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Sexual Assault on College Campuses: Is Title IX the Answer?

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I. Introduction

Why we need to talk about this now:

Over the past few years the issue of sexual assault has been a topic of interest for many news and media outlets. The concern about the topic is due in part to the legal cases dealing with sexual assault occurring on college campuses. Yale University has frequently been under fire from the media due to its handling of multiple sexual assault cases. Most recently Brown University has faced scrutiny from the media and the Office of Civil Rights due to its handling of a specific sexual assault case. Although we often hear sexual assault cases in academia regarding esteemed universities such as Harvard and Columbia, the unfortunate truth is that sexual assault is pervasive among all universities across the United States. The court cases that do make headlines regarding sexual assault are noteworthy because they use a portion of legislation in the Education Amendments of 1972 called Title IX.

II. Title IX legislation

Development

When Title IX was created back in the early seventies, the people behind the development of the legislation did not have sexual assault in mind. Bernice Resnick Sandler, who was one of the most important minds behind the creations of Title IX, faced many difficulties in gaining employment in higher education positions i.e. full time professor, researcher, etc (Sandler). Feeling dejected from universities for classifying her as just a house wife, even though she was a well educated academic with children near the age of self sufficiency, the part time teacher at the university of Maryland set out to find a way to fight what she realized was sex discrimination in education (Sandler). The events that followed included

Sandler finding out that an amendment to Executive Order 11246 existed that would set the ball rolling in terms of creating what would later be known as Title IX legislation.

Executive order 11246 prohibits organizations that are in a contract with the government from discriminating against employees on the basis of race, creed, color, or nation origin (EEOC). The amendment to this executive order added sex to the list of prohibited reasons for discriminating in employment (Sandler). Receiving federal funding from the government is a contractual agreement and almost all schools of higher education receive federal funding. By finding the amendment that added sex to the list of prohibited reasons for discrimination, Sandler realized that the schools and employers, who turned her down explicitly for the fact that she is a woman, were in direct violation of a federal order (Sandler). As a result of this discovery, Sandler was able to file a formal complaint with the Office of Federal Contract Compliance at the Department of Labor (Sandler). The generalizing complaint accused hundred of universities across America of not complying with the executive order and gave specific mentions to the university of Maryland (Sandler). Sandler's next move was to contact women employed in high education across the country to get their stories about sex based discrimination (Sandler). Through their stories she was able to file approximately 250 formal complaints to the Office of Federal Contract Compliance at the Department of Labor (ACLU). The goal of filing a complaint was to get the federal government to enforce the executive decision, but unfortunately formal complaints were not enough (Sandler).

Even with hundreds of formal complaints flowing in, the federal government did not do anything to enforce the executive decision (Sandler). Still, Sander was not ready to give up. When listening to their stories of sex-based discrimination, Sandler's had suggestions for and engaged in conversation with the women who shared their stories of discrimination in higher

education. This dialog raised awareness of sex-based discrimination in education (Sandler). In listening to their stories, Sandler advised the women to reach out to their representatives in the House and Senate, so that the political figures would be informed on the issue and contact other government officials to enforce the Executive Order (Sandler). As a result, not only was the Department of Labor receiving formal complaints from Sandler, they were also receiving letters from congress people asking for the Executive Order to be enforced (Sandler).

In this process certain representatives became highly interested in the issue (Sandler). Specifically Rep. Edith Green (OR) spoke and testified at many congressional hearing to support the creation of a bill that she, along with Sandler, hoped would be passed into law (Sandler). One senator from Illinois handled the bill and worked intensely to properly word and plan out the passage of the bill (Sandler). Although Sandler started this campaign because she saw sex based discrimination in terms of employment in higher education, the broad bill applied to all educational activities such as sports, clubs, admittance and employment, to name a few (Sandler). Thanks to the help of Rep. Edith Green (OR), Senator Birch Bayh (IN), and Patsy Mink (HI), the main drafters and supporters of the proposed legislation, the bill was passed by congress and signed into law as Title IX of the Education Amendment Act of 1972 by president Nixon on July 1st, 1972 (Sandler).

Title IX

The legislation states: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance”. The legislation further declares that if any institutions receiving federal funding have been found, after judicial review,

to be in violation of Title IX, the institutions will have their federal funding revoked. Still, some universities have been found to be in violation of Title IX and they have not lost a single penny. It can be quite confusing to discover that not a single university has lost federal funding due to Title IX violations, even though numerous schools have been in violation of Title IX. However if we take into consideration the effects of losing federal funding, we can see why the government has chosen not to take away funding.

If any university lost federal funding, the result would severely damage not only the integrity of the institution, but also the American research and development enterprise (AAU). Students and professors in universities across the states complete 56% of the nations total basic research (AAU). The federal government funds roughly 60% of the costs of this research (AAU). If America wants to advance in becoming a leader in research, why would we want to pull the funding for it? In addition, colleges receive a certain amount of federal money from every student who simply applies for financial aid, and from students who qualify for work-study (Winter). The federal money can be used to pay for activities and even infrastructure (Winter). It would not make sense for the federal government to pull all funding because of non-compliance with a federal law such as Title IX. While the theory behind the law is important for the victims of sexual discrimination, there can be a better, more realistic punishment. I agree with a senator from Iowa, Sen. Tom Harkin who, in a hearing on how officials are enforcing Title IX complaints, compared the punishment of Title IX violations to a “nuclear option” (Vendituoli). The punishments are similar to a nuclear option in that it could cause catastrophic results, damaging every part of a university that does not comply with Title IX. Some lawmakers say that the termination of a schools federal funding would completely shut down the operations of a school (Bahr).

While it is true that many universities are not facing the punishment laid out by the law, they are still receiving some sort of punishment. Most Title IX investigations end in compromises. There may be a financial endowment given directly to the victim whose case was mishandled or some other financial agreement. The majority of investigations end with the university changing their sexual harassment policy and promising to be on their best behavior in terms of responding to allegations of sexual discrimination. For example, in December of 2014 Harvard Law School was found by the U.S Department of Education Office of Civil Rights to be in violation of Title IX (T. Delwiche, N. Delwiche & Duehren). As a result the OCR has asked Harvard Law School to enter a resolution agreement to work with the office of civil rights to change their policies to fit federal guidelines. No funding was taken away (T. Delwiche, N. Delwiche & Duehren). The cases in which the Office of Civil rights have found Harvard Law School to be in violation of Title IX dealt with how the university responded to sexual assault accusations (The Associated Press). Even though the legislation states that no one should face sex based discrimination in educational activities, due to case law and court opinions it has been found that sexual harassment and sexual assault can be considered forms of discrimination. The next section of this paper will show how the Title IX legislation has evolved to cover the issues of sexual assault and sexual harassment through legal decisions.

Landmark Cases

Through various civil cases it has been found that Title IX legislation can be interpreted to say that all students have a right to an education free from sexual assault. However, this interpretation took time to progress; it did not develop immediately after the law was created. Before Title IX was used to combat sexual assault, it was used to fight sexual

harassment. The first legal case that used Title IX as a way to stand up against sexual harassment was in the 1978 case *Alexander v. Yale* (Nora Caplan-Bricker). The Plaintiffs in the case, Ronni Alexander, Margery Reifler, Pamela Price, Lisa Stone and Ann Olivarius lost the case in civil court, but that doesn't mean their attempt was fruitless (ACLU).

This case does not deal with the prevalent issue that we see today, which is student on student sexual harassment. *Alexander v. Yale* dealt with students who were facing harassment from their teachers (Kingkade). The students were promised higher grades in exchange for sexual favors. In this case the students were not seeking monetary solutions to the harassment they faced, rather they were more concerned that the university establish protocol for students to be able to report accusations of sexual harassment, and to be able to be taken seriously when reporting (ACLU). The case was lost due to legal technicalities. The students had already graduated, and the quid pro quo argument did not have any merit since one of the plaintiffs did not actually receive the promised higher grade. Still, in the decision made by district judge it was found that discrimination had occurred through the sexual harassment (Kingkade).

The reason why this case is important, despite the loss, is due to the finding that sexual harassment had occurred through sexual advances. The district court ruled, "It is perfectly reasonable to maintain that academic advancement conditioned upon submissions to sexual demands constitutes sex discrimination in education" (ACLU). In addition, the plaintiffs eventually got what they were seeking (Kingkade). After the case went to trial, Yale established regulations to ensure that students had a place to report sexual harassment (ACLU). This court case that the plaintiffs lost, had a lasting effect in academia. The media attention of the civil case caused several universities to follow suit by making sure that they had the proper policies in place for their students to be able to report sexual harassment (ACLU).

The next case that helped the advancement of Title IX was the 1992 civil case that made its way to the United States Supreme Court: *Franklin v. Gwinnet County Public Schools*. The outcome of this case was a reversal of a lower court decision (*Franklin v. Gwinnet County Public Schools*). In this case a high school student sought damages, a monetary award, for experiencing sexual harassment and abuse from her teacher Andrew Hill (*Franklin v. Gwinnet County Public Schools*). A district court and Court of Appeals both dismissed the case on the ground that Title IX does not offer a damages remedy for experiencing sexual discrimination (*Franklin v. Gwinnet County Public Schools*). The Supreme Court disagreed, and decided that the student was able to receive damages for facing sex-based discrimination under Title IX (*Franklin v. Gwinnet County Public Schools*). This case is significant because it determined that sexual harassment and abuse were considered a form of sex-based discrimination. Again, in this case we see that this does not deal with student-on-student discrimination, but it is important nonetheless for the development of the definition of discrimination under Title IX. This case also does not take place in a college or university, but a high school. The provisions of Title IX are not exclusive to colleges; it applies to all educational institutions, as we will see in the next case.

It was only at the very end of the twentieth century in 1999 that schools had finally been considered responsible for student-on student assault (Wilson). Beginning in 1992, a female fifth grade student was facing sexual harassment from another fifth grade male student who sat next to her in class (Title IX info). The male student had repeatedly touched the female student on her breasts and genitalia (Wilson). The female student reported the incident to the teacher, who failed to either report it or actively do anything about this incident (Wilson). The female student's parents even asked the teacher to simply move her seat away from the boy who was touching her, and the teacher did not (Title IX info). The female student who is the subject of

these complaints in this case was not the only female in the fifth grade class who had faced sexual harassment from the male student (Title IX info). A group of girls tried to talk to the principal about their troubles with the boy in question but a teacher prohibited them from speaking to the principal (Title IX info). Though these facts it was determined that school officials knew that there had been sexual harassment occurring in the school, but chose to do nothing about it. The boy was eventually convicted on sexual battery charges in May of 1993, for an incident not involving the school (Title IX info). The family of the original female student in this case eventually sued the school under Title IX legislation in the case of Davis v. Monroe County Board of Education (Title IX info). Several years later the case made it up to the Supreme Court where an important decision was made (Title IX info). The Supreme Court opined that a school is responsible for student-on-student sexual harassment under Title IX if it is so severe that it interferes with the victim's educational experience and environment; and the school has an unreasonable response to the harassment (Title IX info). In this case the school acted unreasonably by taking no action in response to being aware that sexual harassment had occurred.

A 2003 case also dealt with student-on-student harassment and a school not responding properly to accusations of sexual harassment. This case however took place at Yale University. Kelly v. Yale is a case where the plaintiff, Kelly, believed that Yale inadequately responded to her complaints of sexual assault on campus by a fellow student who lived in the same dorm as Kelly (Wilson). Kelly believes that Yale did not take the proper steps following the incident to effectively respond to her claim (Wilson). After reporting the incident of sexual assault, it took a review board thirty-eight days to determine that sexual assault had occurred (Kelly v Yale, p 8). As a result of the internal review the attacker was asked to take a leave of absence from the

school until Kelly completed her studies (Kelly v Yale, p 3). Kelly asserts that in the time between the initial report and the conclusion of the review, Yale created a hostile environment for her, due to the fact that she had to live in the same place as her attacker and continue to attend class with him as well (Kelly v. Yale, p 2). Kelly had requested to be moved into a different dormitory but it was not until a professor intervened on her behalf that the school listened to her request (Kelly v. Yale, p 4). The inappropriate responses by Yale forced Kelly to drop out of her classes and finish her studies later than she was expecting (Wilson).

The ruling of Kelly v. Yale cited the Davis v. Monroe County Board of Education case to establish that a school is responsible for Student-on-student harassment (Kelly V. Yale, p. 6). The ruling acknowledges that Kelly made repeated attempts to change her class schedule and move into another residential facility so that she would not have to run into her attacker on campus, but Yale did not respond to these requests in a reasonable manner (Kelly v Yale, p 9). The judge agreed with Kelly and found Yale's inactions unreasonable, one of the requirements of being held liable under Title IX (Kelly v Yale, p 9). The ruling also states that, "There is no question that rape . . . constitutes severe and objectively offensive sexual harassment" (Kelly v Yale, p 7). The judge made this decision by referencing a previous court decision that considered rape, sexual abuse and harassment "obvious" forms of sexual harassment (Kelly v Yale, p 7). Even though the case that the judge referenced did not occur within an educational realm, it still applies to the Kelly case (Kelly v Yale, p 7). Ultimately the judge did agree with Kelly on these two points but the rest of her argument fell short (Kelly v Yale, p 13). As a result, the case went in favor of Yale and the school received a partial summary judgment (Kelly v Yale, p 13). Still, due to the finding that Yale had acted unreasonably, several months after this court decision the school settled with Kelly for an undisclosed sum (Wilson).

The rise in awareness of sexual assault and the concern for safety on campus by students across the states due to the media attention of these cases, caused the Department of Education's Office of Civil Rights to set a standard of proof when review boards deal with allegations of sexual assault (Wilson). The first time that the Office of Civil Rights established a standard of proof was sent out to schools across the country in 2002 (Wilson). However this standard of proof was ignored, and schools continued to mishandle cases (Wilson). Students continued to file Title IX complaints on the grounds that the schools were not taking their accusations seriously, that the investigations were not properly conducted and that the schools failed to protect the victims of sexual assault (Wilson). When numerous Title IX accusations started to flow into the Office of Civil Rights even after sending out the first standard of proof, the Department of Education Office of Civil Rights realized that they had to do more to raise awareness on the issue of sexual assault through Title IX legislation.

III. Department of Education and Office of Civil Rights

Why the Department of Education is in charge of handling these cases

The simple explanation for why the Department of Education is in charge of handling Title IX accusations is because the Department of Education is the organization that distributes federal funding to schools across America (U.S Department of Education). Since the punishment for violating Title IX is the revocation of federal funding, it only makes sense that the organization that is in charge of the federal funding handles the Title IX cases. Finally, because Title IX is a civil issue rather than a strictly educational issue such as standardized testing, the Office of Civil Rights office under the Department of Education handles all civil matters and Title IX cases are no exception.

Investigation process

In addition to Title IX cases, the Office of Civil Rights handles complaints regarding many laws such as Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation act of 1973, Age discrimination Act of 1975, Title II of the Americans with Disabilities act of 1990, and the Boy Scouts of America Equal Access Act (U.S Department of Education). The office of civil rights has the same procedure for Title IX complaints as it does for any law they enforce. Before the Office of Civil Rights beings the investigation of the Title IX violation, they must first evaluate the complaint (U.S Department of Education).

To offer fair treatment of every complaint, the Office of Civil Rights responds to and evaluates each complaint in the order that it is received (U.S Department of Education). In evaluating each complaint there are several things the Office of Civil Rights must be sure of before the investigation stage (U.S Department of Education). Some facts that are vital for determining whether or not the Office of Civil Rights can take the case are, the date which the complaint was filed, and if the Office of Civil Rights has jurisdiction over the matter (U.S Department of Education). The complaint must be filed within 180 days of the alleged incident (U.S Department of Education). If the complaint is not filed within that time frame, the person filing the complaint needs to explain why there was a delay in reporting and request a waiver for this time requirement (U.S Department of Education). Other reasons that are sufficient for the Office of Civil Rights to not go forward with an investigation are if the complaint does not state a violation or one of the laws that the Office of Civil Rights enforces, or the allegations of the complaint have already been resolved (U.S Department of Education). Making mistakes on a complaint can easily be avoided, as there is a suggested complaint form that you can use that

would cover all the basic information needed to properly file a Title IX complaint (U.S Department of Education).

Once it has been decided that the Office of Civil Rights can go forward with an investigation, the organization acts as a neutral fact finding authority (U.S Department of Education). An investigation from the Office of Civil Rights begins with the organization sending out a letter telling the school and complainant that an investigation will begin (U.S Department of Education). The investigation may include interviews with the complainants and other witnesses, if there are any, a review of the evidence submitted with the complaint, and site visits (U.S Department of Education). In the conclusion of the investigation there are two outcomes: either there is sufficient evidence to support that a Title IX violation has occurred, or there is insufficient evidence to support that a Title IX violation has occurred (U.S Department of Education). Whatever is determined, the Office of Civil Rights will send out another letter explaining the findings of the investigation and their decision regarding the violation (U.S Department of Education).

The Law of Title IX declares that an institution that is found to be in violation of IX regulations may be subject to losing federal funding. On their website however, the Department of Education states that after a school has been found to be in violation of Title IX, they will have to work with the Office of Civil Rights to come up with a resolution agreement. As we saw in the Harvard case, a resolution agreement generally means having the university revise their policy on handling sexual assault cases. The Office of Civil Rights does not want to have to work with colleges individually after they have been found to be in violation of Title IX. We can infer this from the fact that they sent out a “Dear Colleges” letter in April of 2011 addressing the ways in which a school can set up its own policies in order to better handle sexual assault accusations,

and to ultimately avoid having the Office of Civil Rights discover or receive a complaint about a Title IX violation.

Dear Colleagues

Despite all the media attention raised from sexual assault cases such as Kelly v. Yale, universities were still not properly responding to accusations of sexual assault. The problem was so widespread that the Office of Civil Rights under the Department of Education had to send out a letter to every university in America. The letter, often referred to as “Dear Colleagues” due to the way the letter starts, highlights what Title IX is and why it is important for universities to take it seriously. In essence, Dear Colleagues, clarifies what Title IX is, what is required of the university under Title IX legislation and offers guidelines on how to properly inform the entire university of its’ existence (Sieben).

The letter is instrumental in that it clearly states that sexual harassment included instances of sexual violence (Dear Colleagues, p 1). In addition the letter defines what constitutes sexual violence. According to the letter, “Sexual violence . . . refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent due to the victim’s use of drugs or alcohol” (Dear Colleagues, p 1). The letter also lays out what acts can be considered sexual violence, such as rape, sexual assault, sexual battery, and sexual coercion (Dear Colleagues, p 1, 2). In case the universities were not aware of the legal precedent that has been set forth, and discussed in this paper, the Dear Colleagues letter also informs the university that schools are responsible for student-on-student harassment (Dear Colleagues, p 4).

One of the most significant parts of the letter explains how colleges are required to: have a policy in place that can be distributed to all students faculty and employees about non

discrimination in education, must have a Title IX coordinator at the university, and must have grievance policies in place for students to be able to come forward with a sexual assault complaints (Sieben). Having a policy about non-discrimination, and for grievances, is crucial to have an informed student body. In clear and concise terms, the letter explains that all information that will be distributed to the students must be written in a language that is easy for all students to comprehend (Dear Colleagues, p 9). This allows for the students to be fully aware of the rights given to them by the college or university they attend. The importance of having a specific Title IX coordinator at every university is to have someone who is responsible for handling these claims through the school and who knowledgeable about the subject (Dear Colleagues, p 7). It would be utterly irresponsible to have someone who knows nothing about sexual assault handle Title IX claims. In addition, the coordinator is a necessary position so that there is no conflict of interest between the role of someone who handles Title IX cases and someone who sits on the review panel for addressing sexual assault accusations (Dear Colleagues, p 7). The Title IX coordinators sole responsibility is to handle Title IX complaints (Dear Colleagues, p 7).

Aside from explaining the responsibilities required of a school under Title IX, Dear Colleagues is a helpful way for colleges to learn the ways in which the school can assist the victim in order to not feel like they are trapped in a hostile environment. The letter specifically offers the ideas of, having a university escort take the victim around campus between classes, providing counseling services, medical care, and academic support to name a few options (Dear Colleagues, p 16). The letter further goes on to explain what procedures would offer the most help to victims and how the university can expand upon those services (Dear Colleagues, p 18).

The goal of the Dear Colleges letter was to make sure that every university was fully aware of the mandated responsibilities created under Title IX legislation. In addition to the Dear

Colleagues letter, the Assistant Secretary of the Office of Civil Rights under the Department of Education sent out a 52-point question and answer document to make sure that any questions regarding the responsibilities imposed under Title IX are answered in a clear language that the educators can understand. The Dear Colleagues letter was intended to show universities that sexual assault is a legitimate issue that needs to be given more attention. The letter uses a statistic to show how prevalent sexual assault is, taken from a federal study supported by the U.S. Department of Justice: “1 in 5 women are victims of completed or attempted sexual assault while in college” (Dear Colleagues, p 2). Sexual assault is still a very serious problem however; we need to be critical of this statistic.

IV. Criticisms

Statistics

The most common statistic we hear when discussing sexual assault on college campuses is that 1 in 5 women are sexually assaulted in college. This statistic originally comes from a report published by the U.S Department of Justice in 2007 titled *The Campus Sexual Assault Study*. The study collected data from college students through an anonymous online survey given to two universities (Kessler). How can we generalize results from two universities, one from the South and one in the mid-west, and apply it to all colleges across the U.S? Regardless of what numbers the survey received, I believe they were still flawed because of a common occurrence. The *Campus Sexual Assault Survey* used an anonymous method of collecting data (Kessler). However, I believe that even when prompted anonymously, the students answering the questions may not have been fully aware of what encompasses sexual assault.

With the prevalence of alcohol and parties on campus, it is very possible that many students have had sex while intoxicated, and by the standard set forth in the Dear Colleagues letter, that is rape (Dear Colleagues, p 1). I also theorize that students may not remember what happened to them after a dangerous night of binge drinking, and may not have any memory that an act of unwanted sexual violence happened to them at all. In being critical of the statistics commonly used to support the idea that sexual assault is prevalent in colleges across the United States, I am not trying to minimize the issue. Sexual assault is a huge problem, as we can see by the legal cases surrounding the issue and by the fact that there are several organizations whose goal is to inform the public about sexual assault. Still, it is important to critically analyze facts that we are given. In addition it is important to be critical of Title IX.

Title IX

Upon analyzing Title IX, I believe that it is not enough to combat sexual assault on college campuses. The Justice Department has found that sexual assault is one of the most underreported crimes, where nearly 68% of incidents go unreported (RAINN). If the crime is going unreported then the legislation cannot do anything. Legislation itself is useless if individuals are not using it. Just as a theory is nothing without action, Title IX is nothing with out students and activists taking a stand against sexual assault. One of the simplest ways to take stand against sexual assault is by reporting it when it happens to you, or by discussing the topic with others so that they know what to do when they are faced with sexual assault. While Title IX may not be enough to battle sexual assault, we should still appreciate what it has done to expand the definition of sex-based discrimination and to help victims feel like they have a voice.

If we understand that the consequences of Title IX are not the original consequences that are laid out by the legislation, we should not stand by and let this continue. A bill has recently been drafted that would change the loss of total federal funding, to a loss of 1% of a schools operating budget (Bahr) I believe a strategy like this would be more useful, because then the punishment would actually happen, as opposed to the Title IX punishment which does not occur.

Review Board

When students submit a complaint to their school that sexual assault has occurred, it goes through a school review panel. One of the criticisms of the review panel process deals with the issue of who sits on the review panels. Some will argue that having volunteer teachers and students are not enough or even capable of being able to make such a determination. I would agree with critics. Some students may volunteer for the position simply because it will look good on their résumé, not because they have an invested interest in sexual assault issues. In addition, if we look at a recent Brown University case, there can be a conflict of interest. At Brown University, a male was accused of drugging a fellow student (Kingkade). The male's case was dropped and it is no surprise, considering the fact that his father was sitting on the review panel (Kingkade).

There is no sort of ethical review to determine if there is a conflict of interest, or if the reviewers are knowledgeable about sexual assault issues. It is important for the people who are reviewing such sensitive cases to be knowledgeable about the extensive issues that arise as a result of sexual assault, so they can make a well-informed decision. As a result over skepticism of having students and faculty run the review boards, some lawyers are banding together to take the place of the review board (Higher Education Decisions Group). As an alternative to students

and faculty, seasoned lawyers with expertise in sexual assault are offering their services to universities (Higher Education Decisions Group).

Many people choose not to go to the police when a sexual assault occurs on campus because they fear that the case will not be taken seriously, and will be easily dropped (Vendituoli). If students are so confident that a punishment will occur within the school if they bring it to the attention of school officials, we must make sure that the review board that decides whether or not sexual assault has occurred knows fully what sexual assault is.

No matter how critical we are of Title IX there is no denying that it has had positive effects for students across America. Title IX may be flawed but it's a step in the right direction. We can look at recent Title IX cases to see how they have made an impact on how universities handle Title IX complaints.

V. Recent Title IX cases

University of Connecticut

In 2014, five female students sued the University of Connecticut for the improper handling of their sexual assault cases (Schlossberg). The goal of the lawsuit was to seek monetary damages (Schlossberg). In addition to the lawsuit, four of the plaintiffs and three other women not involved in the lawsuit, filed Title IX complaints against the school (Schlossberg). The university decided to not take the case to court and opted to settle out of court (Schlossberg). One plaintiff accused the school of discrimination after she was cut from the women's hockey team once she informed her coach that she had been raped (Schlossberg). She has received \$900,000 as a result of the settlement (Schlossberg). Four other plaintiffs who accused the school of indifference to their accusations of sexual assault received payments from \$25,000 to

\$125,000 (Schlossberg). The fact that the school decided to settle out of court makes it clear that the school was aware that they inappropriately responded to the sexual assault accusations. Aside from the financial settlement, the University of Connecticut has agreed to change their policies on how they handle sexual assault cases (Schlossberg).

University of Colorado at Boulder

Two students filed lawsuits against the University of Colorado at Boulder under Title IX legislation in 2002 and 2003 (Sander). This case actually went to trial, unlike most cases. At the lower level trial court, the case was dismissed in 2003 but the plaintiffs appealed and the appellate judges had the case reinstated for 2009 (Sander). Through the new case it had been decided that the school was indifferent to the sexual abuse, which was apparently seen as a common rite of passage for football players at the school (Sander). As a result of the appellate case, the university settled with the students; one received \$2.5 Million and the other received \$350,000 (Sander). The settlement also created a new Title IX advisor position at the university in an attempt to prevent sexual harassment and misconduct. Although that sounds like a nice idea, I doubt the simple act of having a Title IX advisor will do anything to reduce sexual harassment on campus.

Tufts University

Though not a lawsuit, Tufts University was found to be in violation of Title IX though an investigation conducted by the Office of Civil Rights (Lipka). A complaint was filed against Tufts in 2010 for not responding appropriately to sexual harassment and violence claims, thereby creating a hostile environment (Lipka). After the finding that Tufts was in violation of Title IX,

the school agreed to enter into a resolution agreement that would effectively amend their policies regarding how to handle sexual assault cases. The resolution agreement stated that the agreement in itself “does not constitute admission by the university that it is not in compliance with Title IX” (Lipka). Apparently the school did not like the wording of this statement and after signing the agreement, Tufts redacted their signature because they do not think they violated Title IX legislation (Lipka). To this day, nothing has come about from Tufts redacting their signature. The university kept their positive policy changes, but the school feels misled from the whole investigation (Lipka).

These legal cases have had positive effects in that they helped the victims and created better policies to handle sexual assault accusations. Still, I believe legal cases and investigations are not enough to combat the problem of sexual assault on college campuses. The creation of campaigns and education groups across America are what is necessary to help spread awareness of the issue and lower the rates of sexual assault on college campuses.

VI. Campaigns and information

White House Task Force

The federal government has a stance on sex-based discrimination in education; we know this because it is stated in Title IX legislation, and we also know this from how active the White House is in creating campaigns to talk about the issue. The government acknowledges that sexual assault is a difficult crime to combat on college campuses (Not Alone). As a result the White House Task Force to Protect Students From Sexual Assault was established. The task force wants to help universities effectively respond to sexual assault (Not Alone). It seems that they understand taking away federal funding is not the right answer, but education and

improvements are. The task force published its first report, Not Alone in April of 2014 (Not Alone). The goals of the task force are to identify the issues of sexual assault, help to prevent sexual assault, help to allow school to be able to respond more efficiently to sexual assault and to offer better federal guidelines of how to respond to sexual assault (Not Alone). In addition to the Task force other federal campaigns have sprung up such as Joe Biden's 1 is 2 many campaign, which also shed light on sexual assault.

1 is 2 Many

This public service announcement was created in 2014 by Vice President Joe Biden to raise public awareness of sexual assault and relationship violence (White House). The crux of this campaign is that even just one case of sexual assault or relationship violence is too many cases (White House). By raising awareness of the issue, this campaign hopes to eradicate sexual violence specifically in the lives of young women. The campaign received several male celebrity endorsers who all speak about ending sexual violence and the importance of raising your voice when you see it happening. The website behind 1 is 2 Many also encourages people to join organizations that work to end sexual assault and dating violence. I believe this call to action is very important because community organization is key to making lasting changes.

Activists

College-age activists have been the main reason why Title IX complaints are being filed. Through women sharing their stories about sexual assault and how they dealt with it afterward, the prevalence of Title IX complaints have increased (Perez-Pena). Social media played a large role in helping some students get connected from across the country (Perez-Pena). Though blogs

like Tumblr and other social media platforms such as Twitter and Facebook, students are being exposed to the same issues they face, sexual assault, and seeing how others are growing from those experiences (Perez-Pena). Through social involvement online, students are able to see how Title IX has been used in other universities and understand how they can use it as well (Perez-Pena). Bloggers are not just posting to social media sites to get their point across (Perez-Pena). Using websites such as Huffington Post and Slate, students are able to reach wider audiences, besides the social media savvy (Perez-Pena). Activists are connecting online to study previous Title IX cases in order to learn how they can improve upon their Title IX claims and how to keep the student body informed.

VII. Conclusion

In summation, Title IX has been important for the understanding of sexual discrimination in education, but it has not effectively lowered the rates of sexual assault on college campuses. As I stated before, Legislation is useless without action. Title IX was crucial for allowing women to get hired in higher education and getting into universities, but the legislation was not created with sexual assault in mind. It was only through court opinions and decisions that Title IX evolved into a sexual assault matter. In order to effectively combat sexual assault on college campuses, we need to engage in conversation and have open discussions about what sexual assault is, how it is considered a form of discrimination and what we can do when it happens to others, or ourselves. Through connecting in meaningful discourse about the issues surrounding sexual assault, we can begin to address the problems of sexual discrimination and educate others on how to stop the violence.

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