaulted again but there was a gap in whether or not campus sexual assault programming was designed to address the elevated risk and provide the appropriate resources to help these students cope with their prior victimization. To gain a picture of perceptions and willingness to seek out campus sexual assault resources such as self-defense courses, Burgess-Proctor et al. administered a study to 247 female undergraduate students who came from a psychology subject pool. The results of this study showed that previously victimized students were less likely to

have confidence in or utilize campus resources such as self-defense courses. Overall, the study found that participants did not indicate a high level of knowledge about campus sexual assault resources and that levels of knowledge did not differ significantly between participants who had been victimized and those who had not. Due to previously victimized students' increased risk of being victimized again, the researchers express concern about the lack of a difference in knowledge levels and suggest that information regarding sexual assault resources is not being adequately disseminated to groups of students who are at an elevated risk. The researchers also assert that universities should be more aware of unique aspects of their student populations in order to tailor their campus sexual assault programming accordingly so that it will be more effective. The reasoning behind this assertion is that if a school is primarily composed of students who live off campus and commute, then relying on flyers posted in the dorms would not be a good strategy for trying to reach and inform as many students as possible (Burgess-Proctor et al.). The results of the aforementioned studies seem to suggest a need for more research on how institutions of higher education can evaluate which groups of students are more vulnerable to sexual assault so they can adjust their programming accordingly to provide support and information in an effective manner.

Rape Myth Acceptance

Another factor that plays a role in the prevalence, perpetuation, and handling of campus sexual assault is the presence of what is known as rape myth acceptance. Rape myths are defined as “generalized beliefs about victims, perpetrators, or sexual assault incidents that either suggest that a sexual assault did not occur or trivialize the incident” (Hayes-Smith & Levett, 2010, p. 336). The acceptance of these myths can perpetuate norms and attitudes that allow sexual assault

to persist. A key aspect of addressing campus sexual assault is learning more about the culture and social norms that exist on college campuses and how they can impact the prevalence of campus sexual assault. To better understand which aspects of university life allow for campus sexual assault to occur so frequently, Patel and Roesch (2018) reviewed the available literature and a common theme that emerged was rape myth acceptance. The phenomenon perpetuates sexual misconduct by shifting blame to the victim (Patel & Roesch). In addition to increased rape myth acceptance, the researchers state that other aspects of the college experience that make campuses more conducive to sexual violence include the prevalence of partying, the value students place on peer approval instead of adult approval, and the pervasiveness of acquaintance rape. Rape myth acceptance and these factors do not only create a viable environment for campus sexual assault to occur, they also present significant obstacles after an assault has occurred.

For example, since campus sexual assaults are typically perpetrated by someone the victim knows and may interact with on a regular basis, the victim may be more reluctant to come forward and report the incident (Patel & Roesch, 2018). The acceptance of rape myths and the mindset that the victim shares a portion of the blame can prevent victims from defining the encounter as sexual assault and from coming forward about it (Burgess-Proctor et al., 2016). Even if the sexual misconduct is brought to the attention of school officials, the influence of rape myths can still be found in processes like adjudication. In a study conducted as an update on research done by Karjane et al. (2002) to see what changes institutes of higher education (IHEs) had made to their approaches for addressing campus sexual assault, Richards (2019) found that very few IHEs had policies in place to prohibit the discussion of information such as the victim's sexual history or the clothing worn at the time of the assault during the disciplinary hearing

process. Both of these topics reinforce rape myths by shifting blame toward the victim and insinuating that their clothing encouraged the assault (Richards). One solution proposed by DeLong et al. (2018) is to establish sexual assault policies that seek to alter the social norms that permit sexual assault as part of the solution for reducing its frequency. They theorize that the formulation of policies that clearly communicate that the institution and its community take sexual assault seriously and will not tolerate its perpetration would help to create social norms that encourage survivors to report their victimization and discourage would-be perpetrators (DeLong et al.).

Institutional Factors

In addition to rape myth acceptance, there are other aspects of campus life, such as the high frequency of parties, that place students at an elevated risk of victimization. Some of these institutional factors include the presence of Greek life, alcohol, and athletics— Division 1 athletics especially (Moylan & Javorka, 2020). This information is particularly concerning for universities like those in the Southeastern Conference where all of the above factors are present and could make students at these institutions particularly vulnerable to campus sexual assault. According to their findings, Moylan and Javorka indicate that the presence of heavy drinking on a campus can create a high-risk environment and that university alcohol policies may also play a role. The authors posit that stricter restrictions on alcohol may unintentionally create opportunities for more sexual assaults to occur as it may encourage students to consume alcohol in off-campus locations that are not as regulated. An example would be parties hosted by fraternities as they typically involve alcohol and the situation allows for the hosts to control the environment which can make female students more vulnerable. Athletics also play a role in how frequently college students are victimized.

According to study done to learn more about the relationship between NCAA Division I schools and sexual assault, Division I schools report significantly higher rates of sexual assault compared to Division II and Division III schools (Wiersma-Mosley & Jozkowski, 2019). Their results were consistent with those of four previous studies that also indicated that Division I universities with athletic programs reported more instances of sexual violence than the other divisions and universities that do not have athletic programs. In research conducted by Lindo et al. (2016) it was found that sexual assault reports for women between the ages of 17 and 24 increase by as much as 41% on game days when the game is at home and by 15% if the game is away. The researchers propose that a potential explanation for this phenomenon is the increased consumption of alcohol since they also found a similar increase in alcohol-related arrests on game days. In their discussion, Wiersma-Mosley and Jozkowski (2019) suggested further research is needed on whether there is any correlation between universities' sexual assault reporting and their Division I status. The researchers expressed concern that the increased amount of attention that Division 1 schools tend to receive may create a tendency for victims of student athletes to be pressured into not reporting.

Creation of Title IX and Early Campus Sexual Assault Legislation

To understand the more recent calls for proactive policies and programming to combat campus sexual assault, it is important to be familiar with the pieces of legislation that established expectations for institutions of higher learning. According to Wies (2015), three of the primary guiding pieces of legislation that have impacted the way universities are expected to handle sexual assault are "Title IX of the Education Amendments of 1972, the Jeanne Clery Act of 1990, and the Violence Against Women Act first passed in 1994" (p. 278). Title IX made it official that "No person in the United States shall, on the basis of sex, be excluded from

participation in, be denied benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance” (278). Though it typically is mentioned in relation to women participating in sports, Title IX is also instrumental in directing campus sexual assault policies (Wies, 2015). The article further explained that The Clery Act of 1990 built upon Title IX by mandating universities to publicly disclose their crime statistics and failure to comply can result in fines and suspension of federal aid. Finally, the Violence Against Women Act from 1994 was passed to provide funding and expanded protections for victims of sexual assault and domestic violence (Wies). Since these early pieces of legislation, there have been several additional federal guidelines issued as directives for what kind of policies and programs universities need to adopt in order to better protect their students and remain in compliance with regulations.

Updates on Federal Guidelines

In 2011, the Department of Education’s Office of Civil Rights (OCR) issued what was known as the *Dear Colleague Letter* which required all schools, not just universities, to quickly address problems that created hostile environments and to take preventative measures to reduce the amount of recurrences (Wiersma-Mosley & DiLoreto, 2018). The *Dear Colleague Letter* also outlined other specific courses of action that universities should take such as clearly identifying the Title IX coordinator and their contact information on the campus webpage, prohibiting the Title IX coordinator from holding other positions that could create a conflict of interest, and creating and publishing information about reporting procedures. After these guidelines were published, several studies were done to evaluate how well universities adapted to be in compliance with them.

A few years after the publication of the *Dear Colleague Letter*, Senator Claire McCaskill requested the formation of a committee to investigate sexual violence on college campuses and what was being done to stop it (U.S. Senate Subcommittee, 2014). The committee's findings showed that the majority of the schools included in the study were failing to comply with the best practices that had been established. For example, around 20% of the universities did not offer sexual assault training to faculty and staff and 31% responded that they did not provide sexual assault training for students. Many schools also failed to provide adequate information about processes and procedures that take place once an incident has been reported. Around 13% of the universities included in the study did not have information available to the students about the adjudication process and many adjudication processes were not in compliance with best practices either as 27% of the universities allowed for students to help with the adjudication process despite concerns about confidentiality and conflicts of interests for cases where student participants knew either the victim or the perpetrator. Other concerns about proper adjudication were raised when it was discovered that a majority of the institutions in the sample have different adjudication processes for when student athletes are involved and over 20% of the institutions allowed the athletic department to oversee the proceedings in sexual violence cases that involve athletes (U.S. Senate Subcommittee).

In the same year as the U. S. Senate Subcommittee's investigation, a checklist was issued by the White House Task Force to Protect Students from Sexual Assault outlining ways that universities could improve the comprehensiveness of their sexual assault policies (DeLong et al., 2018). To better understand the relationship between comprehensiveness and effectiveness of campus sexual assault policies DeLong et al. examined data from 24 universities that participated in the 2015 Association of American Universities Campus Climate Survey on Sexual Assault

and Sexual Misconduct using the checklist put forth by the White House Task Force in 2014 as a way to compare the comprehensiveness of the policies. The researchers condensed the content of the checklist down to 10 elements which are as follows: 1) policy introduction, 2) policy scope, 3) options for assistance following an incident of sexual misconduct, 4) Title IX Coordinator, 5) definitions, 6) reporting policies and protocols, 7) investigation procedures and protocols, 8) grievance/adjudication procedures, 9) prevention and education, and 10) training. The 10 categories used in this study contained a total of 98 topics, so policies that contained language addressing more of those 98 topics were considered more comprehensive and rated accordingly. Their findings showed evidence that campus sexual assault policy comprehensiveness does appear to be linked to decreased prevalence of campus sexual assault, however, they acknowledged the need for more research conducted with a larger sample size to confirm the correlation. In the discussion, the authors address the fact that several federal guidelines regarding campus sexual assault, including the checklist used for this study, that were issued under the Obama administration were rescinded in 2017, and the changes in these federal guidelines will potentially impact the contents of future policies (DeLong et al.).

In 2017, new guidelines were issued to guide policies on campus sexual assault citing that the previous guidance issued by the White House Task Force in 2014 had established a “failed system” (Klein et al., 2018). In light of this critique and redirection of policy, Klein et al. sought to answer the questions that had been raised about how the efficacy of campus sexual assault policies should be evaluated. The researchers advocated for data-driven policies and increased coordination between researchers, policy makers, and practitioners to improve the analysis of what is and what is not working. They stated that there is a current gap in campus sexual assault research that could be improved by conducting more research that draws on data

collected from a multiple source of campus sexual assault information. In light of their findings, they present four primary courses of action to address the ambiguity involved in the evaluation and formation of campus sexual assault policy. The authors suggested the following: “(a) establishing a CSA data repository, (b) analyzing existing CSA data to gain knowledge and identify opportunities for improved data collection, and (c) translating and disseminating CSA research to help bridge gaps between research, practice, and policy” (Klein et al., 2015, p. 3298). These sentiments about a need for more consolidated information on campus sexual assault policies were echoed in the findings of Backman et al. (2020).

After collecting interview responses from grantees and campus representatives who were part of the Campus Sexual Assault Policy and Prevention Initiative, one of the themes that emerged as a challenge that interviewees faced during the three-year duration of the initiative program was the alterations made to federal Title IX guidelines (Backman et al., 2020). Many participants reported that the changes made during the transition to a new Secretary of Education in 2018 were ambiguous and they were unsure about how to proceed in order to remain in compliance after the revocation of old guidance and in the absence of new formalized regulations (Backman et al.).

Influence of State Statutes

During the processing of sexual violence cases, there are some key differences between the protocols used when the case is handled by the university compared to how cases are handled by the criminal justice system, especially during the adjudication phase (DeMatteo et al., 2015). There are benefits and drawbacks associated with each of the sets of regulations. For example, the burden of proof is a preponderance of the evidence for cases handled administratively which

may make it easier to prove that the assault occurred when compared to the justice system's beyond a reasonable doubt standard, however, the justice system offers the possibility of serving time as a punishment whereas the university's penalties will be much less severe (DeMatteo et al.). The researchers explain that when cases pass through the justice system, they are subject to the rules and standards set forth by the state, so it is important to understand the impact of relevant pieces of state legislation. Since sexual assault legislation varies so greatly throughout the nation, DeMatteo et al. examined the relevant statutes of all 50 states to understand how they might apply to sexual violence on college campuses. Their findings showed that state statutes that would direct cases adjudicated by the justice system were not well suited for addressing campus sexual assault. Some of the key issues stem from the way the statutes address incapacitation as many states did not clearly identify explicitly what temporary incapacitation means and even fewer included voluntary intoxication which could be problematic in cases of campus sexual assault that frequently involve alcohol. In addition to issues with the incapacitation language, the researchers pointed out potential issues with consent regulations since 23 states require proof that the perpetrator acted knowing that consent was not given which can be hard to prove beyond a reasonable doubt and subsequently hinder the successful prosecution of sexual violence cases. The researchers also found that certain groups of students may be impacted differently by state statutes depending on their gender.

While the majority of the states' statutes contain gender neutral language, states like Georgia, Idaho, and Maryland had language in their statutes requiring that the victim be female, and Georgia and Idaho also require the perpetrator to be male (DeMatteo et al., 2015). The researchers discovered that in states with gendered language in their statutes, some students, such as male victims, may not have legal recourse in the event of an assault. Male students may be

able to pursue legal action under sodomy statutes, but the penalties tend to be less harsh than those associated with sexual assault (DeMatteo et al.).

SUMMARY

Campus sexual assault is a very familiar issue across college campuses nationwide, but despite its prevalence, there are still a lot of gaps in knowledge and questions that need to be answered. The establishment of federal legislation geared towards implementing best practices for the plethora of issues associated with sexual assault has helped to make policies more uniform as all federally-funded institutions are supposed to be in compliance. However, with so much variation in the types of institutions, their geography, the unique characteristics of their student body, etc., certain policies may be more effective at some schools than they are at others. There is no shortage of campus sexual assault cases in the United States, but several gaps in knowledge remain that could be addressed with additional research and streamlined data sharing strategies (Klein et al., 2015). As evidenced by the literature, campus sexual assault is a complex issue with room for improvement in almost every category. Creating and enforcing campus sexual assault protocols requires involvement from a diverse group of individuals including campus officials, politicians, law enforcement, and others, so it is important that all of these groups are engaged in finding better solutions for the future.

Turnover in federal guidelines has been an additional consideration for those involved with sexual assault policy in recent years with the revocation of certain guidelines. This period was especially challenging for campus officials when the standards that universities were expected to uphold were unclear. Issues like these will continue to impact campus sexual assault policies, especially since President Biden has recently signed executive order for the Department of Education to review Title IX.

Chapter Three outlines the research design and methodology used to conduct the current study. It will include information about the sample population and the collection of the data. Chapter Four details the results obtained after comparing and contrasting the universities in the sample. Finally, Chapter Five will include the findings and their significance, as well as recommendations for future research on the topic.

CHAPTER THREE RESEARCH DESIGN AND METHODOLOGY

INTRODUCTION

As discussed in Chapter 2, campus sexual assault is an issue nationwide, yet there is still ambiguity about the best strategy for combatting it. One factor that can be challenging for formulating a unified response to the issue is the fact that each institution of higher education is unique, so policies and programs that work for some universities may not work as well for others. The current study used a mixed-method design to examine variations in how the policies and definitions regarding campus sexual assault at schools in the Southeastern Conference compare. This chapter details the study's: (a) methodology, (b) population and sample, (c) data collection and instrumentation, and (d) data analysis.

The study was guided by the following research questions:

- 1) What are the campus sexual assault definitions and policies in Southeastern Conference universities?
- 2) How do the campus sexual assault definitions and policies in Southeastern Conference universities compare and contrast?

METHODOLOGY

This mixed-method study used content analysis, or the “systematic objective, quantitative analysis of message characteristics,” (Neuendorf, 2002, p. 1) as the survey method. The goal of a content analysis is to develop inferences from secondary data, or published sources (Weber, 1985). This method is akin to a survey designed with closed-ended responses so that it produces quantitative data that can be analyzed statistically. Similarly, the content analysis method is also like a qualitative study because the data analysis involved coding and categorizing text, discovering relationships among constructs identified in the text, and a statistical analysis of those findings (Patton, 2015).

POPULATION AND SAMPLE

The population of university websites that were chosen for analysis were appropriate to the research questions and were selected by non-probability purposive sampling. With purposive sampling, the sample is “based on the knowledge of the population and purpose of the study, and subjects are selected because of some characteristic” (Jennings & Reingle-Gonzalez, 2019). This sampling method was selected because the purpose of the study was to learn more about campus sexual assault definitions within the Southeastern Conference specifically, so participants were selected based on their membership status. The sample consisted of the 14 universities that make up the Southeastern Conference: Auburn University, University of Alabama, University of Arkansas, University of Florida, University of Georgia, University of Kentucky, Louisiana State University, Mississippi State University, University of Mississippi, University of Missouri, University of South Carolina, Texas A&M University, University of Tennessee, and Vanderbilt University.

DATA COLLECTION AND INSTRUMENTATION

After the study was approved by Institutional Research, data collection was conducted by the primary researcher, who is certified by CITI. The CITI online educational program is sponsored by the Collaborative IRB Training Initiative (CITI) and the University of Miami (See Appendix A). Data was collected by examining the online information participating universities provide on their campus sexual assault websites. Since school website formats are unique and the same information may be posted in different places for different universities, multiple resources such as the Title IX and Violence Prevention Office websites were consulted to see if the items in the checklist were present. When examining the information provided by the universities, some of the main topics included the accessibility of information on the Title IX coordinator, reporting policies, adjudication procedures, etc.

The instrument used for data collection was originally developed by DeLong et al. (2018) for their study on the impact of campus sexual assault policies on campus sexual assault prevalence. The researchers used a checklist of 98 proposed guidelines from the 2014 White House Task Force to examine participating universities' policies, student handbooks, etc. The checklist provided a more objective way to measure "comprehensiveness" by making it more quantifiable. The presence of more topics was considered an indicator of more comprehensive policies (DeLong et al.). A similar process was used for the current research, but it required a few modifications.

Since 2014, there have been alterations made to federal recommendations about what best practices for addressing sexual assault are, so alterations were made to the contents of the checklist to make it more current. The modified checklist (See Appendix B) was used to outline what kind of information would be sought out when examining the participating universities' online campus sexual assault resources. The checklist was used to structure the searches of the

participating universities' online resources and to facilitate their comparison. Many of the elements included in the checklist were the same as those provided by the 2014 White House Task Force and used by DeLong et al. (2018), but a few minor changes were made to reflect policy changes made by the Department of Education in 2020. While there have been multiple changes made to federal guidelines, many of them did not alter the criteria for the checklist. Most of the updates that were made to the checklist fell under the Adjudication category (Anderson, 2020)

In Section 2 Part C, the original list contained a link to additional information on confidentiality policies but the notalone.gov website is no longer active, so it was deleted. Information from Section 7 on Investigation Procedures and Protocols was also altered to reflect changes in timeline recommendations. Previously, it was requested that universities provide a timeline for promptly investigating and resolving complaints, but specific timelines are no longer expected. Instead, universities are only required to complete the phases of the investigation and resolution of complaints in a "reasonably prompt" manner (Anderson, 2020). The Grievance/Adjudication Procedures section required a few updates as well since mediation was not previously considered an acceptable method of adjudication. Originally, the recommended standard of evidence was a "preponderance of the evidence" but now a "clear and convincing" standard is also considered acceptable, so universities are allowed to use either one (Anderson).

If the topics on the survey instrument were included in a university's online publications regarding campus sexual assault, their presence was denoted in the "present" column in a table next to the specific category. In order to be able to retroactively identify which universities provided or were lacking certain information, individual copies of the checklist were created for each university. Instead of simply revealing the total number of universities that provided

information on a desired topic, qualitative data was retained to capture the precise language used by the participants.

DATA ANALYSIS

Once the survey instrument was completed for each of the 14 universities included in the study, the data was then condensed into a table, (See Table 1) detailing the overall numbers of universities that included the information related to each category. Based on the amount of desired information that each university provided, they were assigned scores to indicate how well their policies and definitions aligned with the checklist. In this case, a higher score was an indication that the university provided information that addressed more of the topics and complied with more federal recommendations than another. A lower score would indicate that a university did not provide information on as many of the instrument's topics. After all of the scores were calculated, the schools were placed in a ranking listing scores highest to lowest (Table 2). The researcher read the participants' entries line-by-line and word-by-word to identify substantial patterns and themes. Qualitative data was analyzed to organize the participants' policies and definitions into appropriate categories. Then, the interpreted patterns and themes were examined to explore how the campus sexual assault definitions and policies in the Southeastern Conference universities compared and contrasted (Creswell, 2013).

Descriptive Statistics were conducted in Excel to summarize quantitative results in a manageable form. Univariate analysis was conducted to examine one topic at a time. The distribution was determined by listing every item on the Checklist and the number of participants who had that item on their websites. Frequency distribution charts were used to depict the results. Finally, the mean was calculated to describe central tendencies

SUMMARY

The purpose for this study's design was to compile the available information on campus sexual assault definitions and policies of universities within the Southeastern Conference so that they could be compared in order to gain a better understanding of the similarities and differences in their approaches to addressing campus sexual assault. The 14 participants were chosen via non-probability, purposive sampling based on their membership in the Southeastern Conference. Data was then collected by examining the online information they provide on campus sexual assault. The information was evaluated based on the survey instrument so that the universities could be ranked and compared more easily based upon their score from the checklist.

Chapter four will include a more comprehensive overview of the data analysis and provide responses to the research questions. Chapter five will consist of the conclusions that can be drawn from this study, its limitations, and recommendations for future research on the topic. Chapter five will also include any available information on the new federal guidelines that are currently underway.

CHAPTER FOUR
ANALYSIS OF DATA
INTRODUCTION

In recent years, a significant amount of time and resources have been dedicated toward making sure that institutions of higher learning are taking a more active role in preventing and addressing campus sexual assault. The purpose of this study was to narrow that focus to examine the policies and definitions that guide universities in the Southeastern Conference. Information on the campus sexual assault policies and definitions for these universities was gathered by closely examining each university's online Title IX and violence prevention resources. The researcher inspected each university's overall Title IX or sexual misconduct policies and searched each page to determine which checklist items were present and which were not.

After reading the policy documents, the researcher consulted other sections of the universities' websites to see if missing checklist items were potentially located somewhere other than the policy, so points were not deducted for not addressing those elements. For example, it was common for contact information for various support services such as counseling, rape crisis

centers, victim advocates to be located on a university's website but not in the actual policy itself.

ORGANIZATION AND ANALYSIS OF DATA

The data was organized into Microsoft Excel spreadsheets exhibiting each Checklist element and ascertaining whether or not it was present. A spreadsheet was created for each university and once data collection was complete, all of the individual university data was consolidated into one comprehensive spreadsheet.

PRESENTATION OF DESCRIPTIVE CHARACTERISTICS OF RESPONDENTS

The 14 participants in this study were selected because of their status as members of the Southeastern Conference. In the Southeastern Conference, there are 11 states represented and 363,729 total undergraduate students enrolled (*Univstats*, 2020).

ANALYSIS OF DATA

The collection of the data was driven by two research questions. As previously stated, the research questions guiding this study are as follows:

- 1) What are the campus sexual assault definitions and policies in Southeastern Conference universities?
- 2) How do the campus sexual assault definitions and policies in the Southeastern Conference universities compare and contrast?

In order to facilitate the collection and analysis of the data, the aforementioned Checklist was used to guide the collection of data and to provide a way to compare and contrast the results. The researcher completed the checklist for each of the 14 universities and calculated the assessed score. There were 74 items on the list, so the maximum number of points a university could score was 74. Once the checklist was completed for each school, the results were condensed into

one Excel sheet and the universities were ranked by their score from highest to lowest. A higher score indicates a more comprehensive policy that addressed a greater number of Checklist items.

RESULTS

Table 1

Ranked List of Scores

Name of University	<i>Checklist Items</i> <i>n</i>	<i>Percent</i> <i>M</i>
The University of Alabama	64	86
Vanderbilt University	63	85
University of Tennessee	62	84
Mississippi State University	62	84
Auburn University	61	82
University of Mississippi	58	78
University of Missouri	58	78
Louisiana State University	56	76
University of Arkansas	56	76
University of Florida	56	76
University of Georgia	54	73
University of South Carolina	52	70
Texas A&M University	51	69
University of Kentucky	51	69

As depicted in Table 1, the scores ranged from 69% to 86%, with Texas A&M University and the University of Kentucky ranked the lowest and the University of Alabama the highest. Overall, the mean score for the Southeastern Conference was 76% indicating the average number of Checklist items present in the policies was 56. Of all 74 checklist items, there were 32 items that were present in every single university’s policy and/or website so 43% of the Checklist was addressed by the entire Southeastern Conference. They are listed below in Tables 2-4 which depict how many times each item was present in a university’s policy. Table 2 lists all the items addressed universally, Table 3 lists those addressed the majority of the time, and Table 4 lists the remaining items that were not widely-addressed.

Table 2

Frequency of Topic Inclusion: Topics included in all policies

Checklist Item Topic	Frequency	Percent
Prohibition of Sex Discrimination	14	100
Persons, conduct, locations covered by Policy	14	100
Contact info on/off campus advocates/counselors	14	100
Emergency numbers for on/off campus law enforcement	14	100
Contact info/locations for those who could accompany to health provider	14	100
Identify counseling/support options regardless of report	14	100
Identify those who can provide ongoing support during disciplinary/criminal process	14	100
Immediate steps/interim measures for victim	14	100
Additional measures e.g. no contact orders	14	100
Definition of sexual harassment	14	100
Definition of non-consensual sexual contact	14	100

Definition of non-consensual sexual intercourse	14	100
Definition of domestic violence	14	100
Definition of dating violence	14	100
Definition of stalking	14	100
Consent must be voluntary	14	100
Incapacitated individuals cannot consent	14	100
Coercion/force/threats invalidate consent	14	100

Checklist Item Topic	Frequency	Percent
Identify/explain formal reporting options	14	100
Identify reporting alternatives	14	100
Specify between confidential & “responsible employees”	14	100
Policy prohibiting retaliation	14	100
Identify investigator & explain process	14	100
Equitable respondent/complainant rights during investigation	14	100
Accommodations/supportive measures during investigation	14	100
Identify adjudicator(s) who determine if misconduct occurred	14	100
Explain adjudicator(s) who determines sanctions	14	100
Notice of hearings and evidence to both parties	14	100
Ability for both parties to present evidence/witnesses	14	100
Extension of any other rights of the perpetrator to the victim	14	100
Description of possible sanctions	14	100
Description of appellate procedures	14	100

Table 3

Frequency of Topic Inclusion: Topics included in most, but not all policies

Checklist Item Topic	Frequency	Percent
Explain options for confidential disclosure	13	93

on/off-campus (counseling, advocate, etc.)		
Identify the Title IX coordinator and their role	13	93
Definition of Retaliation	13	93
Definition of Incapacitation	13	93
Preponderance of the evidence standard	13	93
Training of Title IX, law enforcement, advocates.	13	93
Statement of commitment to address sexual misconduct	12	86

Checklist Item Topic	Frequency	Percent
Victim’s options to seek treatment for injuries, STIs, etc.	12	86
Past consent does not imply future consent	12	86
Silence/absence of resistance does not imply consent	12	86
Title IX Coordinator’s role in investigation process	12	86
Prevent of direct cross-examination of parties	12	86
Simultaneous notice to both parties of complaint outcome	12	86
Outline prevention approach/programming	12	86
Training of faculty and staff	12	86
Explain when coordinator may be unable to honor a complainant’s request for confidentiality/no action	12	86
Seeking medical treatment to preserve evidence	11	79
Consent can be withdrawn at any time	11	79
Prohibit questioning/evidence of complainant prior sexual behavior	11	79
Definition of sexual exploitation	10	71
Explain information that can/can’t remain confidential	10	71
Amnesty policy for drug and alcohol policy violations	10	71
Policy applies to students of faculty regardless of sexual orientation, gender identity, etc.	10	71
Definition of hostile environment caused	10	71

by sexual harassment		
Process for parties to address adjudicators' potential conflicts of interest	9	64
Individuals allowed to attend adjudication & extent of participation	9	64
Where to find access to a rape kit and/or Sexual Assault Nurse Examiner (SANE)	8	57

Checklist Item Topic	Frequency	Percent
Explain process for third party or anonymous reporting	8	57
Explain victim remedies/accommodations upon conclusion of hearing	8	57
Explain process for preserving evidence	7	50

Table 4

Frequency of Topic Inclusion: Topics not commonly included

Checklist Item Topic	Frequency	Percent
Clery Act reporting obligations	6	43
Consent to engage in sexual activity with one person not imply consent to engage in sexual activity with another	5	36
School will require parties to abide by nondisclosure agreement	5	36
Definition of intimidation	4	29
Steps school make take if confidentiality limits investigation	3	21
Explain information that may be shared with parallel law enforcement investigations	2	14
Briefly overview confidentiality policy	1	7

in policy introduction		
Identify additional remedies for school community upon complaint decision	1	7
Explain Sexual Assault Response Team process (SART)*	0	0
Clarifying that evidence of prior consensual dating/sexual relationship doesn't imply consent	0	0
*Many schools mentioned individuals and resources to consult after an incident, but none of them specifically called it SART or described a particular process for aid		

During data analysis, a few trends began to emerge that were consistent across multiple universities. For example, one of the elements under the Scope of the Policy portion of the Checklist states that schools should “clearly state that policy applies to all students and employees, regardless of sexual orientation or gender identity, and explain that the policy applies to third parties” but 5 of the 14 universities did not include language about the policy extending to any sexual orientation or gender identity. Another element that was absent from many policies were some of the recommended sub-requirements for consent definitions.

While every university did address consent in their sexual misconduct policy, there were a few instances where their definitions varied and did not include certain sub topics that were recommended by the Checklist. For example, Item 5 under the Consent portion of the Definitions section states that “consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.” Nine schools did not include this as part of their consent definitions. However, many of the universities that did not include it *did* include language with a very similar concept by stating that consent to engage in one form of sexual activity does not qualify as consent to engage in another form of sexual activity. This could likely be interpreted to apply to the addition of a partner. Three more consent conditions that were not addressed by the entire conference were (a) consent can be withdrawn at any time, (b)

past consent does not imply future consent, and (c) silence or absence of resistance does not imply consent.

Of the 14 universities, 79% stated that consent can be withdrawn at any time and 86% acknowledged that past consent does not imply future consent and that silence, or the absence of resistance is not sufficient to be considered consent. In one case, instead of a statement about silence not being sufficient consent, Texas A&M University's policy stated the opposite. According to Texas A&M University's glossary of policy terms, "Persons need not verbalize their consent to engage in a sexual act for there to be permission" (Glossary of Terms, 2020). As written, physical actions could be considered sufficient indicators of consent.

One of the consent-related checklist items that all of the schools failed to address was "clarifying that evidence of a prior consensual dating or sexual relationship between the parties by itself does not imply consent or preclude a finding of sexual misconduct." In fact, the majority of the universities had language in their policies indicating the opposite. When discussing hearing procedures and the kind of evidence that can be entered, many schools did prevent evidence of the complainant's prior sexual activity from being used. However, information regarding the complainant's sexual behavior can be considered admissible if it is being used to show that someone besides the respondent was the source of the physical evidence, or if it pertains to sexual behavior with the respondent and it used to establish consent. This practice directly contradicts many of the consent definitions that were outlined by the participants who stated that past consent does not imply future consent. If consent on previous occasions does not imply consent during future encounters, then evidence of a previous sexual or dating relationship would not be a valid method for establishing that consent was given for the encounter that is under investigation.

In regard to the Reporting Policies and Procedures category, topics addressed most frequently were (a) formal reporting options, (b) alternatives to reporting if the complainant does not wish to file a formal complaint, (c) policies prohibiting retaliation, and (d) distinctions between which employees are allowed to maintain confidentiality and which ones are “responsible employees” who have a mandate to share misconduct reported to them. Each of these topics was addressed by all 14 universities. Items that were addressed less frequently were focused on more specific details of the reporting process such as explaining what particular pieces of information may have to be shared and why. Nearly every university, 86% explained that in some situations, parts of a student’s report may not be able to remain confidential if the Title IX coordinator evaluates the situation and believes that the alleged perpetrator poses a threat to the safety of the campus community. However, it was often unclear exactly what kind of information would need to be revealed in those scenarios as it would likely vary on a case by case basis.

Similar to the Reporting Policies and Procedures section, the basic elements of Investigation Procedures and Protocols were covered well but some of the more specific suggestions appeared less frequently. All of the participants explained what to expect during the investigation, who would be conducting it, provided equal rights to both parties, and discussed measures that could be implemented to protect and support the complainant. Only 14% of participants mentioned information sharing between the university and law enforcement if both entities were conducting investigations. Some mentioned whether or not university proceedings would be halted pending law enforcement investigations but not many specified what kind of information-sharing the university would do with law enforcement.

In terms of adjudication procedures, many of the recommended best practices were well-addressed by the participants. All of the universities provided information about the adjudicators and their role in the process to determine whether or not the allegations of misconduct were founded and possible sanctions that could result from their decision. Each policy provided equal rights to both the complainant and the respondent throughout the adjudication proceedings. One of the guidelines recommended having measures in place to ensure that during the cross-examination phase of the hearing, there would be no direct examination between the parties. Twelve of the universities included language to address this concern and place the responsibility of conducting cross-examination on the parties' advisors. All 14 universities included information detailing the appellate procedure after the hearing decision is finalized.

SUMMARY

This chapter revealed the process for analyzing the collected data and reported the findings of the study. Overall, the majority of the Southeastern Conference addressed at least 75% of the suggested topics from the Checklist within their Title IX policies or somewhere else in their online resources. The University of Alabama, Vanderbilt University and the University of Tennessee ranked in the top three spots for their scores indicating that their policies and definitions were more comprehensive than most of their counterparts. The University of South Carolina, Texas A&M University, and University of Kentucky were in the bottom 21%, indicating that their resources were not as comprehensive.

In summary, many of the major themes from the Checklist were addressed by most, if not all, of the participants. Each of them discussed the overarching topics, but as expected there were slight variations on the more specific aspects of how those topics should be dealt with or implemented. Major areas of concern such as resources for survivors, an explanation of reporting

options, investigation protocols, adjudication protocols, and built in protections for each party throughout each step of the process were all addressed by the entire conference. Most of the schools had the necessary framework in place to address sexual misconduct based on best practices but could potentially expand on some of those areas to improve their scores.

In Chapter Five, the conclusions that were drawn from the aforementioned findings will be presented. It will also include a discussion of why these conclusions were significant and the implications for further research on this topic.

CHAPTER 5

DISCUSSION, CONCLUSION, AND IMPLICATIONS

INTRODUCTION

As mentioned in the previous chapter, this study examined the similarities and differences between campus sexual assault policies and definitions in place at universities in the Southeastern Conference. The purpose of this chapter is to discuss the study's findings as well as how they relate to the implications for future research and practice. Finally, this chapter concludes with a summary of the study.

DISCUSSION

Based on the existing literature, there are still several areas in which knowledge on campus sexual assault is lacking and could be improved with better information sharing (Backman et al., 2020; Klein et al., 2018). Since campus sexual assault is so prevalent, it is imperative to learn more about effective prevention methods, but the wide range of unique college campuses nationwide can complicate research on the topic since the college experience varies from campus to campus. Klein et al. (2018) suggest that campus sexual assault policy

development and evaluation could be improved if there were some kind of database that consolidated information on sexual assault so strengths and weaknesses could be identified more quickly. Previous research has been conducted by DeLong et al. (2018) and Richards (2019) that examined samples of universities to see how well their campus sexual assault policies complied with the federal guidelines available at the time. Instead of taking a random sample of institutions of higher learning, this study focused exclusively on the universities in the Southeastern Conference.

The Southeastern Conference was selected based on the idea that these universities would have more regional and cultural similarities with each other, yet still have their own unique campus environments. Because the universities have more in common with each other than with universities outside of the Southeastern Conference, they likely face similar challenges with addressing sexual assault and could benefit from discussing strengths and weaknesses in their sexual assault policies with other universities who are also faced with the same obstacles. In order to compare and contrast the Southeastern Conference universities' policies, a modified version of the 2014 White House Task Force Checklist used in the DeLong et al. (2018) study was used. A few of the elements on the checklist did not reflect the most current federal guidelines so those elements were altered or deleted as needed.

One of the main limitations of this study was fairly narrow scope. Not only did it involve a limited number of participants, they were all selected from the same region of the United States. A larger, more randomized sample would be able to offer better insight into campus sexual assault policy at the nationwide level. Another limitation on the current research is the fact that federal guidelines and as a result, university policies, are currently undergoing revisions. Once new federal guidance has been issued, the checklist items may no longer reflect the most

current best practices and the scores calculated during this study may no longer be accurate as universities make changes to comply. The University of Alabama has already updated its policy in the time since the research was conducted.

CONCLUSION

The findings of the current study indicate that as whole, the universities in the Southeastern Conference adhered to the majority of the suggested guidelines included on the survey instrument. Each university had the majority of the checklist items included in their policies evidenced by the fact that the lowest score from the sample was a 69%. Overall, the universities adequately addressed many of the items that were related to rape myths in their policies.

According to Patel and Roesch (2018) the persistence of rape myths creates a perception of sexual assault that shifts blame toward the victim. One example of a checklist item directed at preventing rape myth acceptance is the element stating that universities should not allow “questioning or evidence about the complainant’s prior sexual conduct with anyone other than the alleged perpetrator” to be discussed during the grievance/adjudication phase. There were only three universities in the sample that did not include language prohibiting this line of questioning.

When female students engage in behavior that falls outside the scope of what society deems appropriate, they are perceived as less credible (Patel & Roesch, 2018). This perception can lead to the belief that women who are voluntarily intoxicated at the time of their assault may not be as credible as those who were not. A few of the survey instrument items, pertaining to how consent should be defined, addressed this false notion by defining incapacitation and stating

that a person who is incapacitated cannot consent. Once again, these items were well-addressed by the sample universities. All of the sampled universities stated in their policies that consent is not valid if the person is incapacitated and only one university failed to clearly define what constitutes incapacitation.

As a whole, the universities' policies all highlighted the importance of consent, there were just slight variations in how well they defined consent. For example, all of the universities acknowledged that consent must be voluntary, but some of the other consent-related elements, such as the possibility for consent to be revoked at any time and past consent not implying future consent, were not stated in some of the policies.

Despite the majority of the universities providing comprehensive consent policies and definitions that were consistent with best practices, there were a few instances where the language on consent was not as thorough as recommended. For example, there were two universities who failed to acknowledge that "silence or absence of resistance does not imply consent". As mentioned in Chapter 4, instead of merely failing to include this element, Texas A&M University's policy language contradicts it stating that consent does not necessarily have to be verbalized. Several ambiguity issues related to sexual misconduct arise due to the way different individuals interpret "consent" or "incapacitation". Authorizing non-verbal confirmation of permission conflicts with the recent shift toward the "yes means yes" consent standard.

DeLong et al. (2018) hypothesized that having more comprehensive policies would have a negative impact on prevalence based on the idea that these policies create a set of norms and expectations so if a policy is stricter about sexual assault, it promotes a culture that is also strict on sexual assault. Based on this proposed relationship between policy comprehensiveness and

campus sexual assault prevalence, one would expect campus sexual assault to be less prevalent at universities such as the University of Alabama, Vanderbilt University, and the University of Tennessee, as their policies addressed the most checklist items.

As a whole, the campus sexual assault policies and definitions in place at the Universities in the Southeastern Conference are quite thorough and demonstrated more similarities than differences. All of the policies addressed each of the overarching topics in the checklist well with slight variations in the more minor details. Of the items that were not widely addressed, many of them were not checklist items that would greatly influence a survivor's experience with the Title IX process. For example, one of the checklist items absent from many policies was a definition of intimidation. Obviously, that kind of information is not quite as crucial to the sexual assault response process as some of the more widely-addressed items such as who students can report to, where they can go for counseling, etc.

IMPLICATIONS FOR FUTURE RESEARCH

There are a variety of way in which research on this topic could be expanded beyond the current study. For example, to further test the DeLong et al. (2018) hypothesis mentioned above that there is a negative relationship between policy comprehensiveness and the prevalence of campus sexual assault, the findings from the current study could be cross-referenced with campus sexual assault statistics from the universities in the sample to see if that hypothesis holds true for the Southeastern Conference. Another potential avenue for future research is the relationship between campus sexual assault policies and student attitudes or beliefs about sexual assault.

Since one of the driving lines of thought behind the DeLong et al. (2018) hypothesis was that policy comprehensiveness contributes to a reduction in the pervasiveness of campus sexual

assault by shaping campus norms, further research could be done to explore the impact of campus sexual assault policies and definitions on student perceptions. Hayes-Smith and Levett (2010) studied a similar scenario to see if campus sexual assault programming was reaching students and whether or not it had an impact on their acceptance of rape myths. The researchers discovered that students who were more knowledgeable about campus sexual assault resources tended to believe rape myths less frequently. To further investigate this relationship, researchers could go a step beyond the current study and distribute a survey to students that measures levels of rape myth acceptance to see if schools with more comprehensive policies actually do create student populations that are less prone to rape myth acceptance.

Another interesting opportunity for future research posed by the findings of this study is the relationship between state statutes on sexual assault and university policies. Two universities in Tennessee, the University of Tennessee and Vanderbilt University, both earned scores that placed them in the top three when the universities were ranked in order of how comprehensive their definitions and policies were. The fact that both schools had very similar scores, and the fact that those scores were higher than several of their counterparts, invites the question of whether or not state statutes regarding sexual assault in Tennessee have any correlation to the university policies within the state. Further research is needed to determine whether or not there is a correlation between how comprehensive state policies are and the comprehensiveness of university policies for institutions of higher learning located in that state.

This type of study could also be replicated in other regions outside of the Southeastern Conference to examine the similarities and differences between campus sexual assault policies and definitions for universities in other conferences. Expanding this kind of research could help to address some of the existing gaps mentioned by Backman et al. (2020) and Klein et al. (2018)

and help to foster better information sharing between institutions to improve policy development.

As further information is collected, and additional trends are observed, more informed decisions can be made in the future as to what kinds of policies are beneficial and which areas require changes. Opening up the conversation at the Conference-wide level could provide universities with an opportunity to learn more about which strategies tend to be more effective for reducing sexual assault from other universities who have similar environments and challenges. This is especially true for schools in the Southeastern Conference which are known for their emphasis on Greek life and athletics. As mentioned in the literature review, Greek life and a Division 1 athletics programs have been shown to increase students' risk of sexual assault (Moylan & Javorka, 2020). Since Greek life and sports have such a central role on Southeastern Conference campuses, these universities may have to address their consequences more frequently than universities outside of the conference and could benefit from more intra-conference coordination to advise their practices.

IMPLICATIONS FOR PRACTICE

An important factor to consider when moving forward with updating campus sexual assault policies and definitions is the fact that no matter how much time and research goes into developing them, they are not going to serve the intended purpose if students, faculty, and staff are not aware of them. As Burgess-Proctor et al. (2016) mentioned, if universities are not successfully disseminating information about resources related to sexual assault, those resources are not going to have the desired impact. This study found that the universities of the Southeastern Conference are all well-equipped with medical, psychological, legal, etc. resources for sexual assault survivors, but it did not examine whether or not these universities are effectively communicating to their students that these resources are available. In order for the

rules and resources outlined in these Title IX policies to work, there need to be practices that go along with them to make sure that the information is reaching as many students as possible.

Another significant implication for practice in the next few years, is the fact that federal guidelines are undergoing significant revisions (Anderson, 2020). Practices that were considered acceptable at the time of this study may be altered or removed from the new guidelines that will be given to universities. Universities may be obligated to edit their policies in order to remain in compliance with the new set of recommendations that are issued.

SUMMARY

This study was designed to closely examine the campus sexual assault policies and definitions in place at the universities who are a part of the Southeastern Conference. The review of the existing literature on campus sexual assault indicated that despite all the research and resources dedicated to eliminating campus sexual assault, it is still overwhelmingly common. The literature also suggests that there is still a lot of room for improvement when it comes to consolidating the information gathered on sexual assault and utilizing it to inform better prevention strategies. In order to gain a more complete picture of how the universities in the Southeastern Conference address sexual assault, the following research questions were used to guide this study: 1) What are the campus sexual assault definitions and policies in Southeastern Conference universities? 2) How do the campus sexual assault definitions and policies in the Southeastern Conference compare and contrast? The results showed that overall, the Southeastern Conference universities have fairly comprehensive policies and there was not a significant amount of variation between them. There is limited research to compare the findings of this study to due to the fact that the sample of universities was rather small and specific. It is

also difficult to compare with prior studies that had a similar focus because some federal guidelines have since been changed.

The purpose of this study was to identify potential areas of Southeastern Conference Title IX policies that were not in compliance with the current federal recommendations on topics that should be addressed. All of the universities met the recommended standards for the overarching checklist categories and discussed things like accommodations for victims, reporting protocols, and adjudication practices. The sections where fewer schools earned points were typically subsections of these primary topics that were more specific because some universities did not go into quite as much detail in those sections of their Title IX policies.

The findings from this study indicate that the majority of the universities within the Southeastern Conference have campus sexual assault definitions and policies in place that adequately comply with the modernized version of the 2014 White House Task Force Checklist. However, none of the schools scored above an 86% so there is still plenty of room for improvement or, at the very least, a re-evaluation of these definitions and policies. College life is constantly changing, and sexual assault is an issue that evolves with it, therefore, campus sexual assault policies need to adapt as time goes on as well. Institutions of higher learning have made great strides in their approach to addressing campus sexual assault, but there is still a long road ahead.

REFERENCES

- Anderson, G. (2020). *Education department releases final Title IX regulations*.
<https://www.insidehighered.com/news/2020/05/07/education-department-releases-final-title-ix-regulations>.
- Backman, D., Spear, K., Mumford, E. A., & Taylor, B. G. (2020). The campus sexual assault policy and prevention initiative: Findings from key informant interviews. *Health Education & Behavior*, 47(1_suppl), 75S-84S. <https://doi.org/10.1177/1090198120922120>
- Burgess-Proctor, A., Pickett, S. M., Parkhill, M. R., Hamill, T. S., Kirwan, M., & Kozak, A. T. (2016). College women's perceptions of and inclination to use campus sexual assault resources. *Criminal Justice Review*, 41(2), 204–218. <https://doi.org/10.1177/0734016816634786>
- Cantor, D., Fisher, B., Chibnall, S., Townsend, R., Lee, H., Bruce, C., & Thomas, G. (2015). *Report on the AAU Campus Climate Survey on Sexual Assault and Sexual Misconduct*.
https://www.aau.edu/sites/default/files/%40%20Files/Climate%20Survey/AAU_Campus_Climate_Survey_12_14_15.pdf
- DeLong, S. M., Graham, L. M., Magee, E. P., Treves-Kagan, S., Gray, C. L., McClay, A. M., Zarnick, S. M., Kupper, L. L., Macy, R. J., Ashley, O. S., Pettifor, A., Moracco, K. E., & Martin, S. L. (2018). Starting the Conversation: Are Campus Sexual Assault Policies Related to the Prevalence of Campus Sexual Assault? *Journal of Interpersonal Violence*, 33(21), 3315–3343.
<https://doi.org/10.1177/0886260518798352>

- DeMatteo, D., Galloway, M., Arnold, S., & Patel, U. (2015). Sexual assault on college campuses: A 50-state survey of criminal sexual assault statutes and their relevance to campus sexual assault. *Psychology, Public Policy, and Law*, 21(3), 227–238. <https://doi.org/10.1037/law0000055>
- Fisher, B. S., Cullen, F. T., & Turner, M. G. (2000). *The sexual victimization of college women*. U.S. Department of Justice. <https://www.ojp.gov/pdffiles1/nij/182369.pdf>
- Glossary of terms. (2020). *Title IX at Texas A&M*. Retrieved from <https://titleix.tamu.edu/about/glossary/>
- Hayes-Smith, R. M., & Levett, L. M. (2010). Student perceptions of sexual assault resources and prevalence of rape myth attitudes. *Feminist Criminology*, 5(4), 335–354. <https://doi.org/10.1177/1557085110387581>
- Jennings, W. G., & Reingle, J. M. (2019). *Criminological and criminal justice research methods*. Aspen Publishers.
- Klein, L. B., Graham, L. M., Treves-Kagan, S., Deck, P. G., DeLong, S. M., & Martin, S. L. (2018). Leveraging data to strengthen campus sexual assault policies. *Journal of Interpersonal Violence*, 33(21), 3298–3314. <https://doi.org/10.1177/0886260518798351>
- Lindo, J. M., Siminski, P., & Swensen, I. D. (2018). College party culture and sexual assault. *American Economic Journal: Applied Economics*, 10(1), 236–265. <https://doi.org/10.1257/app.20160031>
- Moylan, C. A., & Javorka, M. (2018). Widening the lens: An Ecological review of campus sexual assault. *Trauma, Violence, & Abuse*, 21(1), 179–192. <https://doi.org/10.1177/1524838018756121>
- Neuendorf, K. A. (2002). *The content analysis guidebook*. Sage Publications.

Patel, U., & Roesch, R. (2018). Campus sexual assault: Examination of policy and research. *Journal of Aggression, Conflict and Peace Research*, 10(2), 103–111. <https://doi.org/10.1108/jacpr-05-2017-0283>

Patton, M. Q. (2015). *Qualitative research & evaluation methods: Integrating theory and practice*. Sage Publications.

Richards, T. N. (2019). An updated review of institutions of higher education's responses to sexual assault: Results from a nationally representative sample. *Journal of Interpersonal Violence*, 34(10), 1983–2012. <https://doi.org/10.1177/0886260516658757>

Sexual Assault. (2020). [Sexual assault](https://www.justice.gov/ovw/sexual-assault). U.S. Department of Justice. <https://www.justice.gov/ovw/sexual-assault>

Sinozich, S., & Langton, L. (2014). *Rape and sexual assault victimization among college-age females, 1995–2013*. U. S. Department of Justice. <https://www.bjs.gov/content/pub/pdf/rsavcaf9513.pdf>

Univstats. (2020). <https://www.univstats.com/comparison/southeastern-conference/student-population/#undergraduate-student-population>

U.S. Senate Subcommittee. (2014). *Sexual violence on campus: How too many institutions of higher education are failing to protect students*. <http://dcrc.org/wp-content/uploads/2014/10/Sen.-McCaskills-Sexual-Violence-on-Campus-Survey-Report1.pdf>

Weber, R. P. (1985). *Basic content analysis*. Sage Publications.

Wiersma-Mosley, J. D., & DiLoreto, J. (2018). The role of title IX coordinators on college and university campuses. *Behavioral Sciences*, 8(4), 38. <https://doi.org/10.3390/bs804003>

Wiersma-Mosley, J. D., & Jozkowski, K. N. (2019). A brief report of sexual violence among universities with NCAA Division I athletic programs. *Behavioral Sciences, 9*(2), 17. <https://doi.org/10.3390/bs9020017>

Wies, J. R. (2015). Title IX and the state of campus sexual violence in the United States: Power, policy, and local bodies. *Human Organization, 74*(3), 276–286. <https://doi.org/10.17730/0018-7259-74.3.276>

APPENDIX A
CITI CERTIFICATION



Completion Date 25-Sep-2020
Expiration Date 25-Sep-2023
Record ID 38564388

This is to certify that:

Remy Heinen

Has completed the following CITI Program course:

**Human Research
Group 4A 5BR Undergraduate Students at the University
of Mississippi.**

1 - Basic Course

Under requirements set by:

University of Mississippi - Oxford

Not valid for renewal of certification through CME. Do not use for Transcendental mutual recognition (See Completion Report).

(Curriculum Group)
(Course Learner Group)
(Stage)



Collaborative Institutional Training Initiative

Verify at www.citiprogram.org/verify/?w285e33df7cfc-40b8-85e9-7e0626e880ed-38564388

APPENDIX B
CHECKLIST INSTRUMENT

1. Introduction
 - a. Clear statement of school’s prohibition against sex discrimination, which includes sexual misconduct.
 - b. Statement of the school’s commitment to address sexual misconduct.
2. Scope of the Policy
 - a. Identify the persons, conduct, locations (including off campus), programs, activities, and relationships covered by the school’s sexual misconduct policy.
 - b. Clearly state the policy applies to all students and employees, regardless of sexual orientation or gender identity, and explain that the policy applies to third parties.
 - c. Briefly explain the school’s confidentiality policy, including reference to the more detailed confidentiality provisions in the policy.
3. Options for Assistance Following an Incident of Sexual Misconduct
 - a. Immediate Assistance
 - i. Identify and provide contact information for the trained on- and off-campus advocates and counselors who can provide an immediate confidential response in a crisis situation (e.g., obtain needed resources, explain reporting options, and help navigate the reporting process)
 - ii. Provide emergency numbers for on- and off- campus safety, law enforcement, and other first responders (e.g., the Title IX coordinator)
 - iii. Describe the sexual assault response team (SART) process and resources SART members can offer
 - iv. Identify health care options, both on- and off- campus:
 1. Ensure the victim is aware of the options to seek treatment for injuries, preventative treatment for sexually transmitted diseases, and other health services.
 2. Discuss the option of seeking medical treatment in order to preserve evidence.
 3. Identify where/how to get a rape kit or find a Sexual Assault Nurse Examiner (SANE).
 4. List locations, including contact information, for an advocate (e.g., a local rape crisis center, on-campus advocacy program) who can accompany a victim to the hospital or health provider.
 - b. Ongoing Assistance
 - i. Counseling, Advocacy, and Support – On and Off Campus
 1. Identify counseling and support for victims of sexual misconduct, whether or not a victim chooses to make an official report or participate in the institutional disciplinary or criminal process.
 2. Identify options for disclosing confidentially with counseling, advocacy, health, mental health, or sexual-misconduct-related sources, both on and off campus.
 3. Identify those who can provide ongoing support during the institutional disciplinary or criminal process.
 - ii. Academic Accommodations and Interim Measures

1. Describe the immediate steps and interim measures that the school can provide to ensure the safety and well-being of the victim, such as the ability to move dorms, change work schedules, alter academic schedules, withdraw from/retake a class without penalty, and access academic support (e.g., tutoring).
 2. Describe additional interim measures that the school may be able to provide for complainants while an investigation is pending such as no contact orders and changing the alleged perpetrator's living arrangements or course schedule. See Section 7.g about interim measures.
4. Title IX Coordinator: Identify the school's Title IX coordinator and briefly explain the Title IX coordinator's role in the school's overall response to sexual misconduct; provide references to sections of the policy that provide greater details regarding the Title IX coordinator's duties.
5. Definitions
- a. Clearly define all conduct prohibited by the policy, including:
 - i. Sexual harassment
 - ii. Hostile environment caused by sexual harassment
 - iii. Sexual assault
 1. Non-consensual sexual contact, and
 2. Non-consensual sexual intercourse
 - iv. Domestic violence
 - v. Dating violence
 - vi. Sexual exploitation
 - vii. Stalking
 - viii. Retaliation
 - ix. Intimidation
 - b. Additional terms that should be defined include:
 - i. Consent: The input of students and sexual assault experts can be helpful in developing a definition of consent. At minimum, the definition should recognize that:
 1. consent is a voluntary agreement to engage in sexual activity;
 2. someone who is incapacitated cannot consent;
 3. past consent does not imply future consent;
 4. silence or an absence of resistance does not imply consent;
 5. consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another;
 6. consent can be withdrawn at any time; and
 7. coercion, force, or threat of either invalidates consent.
 - ii. Incapacitation (such as due to the use of drugs or alcohol, when a person is asleep or unconscious, or because of an intellectual or other disability that prevents the student from having the capacity to give consent)
6. Reporting Policies and Protocols
- a. Identify formal reporting options – e.g., criminal complaint, institutional complaint, report to “responsible employee,” including the Title IX coordinator.

Explain how each option works and include contact information for the people to whom one can make a report.

- b. Identify alternatives to reporting – e.g., privileged or confidential disclosures
 - c. Describe policies governing confidentiality
 - i. Specify those employees to whom a student can disclose in confidence and those “responsible employees” who must report incidents (including personally identifying details) to the Title IX Coordinator. Consider particularly how a school will ensure that a student understands an employee’s reporting obligation before he or she reveals any information to that employee.
 - ii. Describe what information will be kept confidential and what information may be disclosed, to whom it will be disclosed, and why.
 - iii. Explain when the school may not be able to honor a student’s request that his or her name not be disclosed to the alleged perpetrator or that no investigatory or disciplinary action be taken. Identify the employee responsible for evaluating such requests for confidentiality or no action.
 - d. Explain the school’s reporting obligations under the Clery Act, including the annual reporting responsibilities of Campus Security Authorities and the school’s obligation to issue timely warnings.
 - e. Explain the process for third-party and anonymous reporting.
 - f. Ensure the policy prohibits retaliation against those who file a complaint or third-party report, or otherwise participate in the investigative and/or disciplinary process (e.g., as a witness), and explain that the school will take strong responsive action if retaliation occurs.
 - g. Describe when the school will grant amnesty from drug, alcohol, and other student conduct policies.
7. Investigation Procedures and Protocols
- a. Identify the Title IX Coordinator(s) and explain roles and responsibilities.
 - b. Identify who conducts the investigation and what an investigation might entail.
 - c. Specify a reasonably prompt time frame for conducting the investigation and resolving the complaint, as well as the process for extending the time frame.
 - d. Explain the processes for preserving evidence.
 - e. Provide the respondent and complainant equitable rights during the investigative process.
 - f. Set forth parameters and clarify what information may and may not be shared during a parallel investigation with law enforcement (e.g., via a Memorandum of Understanding with local law enforcement).
 - g. Explain that where necessary, the school will take immediate steps to protect complainants pending the final outcome of an investigation, including academic accommodations and other interim measures. These steps may include the ability to change housing or dining facilities; change work schedules; alter academic schedules; withdraw from/retake a class without penalty; access academic support such as tutoring; issue no contact orders; and change the alleged perpetrator’s living arrangements or course schedule.
 - h. Explain the school’s response if a victim’s request for confidentiality limits the school’s ability to investigate a particular matter. A school may take steps to limit

the effects of the alleged sexual misconduct and prevent its recurrence without initiating formal action against the alleged perpetrator or revealing the identity of the student complainant. Examples include: providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred; providing training and education materials for students and employees; revising and publicizing the school's policies on sexual misconduct; and conducting climate surveys regarding sexual misconduct.

8. Grievance/Adjudication Procedures

- a. Explain the grievance/adjudication process, including:
 - i. that the preponderance-of-the-evidence (i.e., more likely than not) standard or "clear and convincing" standard can be used in any Title IX fact-finding and related proceedings, including any hearings;
 - ii. identify the adjudicators, including:
 1. the trained individuals who determine whether the alleged sexual misconduct occurred
 2. the individuals who determine the sanction
 3. a process by which either party may raise issues related to potential conflicts of interest of such individuals
 - iii. the persons who may attend and/or participate in the adjudication process and the extent of that participation.
- b. Outline the rights and roles of both parties in the adjudication process, including:
 - i. notice of hearing(s) and evidence to both parties;
 - ii. an opportunity for both parties to present witnesses and other evidence, Including:
 1. a description of the types of evidence that may or may not be presented, including but not limited to:
 - a. prohibiting questioning or evidence about the complainant's prior sexual conduct with anyone other than the alleged perpetrator
 - b. clarifying that evidence of a prior consensual dating or sexual relationship between the parties by itself does not imply consent or preclude a finding of sexual misconduct
 2. if the school conducts a hearing, and generally allows for cross-examination, a description of alternative methods that preclude the respondent from personally cross-examining the complainant
 - iii. extension of any other rights given to the alleged perpetrator to the complainant.
- c. Explain the possible results of the adjudication process, including:
 - i. sanctions;
 - ii. remedies/accommodations for the victim;
 - iii. additional remedies for the school community.
- d. Outline how the parties will be informed of the results of the adjudication, including:
 - i. simultaneous written notice to both parties of the outcome of the complaint and the option to appeal, if applicable;

- ii. a statement that the school will not require a party to abide by a nondisclosure agreement, in writing or otherwise, that would prevent the redisclosure of information related to the outcome of the proceeding.
 - e. Describe the appellate procedures (if appeals are permitted), including grounds for appeal, standards of review, the person/entity that will decide appeals, and the applicable reasonably prompt time frames.
- 9. Prevention and Education: Outline the school's approach to prevention, including type and frequency of prevention programming and educational/outreach activities. Include bystander intervention and programs to educate students about the school's sexual misconduct policies.
- 10. Training
 - a. Outline how faculty and staff are trained and on what issues.
 - b. At a minimum, the Title IX coordinator, law enforcement, "responsible employees," victim advocates, and anyone else who is involved in responding to, investigating, or adjudicating sexual misconduct must receive adequate training.